

Message from local & community campaigners across England to the LLG Governance Conference, Sheffield, November 10th, 2023

We understand the decimating impacts of budget cuts and the crisis in external audit functioning ,BUT we also know that citizens and communities are most affected by local governance and service failures.

Local campaigners have serious concerns about Monitoring Officers:

- FAILING to make a clear and demonstrable difference to improving local governance.
- MISUSING legal powers (and the 'bending' and 'stretching' of others).
- UNDERMINING conflict-of-interest protocols.
- DISREGARDING or ignoring pre-election period breaches.
- NEGLECTING to ensure the appointment of Independent Persons, lack of openness about who these are, and insufficient transparency over their input/influence.
- INADEQUATE complaints handling (including timeliness, clarity, communications, fairness).
- COMPLACENCY to increased risk - *and* - all-too litigious approaches to external challenge.
- HAVING A CLEAR BIAS against the public questioning or challenging legality.
- SERVING THE COUNCIL MACHINERY, and political interests while excluding the importance of the public interest, legitimacy, and public trust.
- LACK of interventions at poor treatment of members of the public.

"Some Monitoring Officers act as their Leaders' poodles and we residents know there is no point in reporting anything to the Monitoring Officer."

"The council they work for is there in turn to serve its communities. Monitoring Officers should put communities first, challenge councils robustly and not adopt a bunker mentality in which they uncritically defend their council against the 'evil locals'."

Local campaigners want to see Monitoring Officers:

- CHAMPION best practice in democratic local governance.
- PRIORITISE the public interest and citizen rights.
- ENGAGE WITH AND REPORT TO THE PUBLIC on their roles and activities in improving local governance standards.
- BE HELD TO ACCOUNT via clear standards for their own legal and governance practice.
- INCLUDE CITIZENS and community stakeholder perspectives in their work (notably absent from this Governance Conference).

Monitoring Officers cannot claim concern with democratic local governance, upholding of standards in public life, and overall corporate health whilst:

- *condoning marginal legality, and*
- *demonstrably poor practice,*
- *failing to stop abuses of power, and*
- *ignoring citizen and community concerns.*

S.O.S Sheffield Oversight and Scrutiny

Holding our council to account



LLG GOVERNANCE CONFERENCE...WELCOME TO SHEFFIELD MESSAGE FROM SHEFFIELD TREE CAMPAIGNERS

Over 5000 street trees were felled during the Sheffield street tree dispute, most of them unnecessarily. The subsequent hard-fought for Street Trees Inquiry (led by Sir Mark Lowcock, a speaker at the conference) produced an excoriating account identifying a “serious and sustained failure in strategic leadership”.

Legal and governance functions in Sheffield City Council were centrally implicated in the council stretching its authority beyond reasonable limits including:

- seeking injunctions
- pursuit of ordinary citizens through the courts
- misleading the courts
- intimidating people into signing ‘undertakings’

“The council’s in-house lawyers focused on what legal action it was entitled to take...It would have been better practice to have questioned whether all the legal steps the Council took were a reasonable and proportionate use of its authority.”

“As well as failing to resolve the dispute, relying on legal solutions caused the Council wider reputational damage, as well as costing a significant amount of money”

<https://www.sheffield.gov.uk/your-city-council/independent-inquiry-into-street-trees-dispute>

Apology letters now received by campaigners refer to “unwise legal action by Sheffield City Council”

Despite the detailed account of egregious behaviour and wrongdoing, the Inquiry was limited in scope and Sir Mark Lowcock’s Report recommendations are generally weak for securing meaningful accountability.

So who guards the guardians? (Quis custodiet ipsos custodes?)

- There has been no Public Interest Report to date (in a failing external audit system).
- Questions remain over the potential misuse of public monies
- The limited scope of the Lowcock Inquiry enabled avoidance of genuine accountability
- There has been no disciplinary action or sanction of any individuals (elected members and officers)
- Some officers have retired, others have ‘moved on’ to senior legal and governance roles elsewhere
- Promised actions to mitigate serious damage done to former protestors pursued through the courts is still outstanding; at least five complaints from the years of the street tree dispute (that ostensibly ended in 2018) are outstanding.
- Where is the will to accountability, and the urgency?

For example, where is the SRA in holding former SCC lawyers to account? What is the LLG doing to ensure learning is spread across the sector, that standards of practice are clear and not breached, and that legal and governance failures – even as remarkably similar situations and actions emerge in other local authorities – do not continue?