



Assessing the Impact and Effectiveness of the Ethical Framework in Local Government in England

First Interim Report to the Standards Board for England

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Finally, the views expressed here are those of the authors and do not necessarily represent those of the Standards Board for England.

Main findings

Introduction to the study

- The Standards Board for England has commissioned researchers from the Centre for Local & Regional Government at Cardiff University to undertake a longitudinal evaluation of the impact and effectiveness of the ethical framework in local authorities in England. This is the first interim report of the five year study. The aim of the research is to address three main questions:
 1. Has the ethical framework caused any changes in local government processes, systems, values and culture?
 2. Has the ethical framework had any effect on the conduct of councillors?
 3. Has the ethical framework had any effect on public attitudes to local government, either directly, or through any changes in council processes and/or councillor conduct?
- By 'ethical framework', we mean the core mechanisms introduced under the Local Government Act 2000, as modified by the Local Government and Public Involvement in Health 2007 Act, viz: the Code of Conduct for councillors; local authority monitoring officers; local standards committees; the Standards Board for England and the Adjudication Panel for England.
- The study has also been structured around nine local authority case studies, selected to represent key variables (type of council, performance score, political control, north/midlands/south, urban/rural) and different experiences with the ethical framework – some with few conduct issues to deal with, others with large numbers of complaints and cases. The research design involves gathering data from each case study three times (in 2008, 2010 and 2012), using a combination of qualitative and quantitative methods.
- In this report we present and analyse the findings from data gathered in summer and early autumn 2008.

Impacts on processes and systems within councils

- Few respondents felt that their council had experienced any major difficulties in setting up the basic, core institutions of the ethical framework, or in recruiting high-quality independent members. In most councils, the ethical framework and standards committee have become an established and accepted part of corporate life.
- Some councillors found declarations and withdrawal from decisions where they have a potentially prejudicial interest, to be an area of frustration.
- The majority of respondents were positive about the move towards local regulation, under the Local Government and Public Involvement in Health Act 2007, apart from some concerns about the cost to councils of operating the new regime.
- There was some desire for local standards committees to take a more pro-active role in promoting good conduct. A few chairs and independent members questioned how far a pro-active approach can be squared with their independent status.
- Few respondents had thought about the links between ethics and performance, although the scope for positive connections was widely recognised. Those most disinclined to see any connection were in councils arguably with the biggest problems, in terms of both conduct and performance.

Impact on the conduct of elected members

- Many interviewees felt that the conduct of councillors had improved in recent years, and that ethical issues are treated more seriously by councillors now than they had been in the past.
- We encountered widespread support for the view that the ethical framework had been beneficial, in giving coherence and a focus to local ethical governance, and providing a basis for training and advice on the standards expected of councillors. Those councils with better conduct tended to make more concerted efforts continually to train and remind councillors of their responsibilities, and to make involvement in training mandatory.
- The ethical framework had also helped to improve conduct by acting as a regulatory mechanism, being used to support the sanctioning, demotion or resignation of councillors that had caused serious ethical problems.
- Equivocation about whether the ethical framework had made a positive difference tended to be concentrated in those councils experiencing large numbers of complaints and ongoing conduct issues. Here, the ethical framework was regularly used for making partisan and personal complaints, and sanctions were perceived to lack credibility.
- Improvement in conduct had also been observed at parish level, although there was concern that town- and parish-council level political culture in some places could be more resistant to the Code. Principal councils had achieved improvements in conduct at parish level by offering support and guidance but, for councils with large numbers of parishes, such support had to be targeted, and was often dependent on voluntary take-up by the parishes.

Culture and values

- To understand how the ethical framework has an impact on conduct, it needs to be considered in relation to the wider cultural and organisational context of local councils.
- In councils experiencing what we label **virtuous circles**, a number of ingredients combine to reinforce good conduct. These include: a well-respected monitoring officer; leaders (both managerial and political) who set the ethical tone for the organisation; party groups prepared to uphold ethical standards amongst their members; strong personal identification with the council, and its reputation; and, at parish level, clerks and chairs who are aware of the legislation and work positively to assist compliance. Importantly, these factors tend to be mutually reinforcing, and underpin a pro-active approach to ethical issues.
- The absence of these ingredients can lead to circumstances we have labelled as **spirals of despair**, where councils suffer persistent poor conduct and/or large numbers of complaints under the Code of Conduct, and find it difficult to be anything other than reactive to complaints. Cycles of poor behaviour can become self-perpetuating where sanctions for misconduct fail to materialise, are seen as inadequate, or have little effect on the behaviour of the transgressor.
- Even in councils experiencing problems, however, steps were being undertaken – using the Standards Committee and other mechanisms – to effect improvements in conduct.
- We found a strong association between increased numbers of personal and politically-motivated complaints about behaviour and periods of political transition, in which councillors justified their actions in terms of becoming voiceless, or losing other levers of power. However, councils displaying virtuous circle also often operated open, consensual and relatively pluralist political styles, which militated against these problems.
- A key task for the ethical framework is in regulating ‘the line’ between legitimate, robust political activity – criticising decisions, unearthing perceived wrongdoing, making judicious use of the press – and action

which is over-personal, disrespectful, or which brings councils as a whole into disrepute. Difficulties arise when different people draw the line in different places.

Impacts on public perceptions of local government

- Two of our case study councils which displayed good standards of conduct achieved more positive public survey responses for trust, the truthfulness of councillors, and perceptions of councillor conduct, than other case study councils which had poorer conduct and/or larger numbers of complaints. On this basis, it is tenable that councils which implement the ethical framework effectively, and display good conduct, enjoy higher levels of public trust than those which do not.
- The patterns are not this simple, however, and nor are the causal process involved. Councils with high levels of public trust also tended to be well-managed (i.e. they have higher comprehensive performance assessment scores), and to serve more constituencies containing affluent social groups with a higher propensity to trust public institutions. Councils serving urban areas, often with significant economic and social problems, tended to experience lower levels of trust, no matter that some of our urban case studies demonstrated very effective ethical governance and good conduct.
- In line with previous research, the behaviour of councillors is not deemed by the public to be a major factor shaping trust in their council – the level of council tax and experience of services are much more important. Intriguingly, a number of results suggest that the public are least aware of the ethical framework and/or least concerned with councillor behaviour in councils displaying generally good conduct.
- Although councils have publicised the existence of the ethical framework, such information is dwarfed by the local press coverage given to (mis)conduct cases and allegations, and to articles reflecting on the competence of local government more widely. For councils, therefore, publicising the ethical framework is but a small constituent part of the wider task of positive and effective public communications.
- Our survey found a very wide variation in the proportion of people who were aware of a specific high-profile standards case in their authority.
- Nearly half of our survey respondents were confident that their local authority would uncover breaches in standards of behaviour by a council, with a similar proportion believing that those breaching the code would be dealt with effectively. These are higher than figures found in previous surveys, and might be taken as some endorsement for the new system of local ethical regulation.

Chapter 1. Introduction

This research report has been prepared by the Centre for Local & Regional Government Research (CLRGR) as the first output of the research project 'Assessing the impact and effectiveness of the ethical framework in local government in England' for the Standards Board for England. This is a five-year, longitudinal project concerned with three main research questions:

1. Has the ethical framework caused any changes in local government processes, systems, values and culture?
2. Has the ethical framework had any effect on the conduct of councillors?
3. Has the ethical framework had any effect on public attitudes to local government, either directly, or through any changes in council processes and/or councillor conduct?

The questions are very important for the Standards Board for England in its new role as a strategic regulator, as there is a need to understand and disseminate practices that councils can undertake to implement the framework effectively, which have a real impact on conduct and public confidence. These research questions are also important in the wider sense as the ethical framework for local government is just one element of the growing codification and regulation of ethical behaviour across modern societies – in public and private sectors – yet little is understood about the effects of these activities. Understanding the impacts of ethical regimes is the 'holy grail' of standards research, and the Standards Board is to be commended for commissioning research with the potential to contribute to wider debates.

The role of this project is to complement and extend the Standards Board's existing portfolio of research, by focussing on the vital but difficult questions of *impacts* and *causation*. Has the ethical framework been a catalyst for change in local government processes and cultures and, if so, which elements of the framework have had this effect? Have these organisational changes, in turn, affected member behaviour? The expectation has been that the ethical framework will assist in improving conduct by, *inter alia*, promoting greater transparency in declaring interests, better member-officer relations, and reducing the incidence of behaviours likely to bring local government into disrepute. Research already conducted for the Standards Board has shown evidence of improvements in member conduct attributable to the Code of Conduct and ethics machinery (BMG 2008); this research takes that work a step further forward.

Have changes to local governance processes, and any changes in member behaviour, influenced levels of public trust in local government? This latter question takes the research into novel territory. While there have been a number of national surveys of trust in government, many of them including local government (for example MORI 2005; CLG 2007a; GfK/NOP 2007), and analyses of how local authorities are implementing

the ethical framework (Greasley 2006; Greasley *et al.* 2006), there has to date been little work charting the connections between conduct issues as they unfold in specific local authorities and the impacts on attitudes of local citizens in that area towards their council (for one exception, see Demos 2008).

Cutting across all of these questions is an additional concern: what are the effects of the recent restructuring of the ethical framework? Since 8th May 2008, following the 2007 Local Government and Public Involvement in Health Act, local standards committees have taken on the main role in assessing, investigating and adjudicating complaints under the Code of Conduct, and thus now have a more prominent role in maintaining good conduct in local government. In this research, we address the extent to which this change has made any difference to the impacts of the ethical framework within councils, whether this 'new' system has affected patterns of public confidence more than the 'old' regime.

It is important to define what is meant by 'the ethical framework' that forms the focus of this research. The ethical framework for local government emerged from a broader set of concerns about standards in public life and can be seen as constitutive of wider arrangements for 'good governance' in local authorities (see, for example, Independent Commission for Good Governance in the Public Services 2004). Indeed, if ultimately one sees the desired impacts of the ethical framework in terms of the seven principles of public life – selflessness, integrity, objectivity, accountability, openness, honesty and leadership – then the ethical framework is just one of a number of institutions and mechanisms that may serve to promote these ends.

Clearly, the research cannot be that wide in its focus. Therefore, the 'ethical framework for local government' is defined as the core machinery and processes for dealing with complaints specifically under the Code of Conduct and includes:

- Standards committees, their chairs, membership and support staff
- Monitoring officers
- Codes of conduct
- The processes of receiving complaints, determining whether they warrant action, conducting investigations, forming decisions and referring them for adjudication
- The national machinery of the Standards Board for England and the Adjudication Panel for England, in so far as they frame this local activity, through issuing guidance and support, investigating the more serious cases, and making final adjudications.

It is the impact and effectiveness of these elements of the ethical framework which are primarily under investigation. In making this our focus, however, we recognise that the operation and effects of the ethical framework, narrowly construed, will be influenced by a range of organisational practices – formal and informal - many of them integral to wider processes of council governance.

An important caveat needs to be made in interpreting the findings of this research. This report documents the findings for the first year of data collection (2008) in a five-year research project. It is in effect identifying a benchmark from which future causal effects can be charted and thus, any conclusions reached at this stage must be regarded as provisional. That said, it is clear that our findings build upon and support many findings from earlier research, as well as raising a number of interesting messages about ethical governance in local councils.

The report is structured in the following way: Chapter 2 outlines the theoretical framework and methodology adopted for the research and its execution, and the selection rationale for the nine local authority case studies that structure the work. Readers interested in the findings may wish to skip this chapter. Chapter 3 focuses on the impacts on processes and structures. It considers how the ethical framework is being implemented, the issues that have proved difficult, and the attitudes towards, and progress to date with, the new system of local determination. This analysis of process outcomes forms the stage for Chapter 4, which focuses on the conduct of elected members, and the extent to which this has been affected by the ethical framework. Chapter 5 pulls together our findings on issues of culture and values, to assess the wider array of factors that may shape patterns of conduct, and condition the impacts of the ethical framework. In Chapter 6, we make our assessment of whether these process and behavioural outcomes have had any wider consequences for public trust in their local authority. In Chapter 7, we summarise our findings, and offer our interim conclusions.

Chapter 2. Methodology

2.1 Introduction

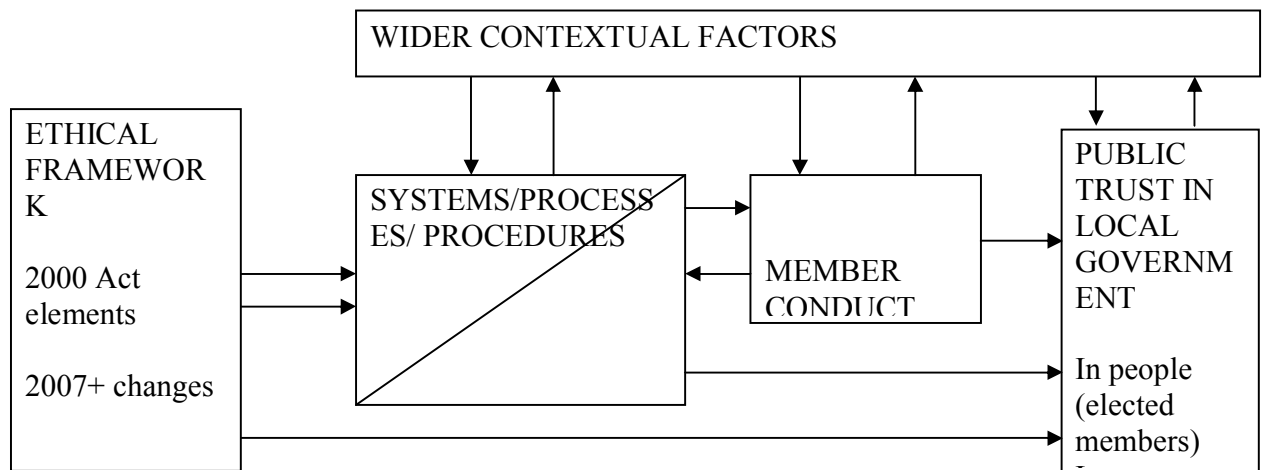
Charting the effects of the ethical framework on council processes, councillor conduct and public attitudes is not a simple task. The key challenge for this study is to produce a robust test of possible causal relations. In the first part of this chapter, we sketch our conceptual framework, which sets out how we interpret key concepts, build upon existing thinking, and why we decided to assess the effects of particular variables.

As the effects of the ethical framework are unlikely to be immediate, this research adopts a longitudinal research design, combining qualitative and quantitative research to trace the effects of the ethical framework. The research uses data from nine case study councils, with material gathered in three pulses – in year one (summer/early autumn 2008), year three (summer 2010) and year five (summer 2012) as well as a public survey in these case studies in year one and year five. This report outlines the findings for year one. In the second part of this chapter, we explain our rationale for selecting the case studies, and outline the research methods that we adopted.

2.2 Conceptual framework

The structure of the research has been organised around a ‘theory of change’ which sets out the basic implementation model (Figure 1). Following this model, the ethical framework is hypothesised to have effects on the systems, processes and procedures of local government, its cultures and values, and thereby on the conduct of elected members. In turn, changes to the way in which councils deal with ethical issues, the values they uphold, and changes in councillor conduct, may have an effect on public confidence.

Figure 1: Ethical frameworks and public trust in local government – a theory of change



While this model provides a useful heuristic tool to structure the research, it was never expected that the relationships would be that simple, or that causal connections would be easy to detect. After all, it is widely acknowledged that, for the most part, the conduct of councillors in English local government is already very good (Committee for Standards in Public Life [CSPL] 1997); suggesting that in many councils any additional positive effects of the ethical framework will be small. And, as Figure 1 captures, there are many wider contextual variables which may influence behaviour, both personal and organisational. In recognition of this, the research sought to combine a central focus on the direct (and indirect) consequences of the ethical framework with due attention to a range of other causal theories and variables that may be shaping patterns of councillor conduct and public trust. By doing this, it ought to be possible not only to chart the effects of the ethical framework on processes, cultures, conduct and public trust, but to identify *how important* the ethical framework is (among other explanations) and which other factors seem to be critical in shaping conduct and public confidence.

There are a number of specific issues here which warrant some brief elaboration. We review these below and explain how they have influenced the research design.

Interventions and organizational culture.

Rather than necessarily assuming that a new policy measure will change the culture of an organisation, one needs to acknowledge that prior experiences and organisational cultures may well affect how any new policy measure is implemented. Existing research has already noted a degree of ‘path dependency’, in which the

history of ethical issues shapes present approaches (Doig and Skelcher 2001; Philp 2001). Evidence from the US indicates that local governments with certain characteristics – high levels of electoral turnout, a strong media presence, and with ‘moralistic political cultural values’ – tend to be more receptive to ethical reforms (Fording *et al.* 2003).

This has been addressed in the research by careful attention to case study selection, i.e. to select those with different experiences of conduct issues, to try and understand the broader organisational culture of councils, and to be careful about seeing the ethical framework as necessarily *causal*. For example, while one might hypothesise that an effective grasp of the ethical framework contributes to the performance of councils, one might also expect that councils which are well run will implement the ethical framework effectively and display good conduct.

Compliance versus cultural change.

Previous research has discussed whether the ethical framework does or should influence behaviour through a ‘compliance model’, in which rules are codified and behaviour is corrected *ex post* through the sanctioning of transgressors, or as a device for cultivating a wider ‘ethical environment’ in which responsibility for good conduct is actively embraced, routinised and pervasively reinforced (Doig and Skelcher 2001; Greasley *et al.* 2006; Macaulay and Lawton 2006). One possibility is that different modes are important in different contexts: the compliance model being necessary to resolve serious complaints and address the immediate, personal causes of ‘ethical crises’ while, thereafter, cultivating an ethical environment is necessary to sustain more durable improvement (Ayres and Braithwaite 1992). The two models may also be connected, insofar as informal, persuasive ways of cultivating good conduct may depend on the credibility of statutory enforcement methods, higher up the ‘enforcement pyramid’ (Greasley *et al.* 2006).

Interesting questions arise about how shifting responsibility for conduct towards local councils and standards committees will affect outcomes in different contexts. It may encourage councils to take on board a greater ‘ownership’ of the ethical framework, and facilitate more pervasive and deeply-rooted cultural change. However, in certain places, it may be that external intervention would exert greater leverage, enjoy better credibility, and by-pass the poor working relations within councils that hinder the operation of the ethical framework.

This research has sought to be sensitive to the range of ways in which the ethical framework might be influential, either through regulatory enforcement, changing cultural norms, or some combination of the two. To get at this diversity, respondents in the case study interviews were asked to explain how the framework operated in their council, and how patterns of conduct were sustained.

The issue of culture.

The research brief assumed that the ethical framework might, in the first instance, deliver 'process outputs' in terms of changes to councils' processes, systems, values and culture, and that these outputs then go on to have impacts on councillor conduct and, more indirectly, on public trust. In executing the first round of research, and reflecting on these relationships, we would now wish to reposition 'culture and values' within our causal model. While a great deal of research has viewed values as an enduring, explicit feature of social action, that can be measured, and which people then 'use' to make judgements about ethical issues, some analysts would say that this 'rationalistic' view is too simplistic (Sonenshein 2007). Instead of being a separate feature, culture and values are also embedded in the kind of actions and relations which shape how councils actually work (see discussion in de Vries 2002), and cannot therefore easily be treated as an *a priori* of conduct. This is an important analytical distinction because 'abstract', codified values and principles do not always provide clear solutions to ethical dilemmas, thus the sense-making activities of people in practice, in dealing with everyday ethical issues and dilemmas, are of equal interest in understanding actual effects.

The practical implications for this research have been two-fold. The first has been to reposition values and culture within the simple implementation model as something *revealed by* patterns of behaviour, especially the norms, conventions and other sense-making processes that people use to address or negotiate ethical dilemmas in everyday council business (Lipsky 1980; de Vries 2002; Sonenshein 2007). Hence in this report, we address the more formal impacts of the ethical framework on 'processes and systems' in Chapter 3, then cover the conduct of elected members (Chapter 4), before turning to examine the implications for 'culture and values' in Chapter 5. The second implication has been methodological: we have not investigated cultures and values through extensive survey methodologies and tests, but by viewing them as something revealed by the kinds of actions and relations which shape how councils actually work, including the way that people behave.

Councillor conduct and public trust.

While the desire to increase public trust in government is a major motive for the considerable effort spent on ethical governance in the UK since the early 1990s, the relationship between policy 'inputs' and public 'outcomes' is very complex. While large-scale surveys show that trust in government in the UK is low, trust in local government is consistently higher than this general picture, and may be improving (Kitchen *et al.* 2006; CSPL 2008). We know that the public support many of the principles of the Code of Conduct (CSPL 2006), but the categories of councillor behaviour regulated directly by the ethical framework is just one variable affecting public trust. There are many other causal factors affecting the public's attitude to government (MORI 2005; Cowell *et al.* 2008; Parker *et al.* 2008), including social factors which affect the propensity to trust public institutions (CSPL 2006). Even where patterns in public attitudes are clear, they

are likely to be based on a low and fragmentary knowledge of the ethical framework (Standards Board 2007), and it is far from clear that the greater publicity attracted by complaints and investigations has a positive effect on public confidence in local government (BMG 2007b, 2007c).

Consequently, although our research is designed to test the possibility that the way in which councils handle ethical issues, and the conduct of councillors together affect public trust, it also seeks to assess how important any such relationship might be compared to other explanations. We have also taken a multi-method approach. While a highly negative perception often emerges from surveys of the public (O'Neill 2002), more nuanced messages can be obtained from focus groups (Cowell *et al.* 2005), which also enable issues of causation (rather than simply statistical association) to be explored. Hence this research uses focus groups in Year 3 (2010) rather than another round of surveying. We have also incorporated an element of media analysis, looking at the local press, to get some handle on how it might be shaping patterns of public trust.

Addressing the political nature of local government.

One of the major challenges for improving public confidence in local government, which distinguishes it from other organisations, is the essentially political nature of government. This affects how far regulation and management might be able to improve conduct, and connects the ethical framework to the wider governance of local authorities. A key aspiration for the ethical framework is that it supports legitimate political activity while curtailing practices likely to undermine public confidence in politics and public institutions as a whole. However, given the range of dilemmas affecting political activity (Mulgan 2007), and the competitive nature of party politics, one should anticipate that the line between legitimate and illegitimate conduct will be contested in practice. Complaints under the Code of Conduct can be used as a weapon of partisan advantage, or be seen as being subservient to electoral accountability as a way of regulating political behaviour (e.g. Philp 2001). Existing survey evidence suggests that the public's view of conduct within public institutions is mediated by political affiliation (CSPL 2008). The introduction of the ethical framework provoked considerable debate about whether it would adversely affect the role and work of councillors, especially perhaps by promoting forms of impartiality and detachment which would undermine the social basis of their support (see discussion in Philp 2001).

In our research we have given careful attention to the way in which the ethical framework has been implemented, and the managerial steps that have been taken to address conduct, but have also been sensitive to the various ways in which political conflict – legitimate or otherwise – has impacted upon the operation of the framework, or mediated its consequences for councillor conduct and public trust. Thus the case study selection sought to include councils with high degrees of party political competition, and the public survey includes questions about party political support.

2.3 Research design

2.3.1 Case study selection

A central element of the research design is the local authority case studies which will each be visited on three occasions during the research. Nine case study councils were adopted, on the basis that this number provided a reasonable reflection of the range of council experiences with the ethical framework. Given that there are almost 400 principal authorities in England (that is, district, county, unitary, London or metropolitan borough councils), operating with very different histories, politics, organisational norms and social contexts, one cannot readily claim that any small sample of case studies is 'representative'. Nevertheless, our selection process combined purposive selection processes, with a desire to make sure that we had a set of case studies in which the variables that we felt would be most likely to influence the effects of the ethical framework were likely to be operating. The following criteria were used;

- It was decided that case studies would all be principal authorities rather than parish councils, but that the acknowledged issues surrounding the ethical framework at parish level would be dealt with as a sub-set of these nine case studies. In addition to this, we sought to select principal councils where there had been problems with the ethical framework at parish level, and where particular measures were underway by the principal authority to improve the implementation of the ethical framework among its parishes.
- We wanted our case studies to represent key categories – district, county, unitary, London and metropolitan boroughs - and sizes of local authority, in terms of population.
- In order to maximise our chances of identifying causal effects, we wanted to ensure that our case studies included those which seemed to be experiencing major problems with conduct and/or the ethical framework and those which were not. We used the Standards Board's own data on complaints and cases referred for investigation prior to May 2008 to construct a ranking of 'cases per local authority' for all local authorities in England. We then identified those councils which seemed to have received few complaints (10 or fewer complaints in total; 0 or 1 cases referred for investigation), and those which had more (7 or more cases referred). We then took steps to ensure that at least two of our case studies came from the first category and at least three from the latter category.
- We wanted our case studies to include councils which were rated positively ('good' or 'excellent') in recent Comprehensive Performance Assessment (CPA) exercises and those which were rated less positively ('poor' or 'fair'). Although these scores are a crude and partial measure of the quality of councils (Andrews *et al.* 2005), this would at least enable us to assess whether the capacity to implement the ethical framework effectively, and use it to achieve positive outcomes for council systems and councillor conduct were related to other aspects of performance.

- Our case studies needed to reflect basic geographical categories and so we ensured that we included councils that could be described as from the 'north', the 'midlands' and the 'south', as well as some that were predominantly 'urban' and others that were predominantly 'rural'.
- As discussed above, we sought to include case studies which would enable us to test political factors which might shape the use (and abuse) of the ethical framework (Fording *et al.* 2003). This meant ensuring that our case studies included councils under different types of political control (i.e. councils run by each of the main three political parties, and/or elected mayors, etc) and with different degrees of party political competition (i.e. those which had seen broadly stable patterns of political control and those which had experienced recent changes).
- We also took note of councils that had been pilots for the 2007 Act system of local assessment and determination, and – from presentations given to the Standards Board's annual conference – of those which were involved in interesting practice relevant to our research questions, such as engaging the public.

With the criteria identified and agreed, we then ranked councils according to how well they fitted particular criteria and combinations of criteria. In making our final choice, there were some trade-offs to be made:

- We decided not to include a county council, for several reasons. The main reason was that almost all county councils have experienced very few complaints under the Code of Conduct, and we wanted to limit the number of cases where we anticipated councils might be making little regulatory use of the framework. Of all the variables that we wished to pursue, the qualities distinctive to county councils did not appear to be more important than the other criteria for which we selected: some metropolitan boroughs serve a larger population than the smaller counties; and unitary councils run all the functions of counties (education, social services etc). There is also a sense in which county councils are becoming a residual category in English local government, as reorganisation reduces their number. However, our research did pick up anecdotal comparisons between the districts we studied and their respective counties (on the calibre of councillors and their professionalism). It is feasible for the 2010 round of case study visits to include interviews with key figures in the county council for each of our four district case studies, to pursue these comparisons further.
- We consciously avoided councils that were going through, or about to go through major restructuring, where two tier systems were to be reorganised as single-tier, multi-purpose authorities. Our view was that it would be unreasonable for councils going through such processes to find time to accommodate a research team.

- We did not select a case study from fire, police, or National Park Authorities, even though they are subject to the ethical framework. This was because the Standards Board's complaints and case data suggest that few such authorities have experienced any complaints under the Code. The experience of these bodies has been dealt with, where appropriate, as an adjunct to the case studies of principal authorities through interviews with individuals from partner bodies.

Before summarising our final case study selection, mention should be made of the research ethics which governed the conduct of this research. It was decided at the outset that the councils would be treated anonymously by the authors in all published output from this research, to encourage councils to speak frankly about their experiences with the ethical framework safe in the knowledge that there was no connection with the regulatory role of the Standards Board on individual cases. Anonymity has also been granted to individual interviewees. Consequently, although local context is vitally important to understanding the effects of the ethical framework, contextual detail has been presented in this report in such a way as to reduce the likelihood that individual councils will be identifiable. The case studies are referred to by letters, A to I, and this is used to source the points made in this research report. Where linking a remark to a particular council and contextual detail might risk their anonymity, we have not given the code letter.

With this in mind we can offer the following overview description of our case study choices. Our sample included:

- four districts, two unitary councils, two metropolitan boroughs and one London Borough.
- two councils with a low number of standards cases, four with a high number, and three with an intermediate figure
- six with an excellent or good CPA score, three with a poor or fair score
- five Conservative controlled, two Liberal Democrat controlled, one Labour controlled and one with a coalition
- three from the north, two from the midlands, four from the south, one of which was from the south-west
- three predominantly urban, two predominantly rural, and four that are more mixed
- three for which issues at parish level was a selection factor.

Table 1 gives a thumbnail sketch of each of the chosen case study councils, summarising their experiences with the ethical framework and councillor conduct.

Table 1: Contextual information on the nine case study councils

Case study	Thumbnail sketch
A	A relatively affluent district in southern England, with most residents enjoying a high quality of life. The council has achieved excellent CPA scores, and has been pro-active in helping parishes implement the ethical framework. The district has experienced very few cases under the Code of Conduct.
B	A London borough in a socially diverse part of the capital, with pockets of affluence and deprivation. The council has experienced excellent CPA scores, and has been pro-active in its approach to ethical governance. The borough has experienced very few cases under the Code of Conduct, but these cases did involve unlawful behaviour.
C	A small district in the Midlands in a relatively deprived area as traditional industries have declined. The council is improving its CPA score over time (to 'good' most recently). There have been a large number of complaints under the Code of Conduct, most of them amongst members and between officers and members.
D	A relatively affluent and fast-expanding district in southern England, with a largely rural area. The council has received 'fair' CPA scores but has experienced problems with its corporate governance, including a large number of complaints under the Code of Conduct, most of them amongst members and between officers and members.
E	A unitary council in the north of England which covers a largely rural area with an affluent population. The council has achieved excellent scores in the CPA and few complaints under the Code. The large majority of complaints come from the parish councils in the area.
F	A largely urban unitary authority in the North, serving a population that is economically and ethnically diverse. The council has performed strongly in the CPA, and has generated a moderate number of complaints under the Code of Conduct.
G	A unitary council in southern England with a mostly affluent population. The Council has recorded good CPA scores, and has generated a moderate number of complaints under the Code of Conduct.
H	A small district council in the Midlands, with an affluent population. The Council has recorded poor CPA scores, and generated a large number of complaints about misconduct under the Code, most of which are generated by members against other members.
I	A socially diverse and in places very deprived metropolitan area in the north of England. The Council has achieved poor/fair CPA scores, but neither a large number nor a consistent pattern of cases under the ethical framework. A few of these cases did involve unlawful behaviour.

2.4 Research methods

To track the complex relationships between the ethical framework and council processes, cultures, values, councillor conduct and public perceptions, this research has adopted a longitudinal research design, combining qualitative and quantitative research methods, organised as follows:

- Year one (2008) – qualitative research in each of the nine case study councils, plus quantitative research using a survey of 1,800 adults, at least 200 for each council, assessing public trust

- Year three (2010) – the same, but without the public survey. Instead we will conduct two focus groups with the public in each case study council in order to tease out causal relationships between council actions and public trust.
- Year five (2012) – same as year one

2.4.1 Collecting qualitative data

Each visit to the case study involved the following data collection strategy.

Semi-structured interviews

Face-to-face, semi-structured interviews have been used to gather data from key informants. Recording of the interview was sought and, in practice, in almost every instance, the participant was happy for recording to take place. The interviews ranged in duration from 30 to 90 minutes, depending on the time that the interviewee had available and the range of topics to cover. The budget allowed for three interviews per case study to be transcribed, which has been completed. The remainder of the recordings have been archived and detailed notes have been taken. Thus the interview material has been rendered available for analysis using qualitative analysis software (NVivo).

The research strategy was to endeavour to conduct 15 interviews for the 2008 round of visits, with the likelihood that fewer will be required in repeat visits. A core set of people were to be interviewed on every visit, to help track change over time, which included:

- Chairs of all standards committees, including any subcommittees
- Monitoring officers
- Council leaders, and leaders of party groups
- Chief executive.

There is also a set of interviewees that will change from visit to visit, to get a wider range of perspectives on how processes, cultures and outcomes are changing. Each of our Round 1 case study visits interviewed a sample from the following:

- Other standards committee members
- Other elected members
- Senior officers in departments particularly affected by the ethical framework (e.g. planning, housing, regeneration)

- Representatives from parish councils (clerks, chairs and councillors) within the local authority area. This included at least two parish-level interviews per authority per visit, but involved a larger number of the interviewees in case studies where the relationship between primary and parish councils is of particular relevance
- Representatives from fire, civil defence and National Park Authorities connected to the principle case study authority
- Representatives from partner bodies (e.g. in the Local Strategic Partnership)
- Key local journalists and newspaper editors with experience of covering local government issues.

In total, 129 interviews have been conducted, 111 of them face to face and 18 by telephone: an average of 14 per case study. The number of interviews per case ranges from 10 to 21. We interviewed the Monitoring Officer, the Chair of the Standards Committee and Chief Executive for each case study, as well as at least one opposition party leader. We interviewed the council leader in all but one case; the deputy MO, a communications manager and a planning manager in all but two cases, and a journalist/editor of a local newspaper in all but three cases. 18 interviews have been conducted with parish clerks, chairs and councillors.

Documentary data

For each case study authority we sought the following documentation:

- codes of conduct and related documents
- agendas and minutes of standards committees, including any annual reports
- inspection reports produced by the Audit Commission, both CPA reports and reports of Corporate Governance Inspections, where available
- histories of standards cases, especially the notices of decisions issued by the Standards Board and the Adjudication Panel for England.

We did not expect that the impacts of the ethical framework would be revealed through formal documentary evidence. The principal role of documents was to deepen our understanding of the organisational and cultural context and history of our case study councils, to provide a check on information received through interview sources, and to assist in the refinement of interview questions.

Contents analysis of local media coverage

The research design incorporated an analysis of the media coverage of the ethical framework, focusing mainly on the local print media. Data gathering and analysis was conducted at two levels, each for specific purposes:

- *National review.* The Standards Board furnished the research team with a subscription to its national cuttings service, which reviews a very large number of national and local print media publications, using a narrow set of search terms ('Standards Board', 'Code of Conduct', etc). Clippings generated by this review were helpful in providing an additional perspective on our case study selection – in effect, in corroborating whether certain councils were encountering issues with the ethical framework or not. With the case studies now selected, this national survey tool is providing a 'long thin' oversight of the media coverage of standards issues in each of the nine councils across the five years of the study. It was not our intention to produce a formal review of media coverage of the ethical framework in general, across all cases – this could be the subject of follow-up research. Nevertheless, our analysis makes reference to emergent themes in the media coverage of standards issues.
- *Local review.* For each case study visit, we undertook a more intensive review of the content and style of coverage of local government issues in the local press, with particular reference to conduct issues, but with a wider view on the way in which local government was being represented (e.g. as competent, or not; as trustworthy, or not). This was to enable some linkage to be made between patterns of conduct, the nature of local media coverage, and public perceptions. It helped in alerting us to particular events that might bulk large in the public's mind. The original intention was to cover the local press for three months prior to, and then during each visit. In practice, while the volume of media coverage analysed has been consistent between each authority, the time period that it reflects is more varied. Put simply, where council areas are served by weekly papers, it has been easier to go back three months; with daily papers, this is more time consuming. However, for a number of cases it has been possible to run a search using on-line versions of the newspaper, using a range of research terms. Thus while we have achieved our minimum target, which was to understand especially conduct-related coverage in the run up to each case study visit, in practice we have gone further than this for some cases.

2.4.2 Collecting quantitative data

The research team commissioned BMG Research, an independent research agency, to undertake a survey into public trust. The questionnaire was designed during July and August 2008, through a consultative approach between ourselves and BMG Research. A number of existing national question sets were used to help us to identify and explain deviations between our case study set, individual case studies, and patterns of results achieved in other surveys, and to help in tracking change over time. This included questions on trust in local government, the honesty and truthfulness of councillors, and faith in the processes for

uncovering and sanctioning misconduct. We also used a number of new questions which were designed specifically for this research. The survey was designed to give us the best chance of identifying the most obvious patterns i.e. whether councils that seemed to have had very different experiences of (mis)conduct and implementing the ethical framework also then received very different public perceptions.

The questionnaire consisted of four main sections:

- Context and demographics (at start and end)
- General questions on trust
- More specific questions on councillor standards of behaviour and views on issues relating to the ethical framework in local government
- Questions specific to the local authority, including some which referred to a high-profile case of misconduct in each area.

The survey was designed in the knowledge that the public's understanding and experience of local government is, for the majority, minimal and fragmentary: especially so when it comes to aspects of the ethical framework. We have dealt with this issue by striking a judicious balance in the survey between assessing unforced attitudes to aspects of the local authority (mapping the levels of knowledge that *actually* exist) and assessing opinions on specific institutions and actions, which include questions about attitudes to the new localised system of ethics introduced in the 2007 Act. Due provision was also made for 'don't know' answers – in reality, many members of the public may have difficulties in forming clear views on the trustworthiness of local government, rather than being mistrustful, and it is important to be able to pick this up (Cowell *et al.* 2008).

A two-stage pilot was undertaken, including detailed testing of questions, during mid-September 2008 in three case study areas. The full fieldwork period spanned 27th September 2008 to 19th November 2008. A total of 1,906 doorstep interviews were undertaken, across nine local authority areas. Data from the latest census were used to set quotas for each local area, based on age, gender and ethnicity. Twenty sampling points were selected per authority area, each comprising of a single COA (Census Output Area), at which an average of ten interviews were conducted with adult residents aged 18 and over. All interviews were undertaken using CAPI (Computer Assisted Personal Interviewing). The average interview length was approximately 20 minutes, comprising primarily of single and multiple code format (read-out/show cards) as well as unprompted and open-ended formats.

The survey will be repeated in 2012 to assess the level of change in public perceptions.

Chapter 3. Impacts on processes and systems

Main findings

- Few respondents felt that their council had experienced any major difficulties in setting up the basic, core institutions of the ethical framework, or in recruiting high-quality independent members. In most councils, the ethical framework and standards committee have become an established and accepted part of corporate life.
- Some councillors found declarations and withdrawal from decisions where they have a potentially prejudicial interest, to be an area of frustration.
- The majority of respondents were positive about the move towards local regulation, under the Local Government and Public Involvement in Health Act 2007, apart from some concerns about the cost to councils of operating the new regime.
- There was some desire for local standards committees to take a more pro-active role in promoting good conduct. A few chairs and independent members questioned how far a pro-active approach can be squared with their independent status.
- Few respondents had thought about the links between ethics and performance, although the scope for positive connections was widely recognised. Those most disinclined to see any connection were in councils arguably with the biggest problems, in terms of both conduct and performance.

3.1 Introduction

It is not the task of this research to repeat earlier studies on the implementation of the ethical framework (Greasley 2006). Nevertheless, given the changes in the organisation of the ethical framework heralded by the 2007 Act, and the importance of our 2008 research in setting a benchmark for data gathered in 2010 and 2012, we thought it useful to chart the experience of our case study councils setting up the ethical framework machinery.

This chapter starts by reviewing the 'process outcomes' of the ethical framework in our case studies, looking at the issues arising in setting up and maintaining the ethics machinery, including any difficulties that have been faced in implementation. It then goes on to examine the role of the ethical framework within our case study councils, including the extent to which the standards machinery, including the local standards committee, has been given roles that go beyond dealing with complaints. This points to whether the ethical framework is seen as something to be used *ex post* to adjudicate and resolve disputes and complaints, or a set of tools that can be used pro-actively, to foster good conduct. We also examine in this chapter perceived connections between the ethical framework and council performance.

3.2 Process outcomes

We entered the field eight years after the introduction of the ethical framework, as set out in the 2000 Act. By this time, few respondents felt that their council had experienced any major difficulties in setting up the basic, core institutions of the ethical framework. In case study B, a local standards committee and independent chair were in place in advance of the 2000 Act requirements. In all the other cases, our councils implemented the framework in response to the 2000 Act; some (such as case study E) had instituted independent chairs for their local standards committees prior to the 2007 Act. Some resistance from members to implementing the ethical framework was recalled by respondents, and this has subsequently affected the role and status of the ethical framework in the locality, but did not lead to significant problems with implementing the basic institutions. In many, as in councils A, B and G, the ethical framework and standards committee was described as an established and accepted part of corporate life.

Few respondents in any of our cases reported difficulties in recruiting independent members. In case study C, the council had many applications for the places available, attributable to intense local interest in community issues. This was the same in council G, in this case applications were attributable to the large supply of retired public-spirited professionals. Since May 2008, most case studies have sought to increase the size of standards committees, including the number of independent members (and parish representatives), to deal with the various stages of the new localised regime (assessment, investigation, determination).

All of our interviewees – officers, councillors, partner bodies, journalists - were aware of the existence of the standards committee, and the Code of Conduct. For most respondents, it has been repeated training and information from the monitoring officer to new and existing councillors that has created this high level of awareness. However, the profile of the standards committee was lower in authorities where there had been few complaints under the Code to address. Nor did awareness always amount to a full grasp of all the details, or regular reflection on the Code. In case study A, the leader suspected that ‘very, very few members actually think about the ethical framework’. Other research has tended to find ‘back benchers’ feeling less well informed about the ethical framework than executive members or key officers (BMG 2008). This tension between a pervasive awareness and the recurring theme of people ‘not thinking about it all the time’ is an important one. In Chapter 5 we discuss organisational mechanisms that can bridge this gap.

We found some evidence of joint working on ethical issues between councils. One case study (H) invited all members from a neighbouring authority to attend their training on standards issues; case studies G and I also conducted joint training with neighbouring authorities. We also found instances of councils that do not intend to work with other authorities as conduct issues are considered too sensitive. While the idea of having a reciprocal agreement with a neighbouring council for hearing complaints etc. was supported by some, there were others who felt that this would be tantamount to ‘washing dirty linen in public’.

There are three areas where the implementation of the ethical framework warrants further comment; around declarations of interest; attitudes to the new local ethics regime and, especially, perceptions of the autonomy of local standards committees.

3.2.1 Declarations of interest

While the formal machinery has been put in place, certain aspects of the Code of Conduct have proved more difficult to implement. Almost uniformly, the most difficult elements have been around declarations of interests (personal and prejudicial) and the circumstances in which declarations are required. This was something that has taken more time than other aspects of the Code to get to grips with, though only in a few of our case studies do declarations remain a problem in any practical sense. In most of our cases, lack of understanding was the main problem and not deliberate deception; therefore repeated training and advice from monitoring officers has been a key factor in improving councillors' understanding of what is required.

But lack of understanding is not the only explanation for problems here. For some respondents, in a number of case study councils (especially A, C, D and G) declarations and withdrawal from decisions where they have a potentially prejudicial interest is still an area of frustration, at least for some councillors, especially where they do not believe that anybody could perceive them to be at a pecuniary advantage. The issue of bias in planning, where both common law and the Standards Board for England may be involved, has similarly been a source of confusion. We regularly encountered the view that undertaking to withdraw from decisions in which one might be perceived to have a personal or prejudicial interest can affect councillors' legitimate role, where this is seen as representing the view of their local area.

The potential for a tension between councillors acting as detached, impartial decision-makers, and as community representatives, with strong social connections to their communities, is a long-running issue (see CLG 2007b; Philp 2001) but, in some councils, solutions are now in place. Council B has taken steps to clarify the choice facing councillors, by making it clear that they may need consciously to choose to be directly involved in decision-making, or to act instead as an advocate for their community. This process is now engrained and supported by members. In some councils, the existence of multi-member wards is used as a means of creating a division of labour between the councillor as decision taker and the councillor as advocate. In case study D, it was widely perceived that initial struggles with the issue of declarations have contributed to a more lasting distaste for the ethical framework. Councillors saw it as restricting their community representation role in the face of large-scale urban development affecting the district. Clearly, how councillors perceive their role is a critical intervening variable. Case study D is a council where many members represent rural, village-based wards, and have strong links to place-based constituencies; as opposed to case study B (a London borough), which is unparished, and where we identified a clearer collective identification with the council as a whole.

Overall, issues with declarations have proved more consistently problematic in parish councils, even where judicious use is made of dispensations. This is partly because parish councillors more routinely argue that they can have no injurious financial interests in many council decisions, but also the smaller scale of many parishes make it more likely that individual councillors have some personal connection to decisions that are being made. Consequently, the issue of interests is perceived to crop up very often. Again, careful working with parish councils (notably in case study A) has reduced the incidence of practical problems, and it is felt that most parish councillors now understand what is required (for example, case studies D and I); even in F, where we were told that parishes resent being regulated the same way as principal councils, they did accept that some 'cleaning up' is necessary. Nevertheless, the sense that stepping aside from decision-making where personal and prejudicial interests arose diminishes parish councillors' representation role was still widely felt. In one parish (in the area of council D), 'not believing in' the ethical framework was perceived to have encouraged instances of non-declaration.

Implementation of the ethical framework is also influenced by the relationships between parishes and principal authorities. In one of our cases (H), we heard that some parishes had such a poor relationship with the council, it meant that they would not report anyone breaking the Code for the principal council to investigate.

In most of our case studies, principal councils had taken some steps to ensure the effective implementation of the ethical framework at parish level. In case study I, the Standards Committee has worked with the parishes, such that they are now more actively involved in the ethical framework and the work of the Standards Committee, and see that they have an important role to play. The same positive picture, based on outreach activities like training offered by the monitoring officer and their team, has achieved similar results in case study A.

3.2.2 Attitudes to the new local ethics regime

Given the timing of our research, it seemed useful to take the temperature of local attitudes towards preparing for local assessment and determination. Responses broadly echo earlier research (BMG 2007a). The majority of respondents, in most of our cases, were positive about the move towards local self-regulation – they supported the change and felt that it would be likely to make the ethical framework more effective. This was certainly true of councils that appeared to have achieved good ethical standards with few complaints: in 'A', respondents were uniformly happy; so too in 'B', where strong faith in the council's culture of high standards led respondents to feel much better placed to administer the ethical framework at council level. In some councils, reduced central regulation was felt to encourage councillors and independent members to serve on the Standards Committee (case study G).

This positive view was often qualified. The most commonly expressed concern was the cost to councils of operating the local ethics regime (case studies C, F and H), less so in councils which had experienced few cases (A and B). In one council, the cost is largely the result of complaints emanating from parish councils and councillors felt disgruntled that they were picking up the bill. There are signs that the cost of dealing with complaints is becoming part of the media discourse about the ethical framework – local press reports on council H mentioned debates on the costs of dealing with complaints, as have letters concerning parish council complaints in case study G. Similar debates have occurred in other councils outwith our case studies. In council H, councillors have made extensive use of the Standards Board in a manner which has been perceived as scoring party political points and this may have been encouraged by the perception that the Standards Board is a ‘free good’. There is now some concern amongst these councillors that there is a local cost to processing complaints; some would say that this is a suitable economic discipline.

One caveat to the support for local regulation is that it may be less effective in councils facing deeply-rooted problems of misconduct, where external regulation may be preferable (Doig and Skelcher 2001). We encountered this view in a small number of our cases. It was felt that reduced scope to pass complaints to a detached, national body could end up putting officers in a difficult position, straining working relationships within the council (D and H; see also BMG 2008). As noted above, in case study H complaints involving senior council figures are still routinely sent to the Standards Board for assessment: to that extent, a sense of ‘local ownership’ has yet to develop. It can also put councils in a difficult position with their parish councils: they may feel unable to be proactive in disseminating the ethical message when they are investigating cases from these parishes (council E); being unable to ‘pass off the opprobrium to the Board’ might make it difficult to continue fostering a positive relationship with parishes (council A).

3.2.3 The impartiality of standards committees

Within our case study councils we encountered plenty of respondents being very positive indeed about the status of independent members recruited to their Standards Committee, and very few spontaneously raised concerns about the validity or status of the Committee or its members. Such questioning arose only in a small number of cases, in connection with the recent moves towards a more local system of regulation. In three case study councils (C, D and H) where there had been numerous complaints, interconnected with divisive party politics, we encountered a modicum of anxiety about the capacity of local Standards Committees to deal impartially with cases. Within those cases we also found a few interviewees questioning the committee itself, mainly because of the individual (elected) members on it, the perceived politicisation of the Committee, or disquiet that unelected people could judge politicians when they did not necessarily understand the political process. Issues of legitimacy also arose in case study F where ‘old school’

councillors were said to be unhappy about 'outsiders' being in a position to make decisions about elected members.

Overall, we found relatively little evidence of people questioning the autonomy or impartiality of their local Standards Committee, and this is – as yet - only a minor note of media discourse, featuring in a tiny number of articles. But it is an important issue to watch, since the perceived independence of the Standards Committee is central to the legitimacy and success of the new localised regime. Moreover, given the expectation from some respondents that their local standards committee will issue more severe sanctions to offenders, or adopt a wider role in fostering good conduct, there must be a risk that the operation of the framework could become more politically controversial, unless it can operate with strong cross-party support. In case 'G', there were anxieties that the new system might be seen as councils 'judging their own', but this was to be countered by making processes open and transparent.

3.3 The role of standards committees in the new, local ethical framework

In a few of our cases, there is clear evidence that the ethical framework is a seamless part of wider systems of corporate governance and risk management (case study B; see discussion in Doig and Skelcher 2001). We saw responsibility for the ethical framework being linked to responsibilities for complaints handling and parish liaison, often through the portfolio of roles held by the monitoring officer (case study A). We turn in Chapter 5 to consider how the distribution of responsibility for conduct across the council – the leadership, the leaders of party groups, and to senior officers – beyond the narrow formal machinery, may affect patterns of conduct. In this chapter however, we wish to explore how far the ethical framework has been 'bolted on' to existing council processes, or is used in ways which render it more integral to governance processes. To a large extent, this reflects the role and scope afforded to local standards committees.

The idea that Standards Committees should be more pro-active in local ethical governance has been promoted by the Standards Board, and by the IDeA in its notion of 'ethical champions'. Our investigations did identify some desire for local standards committees to take a more pro-active role in promoting good conduct, although it is fair to say that at the time of the research, these desires had run ahead of action. With new arrangements only recently in place, a very high proportion of the independent chairs and members that we interviewed were new to the post. To date, their time has been occupied by getting to grips with their core role rather than seeking to widen it. For many local standards committees (councils C, D and G), their workload so far has been dominated by internal organisation issues (electing members to subcommittees, etc) and dealing with the regulatory workload – i.e. assessing and determining complaints – which has tended to crowd out taking on a broader interpretation of the role (as per Greasley *et al.* 2006;

BMG 2007a). As one respondent put it, 'we're still firefighting' (case study D). Nevertheless, our research identified the following important patterns:

- *Improved impact rather than a broader role in local ethical governance.* The main motive prompting standards committees to consider action in spheres beyond case-based regulation was to improve the effectiveness of the ethical framework in its core role of fostering better behaviour. There appeared to be less spontaneous interest in connecting the work of standards committees to cognate areas of local governance. Case study F was perhaps the exception, where there is shared working between the corporate governance and audit committee and the standards committee, as well as a range of activities around specialist protocols, such as for planning and licensing panels.
- *A wider presence in local government and governance.* In a number of our case studies (including A), the Chair of the Standards Committee attends – and on occasions reports to – other key council meetings. In one authority, the Chair provides an introduction to councillor training events on ethical matters (H), and in case study F independent standards committee members are involved with training for councillors. Interviewees in one case study (H) explained that Standards Committee members did not really have a role in the past but have in recent years become more active through attending training courses, making recommendations which are taken to full council and producing an annual report about their work which is also discussed at full council. This means that the Committee has a much higher profile now and our re-visit will show whether this has had an effect on reducing the number of complaints amongst members. Annual reporting also takes place in council A. In case I, there are ambitions to get the ethical framework onto the agenda in local area committees.
- *Achieving a more public profile.* In case A, a Standards Committee meeting was held outside the council in a local school, as an 'open meeting' and, in case I, there is interest in promoting the work of the Standards Committee in local shopping centres. In a council outside our case studies, the Standards Committee made the final decision on the winners of a 'local heroes award' competition. This goes way beyond the narrow confines of the ethical framework but, has the potential to cement a wider 'honest broker' role for the Standards Committee. However, where the regulatory role of the Standards Committee is still contested, as in council H, there is a view among some members of the Standards Committee that moving beyond a regulatory role to a more public and promotional role would only increase more tensions in exercising the regulatory role.
- *Fostering 'ethical recovery'.* In one of our case studies with a high-level of member-to-member complaints (council D), the new local Standards Committee is seen as a device for turning this situation around. The recently appointed independent chair and vice chair are keen to push a more pro-active approach both towards establishing member commitment to the ethical framework, to promote the Standards Committee as 'a positive force for good', and to widen public understanding of it. They have

talked with members, the chief executive, and the main political parties and started holding pre-meetings before the Standards Committee. At the time of the research (August 2008), progress had proved slow. In case I, the chair of the Standards Committee has written to all councillors about expectations of high standards in public life.

- *Individual agency.* An interviewee in one of our case studies (H) plays a proactive role *as an individual* rather than the committee in disseminating information about the Standards Committee. He is the parish council representative and makes presentations at the meetings which bring the parishes together, circulates minutes to parishes etc. While officers in the council are busy dealing with regulatory issues, the proactive role is undertaken by him (and others on the committee) off their own backs.
- *A corporate and policy role.* In some of our cases (B and F), Standards Committees were involved in the wider development of good governance across the local authority. The councils used the Committee as a sounding board for the development of policy and procedures on governance issues, such as the ethical risks associated with partnership working, by tabling proposals at standards committee meetings. However, it was the council in the guise of the monitoring officer who is driving these policies and *then* involving the Standards Committee (B and G), rather than the committee being pro-active as a corporate entity. For those councils with few cases to deal with (A and B), the Standards Committee met relatively infrequently.

We found some mixed opinions among the chairs and other independent members about whether they and their committee should in fact be adopting a more pro-active role in promoting an ethical culture within local authorities. Many individuals were either explicitly or tacitly happy with a primarily regulatory role, and felt anxious about engaging more widely with councillors, or with the idea that Committee members should be more widely known to the public (in E, for example). This is because they felt that a degree of detachment from the wider day-to-day running of the council, and from most councillors, was constitutive of the independence that granted them and their committee its status. For example, one Chair suggested that she 'keeps a big enough profile so councillors know who she is, but not too big'; she doesn't have 'cosy chats' with councillors as this would affect the integrity of the committee (case study H). In case study G, the strategies adopted by the Chair for demonstrating their independence – keeping as much of the committee's proceedings as possible in the public domain, distancing themselves from senior figures in the council – were also seen as increasingly vital when the local regime took on a bigger role.

Looking across our case studies, there seems to be no hard and fast line here, nor any particular pattern, but a number of factors may be influencing whether independent members and/or standards committees feel inclined to take on a wider role. One is the absence of any perceived 'ethical problems'. Where there

are few complaints to deal with, there is less incentive to be pro-active, though the council may still be keen to cultivate a meaningful role for their standards committee (case B). A second is that it seems to be largely up to the individual independent chairs as to the extent to which they (and often thereby the committee) are proactive, rather than any action by councils. Thus in case study D, the chair and vice-chair are pushing a more pro-active approach in a difficult council context. But it is worth mentioning that councils have some control over the recruitment process and can use this to steer the individuals selected: for example, 'having words with' a preferred candidate in case study E; the recruitment of the 'right' sort of people, for example a retired police officer in case study C; whereas in case study H, the council seemed to be more open to having 'normal' people on the committee (i.e. those without particular former roles).

From such varied starting points, future visits to the case studies will be able to chart whether these different roles for local standards committees have improved their profile and ultimately the effectiveness of the ethical framework.

3.4 Impacts on the running of the council

We explored whether the ethical framework was having any wider effects on the processes and systems of the council.

Most respondents were clear that an ethical framework of some form was necessary, and that, like performance management, it had become 'part of the culture'. In councils A and B – the two cases selected for the low number of cases and complaints they had had to deal with - the ethical framework was part and parcel of a wider felt need for 'proper probity and standards', which extended to issues like procurement and the governance of partnerships. In case study G, respondents believed that the council already 'worked with the grain' of the ethical framework.

Overall the picture is unclear, not least because of the connectedness between the ethical framework and other aspects of governance, and because of the way it had been absorbed: it may be a good thing that 'very, very few people actually think about the ethical framework' (case study A), because it suggests that the virtues that it promotes have become routines, but it makes determining its additional impacts by asking people rather difficult. Partly for this reason, we asked respondents about specific wider effects arising from the ethical framework.

3.4.1 Does the ethical framework restrict what councils can achieve?

A key criticism of the ever more specific regulation of standards of behaviour is that it restricts what politicians can do for their constituents, creating a tension between formal accountability through the ethical

framework and electoral accountability (see discussion in Philp 2001). To address this, we explicitly asked respondents whether the ethical framework made it more difficult for them and the council to do things and whether they saw any connections between the council's general performance as measured by CPA scores (be they good and bad) and standards of conduct.

In general, we found few people who felt councils are being stifled by the rules, and prevented from doing good things; once you had got used to the ethical framework, it was just the norm. Clearly, the regulated will always talk about the 'burden of regulation' upon them, and we did encounter comments about 'the bureaucracy' of the ethical framework. People referred to the procedures being invoked every time someone made a complaint, contending that an apology might have been sufficient in the past. These concerns were particularly prominent in councils that had experienced a large number of complaints that were perceived as relatively trivial. In case study H, we were told that five different reports were produced on a simple mistake of declaration and while a breach was found, no action was taken. In case study C, we encountered the view that parish councillors did not always 'toe the line' because they felt that otherwise they would not be able to get anything done. Other than this, we found little evidence that following the principles of the Code of Conduct made it difficult for councils or councillors to achieve things for their citizens.

3.4.2 The links to council performance

The Government has generally seen good standards of conduct as constitutive of good governance – 'in a council which puts people first, the culture will be one where public service is valued, and where the highest standards of personal conduct are the norm' (DTLR 1998). External inspectors also evidently see strong links between ethics and performance. In case study D, Audit Commission inspectors who reviewed the Council's corporate governance arrangements found issues of poor conduct to be constitutive of wider failings. In case study H, the inspectors are trying very hard to improve relations between members as they believe that this is hindering progress in achieving broader improvements in performance. Research in the private sector has also found links between ethics and performance (Webley and More 2003).

Our research suggests that few respondents had thought about the links between ethics and performance prior to us asking the question. A number of respondents did however point to the way in which high ethical standards and transparency made their council an attractive employer (e.g. case B) and a credible partner for regeneration projects. Elsewhere (case D), respondents did see negative connections, in that poor ethical conduct – the political animosity and criticism, inappropriate pressuring of officers – created problems for staff morale, recruitment, distracted senior staff and members, sapped resources, and undermined partnership working. As one councillor remarked: 'everybody thinks [the council] is a pantomime, so why should they be associated with a pantomime?'

However, while one can see how standards of conduct can be connected to the wider performance of the council, and may be attributed to the political and managerial culture of the council, it is less easy to see how the ethical framework *per se* is a powerful *driver of* wider organisational improvement. It may just as likely be a beneficiary, because well-managed organisations are more likely to show a commitment to ethics. The same may be true at parish level. Our parish-level interviewees included those that led or clerked for parishes that had attained, or were seeking to attain 'Quality parish' status. As many recognised, compliance with the Code was a necessary ingredient of attaining this status (such as having a complete register of members' interests). However, while many clerks and parish councillors were happy to acknowledge the importance of complying, none said the ethical framework *drove* wider improvements in their management.

Positive effects on performance may be indirect, but it is interesting that those most disinclined to see any connection were those in councils arguably with the biggest problems (notably senior politicians in council D; but also poor performing council I). It was left to the chief executive of another council to suggest that the public perception of Council H as a poor organisation was not because of the standard of its service but because of the manner of its public conduct. Clearly, this is a link which warrants further attention in subsequent rounds of the research.

In some instances, one might have expected there to be some connection between the ethical framework and specific social challenges the council was facing. In one case study which had recently experienced serious social tensions, we explored whether these events had added extra importance to the need to be seen to be governing fairly, or prompted connections to be made between the ethical framework and social inclusion agendas. The responses we received suggested that little overt consideration had been given to this link, or to the ethical framework as a tool for promoting visibly high standards of fairness – though the logic of making such a link was readily understood. Organisationally, social inclusion was not something handled by the same team as the ethical framework.

The main way in which the ethical framework exerted wider effects on the processes, systems and culture of councils was through its effects on the conduct of elected members, and so it is to this subject that we turn next.

Chapter 4. Impacts on the conduct of elected members

Main findings

- Many interviewees felt that the conduct of councillors had improved in recent years, and that ethical issues are treated more seriously by councillors now than they had been in the past.
- We encountered widespread support for the view that the ethical framework had been beneficial, in giving coherence and a focus to local ethical governance, and providing a basis for training and advice on the standards expected of councillors. Those councils with better conduct tended to make more concerted efforts continually to train and remind councillors of their responsibilities, and to make involvement in training mandatory.
- The ethical framework had also helped to improve conduct by acting as a regulatory mechanism, being used to support the sanctioning, demotion or resignation of councillors that had caused serious ethical problems.
- Equivocation about whether the ethical framework had made a positive difference tended to be concentrated in those councils experiencing large numbers of complaints and ongoing conduct issues. Here, the ethical framework was regularly used for making partisan and personal complaints, and sanctions were perceived to lack credibility.
- Improvement in conduct had also been observed at parish level, although there was concern that town- and parish-council level political culture in some places could be more resistant to the Code. Principal councils had achieved improvements in conduct at parish level by offering support and guidance but, for councils with large numbers of parishes, such support had to be targeted, and was often dependent on voluntary take-up by the parishes.

4.1 Introduction

The crux of the ethical framework, and for many people the justification for its existence, is that it should help to improve the conduct of councillors and thereby foster greater public confidence in local government. Critical to this thesis is that any effects of the framework on councillor conduct should be positive, and perceptible – but to what extent is this the case? We have already noted the complex relationship basis for societal trust in government and return to this again in Chapter 6, where we review the results of our public survey. Here we assess whether and how the ethical framework is affecting the behaviour of councillors, and especially helping to align it with the Code of Conduct.

This is not as straightforward a question as it might appear. It is difficult to monitor trends on conduct using numbers of complaints or cases under the Code, though the instigation of quarterly returns that councils are required to submit to the Standards Board may make this viable in subsequent rounds of the research. However, the connection between the number of complaints and the standard of conduct within councils will

remain equivocal. In the next sections we review evidence from the qualitative research of any changes in councillor conduct within our case study councils, the extent to which this can be attributed to the ethical framework, and the various ways in which it may be exerting an effect. We also review our evidence of effects at a parish level.

4.2 Reported effects

4.2.1 Trends in councillor conduct

Across our case studies, respondents perceived that ethical issues are treated more seriously by councillors now than they had been in the past, and that conduct has improved. Respondents referred to eras (the 1980s, the 1990s) where various indiscretions took place but that this was in ‘the bad old days’ (case study E), since when politics has become more transparent and better regulated. In council B, for example, the move towards a more pro-active style of risk management was a conscious reaction to the ethically riskier style of previous leaders. In council G, everyone agreed that behaviour had changed in the decade or so since the Council’s formation, notably a greater degree of caution on the part of councillors when socialising with or visiting members of the public. Relations with contractors were regarded as more open, and less questionable. In council I, standards were taken seriously, with poor conduct – if it arose – being linked to people in meetings just getting ‘emotionally charged’. These patterns chime with previous research, which identify reductions of the more serious forms of misbehaviour, in disrespectful language, and a more routine disclosure of interests (BMG 2008).

This was not the only pattern in responses. Some respondents viewed the past rather nostalgically: ‘conduct was pretty reasonable and, obviously, you always had robust debates and different views’ but never ‘personal attacks, or attacks on people’s family’ (Councillor, case study I). Subsequently in some councils interviewees reported an increased level of politicisation, attributed to the emergence of single party control, or changing political styles. People were anxious that this created a more adversarial atmosphere (councils A, F and G), greater propensity for personal attacks (council I), with the risk that the ethical framework becomes used as a weapon of personal or partisan advantage. We comment further on how far these fears are justified in Chapter 5, but they show a perception that improvements in conduct can be fragile.

4.2.2 Effects of the ethical framework

To what extent can one attribute changes in conduct to the ethical framework and its effects on council processes and systems? Respondents did report positive effects arising from the ethical framework, with a number of causal connections at work. In discussing these issues, respondents referred both to the effects

on standards of conduct in general, as well as effects that might feed through into the number of complaints under the code.

Regulatory effects

While much is made of the limitations of ethical frameworks as narrow, regulatory mechanisms, (see discussions in de Vries 2002; Macaulay and Lawton 2006) we did find instances of the ethical framework exerting positive effects on conduct in just this kind of way. Across our case studies, the ethical framework provided a means of identifying behaviour as unacceptable (because it transgressed the Code), for reprimanding the councillors concerned and, in a number of instances, assisting in the removal from office of those found to have engaged in serious misconduct. In some instances, there was little need to invoke the ethical framework: for example, in case study D, one councillor resigned when confronted over his misconduct (racist language); in the same council, action by the political leadership removed a member from the cabinet. In E, a 'maverick' councillor was suspended then lost their seat. Often the ethical framework provided an additional rationale or lever for hastening the removal of errant councillors. In case study B, although swift, informal action by the monitoring officer, chief executive and party leader were central in dealing with a case of serious misconduct, it was felt that the councillor might not have actually left their post without the ability to point out that they had violated the nationally-agreed set of norms in the Code. While no council can insulate itself from difficult characters becoming councillors, in well-run councils, where all parties are concerned for the reputation of the authority, those that behave very poorly tend not to stay in post very long.

In other cases, however, the perceived limitations of the ethical framework as regulatory machinery is itself a source of frustration. In case study F, the ethical framework was brought into disrepute precisely because of the failure to sanction one member despite serious concerns by the chief executive, monitoring officer, other senior officers and senior councillors; the same occurred in case study D. In another case study, there is frustration that behaviour by councillors – benefit fraud in one instance, alleged sexual misconduct in another – did not lead to their expulsion. In each of these cases, the individuals were removed from their political parties but there was concern that the ethical framework did not provide a lever for removing the individuals as councillors, despite strong feelings that their actions brought the council into disrepute.

Clearly, as we discuss in Chapter 5, for the ethical framework to exert any effect, the transgressor must believe that the standards being invoked are right, and that those seeking to enforce particular standards of behaviour are entitled to exercise that judgement. In some cases, neither of those conditions hold. In the two cases above, the ambiguity about the status of the ethical framework where councillors had behaved badly in their private life weakened its impact, but recent amendments to the Code concerning the relevance of criminal convictions may resolve this problem.

Of course, these actions under the framework are *ex post* – clearing up conduct issues after the offence has taken place and, in most cases, become public knowledge. However, it is conceivable that regulation has an *ex ante* effect by shaping the climate of expectations. We have anecdotal evidence that the ethical framework has stopped some parish councillors from standing, because they disagreed with the need to register interests, connected in some cases with a more fundamental disagreement about the appropriateness of the ethical framework at this level of local government. For principal councils, it remains more difficult to say whether the ethical framework has dissuaded anybody from standing as councillors. Member recruitment is an important issue: many respondents from all parties reported that getting sufficient people of calibre to stand as councillors is increasingly difficult, especially perhaps in some urban areas (case studies B and I), which leaves councils more vulnerable to the possibility that candidates with conduct issues will become councillors. The effects of the ethical framework were not raised explicitly as an issue by the 2007 Councillors Commission, which reviewed *inter alia* barriers to people volunteering to serve as councillors (CLG 2007b), but ultimately the Commission were more concerned with the removal of negative barriers than considering how the ethical framework might be used positively by political parties in recruiting good candidates.

Reinforcing positive norms

Arguably, the role of the ethical framework as a compliance mechanism was not its major causal effect – at least not overtly. In most of our case studies, the ethical framework was not feared: ‘it’s not a shadow, it’s not something they fear or anything’ (council A). Rather the Code and supporting ethical machinery were appreciated for their role as guidance. This echoes previous research, showing growing support for the ethical framework (BMG 2007c). It did make people think about their behaviour (council E). Respondents noted the scope it afforded for setting down the norms for new members and reminding existing members of how they should undertake their role, and of the seriousness of the matters it covered. It was a ‘backstop’ but also, more pro-actively, ‘a road map’.

We found near universal agreement that a code of some sort is necessary – as a way of setting guidelines, clarifying issues and codifying expectations. Respondents also pointed to the value of the ethical framework in ‘pulling together’ previously disparate elements of ethical regulation. As we noted in Chapter 3, councillors have become more confident in declaring their interests and negotiating potentially prejudicial interests, as a result of training and the fact that the system has now been in place for a number of years. A few respondents attributed improvements to the first appearance of the Code of Conduct in the 1970s, following the Redcliffe-Maud Committee.

Training was often mentioned and cited as valuable. Lack of awareness was rarely presented as a factor influencing local acceptance of and compliance with the ethical framework, though it may have been in the

past; training sessions were the means most often mentioned as raising the profile of the framework in some councils.

Interestingly, councils that had fewer complaints and breaches tended to provide more training, which offers support to the view that 'soft' persuasive strategies for promoting good conduct can be effective, at least where all parties subscribe to the principles being promoted (Greasley *et al.* 2006). Moreover, 'soft' persuasion was often connected to hard incentives. Council B introduced compulsory annual reminders (councillors' 'annual sheep dip'), and made attendance of training mandatory by chasing or 'naming and shaming' non-attenders. In other case studies, it was recognised that the message – on declarations, etc – needed to be 'rammed home', not simply mentioned once. These actions address a common but difficult to quantify problem raised across our case studies of non-attendance at training sessions. One of our councils now require all councillors to have attended compulsory training before sitting on any committee, including the Standards Committee, and this kind of 'cross-compliance' is also used in other councils, outwith our case studies.

Adverse effects

In those councils which have experienced numerous complaints, problems with conduct were often seen as relatively recent, prompted by changes in councillor personnel or political management arrangements, and sometimes exacerbated by the ethical framework. People referred to past eras in which inappropriate behaviour might be dealt with by a simple apology, rather than a formal complaint. We discuss the basis of these criticisms in more detail in Chapter 5, when we consider the conditions that tend to give rise to partisan use of the complaints mechanism.

4.3 Impacts at parish level

Broadly speaking, patterns of cause and effect at parish level echo those at principal council level. As we noted in Chapter 3, however, there was some concern that town- and parish-council level political culture in some places was more resistant to change, with a failure by councillors to realise the ethical significance of their work (case G). In council A, the vast majority of complaints arose from parish-level politics, attributed in part to difficulties in establishing the rules on declarations. In council E, persistent resistance to the relevance of the Code at parish level means that declarations are not taken seriously in some parishes. In A, E and G, the 'calibre of the clerks' was sometimes a problem as they did not clearly explain the code to councillors. In theory, the standing orders of parish councils now contained the requirements of the ethical framework, which should draw them to the attention of members and clerks; in practice, a number of parishes are not kept up-to-date with the latest legislative requirements.

Delivering improvements at parish level was also generally felt to be more problematic. Council A had a proactive communications policy with the parishes on ethical issues, with a great deal of outreach work in the parishes conducted by the monitoring officer and Chair of Standards Committee. In other councils, the very large number of parishes made such an approach very costly. Where councils have large numbers of parishes, advice and support tends to rely on offering services centrally, and relying on parishes to attend, but such voluntarism inevitably leads to uneven take-up. In E, efforts had been made to provide targeted support to parishes where there are persistent problems, by discussing issues with the clerk, or recommending training. On occasions, poor performing parishes have been sent to good performing ones to learn how the ethical framework should be implemented, and to see what well-run parish council meetings look like.

Nevertheless, in some parishes in case study A, councillors were beginning to accept that certain standards of behaviour are expected from those that accept public office and that these were higher than if they were not a councillor. In council E, too, respondents reported greater confidence at parish level in dealing with interests and declarations.

4.4 Conclusions

Overall we found most respondents in the majority of our case studies to be positive about the standards of conduct that most councillors exhibited, and saw this as an improvement from 'the past'. Most were also ready to see the ethical framework as inherently beneficial, and as necessary, though they were more equivocal about the cause and effect. This is partly because, as we discuss in the next chapter, the most formal, tangible aspects of the framework – training at the persuasive end of the regulatory spectrum, sanction at the other – are only ingredients in a much wider array of activities that influence patterns of conduct. Some respondents were unclear whether the interventions following the 2000 Act had actually made things simpler or more effective, and a few of our case study councils questioned whether the ethical framework had had a positive effect on councillor conduct. These tended to be councils where the elected members were the main subject and source of complaints. It is worth noting that although complaints from the public have always made up a substantial proportion of complaints referred to the Standards Board, respondents were predominantly concerned with misconduct identified by councils themselves, and complaints made by and between councillors and officers.

In making sense of the 'power' of the ethical framework, it is important to understand that the framework is not inherently powerful, but depends for its leverage on how far its constituent mechanisms are picked up and used by actors within councils, and how far the judgements of those wielding the ethical framework are seen as important by those accused. Where councillors take their cues on acceptable conduct from

elsewhere - from their electorate, or from their personal social networks – then it may be difficult for those using the ethical framework to effect change, without a struggle. As has long been recognised, ‘rules of conduct cannot create honesty; nor can they prevent deliberate dishonest or corrupt behaviour’ (Prime Minister’s Committee on Local Government Rules of Conduct 1974, para 22). Therefore to understand the impacts of the ethical framework we need to make sense of the wider sets of factors that make it effective, because they reinforce good conduct, and those that may reinforce alternative constructions of acceptable behaviour. This means connecting conduct with council culture, and it is to this sphere that we turn next.

Chapter 5. Culture and values

Main findings

- To understand how the ethical framework has an impact on conduct, it needs to be considered in relation to the wider cultural and organisational context of local councils.
- In councils experiencing what we label **virtuous circles**, a number of ingredients combine to reinforce good conduct. These include: a well-respected monitoring officer; leaders (both managerial and political) which set the ethical tone for the organisation; party groups prepared to uphold ethical standards amongst their members; strong personal identification with the council, and its reputation; and, at parish level, clerks and chairs who are aware of the legislation and work positively to assist compliance. Importantly, these factors tend to be mutually reinforcing, and underpin a pro-active approach to ethical issues.
- The absence of these ingredients can lead to circumstances we have labelled as **spirals of despair**, where councils suffer persistent poor conduct and/or large numbers of complaints under the Code of Conduct, and find it difficult to be anything other than reactive to complaints. Cycles of poor behaviour can become self-perpetuating where sanctions for misconduct fail to materialise, are seen as inadequate, or have little effect on the behaviour of the transgressor.
- Even in councils experiencing problems, however, steps were being undertaken – using the Standards Committee and other mechanisms – to effect improvements in conduct.
- We found a strong association between increased numbers of personal and politically-motivated complaints about behaviour and periods of political transition, in which councillors justified their actions in terms of becoming voiceless, or losing other levers of power. However, councils displaying virtuous circle also often operated open, consensual and relatively pluralist political styles, which militated against these problems.
- A key task for the ethical framework is in regulating ‘the line’ between legitimate, robust political activity – criticising decisions, unearthing perceived wrongdoing, making judicious use of the press – and action which is over-personal, disrespectful, or which brings councils as a whole into disrepute. Different people draw the line in different places.

5.1 Introduction

Previous chapters have assumed relatively straightforward relationships between the ethical framework and council conduct, in which the framework ‘works’ in altering behaviour by improving knowledge and awareness of what constitutes good conduct (through training and scrutiny), and incentivises adherence through the provision for sanction. But of course, the relationship between the formal, codified ethics that underpin the ethical framework and the practical ethics that are part and parcel of daily organisational behaviour is not that simple (Pattison and Pill 2004). ‘Changing rules and structures does not necessarily

change behaviour and, even more rarely, attitudes' (CLG 2007b, 40), without a connection to the norms and conventions which shape how organisations work, and how individuals exercise judgement. As de Vries notes, the inclination to behave ethically should not be seen as an individual trait, but rather as a social or cultural trait, in which learning and imitating behaviour are crucial' (2002, 327).

In this chapter therefore we review the impacts on cultures and values, not as something to be deduced from abstract psychological testing, but in terms of the wider set of practices which define acceptable conduct within local authorities, and reinforce particular patterns of behaviour. We consider those factors that appear likely to instil and maintain high standards of conduct, and those factors which militate against them. After reviewing the effects of complaints and investigations, we consider conditions in which the principles embodied in the Code and supportive guidance are likely to be transgressed, or actively resisted.

5.2 Reinforcing patterns of conduct

In this section we review the kinds of factors which tend to reinforce good conduct, as defined by the Code, and the sets of factors which tend to cause poor behaviour, including large numbers of breaches of the Code.

5.2.1 'Virtuous circles'

The following ingredients tend to support good standards of conduct and, in many instances, they are mutually reinforcing (see Figure 2).

- *Monitoring officers.* A critical factor is that there is an experienced, well-respected person in the monitoring officer role, who is prepared to be pro-active in advising politicians on conduct issues, offering conciliatory routes to dealing with conflicts before they turn into complaints, and is supported in doing so by the chief executive and senior politicians. This was certainly true of case studies A and B, where monitoring officers were vigilant in making sure members were informed, trained and reminded about the Code, and where in turn councillors routinely sought the advice of monitoring officers on conduct issues, and followed it. In short, compliance with the code was enhanced where councillors trusted the person responsible for overseeing the ethical framework, and the judgements that they made (see Macaulay and Lawton 2006)
- *Standards Committees and Chairs.* We discussed the possible wider role of standards committees in Chapter 3, the broad conclusion being that it is too early in the new regime to attribute major positive effects on conduct to the specific qualities of these institutions. Nevertheless, positive working relations

between the monitoring officer and Standard Committee Chair is valuable, and the capacities of the chair will become increasingly critical as local assessments and determinations move ahead.

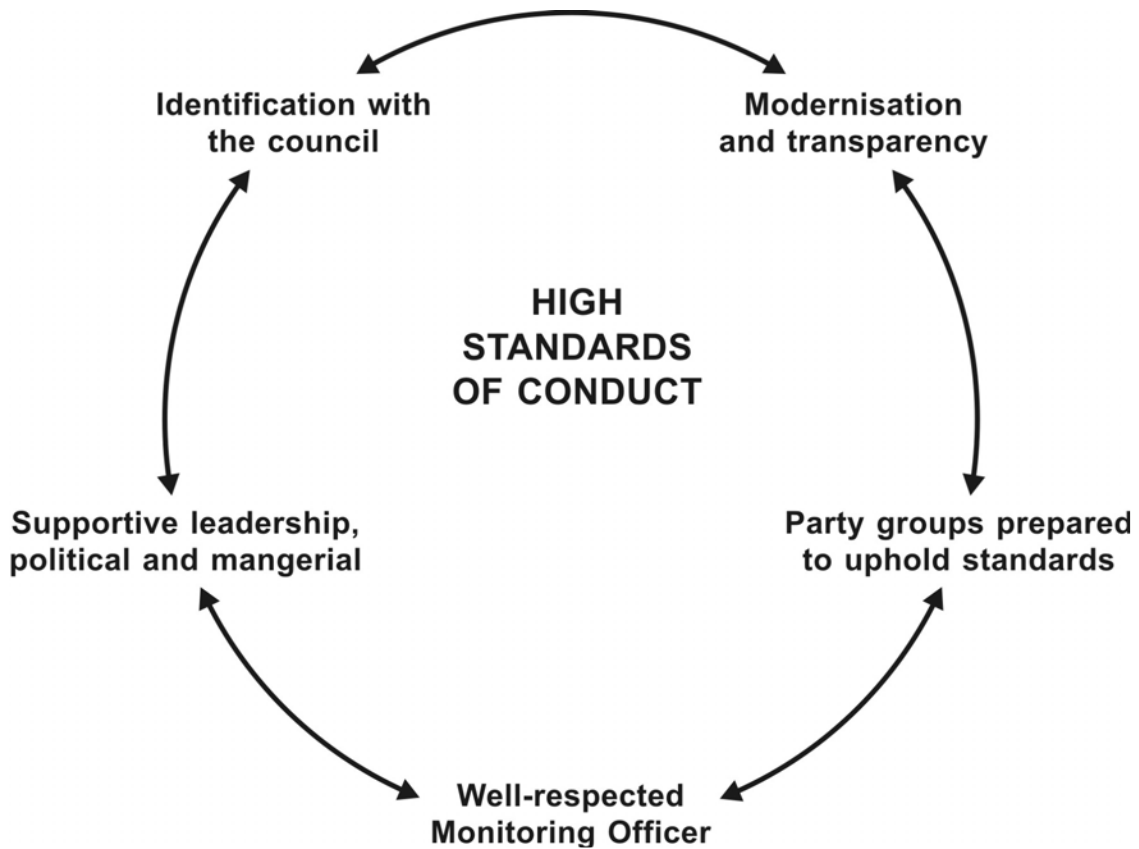
- *Leadership – managerial and political.* Much existing research has been expended on the role of leadership in effecting and reinforcing good ethics within an organisation (see, for example, Grojean *et al.* 2004), and we found evidence to this effect in our case studies. Numerous respondents referred to the ways in which the leadership of key individuals in the council – chief executives and political leaders – shaped its standards of conduct. Respondents saw this happening by the way in which the individuals themselves set high standards in their own behaviour and helping to maintain them. In one council, the leader was noted for refraining from shouting in the council chamber or making personal remarks. In another (B), many interviewees commented spontaneously on the moral tone set by the elected mayor and the chief executive, which supported and empowered the monitoring officer in taking a pro-active approach to governance risk, and helped sustain the council's strong ethical culture despite changes in elected members. Chief executives and council leaders were also actively engaged in persuading others to maintain high standards. This could include having a quiet word with members whose behaviour was 'sailing close to the wind' and giving them an opportunity to improve, and working informally to resolve complaints prior to submission to the standards committee machinery (see also Cole 2008). Council leaders, as well as other senior politicians, were also able to influence conduct by the way in which they chaired full council and planning meetings, by being alert to potential misconduct by members (e.g. inappropriate remarks, and declarations). There is a wider theme in the data: maintaining high standards of conduct is often just one facet of a positive, open, collaborative political style, and we return to this below. The high moral standing of individuals did not always exert wider effects: in case study I, senior managers and political leaders were seen as strong supporters of the ethical framework, but few interviewees identified their council as one defined by its good conduct.
- *Party groups.* The crucial role of parties in upholding ethical standards has been widely recognised (CLG 2007b, 46). We encountered numerous occasions where misconduct had been dealt with by swift action in party groups, often acting in advance of complaints or adjudications under the Code (A, B, and D). For minor or potential breaches, or behaviour 'getting close to the line', this might entail the group leader or whip informally guiding or admonishing a councillor. This was often seen as a traditional means of dealing with misconduct, pre-dating the 2000 Act. For more serious cases, as discussed in Chapter 4, party groups have acted to remove the individual from the party and/or senior positions (as in case study D). On some occasions, cross-reference to the Code helped legitimise the removal of members; on others party-level action took place where the Standards Board had ruled – against the expectations of those involved in the council – that 'no further action' was required (case study D); or, prior to recent modifications of the Code, where the misconduct reflected behaviour in a councillor's private life and was not readily actionable under the Code (case I).

- *Parish clerks.* As discussed in Chapter 4, parish clerks have been important in reinforcing implementation of the ethical framework; in keeping abreast of changing legislation and guidance and, in some places, by being proactive and providing a degree of leadership. As with principal councils, having effective leaders (chairs and vice chairs) is also critical.
- *Modernisation and transparency.* In a number of cases, the ethical framework had ‘worked’ to the extent that councils were already operating in line with the more fundamental norms embodied by the ethical framework. In case study G, for example, respondents felt that the council was characterised by a serious commitment to transparency and procedural correctness, professional but relaxed relations between officers and members, but also cultural changes set in train at the council’s formation. The creation of the unitary authority had facilitated wider processes of modernisation, which in turn entailed a formalisation and depersonalisation of the working practices of the former district councils that it replaced. Partnership working, too, imposed a need for more openness and respect. As a result, the ethical framework fitted in with a series of wider changes underway, which transformed the more closed working relations, and tendency to bullying in councillor-to-officer relations of earlier times. In council E, too, increasing the scope for public speaking in council meetings, opening up these traditional arenas, was also thought to have improved the conduct of elected members.

Uniting many of these factors is open lines of communication, both internally – between managers and councillors – and externally with the parishes (see Figure 2). Another cross-cutting theme is the willingness on the part of key officers and councillors to be pro-active, and certainly pre-emptive, in the face of possible ethical risks. The code, and training on the code, is one of the tools used to instil and sustain this political culture, as well as support further improvement in conduct.

The power of these reinforcing factors becomes especially important in sustaining good conduct through periods of electoral change. Thus, while respondents across our case studies attributed some conduct problems to new members – their failure to understand what was acceptable, to deal appropriately with officers, and tendency towards ‘over-excitement’ – in those where facets of a wider ‘ethical environment’ were in place (Doig and Skelcher 2001), new councillors were usually gradually brought into line (A and B are prime examples). In councils where key ingredients of an ethical environment failed to operate, new councillors could cause ongoing problems (case studies D and E).

Figure 2: 'Virtuous Circles'



5.2.2 'Spirals of Despair'

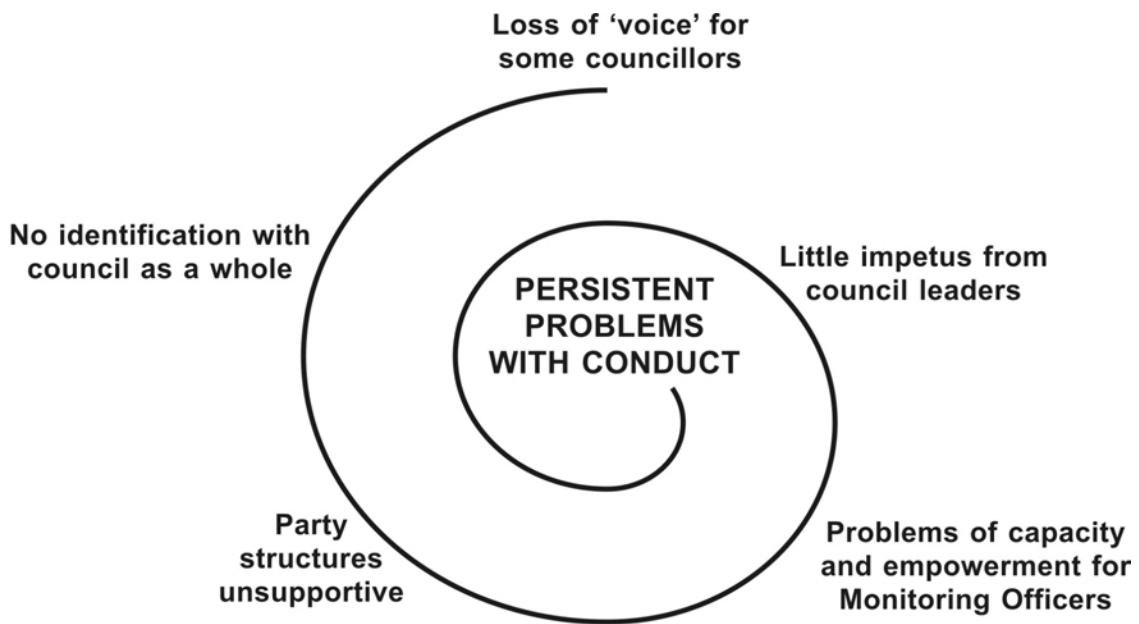
Where councils were suffering problems with the ethical framework or misconduct (C, D and H especially), a number of the following factors were present, many of them the obverse of the positive conditions discussed above (see Figure 3).

- *Council leadership.* In those case studies which had experienced large numbers of complaints under the code, and/or ongoing conduct issues, the council leadership was often implicated. In case study D, the level of political leadership in general had been regarded by government inspectors as inadequate, it had changed frequently, and ethical conduct had not been a priority. What was constitutive of wider ethical problems in this, and other councils (e.g. case study H) was where senior councillors had become involved in the making of complaints. As a caveat, one should note that, it is all too easy for party and council leaders to act as the foci for complaints from opposition parties. Moreover, some councillors will expect their group leader to be the one who will take the lead in attacking the opposition and thereby standing a greater chance of overstepping the line than anyone else.

- *Key officers.* Where council leadership had neglected issues of conduct, member-to-officer relations were often poor, and together this created a difficult environment for senior council managers to take action to regulate council conduct. In some instances, frequent changes in top management compounded problems. In one case study area (D), senior managers admitted that they could have been swifter in acting to stop councillors pressurising or bullying officers, including complaining under the Code, and were seeking to tighten up in future.
- *Monitoring officers.* These wider issues at leadership level did not create a positive, supportive environment for monitoring officers to take a pro-active or precautionary line on conduct issues. At the very least, their time was fully occupied by the workload of complaints, but it was often the case that poor member support for the ethical framework did not encourage discussions about behaviour. Compounding the problems, in many smaller councils with smaller budgets, tough decisions about management structures had made it difficult to employ a senior officer to work full time in the monitoring officer role. Concerns about the skills and expertise of the monitoring officer exercised some interviewees in councils where there had been a profusion of complaints (councils C, D and H). Frequent changes in the officers charged with implementing the ethical framework was also problematic, especially where that created inconsistencies in the advice given to members.
- *Political parties.* In all of the councils where we encountered problems of serial member-to-member complaints, one could question the role of the party structures. From across our case studies, we could not say that any one political party was more associated with misconduct and mis-use of the ethical framework than any other: local conditions, including recent changes in political control, were more important factors. It was often suggested that problems of conduct were associated with independent councillors – i.e. councillors that were not associated with any political party. By definition, such councillors lacked any mechanism for regulating conduct at group level; they may also have been elected on issue- or locality-specific platforms, and thus apt to challenge the council rather than collaborate. The role of independent councillors and minority parties is more complex than this, however, as we discuss below.

As we have mentioned in earlier sections, councils suffering from large numbers of complaints may find that this in turn causes other problems, such as a distraction from key issues of performance. It may also discourage good candidates from standing as councillors (CLG 2007b).

Figure 3: 'Spirals of Despair'



5.3 The effects of individual cases

Previous research noted that sometimes individual complaints, investigations and hearings can raise awareness of the ethical framework and standards committees within local authorities, and reinforce the importance of the Code of Conduct (BMG Research 2007a, 2007b). We found evidence to support this effect in our research. For example, the provision of a sanction of one month suspension of a cabinet member in council H was seen to have made councillors 'sit up and take notice'. The sanction was more severe than many had anticipated and was the first time the committee had 'flexed its muscles'. A number of interviewees thought that this case had significantly raised the profile of standards for other members in the council.

This experience leads us to consider an important intervening variable – sanctions might be expected to have the desired effect in correcting behaviour to the extent that they are perceived as credible (see Greasley *et al.* 2006). This may mean that the process and decision are seen as legitimate and just, and that any sanction is appropriate. In those instances where serious misconduct had occurred, in authorities that displayed generally very high standards of conduct, the threat of sanction under the code was just one element of a credible and legitimate set of actions. However, in more than half of our cases (C, D, E, F, H and I), respondents expressed misgivings about the decisions in individual cases. Concerns arose mostly in cases where a councillor was strongly felt to have behaved inappropriately, and that this had been

acknowledged by the Standards Board, but the result was 'no further action'. Rather than serve as a lesson for others, respondents felt that this had cultivated the sense of immunity of those that had misbehaved, and undermined the importance of the ethical framework in the eyes of a number of councillors. One commonly reported benefit of local determination was the scope for providing more significant punishment (for example, Cases E and I), often coming from councillors, who appear to place greater importance generally on the regulatory role of the ethical framework (BMG 2007a).

Clearly, people will not feel that individual conduct complaints are at all educative if they perceive them to be trivial and/or politically motivated. So it proved in a few of our cases, such as council D, where the ethical framework was itself seen as the problem, because it provided a ready vehicle for tit-for-tat political complaints. Nothing positive was learned from these experiences, except being 'careful what you say', and even this was perceived as regrettable. Again, this experience informed the view that the new local ethics regime might be more effective in addressing trivial or groundless, vexatious complaints – dealing with them swiftly, and minimising the stress and rancour they might cause. Council G already seemed to be minimising the wider consequences of potentially malicious complaints by dealing with them more expeditiously and keeping the people involved in the picture as much as they could; similar interactions take place in our other case studies (for example, B and I).

The new local regime was just starting as we gathered our data in 2008 but, in future rounds of the research, it will be possible to see if the local regime does deliver stiffer sanctions, and/or deal more swiftly with trivial complaints, and thereby have any wider effects on conduct.

5.4 Resistance to the Code

The prime motive for the introduction of the ethical framework, under the 2000 Act, was to provide mechanisms for promoting good conduct among councillors that would, in turn, foster public confidence. However, it is difficult to appreciate the problems inherent in expecting such a regime to improve conduct unless one acknowledges that its role may be resisted – actively or tacitly. As Philp (2001) notes, the ethical framework may be seen as a 'surrogate participant' – holding elected members to account in ways which the public in general is unable or disinclined to do but which, nevertheless, remain subordinate to accountability achieved by electoral democracy. This is not to say that councillors have no respect for probity but rather that, for certain individuals, in certain contexts, the ethical framework and the machinery which promotes it simply does not acquire a dominant position in defining acceptable behaviour. People may decide that a particular incident requires them to behave in ways not wholly compatible with every aspect of the Code; in making judgements about good conduct, they may place their 'social anchors' (Sonenshein 2007) elsewhere.

One risk is that the ethical framework becomes a weapon of partisan and political advantage (Philp, 2001). That this does not happen everywhere, despite the underlying competitiveness of political culture, says something positive about the commitment to good conduct that we saw in many of our case studies, but also makes it important to understand the conditions where complaints between members and officers become frequent. In this section we review our research to identify factors which appear to contribute to the inappropriate use of the Code, and result in the effect of the Code and the ethical framework becoming diminished.

- *Identification and reputation.* To believe that councillors should improve their conduct in order to improve public confidence in local government depends, in part, on people believing that the reputation of local government as a corporate entity matters. This is not strongly felt in some places, where councillors have not recognised reputational risks to their council from perceived misconduct. Case study D is a good example, where the rural, parish-focused wards of councillors, in a district council created 'artificially' with no clear urban centre at its focus, discouraged identification with the council as a whole. In seeking to win arguments, or discomfort rivals, individual councillors had little concern as to what impression this gave of the council, politicians and politics as a whole. This was a marked contrast with council B, where we heard repeatedly of people's strong and positive association with the borough, the council and the values it stood for – 'doing good by doing right'. In councils A and G, too, the operation of the ethical framework was just part of a deeper council culture of *respectfulness*. In such organisations – no matter that individuals might quibble at the bureaucracy of the ethical framework – people embrace being virtuous, as part and parcel of a positive identification with the council for which they work, or with public office generally. Significantly, this sense of identification seemed to be more powerful than party politics: it disciplined judgements about acceptable political behaviour; and it has enabled support for good standards of conduct to hold firm despite quite significant shifts in political control.
- *Acceptable political conduct.* In many interviews, people talked of 'the line' between legitimate, 'forceful' political activity – criticising decisions, unearthing perceived wrongdoing, making judicious use of the press – and action which is over-personal, disrespectful or which brings councils as a whole into disrepute. Commonly, this was as a distinction felt to be widely understood and shared, often centering on avoiding personal attacks (for example, in council I), and which is sustained by the interest and vigilance of many in the council, backed up by the Code of Conduct. But it is also clear that different people draw the line in different places. We often found respondents rationalising breaches of the code and accusations of misconduct in terms of what should constitute 'normal' political conduct, especially around issues of offensive language and criticising officers. People justified their language in terms of it being the way they and their constituents spoke, sometimes seeking to make political capital out of this 'plain speaking' and 'authenticity'. It was argued that it was a legitimate role of councillors to question

and challenge officers; this behaviour was sometimes characterised in masculine terms - 'they should be man enough to take it' - though it was not only expressed by men. Exposing council's problems in the press is another bone of contention, popular in media coverage of standards issues, as it pits the press and accused councillors as voices for transparency against councils' attempts to manage information.

- *Individuals and social networks.* Occasionally, we got the impression that resistance to the code, including a refusal to apologise or be influenced by sanctions, reflected the determination of particular characters. Respondents, certainly, often individualised problems in particular 'bad boys' or 'mavericks', which contributed disproportionately to a council's problems (A, C, D and H). Rarely, however, will people act in a certain way unless they feel that in some social context – among family and friends, within their ward – their behaviour might be seen as acceptable. In some instances, it was clear that such individuals did not suffer electorally from serious complaints being made against them; in council D, the councillor that had been found by the Standards Board to have made offensive remarks about a minority group was still voted back in with a large majority; a councillor that had been sanctioned under the Code was re-elected in case study C, too. There is evident scope for ostensible misconduct to be badged by the accused as being 'a colourful character', or 'speaking one's mind', with a degree of local support. Constituents can sometimes bulk larger in reinforcing councillors' ethical norms than councils and their ethics machinery.
- *Conduct and political change.* We found a strong association between increased numbers of personal and political complaints about behaviour under the Code and political transition. This transition could arise either for electoral reasons (a change of the party in control) or because of efforts to 'modernise' political management arrangements. The creation of cabinet structures replacing wider committees, or moves from multi- to single-party cabinets are prime examples. What seems to be happening in some councils is that, where control had become concentrated either on one party or on a small group, *ad hominem* complaints became an increasingly common means of challenging the ruling party. Thus in a few of our councils where there had been large numbers of complaints (C, D and H), people justified their actions in terms of becoming voiceless, or losing other levers of power. In some instances, these complaints 'worked' (by bringing an issue onto the agenda, or achieving change) but brought with it cycles of tit-for-tat complaining. In council H, the opposition attacked officers as a way of attacking the Council, leading to officer-member complaints as well as the member-member complaints. In a parish council in case study I, a lone councillor from a minority party used the press as the main way of getting his voice heard, but may attract a formal complaint for the content and style of the articles and letters that he has written. In a rather different example, the desperate efforts by one political party to retain majority control of the council led to them accepting the party membership of a councillor expelled by another party for benefit fraud.

- Interestingly, the problem seems not to be political change *per se* – or at least, the perceived democratic consequences of change can be managed. In another case study, the move to a mayoral system and a declining majority in the traditionally dominant party did not lead to this cycle of partisan and personal complaining partly perhaps because decision-making remained relatively pluralist (reflecting how the mayor organised his constitution), and because the norms of politics entailed a strong identification with certain core values in the council. It has been similar in council E, where the current leader has tried to continue working in a consensual way, across parties, even though he now has a large majority. In case G, interviewees expressed concern that recent moves towards a single party administration, and a centralised cabinet, might frustrate opposition members, but it is far from clear that the long-standing culture of civilised politics, or positive member-officer relations would crumble. In case A, recent regaining of control by a single party was seen as making politics more adversarial – and this was seen by some as potentially healthy - but not necessarily more personal, in a council where relations across parties had long been civil, even friendly. In all four of these councils, complaints between members and between members and officers have become very few in number.
- *Exercising opposition and power.* This issue of how you encourage robust politics with high ethical standards is a fundamental challenge (Philp 2001), which connects the work of standards committees and monitoring officers to broader challenges of public trust in modern government. Part of the issue is maintaining a vigilance towards the risk of corruption, while not allowing the ‘scandal weapon’ (Belzak 2008) or ‘language of corruption’ to turn ‘what is really an argument for more efficient and effective governance into a campaign whose language ... delegitimises the whole public service’ (Philp 2001, 363). There is certainly scope to explore how the ethical framework can serve to maintain the quality and tone of political debate, supporting the Councillors Commissions’ call for ‘a reasoned defence, even a celebration, of the need for politics’ (CLG 2007b, 23). What our research does show is that this may require careful and subtle attention to what are often long-standing, widely shared and commonly perceived to be unproblematic norms of political behaviour. In many of our councils, we encountered the view that there was an element of ‘theatre’ in major council meetings, which was seen as harmless, and which belied much closer cooperation behind the scenes. Certainly one would be rightly anxious about regulation which threatened to stifle political passion, commitment, rhetoric or argument. Yet there is the widespread recognition that confrontational styles of politics can be off-putting to some groups of potential councillors, particularly women (CLG 2007b, 18, 49; an issue raised in case G), and that this style of politics causes wider sections of the public to disengage. A parallel question, then, is how and why the ‘theatrical’ front-stage of local politics becomes more prominent in the public’s perceptions than much of the more obviously consensual working that goes on.

Although we have characterised council’s experience consistent conduct problems in terms of ‘spirals of despair’, reflecting the anxiety we encountered about the prospects of improvement, it is important to

conclude by stating that our research also shows that change is not impossible. In council H, the opposition have long seen their role as trying to discredit the council and actively use the ethical framework as a tool, but there seems to be some agreement after a plea from the council leader to show restraint in making complaints. In council D, the two main parties at least report tacit agreements not to make vexatious complaints, and both have subscribed to a 'member undertaking' covering mediation of disputes and member-to-officer behaviour. And in council E, an initial 'silly season', in which the ethical framework was used for score settling, has been replaced with an atmosphere in which the framework is not used for political purposes. Our research is well-placed to monitor the durability and consequences of these changes.

5.5 Conclusions

Clearly, to understand the impact of the ethical framework, one needs to understand the wider organisational cultures which influence norms of conduct. In some councils, the Code and Standards Committee are additional devices which help to sustain an already well-ingrained disposition towards civilised politics and ethical ways of working. In others, experiencing a constant workload of cases, the facility for complaints under the code may be amplifying the effects of an already fraught atmosphere. In such circumstances, a degree of despair can set in, and it is not easy to see how such cycles can be reversed. The corrective tools of more training and awareness raising about the ethical framework can seem pretty feeble, and it is a hostile environment for a more pro-active approach, especially where the main protagonists or leaders believe it is the framework that is the problem rather than their personal moral compass. These cycles become self-perpetuating where sanctions for misconduct either fail to materialise, are seen as inadequate, or have little effect on the behaviour of the transgressor.

However, even in these darker moments we found hope that the standards framework might yet provide one of the building blocks for 'ethical recovery'. In all of the councils facing difficulties, key actors were not passive, they were taking steps to improve conduct and reduce the vexatious personal and political use of the ethical framework. Often this involved elements of the ethical framework, both as 'soft' tools of education and persuasion (enhanced use of mediation, member-officer compacts, mentoring, discussions on conduct initiated by the Standards Committee), as well as enhancing its credibility as a 'harder' regulatory tool – the possibility of issuing stiffer sanctions locally, supported by the bigger sticks of national regulation in the form of Corporate Governance Inspections and the spectre of intervention by the Secretary of State. This should show the value of longitudinal research, for charting whether councils can emerge from their problems, and evaluating the combination of ingredients that contribute to this improvement.

Chapter 6. Impacts on public perceptions of local government

Main findings

- Two of our case study councils which displayed good standards of conduct achieved more positive public survey responses for trust, the truthfulness of councillors, and perceptions of councillor conduct, than other case study councils which had poorer conduct and/or larger numbers of complaints. On this basis, it is tenable that councils which implement the ethical framework effectively, and display good conduct, enjoy higher levels of public trust than those which do not.
- The patterns are not this simple, however, and nor are the causal process involved. Councils with high levels of public trust also tended to be well-managed (i.e. they have higher comprehensive performance assessment scores), and to serve more constituencies containing affluent social groups with a higher propensity to trust public institutions. Councils serving urban areas, often with significant economic and social problems, tended to experience lower levels of trust, no matter that some of our urban case studies demonstrated very effective ethical governance and good conduct.
- In line with previous research, the behaviour of councillors is not deemed by the public to be a major factor shaping trust in their council – the level of council tax and experience of services are much more important. Intriguingly, a number of results suggest that the public are least aware of the ethical framework and/or least concerned with councillor behaviour in councils displaying generally good conduct.
- Although councils have publicised the existence of the ethical framework, such information is dwarfed by the local press coverage given to (mis)conduct cases and allegations, and to articles reflecting on the competence of local government more widely. For councils, therefore, publicising the ethical framework is but a small constituent part of the wider task of positive and effective public communications.
- Our survey found a very wide variation in the proportion of people who were aware of a specific high-profile standards case in their authority.
- Nearly half of our survey respondents were confident that their local authority would uncover breaches in standards of behaviour by a council, with a similar proportion believing that those breaching the code would be dealt with effectively. These are higher than figures found in previous surveys, and might be taken as some endorsement for the new system of local ethical regulation.

6.1 Introduction

In this chapter we turn to address the third of our research questions: has the ethical framework had any effect on public confidence in local government, either through any changes in council processes, or councillor conduct? This might well be regarded as the holy grail of ethics research. While the Government

justified the 2000 Act measures in terms of improving public trust, identifying tangible public responses has always proved more difficult. This survey is the first attempt to relate public trust in local government to activities – be they good or bad - in individual local authorities.

We begin the chapter by assessing the perceptions of councillors and council officers about public confidence in the council, then review the findings of the media analysis. We then move on to examine patterns of trust from the survey. Critical to this study is teasing out differences in results between our case study councils, and explaining those differences in terms of the qualitative analysis of each case. We explore the findings around the main themes of the survey: perceptions of truthfulness and trust in local councils and councillors; levels of knowledge and engagement with the council; determinants of trust; behaviour of councillors; attitudes to local regulation, and conclude by considering the questions relating to standards cases in each case study area.

6.2 Council perceptions of the public

Here we review what our case study interviewees believed about public trust in their council. This is an important issue because, as we noted above, councillor conduct may be affected greatly by whether they believe the reputation of their council matters, whether they believe the public is interested in matters of conduct, and what kind of conduct they think the public might approve of.

Few thought the public were wholly positive about their council. Respondents pointed to Ipsos-MORI polls, the press, anecdotes and conversations to support these perceptions. By and large, respondents were reasonably confident that the public did not think that they were corrupt, although several respondents said that they thought the public believed that councillors 'were in it for what they could get'. The root cause of negative public attitudes was attributed to the quality of services people received – trust was perceived as an issue of competence, rather than ethical conduct in a narrower sense. In council B, so long as they provided good services, and there was not a major 'ethical meltdown', then respondents felt that they had the broad support of the public. Some interviewees grounded their perceptions in realism and fatalism: one council leader suggested that he would be quite happy if the public said 'you're not great but you're not bad'. All respondents were aware that some citizens can be intensely cynical about what they do; few thought these people to be the majority. However, in council I there was an acute sense that the public held the council in low esteem and to some extent, inspection reports and opinion polls bear this out.

Few respondents believed the conduct of local councillors to be a major factor in shaping public attitudes, and there was almost complete agreement that the public were not aware of or much interested in the ethical framework, or misconduct complaints. In one instance (case study D), there was even the suggestion that 'people like colourful characters' i.e. those that might be outspoken. In media reporting, too, councillors

accused of misconduct routinely played on the feeling that they were being 'censured' for 'plain speaking', or acting on behalf of their constituents. Such beliefs about what the public think may legitimise the view that it is not councillor conduct that is the issue, but the Code, and those that seek to use it against them. Public concern might be unlikely to exert a disciplining effect on member conduct among people who hold that view.

The Standards Board encourages local authorities to promote the ethical framework and the standards of behaviour that councillors are expected to achieve, and produces guidance to this end. In most of our case studies, council web-sites and council newsletters had been used to publicise the existence of the ethical framework and the local standards machinery and, as the 2007 Act requires, to inform people on how to make a complaint.

There was a round of press articles in 2008 publicising the introduction of the new, localised ethics regime and, in some councils, these were used to explain the importance of the ethical framework and good standards of conduct more generally. Beyond this, and brief adverts for standards committee meetings and recruitment calls for new independent members, respondents felt that there was little additional scope to use the press to publicise the ethical framework, as it did not constitute 'news' and would not find an audience. Journalists concurred that basic information on the ethical framework would be unlikely to be given copy. While the journalists we interviewed received the agendas of standards committees, actual attendance remains patchy.

6.3 The local media

Critical to understanding public trust in government (both central and local) is how information on government and its trustworthiness is produced, circulated and consumed. Given that much of the public has little direct experience of local government and councillors, beyond receiving services, it is unsurprising that many fingers have pointed to the mass media as a major factor shaping public trust (MacIntyre 1985; Fevre 2000; Illman 2009), and a key reason why aggregate improvements in local councillor behaviour and service provision seem not to have been appreciated by the general public (BMG 2008). For this reason, our research incorporated an element of mass media analysis. This had two levels:

- an analysis of national and local press coverage, using a clippings service with the search terms 'Standards Board' and 'Code of Conduct';
- an assessment of local press coverage for each of our nine case study councils in the period leading up to our research visit.

Our decision to focus on local press material was partly pragmatic. We did not assume that the local press was read by all residents (indeed trends suggest a declining readership for local newspapers) and we note the growing use of on-line media, some which is produced by newspapers, which the clippings service was able to search. Nor did we assume that people automatically absorb the information and arguments that the press produces; people claim not to trust journalists (CSPL 2008), and often negotiate mass media material against their own beliefs and experiences, and within their personal social networks (Burgess 1990). Nevertheless, research suggests that material from the press, radio and TV is one source of information on which local opinions are formed (Levenson 2004), including councillor opinions of the ethical framework (BMG 2008), and contributes to agenda setting.

It is outwith the scope of this report to present a lengthy and detailed press analysis, but our main points are as follows.

By and large general information on the ethical framework fails to chime with the 'news values' of the press, which tend to focus on events, involving specific human subjects, a clear sense of good or bad, and the scope for sensation (Smith 2000; Illman 2009). However, misconduct, or alleged misconduct, and the storyline of complaint-investigation-adjudication fits very well with these news values, and so forms the major part of local press coverage. The cliché is that 'bad news sells newspapers', a reality which councillors and officers mostly accept.

Most of this coverage may be 'factual' in nature; officers and councillors in a number of case studies thought that local press coverage was, for the most part, fair. However even factual coverage may still convey a particular impression. While UK local government is not especially corrupt, the press tends to focus its attention on stories which contain, or are presented as, instances of improper behaviour (de Vries 2002; CSPL 2008). What is less clear is how the public consume this coverage, and whether coverage of cases being resolved, or of sanctions being imposed, conveys a favourable impression of the ethical framework, if not of individual councillors. The risk that press coverage of ethics and other systems of regulation could spawn negative public reactions, if not communicated carefully, has long been recognised (Audit Commission 1993).

Coverage of specific conduct cases under the Code is a small part of coverage of local government as a whole, and so one would expect the framing of local government and its trustworthiness to be constructed mainly through articles on a wider range of issues – on services, planning decisions, expenses, salaries, elections and so on. Then there is editorialising and other commentary. Not all of the local newspapers we looked at had columnists or opinion pieces, or editorials that were critical of the council. However, all had letters pages and it was often here that criticisms of the council were presented in most strident terms, and most likely to represent councillors as untrustworthy. In conjunction with our comments in Chapter 5 above, a minority of councillors may use the ethical framework for partisan advantage, and in so doing may exploit

the 'news value' of standards issues as a way of attracting attention to their complaints, concerns or grievances.

Because of the way in which the press covers standards issues, most commentary on the ethical framework *per se* is attached to significant events. On occasions, as discussed above, rule changes or adverts for new independent members of standards committees have been used successfully by councils as an opportunity to explain the framework and the importance their council gives to high standards of conduct. But such opportunities are few and far between. Much more commonly, commentary is attached to allegations, complaints, investigations and decisions, as the accused/sanctioned/exonerated give their views. Wider commentary can be positive, for example when those cleared of misconduct support the verdict. Often it is negative, especially when anticipated decisions or sanctions do not materialise and are contested. We have noted above that, in a few places, the costs of dealing with complaints under the Code has become a subject of media discourse. So too has the extent to which the Code, or the way it is used in particular places, is seen as curbing legitimate political behaviour: speaking freely; releasing information believed to be of public interest, or criticising officers. Councils and standards committees not releasing information about complaints until they have been assessed is one bone of contention. It is not hard to imagine why apparent 'freedom of speech' conflicts are attractive to the press.

Our media analysis has a number of implications:

- For the councils, it points to the tools that may or may not be under their control. It suggests that press coverage of the ethical framework specifically is an important but ultimately small constituent part of the wider task of positive and effective public communications. Evidence suggests that money spent on keeping citizens informed and enhancing reputations can foster satisfaction (OPSR 2004), and in two of our case studies (councils A and D), the council had worked on improving relations with the local press, and had achieved fairer coverage as a result. This is not to say that spending on positive public communications cannot itself invite criticism (Illman 2009), and be represented as 'spin'.
- However, in some councils, the use made of the press by councillors rather than communications officers may be just as important. Of course, the press is a legitimate vehicle for political comment but again there is a need to conduct this in ways and in a tone which is not unduly corrosive of politics as a whole. Complaints under the ethical framework have been made about comments councillors have made to the press, or online in blogs, though not in our case studies. Future research may usefully consider how far the ethical framework may assist in civilising political discourse in the Fourth Estate.
- The fact that the press may cover allegations and complaints does not mean that they necessarily serve to police misconduct and hold people to account, despite popular perceptions that the media is a more effective 'watchdog' of behaviour than public office holders themselves (see discussion in CSPL 2008). Few local newspapers have significant capacity for their own investigations, and ever fewer have full

time 'municipal reporters', making the ready-made stories of conduct complaints a bit of a gift. However, we also learned through our case studies that the press may not necessarily cover border-line misconduct in council chambers (C and E), perhaps because they share the view that this 'theatre' is the norm, or that the public will not be interested.

- The third implication is to note that our case study councils operate in very different local media environments. While in all cases, complaints and allegations under the Code would be likely to be covered, the wider coverage of local government was very variable. In some cases (A), the main local newspaper is a weekly, which has shifted recently to positive working relationships with the council, and fills its pages with good news about the council as much as bad. In case study I, there is a local daily paper which gives significant space to council problems and to critical commentary through the letters pages. In B, our London Borough, the press environment is very fragmented, there is not a local paper coterminous with the borough, and the local newspapers may not be widely read by the public. The context for D is similar, being just one district in the catchment area of a local daily paper, in which sensational bad news is more likely to win the competition for copy than good news. It is also a paper in which the letters page attracts large numbers of contributions from past, current and would-be politicians, at local, county, national and European level.

We now turn to consider our survey data on public perceptions.

6.4 Survey of public trust in local government: background information

Chapter 2 discussed the selection rationale for the nine local authority case studies. The chosen councils vary in a number of different ways (their political control, CPA score, type of authority, location etc), and they also differ in their social and economic context (Table 2). Across the nine authorities, 39% of the people surveyed are in full-time employment, but this average encompasses a low of 32% employed full-time in case study H to a high of 47% in case study B. While on average less than three in ten of survey respondents have lived in the area for less than five years, in case study B, this figure is around four in ten. Similar proportions of people say that they have voted in local elections and, as is often the case with this question, all figures are higher than the actual turnout. There is a large range across the cases in levels of local newspaper readership from less than half in case study F to an astonishing 88% in case study I and finally, some variance in the proportions of people who know the name of their local council (60% in case study F to 76% in case study C). Some councils can become infamous rather than widely known for excellence as the councils with high levels of name recognition such as case studies I (poor CPA score), C (with significant ongoing misconduct cases) and H (poor CPA and ongoing standards cases) top the list while case study A (excellent CPA scores, few misconduct issues) is lower than average. When analysing

the survey results, it will be important to take these differences into account and see whether there is a relationship with levels of public trust.

Table 2: Background survey data on the case study authorities

	A	B	C	D	E	F	G	H	I	Mean
Total no. of responses	200	212	225	220	200	215	202	218	214	212
Full-time employed	39%	47%	41%	38%	39%	38%	34%	32%	36%	39%
Lived in the area less than 5 years	28%	41%	22%	26%	28%	29%	23%	21%	24%	27%
Voted in last election	58%	63%	62%	64%	57%	55%	65%	67%	62%	62%
Read local newspapers	71%	53%	72%	72%	74%	49%	65%	75%	88%	69%
Know the name of the council	61%	74%	76%	61%	69%	60%	64%	72%	74%	68%

6.5 Perceptions of trust and truthfulness

Our first task is to establish whether there are significant differences between councils in the extent to which the public trusts them. If the differences between councils were trivial, this might suggest that there was relatively little individual councils could do to shift public confidence, and that cultural attitudes which transcend local authority boundaries are in fact more important. To assess these impacts, we asked standard questions on trust and truthfulness.

Trust in 'your local council' is a question that has been deployed frequently by government, notably in the biennial 'citizenship surveys', and serves as a useful benchmark. Both the CSPL surveys and the citizenship surveys show public trust in local councils consistently to exceed trust in national government, and that trust in local government has risen slowly over the last decade (see Table 3). In our survey (Figure 4), a total of 59% trusted the council either a lot or a fair amount which corresponds to a national figure of 60% in 2007 (CLG 2007). As in the nation more widely, there is also large minority of the public who have little trust in their council. One in ten respondents had no trust in their council and just over a quarter did not trust them very much.

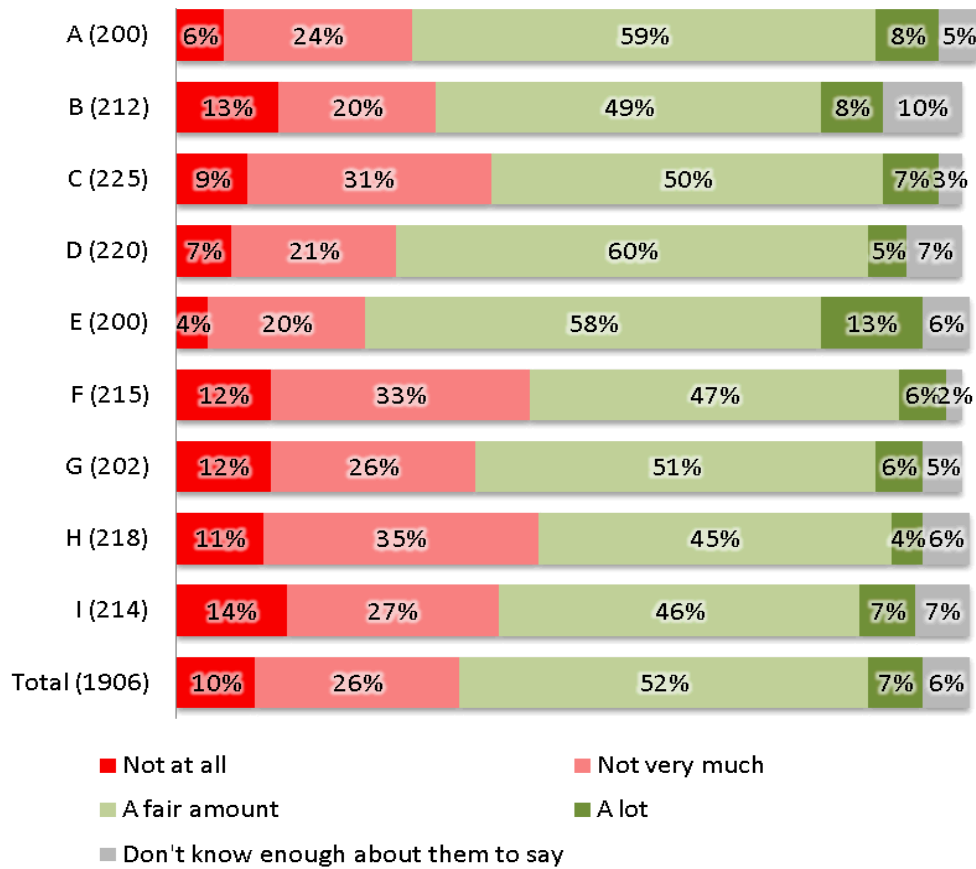
Table 3: Trust in Public Institutions

% of people who trust institutions 'a lot' or 'a fair amount'				
	2001	2003	2005	2007
Police	80	80	79	81
Courts	73	73	70	
Local council	52	54	57	60
Parliament	36	38	37	36
Greater London Authority			47	44
Sources: Kitchen <i>et al.</i> 2006; CLG 2007a.				

The most positive public responses come from councils A and E. These councils were selected as case studies for their high standards of conduct – a reality borne out by our qualitative research. Both A and E are also well-managed councils, in the sense that they have achieved 'excellent' CPA ratings. Looked at crudely, these results might sustain the view that councils which display high standards of conduct enjoy higher levels of trust. Some confirmation comes from the other end of the conduct spectrum. It is case study H – a small town/suburban/rural area – that has the lowest levels of public trust. Case study H is an authority where nearly half of respondents score the council in the bottom two categories. It has experienced a high number of complaints under the Code and performed poorly in the CPA process over time.

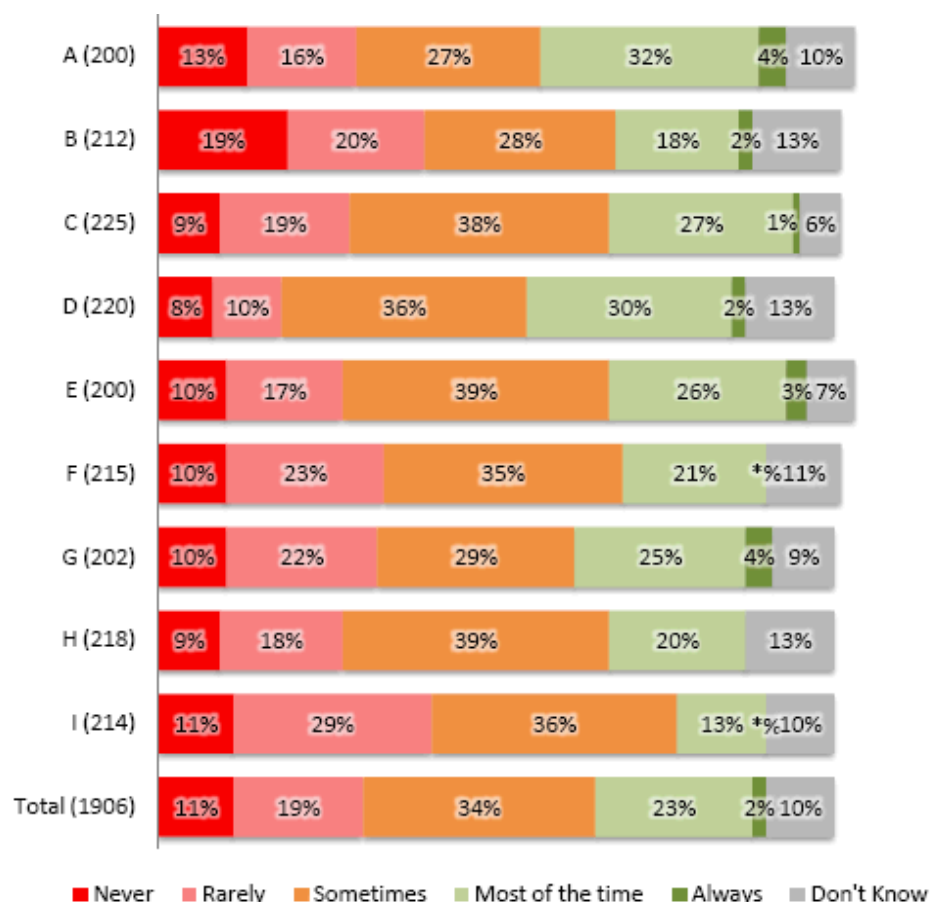
Clearly, one would not expect the relationship to be this simple. The urban councils of B, F, and I score poorly on trust, regardless of the fact that B and F have been rated 'excellent' in CPA exercises. Case study D had significant problems with complaints under the Code and capping but still attracts high levels of trust from the public. This finding may suggest that the socio-economic make-up and quality of life in an area may be a far more important factor in determining public trust than the actions of the council. Council D (like A and E) covers a mainly rural and affluent area, with low levels of deprivation; the urban councils of B, F and I contain areas experiencing significant social and economic problems.

Figure 4: Your local council: Do you trust them... ?



To some extent these patterns are repeated when we look at our next set of outcome measures - believing that our elected representatives (at all levels of government) are telling the truth. The government suggest that: 'For communities to feel empowered they need leaders they trust who understand them and reflect their makeup' (CLG 2008, 39).

Figure 5: How often do you think your local councillors tell the truth?



As with previous national surveys, the results show a general cynicism about the truthfulness of politicians, but also that respondents feel that local councillors tell the truth more than politicians generally. On average, we found that a quarter of respondents trust their councillors to tell the truth either 'most of the time' or 'always' (Figure 5), compared to 19% for politicians generally; only 30% believe their local councillors never/rarely tell the truth, compared to 40% for politicians generally.

Again, looking at the differences between councils enables causal connections to be postulated. Two of our cases with high standards of conduct scored above average: A, markedly so; to a lesser extent case E. Council G, where respondents felt that reorganisation had supported a commitment to ethical conduct, also performed above average.

Overall, however, the picture is not as clear as for measures of trust. In case study D, the public exhibited above average perceptions of the truthfulness of their councillors (significantly different from results in case studies B, F, H and I). What is interesting here is that this case study has a large number of member-to-member complaints including one where the leader was accused of lying. Other cases with high levels of complaints under the Code – C and H – do not differ significantly from the norm. Case studies B, H and I

come out with the poorest public perceptions for the truthfulness of their own councillors as only 20% or less of the public felt that they told the truth 'always' or 'most of the time'. In B, 19% of respondents think local councillors 'never' tell the truth, despite the council's deeply rooted commitment to probity. Again, council B, like F and I, operate in difficult urban contexts.

Our results show some support for the view that councils displaying better conduct enjoy higher public trust, but it is far from straightforward. We now turn therefore to examine some the variables that might explain the patterns we are seeing.

6.6 Impact of levels of knowledge, engagement and political attachments on trust

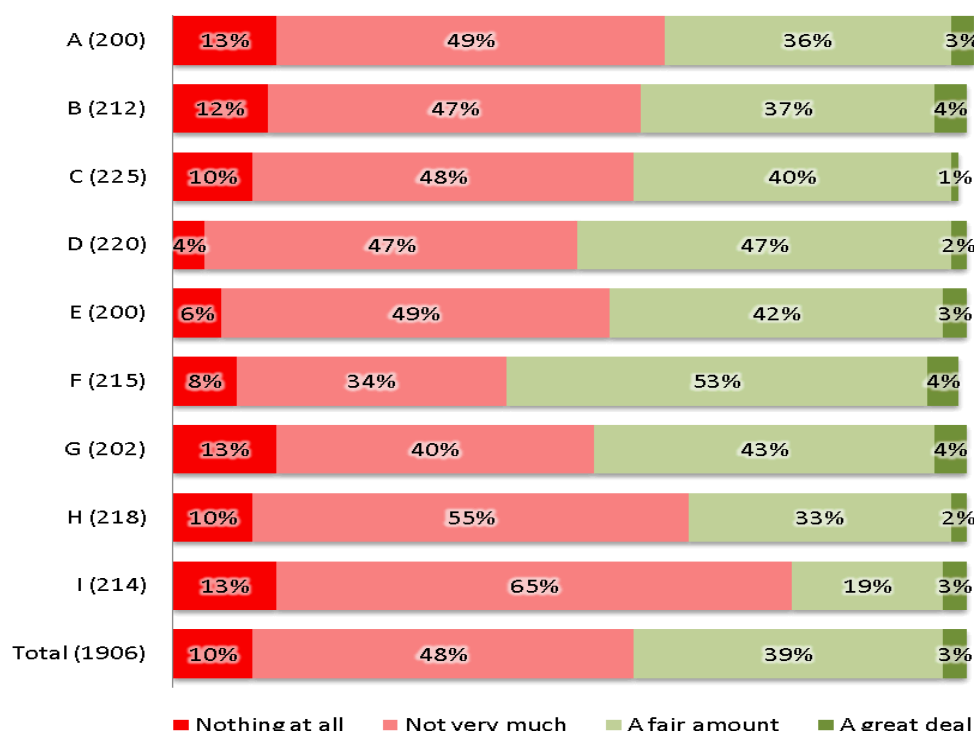
6.6.1 Does level of knowledge make a difference to trust?

Previous research suggests that the public lack understanding as to what local councils do and this is echoed by our survey. Figure 6 shows that on average, 3% of people purport to know 'a great deal' about the council, 39% 'a fair amount', 48% 'not very much' and 10% 'nothing at all'. These levels of perceived knowledge are broadly comparable to previous surveys. MORI found in 2005 that 38% belonged to the first two categories (4% a great deal and 34% a fair amount; 5% and 32% in 2004).

The significance of knowledge levels for this study is that it has long been believed that those who have high levels of knowledge about the work of the council and councillors are more likely to have trust in the council (see discussion in Electoral Commission and Hansard Society 2007). In our survey, at an aggregate level at least, this relationship appears to be confirmed: 58% of those who have 'a lot' or 'a fair amount' of knowledge of the council trust the council a fair amount versus 47% who have little knowledge of the council (and this difference is statistically significant).

However, looking to the variations between councils, we see that none of the three councils we selected for good standards of conduct score conspicuously well on levels of knowledge (A, B and E). It may be that being quietly effective creates lower levels of audience recognition, a thesis we consider further below. The highest scores on knowledge of the work of the local council come from case study F, and D – the latter achieving a degree of notoriety for high-profile misconduct issues. Case study I stands out for the low level of public understanding exhibited – a result which chimes with inspections criticising the council for its low level of public engagement.

Figure 6: How much, if anything, do you feel you know about the work of your local council?



Levels of knowledge about the work of *councillors* are lower in each case study than knowledge about the *council*, though the variation between case studies is broadly similar. Case study I but also C and H – these two having high levels of member-to-member complaints - stand out for the low level of knowledge perceived by respondents (88% claiming to know ‘nothing at all’ or ‘not very much’ for I; 76% for H, 73% for C, against an average of 67%).

We also asked people about their awareness of complaints procedures. The public seem to be reasonably well informed about knowing what organisation to contact if they wanted to make a complaint about a local councilor. While 23% answered in the affirmative, an additional 55% believed that although they didn’t know, they would be able to find out. However, there are significant differences in public knowledge between authorities. In case study H, 38% suggested that they would not know who to contact about a complaint. This contrasts with only 9% feeling the same way in case studies A and E. While this is a sphere where one might expect a council’s proactive approach to disseminating information about the ethical framework to produce rewards, it may also be that the confidence of the public in making complaints is associated with their greater levels of trust in these councils more broadly.

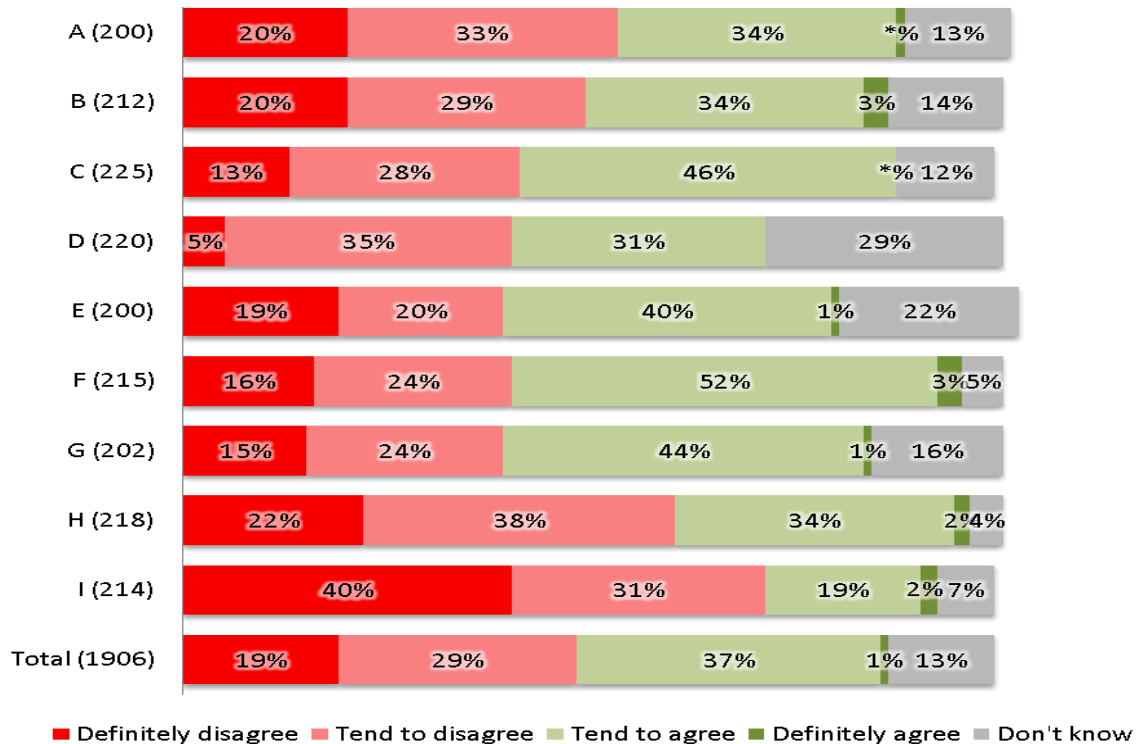
6.6.2 The scope for engagement

While perceived levels of knowledge of the council and councillors is a useful indicator, a more important explanatory variable for trust may be *actual* engagement with local government, either in terms of democratic processes, or as a consumer of services. Our cross-tabulations show that those who said they had voted are slightly more likely to trust the council than those who said they didn't vote. Another important relationship is revealed between people's expressed trust and their use of council services. Swindell and Kelly (2003) suggest that citizen satisfaction results are higher for service users than non-users. In our survey, those people who have a high level of service use are *less* trusting of the council than other people. There is no difference in levels of trust in the council between those who have 'low' and 'medium' use of services.

The survey measured 'efficacy' by asking the question: 'To what extent do you agree or disagree that you can influence decisions affecting your local area?' 37% of people across our case studies tended to agree that they could influence decisions affecting their local area, which is the same percentage recorded nationally in the Government's Citizenship Survey of 2007. The government's community empowerment agenda sees a strong link between efficacy and trust by suggesting that: 'Unless we give citizens similar choices in our democratic system to those they have in their everyday lives – and the same rights to demand the best – we will see a further erosion of trust and participation in democracy' (CLG 2008: 10). Our cross-tabulations provide some support for the government's view as of those who agree that they can influence decisions, 69% of them trust the council 'a lot' or a 'fair amount'.

Compared to other variables we have examined, efficacy scored a high percentage of 'don't knows', suggesting a degree of difficulty among respondents in answering this question. Variations between cases shown in Figure 7 must be seen in the light of this, but follow most closely patterns of knowledge in the work of local councillors. Respondents in case study F felt most able to influence decisions, while case study I comes lowest again with 40% definitely disagreeing that they can influence decisions, more than double the average for all case studies. As with knowledge, there is no straightforward linkage with the patterns of conduct identified from the qualitative research.

Figure 7: To what extent do you agree or disagree that you can influence decisions affecting your local area?



6.6.3 Is trust related to political support?

Politics is one possible determinant of trust. Previous research has identified correlations between party affiliation and perceptions of conduct among public office holders (CSPL 2006, 2008).

We found that you are more likely to trust the council if you support the party in control of the council. 70% of those who support the party in control trust the council either 'a lot' or 'a fair amount'. This is important because while political affiliations are thought to have a diminishing role in British society, our results add to a growing counter-argument which suggests that electoral accountability remains critical in sustaining trust, and may certainly be more important than the managerial and regulatory machinery put into place to regulate our representatives (Philp 2001). This is supported by the 'mavericks' from poor performing authorities, who are the source or focus of many complaints, continuing to be re-elected.

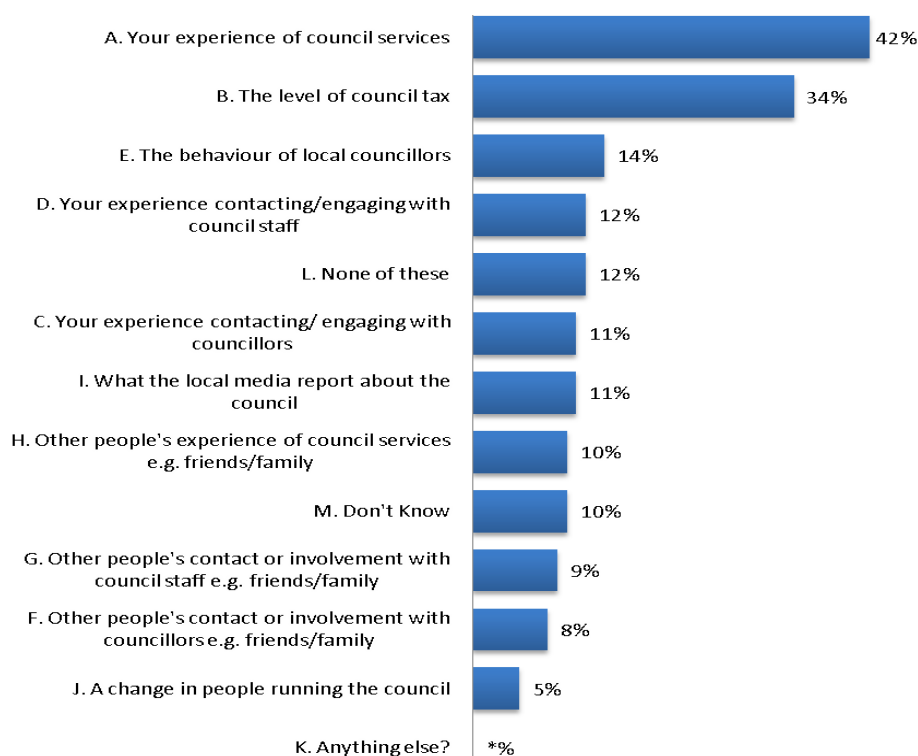
6.7 The determinants of trust

As well as exploring variables that existing research suggests may influence patterns of trust, we also asked respondents directly about the factors that were most important to them.

Figure 8 shows that 'experience of council services' and the 'level of council tax' are the two most important factors influencing public trust in councils. To this extent, most people have a predominantly 'contractual' relationship with their council, framed by the tax they pay and the services they receive. This suggests, in line with previous research, that conduct issues not directly affecting this prime contractual relationship may be a relatively small factor in explaining public trust. The behaviour of local councillors is, on average, the third most important factor influencing trust; at 14%, some way below the top two factors.

Turning to assess the extent to which individual cases deviated from this 'norm', councils which had experienced higher numbers of cases under the Code did tend to put slightly more weight on councillor behaviour (C - 17%, E - 16%, F - 21%, G - 17%, H - 16%, I - 16%) than those with very few cases. In council A, only 2% of respondents thought that the behaviour of councillors influenced their trust in the council. This suggests that sustaining high standards of behaviour can lead to conduct becoming a less important issue for the public. Confounding this view somewhat was council D, where councillor conduct was ranked at just 7%, despite numerous cases that attracted a high profile in the local and national press. As we discuss below, it is possible that some sections of the public supported their local councillors in certain breaches of the Code; far from confounding their trust, such councillors may have been behaving in ways which were expected.

Figure 8: Which of the following factors influence your level of trust in the council?



We also asked people about whether they felt they trusted their council more or less than they had done in the past, as a basis for picking up the influence of possible causal events (such as high profile misconduct cases). However, these questions did not produce a strong response. We return to the prominence of specific standards cases below, but will be reliant upon our 2012 survey to pick up changes over time. Interestingly, it was in our two councils with the most positive record on standards (A and B) where most people felt their trust had declined. One has to assume fairly low levels of knowledge lying behind many of these responses.

6.8 The behaviour of councillors

The survey asked about perceptions of the behaviour of councillors using the questions posed by previous research, which sought to translate the standards of public life into readily understandable survey questions (MORI 2005; CSPL 2008). The questions asked are summarised below:

How many local councillors, if any, would you say each of the following statements applies to?

- *They are in touch with what the general public thinks is important*

- *They do what they promised they would do when elected*
- *They explain the reasons for their actions and decisions*
- *They make sure that public money is used wisely*
- *They take bribes*
- *They own up when they make mistakes*
- *They set a good example for others in their private lives*
- *They tell the truth*
- *They treat everyone equally*
- *They use their power for their own personal gain*
- *They treat people with respect*
- *They work in the interests of this neighbourhood*

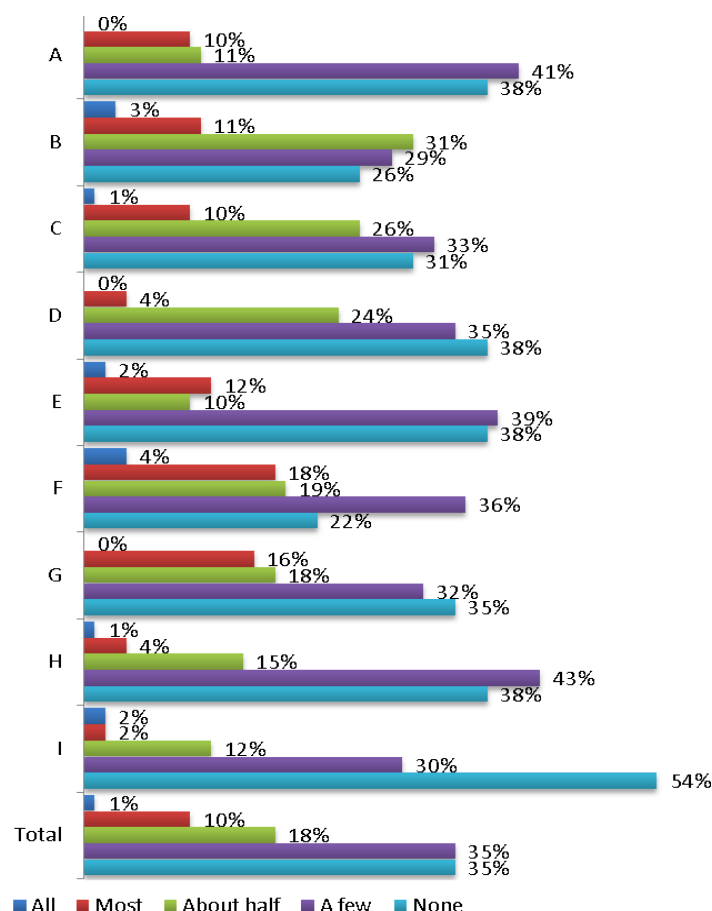
A number of interesting findings emerge. The councils where people thought most councillors set good examples in their private lives were A and B – where the qualitative research confirms a generally strong interest in probity and civilised politics, although isolated cases involving councillors had occurred. Perceptions were poorest in H and I, the former having encountered cycles of member-to-member complaints, the latter with a poor reputation for public engagement. Councillors in A and B also scored above average for ‘telling the truth’ – A, markedly so. Council I, again, was poorest (just 15% thought ‘all’ or ‘most’ told the truth); followed by C (18%, another case study with a high incidence of complaints under the Code). Case studies H and I also had the fewest respondents prepared to believe that their councillors were in touch with what the public thinks is important or that they did what they promised when elected. Case study A had the best reputation for using public money wisely; case study I markedly the worst. Similar patterns emerge with A and B attracting the most positive perceptions and I the lowest, for treating everyone equally, treating people with respect and working in the interests of this neighbourhood.

This would all appear to suggest that high standards of ethical conduct can shape public perceptions but, again, any relationship is not simple. Cases A and B performed worse than average for perceptions that councillors use their power for their own personal gain. And as other research has shown, the public do not necessarily regard these behaviours as equally important (CSPL 2008). This complexity is apparent from perceptions of bribery, illustrated in Figure 9.

Of all the principles of standards in public life, the survey respondents were most supportive of the proposition that councillors do not take bribes. 35% believed that no councillors take bribes and the same proportion suggests that only ‘a few’ do so (Figure 9). These figures for our survey are much more positive than when the question was previously asked in 2005 where the equivalent figures were 18% (none) and 14% (a few) respectively. That said, the levels of cynicism indicated by these perceptions vastly exceed any

actual incidence of corruption, in the form of acting illegitimately for personal financial gain,. The perception that councillors are open to bribes varies across our cases. In case study I, respondents were least inclined to believe their local councillors took bribes (54% thought that none did), despite generally holding them in low esteem, along with case study D. Greatest cynicism was encountered in the two most urban case studies, B and F (lowest % saying 'none' took bribes), despite the former having a very robust approach to ethical risk.

Figure 9: How many local councillors, if any, would you say each of the statements listed applies to? *They take bribes*

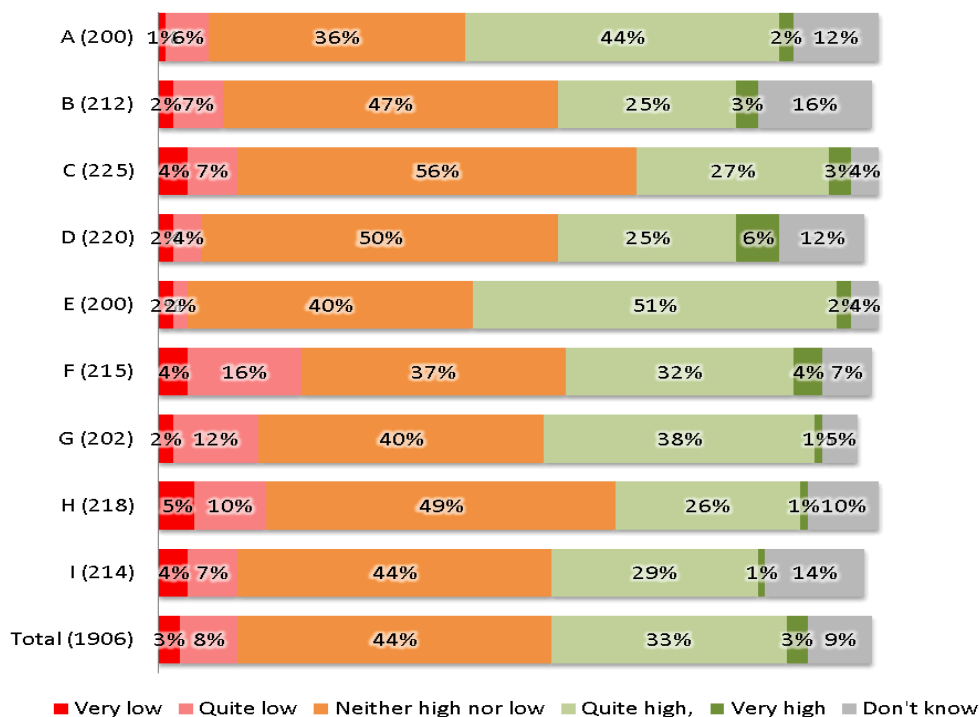


Given the public perceptions of councillors according to the principles enshrined in the standards in public life, we asked respondents to rate the behaviour of local councillors. The vast majority of respondents were either equivocal (44%) or prepared to be quite or very positive (33% and 3%) about the behaviour of local councillors (Figure 10). In comparable surveys, only 28% of respondents thought the behaviour of local councillors was quite high in 2007 (SBE 2007), so this is some positive movement here. Only 3% of respondents rated the standard of their councillors' behaviour as 'very low' (7% in 2007). Our results for

local councillors are slightly lower than ratings of the conduct of public office holders as a whole (CSPL 2008).

On this measure too, we find some support for the expectation that councils with better standards of conduct enjoy more positive public perceptions. Cases A and E were the best performers: more than half the surveyed people in E rated the standard of councillor behaviour as 'quite high'. This finding tallies with our qualitative research in these authorities, in which councillor conduct was, for the most part, very good. By contrast, fewest were prepared to rate the standard of behaviour as 'high' or 'quite high' in three councils with a long series of complaints under the Code: 30% in C, 31% in D and 27% in H, all below the average of 36%. This too suggests that conduct can influence the perceptions of some members of the public. Again, however, the social and economic conditions of citizens in urban areas may be shaping their propensity to take a positive view of public figures to a greater extent than actual patterns of conduct. Case B was rated poorly, as was case I.

Figure 10: Overall, how would you rate the standard of behaviour of local councillors in your area?



Another factor which may be contributing to the patterns we are seeing is that individual, high profile misconduct cases might exert a long shadow over public perceptions, even if they are highly exceptional events for otherwise exemplary councils. This is an issue we return to in Section 6.10 below.

6.9 The standards framework

A key debate that has shaped the evolution of ethics regimes in British local government is whether the public would have confidence in council self-regulation (Doig and Skelcher 2001), or whether any perceived compromising of consistency and impartiality would threaten trust (Parry and Roll 2007). Our survey was conducted shortly after the start of new, localised ways of working, and provides a valuable benchmark for charting public responses.

Starting with issues of awareness, the public are largely unaware of the institutions which make up the standards framework. On average, just less than one in five of respondents (19%) said that they had heard of the Code of Conduct, a similar proportion had heard of the local Standards Committee (17%) and the smallest number recognised the Standards Board for England (12%). These are higher figures than in previous research (MORI 2005), but still more than two-thirds of respondents had not heard of any of these components of the standards framework, and over-reporting would mean that this figure is likely to be even higher. This is despite efforts by some councils and standards committees that we interviewed to publicise the existence of the ethical framework and the work of the committee.

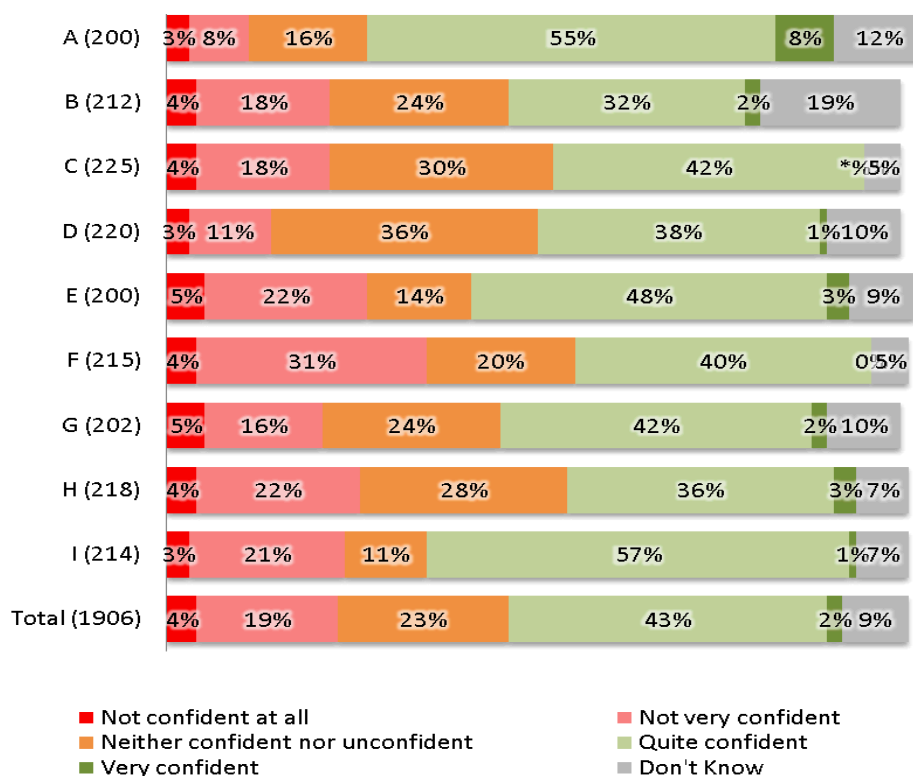
An interesting pattern is that knowledge of the standards machinery is lowest in those two councils which have faced the fewest complaints and the lowest number of cases for referral – cases A and B. There is an intriguing paradox here in that where the ethical framework is working well, it becomes invisible to the public eye. It may be that local press coverage helps shape this picture. As we noted above, articles giving basic information on the ethical framework are vastly outnumbered by coverage of specific allegations and complaints.

Turning to issues of faith in the regulatory machinery, Figure 11 shows that nearly a half of our survey respondents were either 'quite' (43%) or 'very confident' (2%) that their local authority would uncover breaches in standards of behaviour by a council. These are higher levels of confidence than those found in 2007 where 4% of respondents were 'very confident' and 25% 'quite confident' (SBE 2007), and roughly comparable to confidence that 'the authorities' (in general) will uncover wrongdoing by people in public office (39% in 2008; CSPL 2008). It was in cases A and (surprisingly) I where respondents were most confident. It is in case study I where local paper readership is the highest at 88% (see Table 2), so perhaps stories about the unearthing of misconduct cases could be a possible explanation. Case study B scored lowest on this measure despite the qualitative research revealing very high standards of risk management in that council.

This pattern is repeated for beliefs about whether those breaching the code would be dealt with appropriately. Respondents in case studies A and E were mostly confident, where councillors have also displayed generally good standards of conduct, but case I also scored strongly. Case B scored poorest, followed by two cases with ongoing cycles of poor conduct, where sanctions had not always generated changes in behaviour (D and H).

Generally speaking, one might take these responses as some endorsement for the new system of local ethical regulation – on balance, the public is confident that councils can undertake the key tasks. Moreover, faith in local ethical regulation equals or exceeds that for systems of regulation in public institutions as a whole (see CSPL 2008, 48). But the answers given are probably not based on detailed understanding of the processes of the ethical framework but are likely to reflect general feelings about the council, and public institutions as a whole, as well as attitudes to the local social environment. Faith in the efficacy of 'law and order' may be lower in some highly urban areas, especially in London, the setting of case study B.

Figure 11: If there was a breach of standards in behaviour by a councillor of your local authority, how confident, or not are you that the local authority would uncover this?



6.10 Knowledge of local standards cases

Conducting public surveys in nine council areas gave us the opportunity to ask locality-specific questions. We did this particularly to explore levels of knowledge about a particular high-profile local standards case and what impact, if any, this case may have had on attitudes towards the council. It has often been

assumed that regulatory activity can affect public attitudes (see debates in O'Neill 2002, Audit Commission 1993), and knowledge of specific events has been associated with being more critical about standards (CSPL 2008, 59), but evidence to assess the actual effects has often been lacking.

There was a very wide variation in the proportion of people who were aware of a case. In one of our metropolitan boroughs (case study F), only 4% of people had heard of the case which involved a councillor being accused of repeatedly treating others disrespectfully and bringing the council into disrepute. This low level of awareness is perhaps not very surprising given the size of the authority and the nature of the complaint. It proved challenging to frame simple descriptions of some of the standards cases for our survey, and, for most people, the cases did not change their perception of the council.

Two cases were more widely recognised by the public but, as in other research, the dividends for public trust from knowledge of specific ethics cases are rather mixed (CSPL 2008, 49). In another metropolitan borough, a case where a councillor was found guilty of fraud and his behaviour was reported to the Standards Board for England was recognised by 39% of respondents, perhaps because the case went beyond the ethical framework and into the legal system. 40% suggested that the case had a negative effect on their attitude towards their council – despite being found guilty of fraud in court, there was insufficient evidence to proceed with a standards case and the individual remains a councillor. The highest level of public recognition about a local standards case came in case study D where a councillor made offensive remarks about a minority group and was disrespectful to council staff. Here, 43% of respondents said that they were aware of the case. There are likely to be many reasons to explain these figures - profile of the case, size of the authority involved, role of the media etc - which we can explore in the focus groups and interviews. What we should note for now is that this council still enjoyed relatively high levels of public trust.

What this part of the analysis appears to show overall is that while broad perceptions of councillor conduct do matter to some degree in forming trust, the systems put in place and the minutiae of the procedures are less relevant, at least in the forming of attitudes. If there is an effect on public trust it is through outcomes, in the form of councillor conduct, rather than the mere existence of procedures.

6.11 Patterns of trust

This section draws together and analyses patterns of trust across the nine case studies. In what ways do our expectations about the performance of councils match the reality provided by our public survey results? We might have expected the following patterns to emerge:

- Distinctly more positive public perceptions for case studies A and B, which have good CPA and few cases under the Code of Conduct. We might also expect high levels of trust in case study E which provides excellent services, and where the majority of the complaints come from the parish councils.

- Distinctly more negative perceptions for case studies D and H, which in contrast to the cases above, have poor/fair CPA and where there have been numerous issues arising under the ethical framework, and a lot of complaints. We might also expect low levels of trust in case study C where interviews revealed significant internal difficulties between members in a minority administration.
- Contrasting perceptions for the more predominantly affluent, rural case studies regardless of conduct issues – A, D and E – compared to those dealing with more challenging, urban social environments, especially B, F and I.

We now consider some of these points in turn.

Our survey provides some support for the anticipation that councils with good conduct also enjoy high levels of public trust. In case study A, 94% of respondents were satisfied with the area as a place to live and 68% were satisfied with the way the council runs things. Case study E also recorded a high percentage of respondents who are 'very satisfied' with the area as a place to live (93% of survey respondents are satisfied). This satisfaction with the area mirrors the satisfaction with the way the council 'runs things' as more than two-thirds of respondents are 'fairly' or 'very satisfied'. There are higher levels of trust in local councillors than in politicians generally and more than half of survey respondents (51%) rated the standard of behaviour of councillors as being 'quite high' with an additional 2% saying 'very high'. This is the highest rating of councillor's behaviour across the case studies. Finally, the level of trust in the local council is the highest amongst all case studies with 13% trusting the council 'a lot' and 58% trusting 'a fair amount'.

Two things emerge from this. The first is that our case studies which had achieved good standards of conduct tended also to be more widely successful in the way that they were run, as evidenced by 'excellent' CPA scores, and it is likely that positive public responses – in so far as they are based on careful reflection at all – are based on a bundle of attributes, dominated by services and level of council tax, in which the categories of conduct regulated by the Code are just one, relatively modest component.

The second thing is that neither good standards of conduct, a pro-active approach to risk management, or even the quality of management exemplified by good CPA scores, necessarily feed into positive public confidence. Thus, case B performed more poorly than might be expected, based on its internal characteristics, on a variety of our measures of public trust.

The pattern is also nuanced for our cases with conduct problems. We expected low levels of trust in case study C as interviewees suggested that complaints made amongst members are often played out in the media. The survey provides some evidence to support this view as we found that respondents were more likely than average to believe that councillors 'use their power for their own personal gain' as 33% agreed that this was the case for most councillors and 35% thought that it was true for 'about half of councillors'.

This compares to the average figures of 22% and 33% respectively. Also, only 30% of respondents rated the standard of behaviour of councillors as being 'quite or very high' which is lower than average. Interestingly, when we come to aspects of perceptions of councillors, 22% of respondents suggested that they would like to have more of a say in what councillors do. This is the highest figure from across the nine case studies and may reflect dissatisfaction with the difficult relations between councillors. In case study H, perceptions of truthfulness of politicians generally and local councillors as well as trust in the council were all below the average, and this may well reflect the difficult and confrontational style of politics in the district.

However, those councils with acknowledged conduct issues and/or poor CPA performance did not fare uniformly poorly with the public. One factor is likely to be the low public awareness of many conduct issues and complaints, especially where these are member-member and member-officer. Another is the possibility that, in certain instances, councillor misconduct may not affect public (and electoral) support. Case study D scored better than the average on some trust measures, notably on levels of trust in their council, and the truthfulness of councillors. These results highlight again the range of mediating factors that may be at work.

Clearly, not every factor that might affect public trust is wholly within councils' direct control, and this too is what makes the patterns more complex. We expected to find different levels of trust in councils according to their socio-economic characteristics - perceptions would be higher for the more predominantly affluent, rural case studies regardless of conduct issues (A, D and E) compared to those dealing with more challenging, urban social environments (especially B, C, F and I). We've discussed above the relatively positive public perceptions of case studies A and E and the mixed results for case study D. In case study A for example, the high quality of living enjoyed by most residents must be a major contributor to the high levels of trust enjoyed, with a contented population and a broadly benign press environment. Similarly, we've shown that perceptions in case study B are lower than expected but may reflect the diverse local population, and anxieties about social problems in the borough.

To some extent, all of our council are subject to a very locality-specific combination of factors shaping public trust, which crude tools like surveys cannot easily fathom. However, the results for councils F and I that do not fit the wider 'pattern' suggest something interesting going on. In case study F (a northern metropolitan borough), respondents here have the highest levels of knowledge about the work of their council and their councillors and feel most able to influence decisions in their local area. But there is no obvious dividend for trust from what looks like a widespread sense of empowerment: the rating of councillor behaviour is about average, but less than half trust the council 'a fair amount' (second lowest of the case studies). Case study I performed consistently poorly in a range of measures and, although it had not experienced the largest number of standards cases, it did have a history of poor CPA reports. The council scored lowest on many questions including those relating to knowledge (of the council and councillors), efficacy and councillors telling the truth and was criticised recently for not engaging effectively with its citizens. Arguably, then, the public have many possible reasons to be critical of the council. That said, such widespread public

disaffection with the council did not translate into believing that councillors are corrupt (i.e. that they take bribes), on which case study I scored very well (Figure 9). The public are also more confident than average in local ethics regulation (Figure 11). This suggests some nuance in what is often seen as blanket public cynicism in our political representatives.

6.12 Conclusions

Given existing research into this field, and the slippery nature of 'trust' as a concept, it was never our expectation that there would be a simple, clear relationship between those councils experiencing good conduct and high levels of public trust. For one thing, councils that enjoy good conduct probably also have many other positive attributes which create a positive impression with the public (such as good services). For another, even councils that are well run, including being highly effective in maintaining good conduct, may operate in social and economic circumstances less conducive to high levels of trust in public institutions. And cutting across both sets of variables, it is far from clear that 'good councillor conduct' is something that can be represented to and appreciated by the public in any simple way. Even our 'best' case studies had one or two incidents to deal with, some of them quite serious, and these may be as important in the public mind as a litany of more minor, councillor-to-councillor complaints about 'disrespect' or 'disrepute'. There is also the possibility that sections of the public may support councillors that have breached the code of conduct in certain ways. We also need to tease apart response patterns which are best explained by ignorance of the local council (where people's answers are reflecting other things) and those which are driven by experiences of their local authority, either directly or through the press. It is for all these difficulties of interpretation and causation that we intend to explore perceptions of trust in more detail through focus groups in 2010.

Nevertheless, the overall message from our survey is that the main, anticipated relationship – that councils with better conduct enjoy higher public confidence – remains broadly tenable. We did find significant differences in public attitudes to trust and truthfulness between our council case studies, and some of these differences can plausibly be attributed to the conduct of councillors and the way in which the council is run. Thus it would not be unreasonable to conclude that good ethics, in the broadest sense, can be appreciated by the public, even if their overall understanding of local government is hazy. One paradox, perhaps, is that where councils attain a reputation for good conduct, this may diminish the relevance of conduct and the profile of the ethical framework in the public mind. Public expectations of councillor conduct may be high, and they may be met, but there is little reflection on the mechanisms in place to help to sustain this. Our research certainly suggests that, insofar as public attitudes may be connected to the operation of the ethical framework at all, it is through the impacts on councillor conduct – the patterns of behaviour displayed – and

probably the media coverage these attract. Attitudes are scarcely affected by the existence and operation of the framework itself, though it remains plausible that it offers a degree of reassurance to some.

Our final point is to question the lines of causation assumed by the basic implementation model of the ethical framework. While it is assumed that it is conduct that drives public attitudes, it is not unreasonable to expect local government to reflect, in part, the attitudes and concerns of its public. Councils in areas with a large pool of able, professional and public-spirited citizens can draw upon them as councillors. Informed and engaged citizens may be better able to hold councils to account than uninformed and disinterested citizens – poor conduct may flourish unchecked in the latter context. Likewise, the positive trust results for some councils may not necessarily (and may be unlikely) be based simply on council actions and conduct, but a more affective loyalty towards an organisation, political party or place with which they are prepared to identify. Again, our research highlights some interesting threads to follow further in our 2010 qualitative research.

Chapter 7. Conclusions

The main aim of this report is to establish a benchmark for each council – in terms of the way the ethical framework is being implemented, and the impacts on councillor conduct and public trust – against which changes over time can be measured and analysed in the next four years of the research. Nevertheless, despite this benchmarking role, one can still draw some preliminary conclusions.

7.1 Impacts within councils

Process outcomes – implementation of the ethical framework:

- For the most part, our case study councils are implementing successfully the requirements of the ethical framework, and the new system of local regulation heralded by the 2007 Act.
- Issues surrounding declarations caused more confusion than anything else in the past, and a degree of resistance, but at least now are considered to be well understood. Practical problems – in terms of getting the machinery in place – are no longer significant. Operation of the ethical framework at parish level has also improved, but is more uneven.
- Many standards committees have taken on new members and chairs and so, at the time of our research (summer/autumn 2008) were still finding their feet. There is an interest, in some of our case studies, in standards committees taking on board a wider range of activities to help promote good conduct, but some chairs and independent members question how far a pro-active approach can be squared with their independent status.

Impact on councillor conduct:

We deliberately selected case study councils to enable us to study the causal effects of the ethical framework in different circumstances, and this included circumstances where there were issues with conduct (and/or lots of complaints) and those where there had been few issues with conduct. Any effects on councillor conduct must be read in the light of this choice.

- By and large, interviewees felt that the conduct of councillors had improved in recent years, especially in terms of reducing the risks of being compromised on personal interests. In most of our case study councils, interviewees also thought that generally the standard of conduct of elected members was good. This was not the case in those councils chosen specifically because they were having conduct problems.

- There was more equivocation on the extent to which improvements in conduct could be attributed solely to the ethical framework. Nevertheless, we encountered widespread support for the view that the ethical framework had been useful in giving coherence and a focus to local ethical governance, and providing a basis for training and advice on the standards expected of councillors. Better conduct did appear to be associated with more concerted effort continually to train and remind members, and mandating their involvement in training, rather than allowing training to remain voluntary.
- In a number of our councils, we also found evidence that the ethical framework had been influential as a regulatory mechanism, by sanctioning and/or legitimising the demotion or resignation of councillors that had caused serious ethical problems.
- We also found some dissatisfaction with the ethical framework, which tended to be concentrated in those councils experiencing large numbers of complaints. One issue was that the ethical framework had become used for making partisan political and personal complaints, in turn generating a burdensome and stress-inducing bureaucratic process. Another issue was that on occasions, sanctions that did not materialise as expected, or which were seen as token, undermined any incentive effects from the regulatory use of the ethical framework. To build on earlier research, this is seen as a weakness in the 'top' of the 'enforcement pyramid' (Greasley *et al.* 2006).
- We would not conclude that the ethical framework had 'caused' these problems – in many respects they arise from existing problems within the council. What is significant is that in none of our case studies did these problems bring to a halt efforts to improve conduct. Indeed, moves towards local regulation seem to be facilitating further learning, with the prospect of institutional adaptation to local circumstances, as local councils and standards committees innovate with things like more pro-active and conciliatory strategies as well as stiffer sanctions. Thus elements of the ethical framework are still seen as useful in achieving 'ethical recovery'.

These findings warrant two swift reflections. The first is that this research did not seek to generalise, statistically about the effects of the ethical framework across English local government as a whole, but to understand causal effects. However it is worth noting that when it came to choosing case studies which had experienced few cases under the code (10 or fewer complaints, 1 or 0 cases referred to the Standards Board), we had 111 local authorities to choose between. For those that appeared to be having more problems (7-10 cases referred to the Standards Board, or 11 cases and over) we had many fewer to choose from (36 and 13 respectively). Clearly 'number of cases' is a very crude indicator of conduct, but it does suggest that there are many more councils for whom their experience of the ethical framework is as a machinery for underpinning generally good conduct than there are councils which suffer from serious, ongoing problems.

Our second observation is that, in understanding the ethical framework, one needs to recognise that the core mechanisms, narrowly construed, are not in themselves an active force for change, but exert influence on behaviour to the extent that they are used and accepted by actors within and beyond the local authority, and supported by other actions: many of them subtle, routine and difficult to articulate. Thus to understand its impacts, one needs to understand the cultural and organisational context in which the ethical framework is operating. Our research sought not just to assess the impacts of the ethical framework, but to understand *how and why* certain patterns of conduct emerged.

This leads us to identify some factors which help to encourage and sustain good standards of ethics in local government. These are factors which help to extend the reach of the ethics machinery and reinforce its credibility, and more widely, reinforce good principles of public conduct: 'Good' authorities (i.e. those that sustain generally good patterns of conduct, and deal effectively with cases of misconduct) tend to have:

- Experienced and well-respected individuals in the monitoring officer role, who are prepared and empowered by councillors and senior managers to be pro-active in dealing with ethical risks, and pursue conciliatory solutions for conflicts.
- Council leaders and chief executives who support high ethical standards, both by setting a personal example and by intervening informally to guide, steer and advise those that may be at risk of violating the Code of Conduct. Parish council clerks and leaders can be effective in the same way.
- Responsible and engaged opposition parties, which are happy to assume some responsibility for the conduct of party members, have developed political styles which avoid personal attacks, and which are prepared to sanction members that have behaved poorly.
- Strong identification with the council as a corporate body, and a concern for its reputation, which disciplines the way in which party politics is conducted.
- These factors are mutually reinforcing and, together, can be characterised as forming a 'virtuous circle'.

'Poor' authorities – those suffering numerous complaints about conduct, and frequent instances of members acting in ways which transgress the Code – tend to share a different set of characteristics:

- Political leaders, senior managers, and monitoring officers who are unwilling or largely unable to be firm and pro-active in cultivating good conduct;
- Councillors who do not identify with the council *per se*, or believe that the reputation of the council matters in its own right.

- Councillors with strongly felt beliefs that their personal standards of conduct are perfectly defensible, or constitutive of robust politics, perhaps reinforced by their electoral mandate, despite the fact that their behaviour regularly falls foul of the Code.
- As discussed above, the Councils may have found that regulatory processes, such as complaints or sanctions, lack credibility.
- These factors are often also mutually reinforcing, creating a situation we characterise as a 'spiral of despair'.

While some interviewees pointed to ways in which the provisions of the ethical framework may have exacerbated some of the problems - either by the proliferation of trivial, groundless complaints, or the lack of sanction for conduct widely felt to be seriously problematic – it is clear that the roots of poor conduct lie in a wider range of social and political factors. Thus it is hard to say – in our cases at least – that the problems some councils are facing are *caused by* the ethical framework. One pattern which emerged from our case study data, was the strong coincidence between ongoing misconduct problems and changes to the system of political management of the council, through which sections of councillors lost 'voice', perhaps because formerly multi-party committees have been replaced by single party cabinets. Equally significantly, however, some councils can undergo quite radical political change (in terms of patterns of party control) but appear to avoid these tensions through retaining relatively open, transparent and consensual political styles.

7.2 Impacts on the public

The rationale for gathering public survey data in 2008 was to provide a benchmark against which change could be measured in 2012. Nevertheless, some interesting findings emerge from the year one 'snapshot'.

- It is widely recognised that a range of factors may affect public trust in (local) government, and our survey confirmed this view. There was no single picture in which all of the case study councils which demonstrated very good conduct automatically enjoyed high ratings for trust, and all those with ongoing conduct problems scored more poorly for public trust.
- Nevertheless, two case studies – A and E – which displayed good standards of conduct, and few complaints or cases at principle council level, generally achieved higher rankings for trust, truthfulness and conduct than those which had suffered larger numbers of complaints (notably C and H). On this basis, it remains tenable that councils which display good conduct enjoy higher levels of public confidence than those which do not.

- Outliers from this general picture are illuminating for what they show about the causal factors that may be at work. Perceptions of the truthfulness of councillors was lower in case B, and public concern that councillors would take bribes was higher, despite the council itself having a strong record on probity and a pro-active approach to risk management. It seems very likely that this authority, a London Borough, may find public attitudes affected by the social and economic difficulties of its urban context, and perhaps wider anxiety about personal security. Levels of public confidence in local government also tended to be lower for the other predominantly urban and socially diverse councils in our data set (F and I) than in the more affluent, more rural areas (cases A, D and E).
- The other interesting outlier is council D, which achieved higher levels of public trust, and lower levels of concern about councillor conduct, despite a litany of relatively well-publicised standards cases. One factor is that, as with A and E, this council serves a more affluent, educated demographic which, as other research shows (CSPL 2008), tend to show a greater propensity to trust public institutions. Another possible explanation is that there may be a degree of public support for the actions some councillors have taken, even though they breach the Code.
- We assessed a range of variables likely to affect patterns of trust. The public themselves cited their experience of services and levels of council tax as the most important factors affecting their trust in the council, with the behaviour of councils some way behind as the third most important factor. In line with other surveys, we found that people that feel more knowledgeable about their council are more disposed to be trusting. Given the general picture of declining support for party politics, it is significant that we found that people who support the party that runs their council are more likely to trust it.
- Our final key outcome is that if there are dividends for public confidence from the ethical framework, it is through public perceptions of the conduct of councillors and the reputation of the council as a whole, rather than through the existence of the ethical framework as a set of processes. Less than 20% of our respondents had heard of their local standards committee, and awareness of individual cases that had occurred in each case study authority was mostly very low. There were two cases where there was greater public awareness, but in one of them the fact that the individual involved remained a councillor despite their behaviour might have diminished public confidence.

7.3 Towards the next stages of the research

One issue which emerges from across the research is that maintaining standards of conduct is a difficult process, requiring constant vigilance. Reputations may easily be damaged, and media coverage is more effective in covering problems and allegations than in informing people about the standards that councillors must uphold. Those councils in which good conduct is most effectively reinforced at a day to day level and

through regular training are still not immune from the recruitment of councillors that bring with them conduct issues. Though councils with high ethical standards may be more effective in dealing swiftly and comprehensively with any problems that individuals create, it is less clear that corrective action brings rewards in terms of public trust.

Importantly, one must recognise that this vulnerability is not at all unique to the ethical framework. All modes of governance face threats and need to be adaptable in the face of change. It is significant therefore that one can see, hand-in-hand with the move towards local ethical regulation, a willingness across councils to learn and adapt. We see evidence of local learning about the appropriate combination of enforcement mechanisms for keeping councillor conduct aligned with the principles of public life, and much hope that local standards committees will deal more swiftly with trivial complaints, and more robustly with serious misconduct. The next data gathering period for this research in 2010 provides a vital opportunity for charting the effects of these innovations, and seeing how effectively our different case study councils deal with conduct issues.

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