

Gloucester City Council

COMMENTS ON CONSULTATION BY COMMITTEE FOR STANDARDS IN PUBLIC LIFE

- 1. The Committee would like to receive views, and evidence, on whether certain models of leadership, or decision-making, in Local Government (elected Mayors, Leader and Cabinet, committee system or other models) better support the Seven Principles of Public Life.**

The City Council has adopted the Leader and Cabinet system of governance and this has certainly raised the profile of certain Members of the Council, in particular those who are in the Cabinet, but has also had the effect of lowering the profile of certain other Members, the Backbench Members.

There is an element of seeming disenfranchisement of the Backbench Members depending on whether they are on the Regulatory Committees or not. This could be a product of the system of Scrutiny decisions and the potential lack of influence of the Scrutiny Committee on the day-to-day business of the authority, apart from an 'advisory role', the lack of Member development and support, or both.

This is combined with the increase in the number of meetings that Members need to attend given the complexity of the current New Executive arrangements. The requirements for pre and post Scrutiny, whilst it can raise the profile of an issue does not necessarily affect any decision which is taken and would not necessarily get any publicity in the media.

There has been no appreciable increase in attendance of members of the public at Cabinet or Scrutiny meetings, although the Regulatory Committees have seen a general increase. Similarly there has been no noticeable increase in press coverage of the Council business.

The provisions for Elected Mayors encourage a "celebrity" culture based upon the campaign for the position, rather than ensuring the best person for the job. Whilst it might raise the profile of the authority, and the individual, for the period of the election this does not necessarily change the publicity for the authority in the long term. This has to be balanced with the individual who is elected and their abilities to do the job.

The Leader and Cabinet model is considered a more democratic process, and more likely to provide a Leader who has appropriate experience. The lack of support for the elected Mayor models may be partially due to the financial impact such a full time role would entail. It is possible that definitive allowance payments may assist in promoting this model.

There is no evidence of any increase in public trust in Local Government, however this may be due to issues connected with National Politicians and the publicity attached to Members of Parliament reflecting on individual local Politicians, who, almost universally, do an extremely good job in difficult circumstances. Efforts to raise the profiles of Councillors find it difficult to counter any negative publicity in regard to National Politicians.

However the comparison with other Countries in relation to openness, is good and that the system of Local Government in the UK compares well with other systems across the world.

2. The Committee would like to receive views, and evidence, on how well the provisions to support openness and accountability in Local Government work in practice.

One of the difficulties with an effective Scrutiny system is that the appropriate positive questioning attitude of "Backbench" Members needs to be encouraged irrespective of party, to allow effective Scrutiny of proposals and decisions. There is a lack of dedicated support, particularly in small Council's, with support of the Scrutiny function coming, generally, from those officers who are advising the Executive. There are proposals in the 2008 Bill to require dedicated support staff to Scrutiny in County Council's, however this is likely to be resource intensive and increase costs of Scrutiny. There are no proposals for District Council's to have a requirement for dedicated support, and the option would not be there for a voluntary system due to the lack of financial resources. In any event, care must be taken not to provide an over prescriptive legislative framework.

The work of Scrutiny is patchy, in that there is some extremely good work on policy development, and questioning of Executive decisions, however there still needs to be work to overcome the feelings of some Members of detachment from the main issues, and the lack of power or sanction given to Scrutiny work.

The openness and accountability of Authorities is extremely good given the Access to Information Act, Freedom of Information provisions etc., however this is not necessarily a product of the New Executive arrangements, but of the new statutory provisions which could have been attached to the old committee system in any event. The potential for making decisions behind closed doors still exists in the New Executive arrangements, and the power is still concentrated in the hands of a small number of Members.

The role of Standards Committees can be important in promoting openness and accountability but this would depend upon the resources and time available to deal with other issues. There is an increasing amount of work in the role dealing with Ethics and Probity, in particular the Local Investigation of Complaints, which is absorbing more time of the Committee itself. Similarly officer support is limited given financial constraints.

Again the issues of potential conflicts are relevant, in that the Monitoring Officer is responsible for the Standards Committee, but also, usually being the chief Legal Officer of the authority, is likely to be involved in the decision making process of the Executive. Without separate appointments this is a difficulty which cannot be overcome, although it is believed most Monitoring Officer's are able to detach themselves and ensure that this is a theoretical conflict.

The issue of accountability and openness becomes more important when more power is devolved into fewer hands. The system of checks and balances needs to be extremely robust to ensure that Members can be held to account for matters and issues which are of concern, and support in investigating the issues is provided.

One of the main difficulties with media Scrutiny of decisions, whilst important, is it is largely negative, unless there is a close rapport with the local newspaper. However

one issue that has come to the fore with the local press is the lack of experienced journalists, which can lead to a lack of understanding of the main issues, and thus simplistic, and occasionally inaccurate, reporting. The national press still likes to “reveal” issues and problems within authorities but this can be taken out of context and trivialise major issues. Certainly full and a fair reporting is essential and has to be balanced against the independence of the press.

The balance of openness and time is an extremely difficult one to get right. Considerable time and effort has to be spent on Freedom of Information and other requests, particularly when individuals can make trawls for information to try and see if there is any story behind them rather than focus on their own particular issues. The short timescale in the Freedom of Information Act to reply does not assist. The different approach to openness by Central Government does not assist either.

Local authorities still need to embed a culture of Scrutiny into the decision-making processes. However this Scrutiny is only as good as the role, powers, duties and training of the Committee Members. If there is ineffective Scrutiny, for example if the Members do not see the relevance of it, then it does not matter how embedded Scrutiny is it will not positively affect the decision making process. It will merely be a rubber-stamping exercise which is of no benefit to anyone.

It is necessary to consider the resources available for the Scrutiny function e.g. dedicated support staff. This is proposed for County Council’s under the new Bill, but not for District Councils. However this must be balanced against the financial implications on small Authorities of setting up a scrutiny support structure within each Council. This is clearly part of a balancing exercise. At the very least, adequate and appropriate training for Members is essential, and the possibility of annual training plans for Scrutiny Members be considered.

The external organisations e.g. Audit Commission, play an essential part in ensuring accountability and openness and holding Local Government to account. The main issue connected with this is the way this is reported in the media and the balance between objectivity and “selling newspapers”.

It is not considered there is a tension between openness and “getting things done” although adequate resources do need to be given to both. The only question would be how open is openness and the balance between the need to reveal so much information that it does adversely affect the ability to carry out the functions in an efficient manner. There needs to be a careful balance between open Government and the misuse of this for the financial benefit of individuals involved in Court, or compensation, claims. However there does not seem to be any adverse effect on the decision making process.

3. The Committee is interested in receiving views, and evidence, on whether the roles and responsibilities of senior officers are clearly defined and understood by the public; how well senior officers are held to account; and their role in supporting the accountability framework.

The mechanisms for holding senior officers to account are in place, and work in well appropriate circumstances. The protection for the Statutory Officers provides some comfort that their duties can be carried out without fear of unjustified interference when “awkward” matters have to be raised. There is power for the Scrutiny Committee’s to question officers on issues that come before them,

although there is a potential conflict between the Scrutiny Committee's holding the Executive to account and the accountability of Members, to the support role of officers to that Executive.

The proposals to 'hold officers to account' in public meetings will reduce the accountability of Members, who are the individuals who run the Council. Officers provide the advice, which may, or may not, be followed. Any public questioning of Officers may give rise to conflicts with the role of Officers to give professional advice, which may not be taken for whatever reasons, and indeed may conflict with the duty of confidentiality or legal privilege.

Officers are the Local Authority equivalent of Civil Servants and like Civil Servants, can be held accountable in Scrutiny Committees. They cannot be questioned by 'members of the public'. Also these proposals will blur the accountability of the Executive. The Cabinet makes the decisions, the Cabinet should be held accountable.

Any proposals should be very carefully considered to ensure that the opportunity for misuse, or a vendetta against officers, is minimised. It is clear that litigants, or individuals, with grievances against an Authority, will attempt to misuse any system to bolster their case against a Council. This will also be resource intensive. Any view that this will achieve openness and accountability is naïve.

There is a potential conflict in the support to both the Executive and Scrutiny by the same officers. However, in general, in view of the experience of the senior officers this is usually handled well. The only method of obtaining a complete separation and removing any potential for a conflict of interest is for dedicated officers to support the Executive and dedicated officer(s) to support the Scrutiny function.

There has been no appreciable change in the Member / officer relationships with the new Local Government arrangements, other than the Leader of the Council is in attendance at the Council offices on a more regular basis, and thus more contactable.

4. The Committee is interested in receiving views, and evidence, on how local authorities ensure openness and accountability when working in partnership.

One of the main difficulties with partnership working is ensuring that the contracts for partnership agreements require openness and accountability on behalf of organisations which do not necessarily have this at the forefront of their minds. The Council has not seen any issues or problems arising on this, although there can be an opaqueness as to accountability, and a misunderstanding by members of the public as to the responsibilities of the Council and their partners who are delivering the service as to who actually they need to contact if there are issues.

The accountability of partners will largely depend upon the contractual arrangements, and working practices of the partners rather than anything in statutory law itself. The City Council has found no issues with this and do not see any need for legislation on the point.

One important area of partnership is the LSP. There is no lack of openness or accountability, but any issues are of a process nature.