

23 February 2009

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Dear Mr Hawthorne

**Local Leadership and Public Trust: Openness and Accountability in Local and London Government - Response to Issues and Questions Paper**

This response is sent by the Monitoring Officer of Forest Heath District Council on behalf of the Standards Committee of that Authority.

Forest Heath District Council is one of the smaller Authorities in England who are not operating the executive system but continue with a modified form of the traditional committee structure under the alternative arrangements permitted by the Local Government Act 2000 Sections 31 and 32.

This means that when we are looking at changes which have occurred in Local Government since the 2000 Act we must continue to be aware of the different type of change which has occurred in Authorities such as ours.

This has also had an effect on the introduction of the Overview & Scrutiny Committee under the Regulations made under Section 32 of the Act. The arrangements for Overview & Scrutiny are very similar but because they operate in a revised committee structure the detail of the Committee's operation has been different. It is clear that evidence of the effectiveness of the Overview & Scrutiny Committee in this situation has been limited. Although there have been some successes in influencing the development of policy in our Authority, the use of the call-in procedure has been fairly small.

In terms of openness and accountability it is worth noticing the effect of the introduction of the Freedom of Information Act. This has been instrumental in greater openness and transparency for local government. It has allowed the public, often through the actions of the press and other pressure groups, to have access to information about the working of local authorities which might otherwise have been denied to them. In this respect it is worth comparing the provisions of that Act with the current situation regarding the consideration of items by committees as either confidential

or exempt items under Schedule 12A to the Local Government Act 1972. Although there has been some amendments to that the rules regarding when information can be taken as exempt items, the provisions are still not entirely consistent with the exemptions set out in the Freedom of Information Act and this is an area where accountability and openness could be improved it is suggested.

With regard to the operations of Standards Committees it is clear from our experience that these have been successful in establishing a worthwhile system based upon the introduction of the Code of Conduct and the framework of inquiries and sanctions relating to it. The recent changes with respect to the local assessment of complaints have also been successfully introduced on the whole. Committees are now working on moving forward on the role of the Standards Committee and its profile being expanded and raised to have an effect on the whole ethical framework and ethos of Authorities.

With regards to the role of officers, it is clear that this is not particularly understood by the public and there is a perception that greater accountability would be an advantage.

Similar confusion also exists around the role and accountability of the many forms of partnership working which Authorities are involved in both with other public bodies and with the private sector.

I trust this response will be useful to the Committee in progressing its inquiry.

Yours sincerely

Peter Heard  
Legal Services Manager & Monitoring Officer