

# **Ethical**

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# **governance**

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**Tendring District Council**

**Audit 2009/10**

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# Introduction

**1** Tendring is a large rural district in north east Essex. Most of the 146,200 residents live in the coastal towns of Clacton, Walton and Frinton and Harwich. The area is relatively deprived, with four areas in the 10 per cent most deprived in England. Unemployment is higher than average and wage levels are relatively low. The proportion of people with no qualifications is almost double the regional and national average. Housing is the most affordable in Essex and prices have seen the largest drop in the county over the last year. The health of people in Tendring is similar to the England average, although there are inequalities by gender, location, deprivation and ethnicity. For example, there is almost an eight year gap in life expectancy for men in the most and least deprived areas.

**2** The Council last held all out elections in 2007 which led to a finely balanced result. After a Tendring First Councillor was suspended, the administration changed and now the Conservatives and Community Representatives hold the Cabinet posts (30 Members), the Opposition comprises the Administration Group of 29 Members and 1 Councillor belongs to no group. The lack of a clear majority has led a few Councillors to focus on political advantage rather than making and progressing decisions for the good of Tendring.

**3** Ethical standards matter because good governance is linked to good sustainable improvement and trust in public services. High standards are expected by the public. Setting high ethical standards is an important building block for authorities who want to develop their community leadership role and maintaining high standards is crucial to ensuring effective partnerships.

**4** Ethical governance is based on the principles of public life. These are: Selflessness, Honesty and integrity, Objectivity, Accountability, Openness, Personal judgement, Duty to uphold the law, Stewardship, and Leadership.

**5** Effective councils demonstrate certain characteristics, for example:

- the leader and chief executive promote the importance of the ethical agenda – they are recognised as role models;
- the standards committee is proactive and promotes high ethical standards - it is highly respected within the Council. The monitoring officer has a high profile and promotes high ethical standards;
- Council officers and members treat each other with respect - members and officers have a code of conduct, and the council has assessed its standards of conduct;
- there is a register of interests and gifts which is kept up to date and reviewed regularly – demonstrating understanding, transparency and compliance with ethical standards;

- the Council champions and promotes diversity to its staff, partners and wider community; and
- externally, the council is seen as upholding the highest standards of ethics and probity - it has a high reputation for efficiency and integrity.

6 It has been shown that:

- improving ethical behaviour is not about subduing the democratic role;
- it does not detract from the democratic right of members to challenge and debate;
- ethical behaviour ensures that the democratic role is being undertaken appropriately and in the most efficient way;
- ethical behaviour is both an officer and member issue, with officers knowing and understanding the democratic and constitutional role of members; and
- it is about everyone in the Council knowing how to challenge appropriately and work together.

## Audit approach

**7** The audit was carried out in November 2009. To inform the assessment we reviewed existing documentation such as the Constitution and Standards Committee minutes. The Audit Commission also distributed a confidential survey to councillors and officers, analysed the responses, and interviewed a sample of both councillors and council officers. Focus groups were also held with frontline and senior managers.

**8** This document contains a short summary of the confidential findings as a result of the survey and individual interviews undertaken. The report also contains an agreed project plan to help the improvement agenda in this area at Tendring.

**9** Key to the success of improving governance and the action plans will be all working together not only to achieve the individual actions but more widely achieve a culture change.

**10** It would be beneficial for Councillors themselves to be involved in the development of solutions. One councillor recently said that he had been a member for very many years and the last year had been the worst. Councillors will know the actions needed from their perspective. Therefore, it is proposed that a workshop should be held with all members to discuss the outcome of the review and then develop actions for improvement based on the summary report and the suggested initial action plan.

**11** The new Chair of the Standards Committee should also take a proactive role in the improvement agenda as part of the new approach to governance.

## Main conclusions

**12** The ethical governance review demonstrated that governance and behaviours in Tendring are a concern to both officers and members. Some feel that some systems and processes are not used appropriately. There has been a blurring of some of the roles of councillors and officers, which has led to concerns around effective working relations. The relationship between some members has deteriorated. This has also affected the relationship between some senior officers and members.

**13** A range of actions are in place to improve the approach to governance. This will only be successful if it is part of Council wide cultural change.

**14** The Council's codes of conduct and expectations of officer and councillor behaviour are not transparent for the public. Although the councillor's code of conduct is on the Council's website, it is not easily accessible and the website does not include papers from the Standards Committee. The officers' code is on the intranet for staff but not easily accessible by the public or stakeholders. Neither code is easily visible in reception areas. If the public or other stakeholders such as developers or contractors do not understand what is expected in plain English, they are less likely to report bad conduct or supply evidence.

**15** The Council is proactive about the Information Charter and giving the public access to information if requested. Staff are also clear that there is a whistle blowing policy. Councillors comply with declarations of interest in meetings and the register of interests and gifts, but these are not high profile, and there is uncertainty about what officers have to declare.

**16** Responsibilities around governance are not clear. The Council has prepared a booklet about the role of Councillors and complaints about, and plans to launch this soon. The Member/Officer protocol is to be reviewed and the Constitution is kept under regular review. Some members and officers feel that these measures and the existing Code of Conduct do not have a sufficiently high profile. The launch of the new complaints booklet is a good opportunity to raise awareness of ethical governance and member and officer relations generally.

**17** Some officers are not clear of the role of members or their democratic involvement. For example some officers feel that officer advice always has to be followed by members whether it is policy and good practice advice or statutory and constitutional guidance. Some officers lack clarity about where policy advice and appropriate democratic decisions can be made compared to the need for statutory compliance. Officers are also concerned about member contact even when it is appropriate as the boundaries of what is right has become unclear. Similarly, some members are not always clear in their understanding of the differing roles of officers. The Standards Committee lacks a coherent work plan to draw together elements of promotion, training, structure, development, monitoring and review.

**18** Many members feel that attempts are made to use the Standards regime inappropriately. For example, some feel that not all referrals are driven by alleged breaches of standards. There is evidence that the Sub-Committee recognises this risk but there is an on-going risk to the Council that confidence in the Standards regime could be undermined.

**19** Sometimes the interaction between members and members & officers is inappropriate. This interaction includes personal attacks and references to individuals wider than Council business.

**20** There are also some concerns about a lack of trust regarding the interaction between members and officers & members. For some the interaction works well and does not cause any issues; however, there is a lack of trust and suspicion between some officers and members and some members. This trust needs to be re-established so that senior members have the full trust and confidence in key officers and officers feel confident about being able to give that advice.



## Appendix 1 Draft project plan

This Project Plan will be adapted as the new arrangements for governance and standards are identified.

Table 1:

Action	Outcomes	Pre or post elections May 2011
1 Produce booklet on role of Councillor and how to complain about a Councillor. Publish on internet/intranet	Clear and easily-accessible procedure for members of the public and Officers about the role of a Councillor and how to bring a complaint about a Councillor.	Pre
2 Update Member/Officer Protocol	Basic processes for Member/Officer interactions established, including Member access to Officers. Understanding different roles of Members/officers.	Pre
3 Senior Officer update training – Ethical Governance Audit outcomes, new protocol, Code of Conduct, how to deal with complaints	Officers aware of standards of behaviour expected and how to take action as necessary. Aware of their responsibilities in relation to personal and Councillor conduct. Aware of their own role in assisting Councillors to improve behaviour.	Pre
4 Chairman of Standards Committee and Monitoring Officer to meet regularly with Member Development Group	Increased communication and liaison with the Member Development Group to identify wider training needs and how these will be met, provide updates on progress and ensure the achievement of the Member Charter.	Pre and Post
5 Develop a programme of training on standards and conduct matters for all Councillors post election May 2011.	Planned and agreed programme in place for Members after elections in May 2011.	Pre
6 Facilitated workshop for Councillors	To enable Councillors to identify the causes and effects of poor governance and create their own solutions to ensuring good governance.	Post

Action	Outcomes	Pre or post elections May 2011
7 Training programme delivered to all Councillors	Councillors trained/updated on ethical issues including standards of conduct soon after election. Effectiveness of training reviewed in consultation with Group Leaders and Member Development Group.	Post
8 Follow-up training programme delivered to all Councillors	Follow-up to initial programme. Facilitated discussion with Councillors of issues arising within first six months of office – putting the Code of Conduct into practice. Identify further/future training needs.	Post
9 Agree Project Plan to respond to issues raised in Ethical Governance Audit	Project Plan agreed and recommended to the Council by the Standards Committee.	Pre

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