

Public Document Pack



Standards Committee

Wednesday, 13 June 2007 at 3.00 p.m.
Committee Room 2, Runcorn Town Hall

A handwritten signature in black ink that reads 'David W R'.

Chief Executive

ITEMS TO BE DEALT WITH IN THE PRESENCE OF THE PRESS AND PUBLIC

Part I

Item No.

Page No.

1. MINUTES

2. DECLARATIONS OF INTEREST

Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda no later than when that item is reached and (subject to certain exceptions in the Code of Conduct for Members) to leave the meeting prior to discussion and voting on the item.

*Please contact Lynn Cairns on 0151 471 7529 or e-mail
lynn.cairns@halton.gov.uk for further information.*

The next meeting of the Committee is on Wednesday, 5 September 2007

3. STANDARDS BOARD FOR ENGLAND ROADSHOW 2007	1 - 2
4. NEW MEMBERS' CODE OF CONDUCT	3 - 16
5. ACTION PLAN	17 - 19
6. STANDARDS BOARD INFORMATION ROUND UP	20 - 36

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT TO: Standards Committee

DATE: 13th June 2007

REPORTING OFFICER: Strategic Director – Corporate and Policy

SUBJECT: Standards Board for England Roadshow 2007

WARDS: N/A

1.0 PURPOSE OF THE REPORT

To consider any actions required following the Standards Board for England Roadshow 2007.

2.0 RECOMMENDATION: That

- (1) the report be noted; and
- (2) possible actions arising from the Roadshow be considered and agreed.

3.0 SUPPORTING INFORMATION

The Chairman, the Interim Head of Legal Services and two other Members, attended the Standards Board for England Roadshow on 6th June 2007 in Liverpool. The aim of the Roadshow was to:

- share advice and experience on implementing the changes to the Code of Conduct, and how the changes affect Members and the Authority;
- allow the Standards Board to listen first-hand to feedback, concerns and queries;
- provide an update on the forthcoming local filter for complaints and how it will work in practice;
- provide an update on news from the Standards Board for England; and
- offer support from the Standards Board's legal and policy teams.

As the Roadshow takes place after the agenda distribution date, the Interim Head of Legal Services will provide an update at the meeting.

4.0 POLICY IMPLICATIONS

N/A

5.0 OTHER IMPLICATIONS

N/A

6.0 RISK ANALYSIS

N/A

7.0 EQUALITY AND DIVERSITY ISSUES

N/A.

**8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE
LOCAL GOVERNMENT ACT 1972**

None under the meaning of the Act.

REPORT TO: Standards Committee

DATE: 13 June 2007

REPORTING OFFICER: Strategic Director – Corporate and Policy

SUBJECT: New Members' Code of Conduct

WARDS: All

1.0 PURPOSE OF THE REPORT

1.1 To advise the Committee that the new Code of Conduct has been adopted by the Council and to consider what training and other actions are necessary as a result.

2.0 RECOMMENDATION: That

(1) the Committee notes that the Council has complied with its statutory obligation to adopt the new Code of Conduct by 2 October 2007;

(2) the Committee considers what training should now be provided and whether any other action is required.

3.0 SUPPORTING INFORMATION

3.1 The new mandatory Code of Conduct was published on 2 April 2007 and takes effect by default on 2 October 2007 if an authority has not adopted it by then. The advice of the Standards Board was that the new Code should be adopted at the earliest opportunity and preferably at the Annual Meeting.

3.2 In accordance with that advice, the Council adopted the new Code at its Annual Meeting on 18 May 2007, the next available Council meeting not being due to take place until 18 July 2007. This timetabling meant that it was not practicable to bring the matter to this Committee before adoption, although the Chairman of this Committee was informally consulted.

3.3 The new Code for Halton Borough Council is attached. The changes made in the new code are likely to be broadly welcomed by Members as they address some of the perceived excesses in the old code. The main changes are:-

- The deletion of the obligation on a Member to report breaches of the Code by other Members.

- The introduction of an explicit provision against bullying.
 - The obligation not to disclose confidential material is amended so that this may now be disclosed where it is reasonable to do so and in the public interest.
 - The restriction on improperly conferring an advantage on someone is amended so that this now includes an attempt to do so.
 - The redefinition of a personal interest so that:
 - There is no interest if the interest is one shared with the majority of people in the Member's Ward (previously this was judged against the interests of a majority of people in the Borough).
 - The previous provision about interests of relatives and friends is replaced with one relating to family and to persons with whom a Member has a "close association".
 - Changes to the operation of the prejudicial interest machinery. The test remains the same but these interests are now restricted to financial interests (and not well being ones). Further, the requirement to leave a meeting is reduced so that a Member can remain in the meeting to make representations or answer questions on a matter provided that other members of the public can similarly do so (although, unlike a member of the public, the Member still has to withdraw after making the representations).
- 3.4 Potential difficulty may arise with the operation of the declaration machinery in the context of attendance of a Member of the Executive at a meeting of a Policy and Performance Board. The old Code contained provisions which allowed this to happen. The new Code does not, although advice emerging from the Standards Board is that the provisions of the Local Government Act 2000 (which make mandatory that there shall be a mechanism for the Executive to be questioned by an Overview and Scrutiny Committee) will prevail.
- 3.5 It has not been necessary to require Members to declare afresh that they will comply with the new Code as this applies automatically under the particular form of Declaration of Office which has been used by this Council. All Members have however been advised that they will need to completely re-register all their previously declared interests within 28 days from the Council's adoption of the new Code.
- 3.6 Training is being arranged for all Members and this is due to take place on 11 July 2007. By that time the Standards Board should have produced their training material, including a DVD. In the interim, all Members have been supplied with the Standards Board's written Guidance on the way in which the new Code operates.
- 3.7 The new Code will also apply to Parish Councils, although they have a choice about whether to include certain elements. Contact is being

made with the Parish Councils in the Borough to ensure that they adopt a new code by 2 October 2007 and that training is provided to Parish Councillors.

4.0 POLICY, FINANCIAL AND OTHER IMPLICATIONS

4.1 None.

5.0 RISK ANALYSIS

5.1 The new Code has been adopted in accordance with the Standards Board's advice that it should be adopted as soon as possible. This means that it is now in force in advance of formal training. However the Standards Board's Guidance document has been distributed to all Members and this should minimise the risk of inadvertent breach of the Code's provisions.

6.0 EQUALITY AND DIVERSITY ISSUES

6.1 None.

7.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

7.1 None.

Chapter 5

Codes and Protocols

MEMBERS CODE OF CONDUCT

Part 1

General Provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
[Note: the general principles are set out in the Annex to this Code but do not form part of the Code]
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code –
“meeting” means any meeting of –
 - (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;“member” includes a co-opted member and an appointed member.
- (5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. (1) Subject to sub-paragraphs (2) to (5) you must comply with this Code whenever you –
 - (a) conduct the business of your authority (which in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2) (c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority –
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General Obligations

3. (1) You must treat others with respect.
- (2) You must not -
- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be –
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which comprises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
4. You must not -
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or

- (b) prevent another person from gaining access to information to which that person is entitled by law.

- 5 You must not conduct yourself in a manner which could reasonable be regarded as bringing your office or authority into disrepute.

- 6 You -
 - (a) you must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority -
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

- 7
 - (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by –
 - (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,where that officer is acting pursuant to his or her statutory duties.

 - (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2
Interests

Personal Interests

8. (1) You have a personal interest in any business of your authority where either –
- (a) it relates to or is likely to affect –
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body -
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company

- of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of –
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1) (b), a relevant person is –
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1) (a) (i) or (ii).

Disclosure of personal interest

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any

regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10. (1) Subject to sub-paragraph (2) where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business -
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of –
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where –
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interest on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority –
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held -
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
- unless you have obtained a dispensation from your authority's standards committee;
- (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.;
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to

attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

13. (1) Subject to paragraph 14, you must, within 28 days of –
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later),
- register in your authority's register of members' interest (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interest.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a

person who lives with you may be subjected to violence or intimidation.

Annex

The General Principles

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person

Honesty and Integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour

Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits

Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office

Openness – members should be as open as possible about their actions and those of the authority, and should be prepared to give reasons for those actions

Personal Judgement – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions

Respect For Others – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its employees

Duty To Uphold The Law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them

Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence

REPORT TO: Standards Committee

DATE: 13th June 2007

REPORTING OFFICER: Strategic Director – Corporate and Policy

SUBJECT: Draft Action List

WARDS: N/A

1.0 PURPOSE OF THE REPORT

To consider a draft action list, which has been prepared following the Away Day on 8 December 2006 and the further training session and role play with Graeme Creer on 28 February 2007.

2.0 RECOMMENDATION: That

- (1) the report be noted; and
- (2) consideration be given to the draft action list.

3.0 SUPPORTING INFORMATION

- 3.1 The changing demands on Standards Committees dictate a taking stock of needs and skills required of Standards Committee members.
- 3.2 It is anticipated that the new Operational Director and Monitoring Officer (Legal, Organisation Development and Human Resources), Mark Reaney, will be in post by early September 2007. Mark is the successor to John Tradewell under a new job title and with a wider spectrum of duties. Pending Mr Reaney's arrival the interim Council Solicitor is Mark Winstanley and the Monitoring Officer is Mr Ian Leivesley, the Council's Operational Director (Corporate and Policy) (OD).
- 3.3 A number of issues have a bearing on timetabling: New Code of Conduct for Members came into force 3 May 2007; Mark Reaney starts Autumn 2007, production by Standards Board of training video.
- 3.4 The new Code of Conduct for Members having been inaugurated on 3 May 2007 it is likely that Halton will see investigations and hearings being conducted locally as the Standards Board discontinues its first instance investigatory role.
- 3.5 The following points spring from the Away Day on 8 December 2006 and the further training session and role play with Graeme Creer on 28 February 2007.
- 3.6 The following list is for consideration by the Committee:-

ACTION	BY	DATE
Further role play session repeating the 'hearing' on 28 February 2007 with more time allowed	OD	October 2007
Role of Chair – To maintain impartiality throughout hearing. Facilitate and ensure compliance with procedure. Secure fairness of hearing.	OD	November 2007
Video of interview with Leader of Council and Chief Executive. Further use in conjunction with later training sessions.	OD	November 2007
Training DVD from Standards Board – not yet available. Useful to build into training when available	OD	December 2007
Develop Standards Committee internet website presence.	OD	June 2008
Consider further training involvement by Charles Kerry (Chester)	OD	June 2008
Consider further training involvement by Graeme Creer (Weightmans)	OD	June 2008
Council Solicitor to arrange for Standards Committee members to attend other Council's Standards Committee hearings as a training opportunity.	OD	June 2008
Council Solicitor to prepare and circulate flowcharts illustrating the sequence of events and deadlines in relation to hearings.	OD	March 2008
Consider use of external investigators – firms of solicitors/others. Impact on staff time if such action not taken.	Chair/OD	March 2008
Council Solicitor and Chair invite Halton's parish council clerks and chairpersons to meeting to explore training needs of parish councillors.	Chair/OD	December 2007
Halton's parish council clerks and chairpersons training session of parish clerks and chairpersons	Chair/OD	March 2008
Attend Standards Board Conference and report back to Standards Committee	Chair/OD	October 2007
Members of Standards Committee to receive copies	OD	September

ACTION	BY	DATE
of the Members Information Bulletin and the Leader's weekly newsletter.		2007
Explore the idea of small looseleaf folder for members of the Committee to keep copies of key documents: e.g. Principles, Code of Conduct and Guidance.	Chair/OD	October 2007
Explore ways of using training video as part of civic responsibility training in Halton's schools	OD	March 2008
Consider cost of training initiatives and make provision in budget for 2008/9. Consider funding sources for training during 2007/8.	OD	November 2007

4.0 POLICY IMPLICATIONS

N/A

5.0 OTHER IMPLICATIONS

N/A

6.0 RISK ANALYSIS

N/A

7.0 EQUALITY AND DIVERSITY ISSUES

N/A.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

None under the meaning of the Act.

REPORT TO: Standards Committee

DATE: 13th June 2007

REPORTING OFFICER: Strategic Director – Corporate and Policy

SUBJECT: Standards Board Information Round Up

WARDS: All

1.0 PURPOSE OF THE REPORT

- 1.1 To bring Members of the Committee up to date with the latest news from the Standards Board.

2.0 RECOMMENDATION: That

- (1) the report be noted.

3.0 SUPPORTING INFORMATION

- 3.1 I am attaching a copy of the two Bulletins released since the last meeting of the Committee (Numbers 32 and 33).
- 3.2 Bulletin 32 contains a useful summary of the changes being introduced under the Local Government and Public Involvement in Health Bill. This Bill has completed its stages in the Commons and is now receiving scrutiny in the House of Lords.
- 3.3 The section dealing with Acceptance of Office has been taken into account in our implementation of the New Code of Conduct.
- 3.4 The Annual Assembly is to be held in October 2007, again in Birmingham, and consideration needs to be given to appropriate attendance on behalf of this Committee.
- 3.5 Further guidance is provided on the current position in practice, following the Ken Livingstone case, until the changes to be introduced under the Bill are in force.
- 3.6 Bulletin 33 covers, in the main, the new Code of Conduct, which is the subject of a separate report on this agenda.

4.0 POLICY FINANCIAL AND OTHER IMPLICATIONS

- 4.1 None.

5.0 RISK ANALYSIS

5.1 Not applicable.

6.0 EQUALITY AND DIVERSITY ISSUES

6.1 None.

**7.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE
LOCAL GOVERNMENT ACT 1972**

7.1 None.

W
February issue of the *bulletin*.

This is a timely edition of the *bulletin* — as we go to print we are in the middle of the government's consultation period on the wording of the revised Code of Conduct, and the *Local Government and Public Involvement in Health Bill* is going through the committee stage in the House of Commons. You will find articles on both of these issues in the pages that follow.

If the revised Code is to be introduced in time for the local elections in May, there is much work to do. We know that monitoring officers and members are keen to receive new guidance at the earliest opportunity, and work is well underway to make sure that it is ready to be released as soon as the new Code is published.

The *Local Government and Public Involvement in Health Bill* includes all the necessary provisions for a more locally-based conduct regime, with more responsibilities for standards committees and the Standards Board acting as a light touch regulator. It is anticipated that these arrangements will be introduced in April 2008. If they are to operate effectively from the outset, it is important that we start to work with authorities as soon as possible to develop examples of good practice. These can then be shared across all standards committees.

You will find an invitation in this issue of the *bulletin* for authorities that are interested in being involved in pilot work on the operation of the local filter, joint working or performance monitoring. The Standards Board is looking forward to working with a range of standards committees to develop robust arrangements, and to help ensure that the new devolved system of dealing with allegations has the confidence of members, officers and the public.

David Prince, Chief Executive

Contents

- 1 Consultation on the Code of Conduct
- 3 The Local Government and Public Involvement in Health Bill
- 3 Directions
- 4 The revised Code of Conduct — acceptance of office
- 5 Annual Assembly 2007
- 6 Guidance programme for 2007
- 7 On the road with the Standards Board
- 8 After Livingstone — bringing your office or authority into disrepute
- 8 Seeking volunteers

Consultation on the Code of Conduct

The Department for Communities and Local Government (DCLG) has started its consultation process on amendments to the Model Code of Conduct. The consultation paper can be found in the consultation section of DCLG's website at www.communities.gov.uk/.

The closing date for responses is 9 March 2007, so authorities wishing to submit views will need to act quickly.

The Standards Board for England welcomes the proposed changes and the support they will give to members in their community advocacy role. We will

continue to work with government and as the consultation process continues encouraging early implementation of the revised Code.

“It is important that the opportunity to have a clear, workable Code of Conduct — one that helps maintain high standards of conduct and supports democratic debate — is not lost.”

The revised Code implements almost all of the headline recommendations the Standards Board made to ministers following an extensive consultation with local government.

These are summarised as follows:

- The definition of personal interest has been changed to provide a more locally-based focus, to ensure that interests shared with a substantial number of other residents do not need to be declared.
- A new category of 'public service interest' has been introduced. This will make requirements less onerous for dual-hatted members and those members appointed or nominated by the authority to outside bodies.
- The unlawful discrimination provision is to be replaced by a duty that members should not do anything that would seriously prejudice their authority's statutory duties in regard to equality. This will allow action to be taken on some discrimination issues that have previously been outside the scope of the Code.
- Bullying is specifically referred to in the Code and its definition will be clarified by our published guidance.
- The 'whistleblowing' duty to report breaches by other members has been removed.
- Members will be able to disclose confidential information in the public interest (with Standards Board guidance on a public interest test).
- Certain behaviour outside of official duties will be regulated but it will be limited to unlawful activities (although implementation of this part of the Code will have to wait until the *Local Government and Public Involvement in Health Bill* is enacted).

Prohibiting the intimidation of any person involved in an investigation, including the complainant, witnesses and officers of the authority.

The consultation paper also proposes changes to the rules relating to participation in meetings by members who have a prejudicial interest. With the consent of a meeting, those members will be allowed to make representations and answer questions on the matter before withdrawing from the room. This will particularly benefit members that may, for example, wish to make representations to a planning committee on their own planning application.

It is proposed that the current four model Codes will be combined into one consolidated Code. Certain provisions, such as those relating to overview and scrutiny, will not apply to authorities that do not operate executive arrangements.

The consultation paper is silent on the timing and implementation of the revised Code of Conduct following consultation, although the Standards Board understands that the revised Code is intended to be tabled in Parliament later in March, and that authorities will then have six months from May 2007 to adopt it.

The Standards Board for England would hope that authorities are in a position to adopt the revised Code of Conduct at their annual meeting in May. In order to achieve this, monitoring officers will need to consider the timetable that will need to be followed within their authority both for the adoption of the Code of Conduct and for training for members.

We would also encourage monitoring officers to work with their parish clerks to ensure adoption of the revised Code of Conduct by parish and town councils at an early opportunity. This should help to minimise any confusion that may arise by having two different Codes of Conduct applying within their area.

The Standards Board for England will be responding to the consultation paper and we would encourage other authorities to do so as well.

It is important that the opportunity to have a clear, workable Code of Conduct — one that helps maintain high standards of conduct and supports democratic debate — is not lost.

The Local Government and Public Involvement in Health Bill

The *Local Government and Public Involvement in Health Bill* fulfils the government's commitment to put a framework in place which allows local standards committees to deal with all aspects of the receipt and determination of allegations that a member has breached the Code of Conduct.

The Bill allows the Standards Board for England to undertake the strategic regulator role that we have always considered should be our primary function. It also responds to the Collins' judgement, making clear the government's view that some aspects of members' conduct that is undertaken in a private capacity should be capable of Code of Conduct regulation.

A brief summary of the main provisions in the Bill relating to standards is provided below.

- Standards committees will be responsible for the receipt of allegations and determining whether they should be investigated. If they are to be investigated, it needs to be decided whether it will be undertaken by the monitoring officer or the Standards Board.
- Standards committees must be chaired by an independent member.
- There will be a duty on standards committees to provide periodic information to the Standards Board about the allegations the standards committee has received and how it has dealt with them.
- The Code of Conduct will cover unlawful actions undertaken at any time.
- The Secretary of State will make regulations for the circumstances in which the Standards Board can suspend a standards committee from deciding whether allegations should be investigated.
- Standards committees will be allowed to undertake joint working for some or all of their responsibilities.
- There will be a general power to allow the creation of sub-committees to deal with any of the functions of a standards committee
- The provisions regarding confidentiality of reports are to be relaxed to allow information to be shared with standards committees.

A standards committee will be able to refer a report to the Adjudication Panel for England if it considers that the sanctions available to it are insufficient. The sanctions available to the Adjudication Panel for England are also to be widened to include lower level sanctions. This will allow it to deal with any reports that are referred to it.

Once the Bill receives royal assent, the Secretary of State will need to make a range of regulations. This will include the use of the Standards Board's power to suspend standards committees, the operation of joint working arrangements, and the composition of sub-committees.

The Standards Board will produce statutory guidance on a range of issues such as how the assessment of investigations should be undertaken. This will include criteria for referring an allegation for investigation and guidance on joint working arrangements.

Directions

Ethical standards officers have been able to issue directions to help resolve local problems since November 2004, when the regulations for local determinations were amended. Since April 2006, 36 directions have been issued.

Directions can be a more useful way of tackling complaints in cases where problems within a council may be the cause of a councillor's alleged misconduct. In such cases, an ethical standards officer may decide that a direction may be more appropriate than an investigation. At the moment, only an ethical standards officer has power to issue a direction

Once a case has been referred for investigation, the ethical standards officer will try to identify any patterns of conduct or underlying issues that would be more appropriately dealt with by a direction rather than an investigation as soon as possible. If a monitoring officer has already dealt with previous complaints about the council, they will have an insight into whether an investigation will resolve the issues or make them worse.

Examples of where a direction may be more appropriate than an investigation include:

- Multiple allegations concerning members of a parish council (including those not referred for investigation). The concern here is that allegations would continue to be made unless some constructive steps were taken to deal with the cause of the problem.
- Past investigations were ineffective in addressing persistent problems.
- Personal conflict/communication problems between members — tit for tat behaviour.
- An allegation that appears to demonstrate a general lack of understanding of council procedures, or of the requirements of the Code.

The ethical standards officer can direct the monitoring officer to undertake a variety of actions depending on the particular circumstances facing the council, for example:

- Review procedures within the authority to make them more robust.
- Arrange mentoring, guidance or training.
- Arrange mediation between councillors using a facilitator.

Issuing a direction can present its own difficulties, especially at the time when the parties are informed of the proposals. Ethical standards officers often receive an initially negative response to a proposed direction, as the parties involved are often reluctant to consider a direction as a way of resolving disputes. The complainant may want the complaint investigated and the subject member may want to be vindicated.

We will give as much support as possible to a monitoring officer in carrying out a direction. Where it is a parish issue, it is often helpful to obtain the assistance of the local County Association of Local Councils, and to explore what assistance may be available from the standards committee.

If an allegation is already being investigated locally and there are subsequent allegations which indicate a direction may be more appropriate, or if the monitoring officer raises concerns about the impact of an investigation on the council and considers a direction more appropriate, the monitoring officer may ask to refer the case back to the ethical standards officer. This is so that a direction may be considered. Monitoring officers must inform the ethical standards officer about the action they have taken in response to the direction.

The ethical standards officer may, if unhappy with the report, require the monitoring officer to publish a statement giving details of the direction and reasons for failing to implement it. For example, it may be necessary to publicise the fact that a member is reluctant to take part in a process that has been devised to improve the functioning of the council. If the monitoring officer indicates that the aims of the direction have been met, and the ethical standards officer is satisfied that the members have complied with the direction, the matter will be closed.

You can find examples of when directions have been used in the *Case Review* number four, available from our website at www.standardsboard.co.uk

The revised Code of Conduct — acceptance of office

The planned implementation of the revised Code of Conduct later this year has raised the issue of whether members who sign a declaration of acceptance of office when they are elected will have to sign another declaration of acceptance of office when the revised Code is adopted by their authority.

The Standards Board does not believe that this is necessary: Section 52(2) of the *Local Government Act 2000* says that the declaration may include an undertaking by the member to observe the authority's Code of Conduct "for the time being under section 51".

The *Local Elections (Declaration of Acceptance of Office) Order 2001* [SI2001/3941] provides the form of declaration that members must sign when they are elected. This says that:

"I undertake to observe the code as to the conduct which is expected of members of [insert name of authority]."

Both of these provisions appear to refer to being bound by whichever Code is in force at the authority.

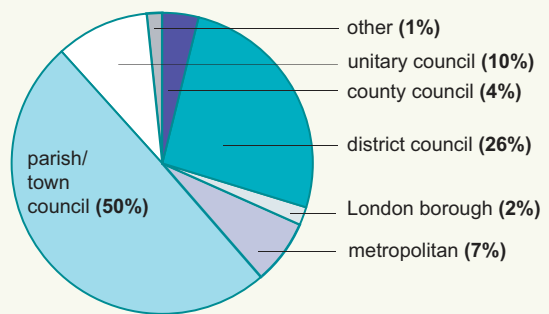
Taken together we consider these provisions to mean that the member is bound by whichever Code currently applies at the authority and, therefore, there is no need to sign another declaration when the revised Code is adopted.

Referral and investigation statistics

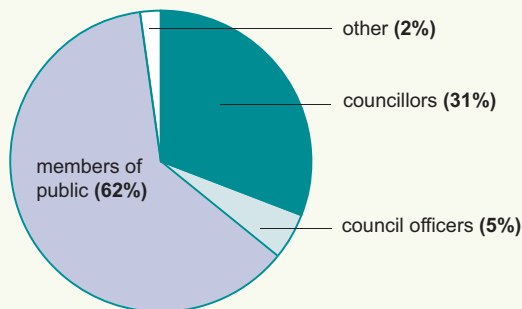
The Standards Board for England received 2,498 allegations between 1 April and 31 December 2006, compared to 2,949 during the same period in 2005.

The following charts show referral and investigation statistics during the above dates in 2006.

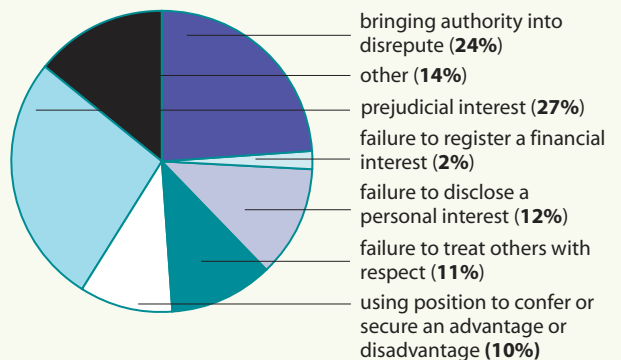
Authority of subject member in allegations referred for investigation



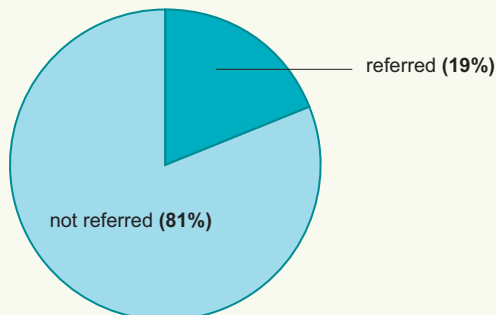
Source of allegations received



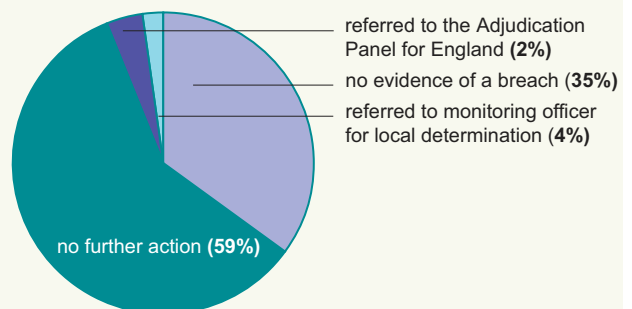
Nature of allegations referred for investigation



Allegations referred for investigation



Final findings



Annual Assembly 2007

Down to Detail — making local regulation work is the sixth Annual Assembly of Standards Committees, to be held on 15-16 October 2007 at the International Convention Centre in Birmingham.

With the move to a local filter system for complaints fast approaching, the conference will set out how to put this into action and achieve greater consistency and effectiveness in local regulation.

Down to Detail will also explore the vital issues raised by the revised Code of Conduct, and will feature practical workshops and plenaries focusing on understanding the key changes.

Conference topics include:

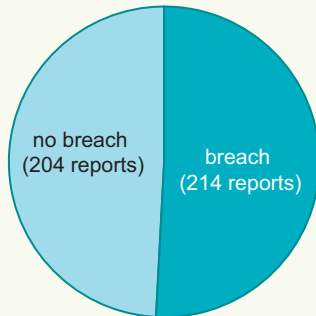
- a step-by-step guide to the local filter process, including new reporting requirements
- managing referrals, investigations, hearings and sanctions
- joint working
- mediation
- an introductory overview of the revised Code
- confident communications
- engaging leaders

The Annual Assembly is the leading conference on issues concerning standards committees. Booking details will be sent to all authorities in March.

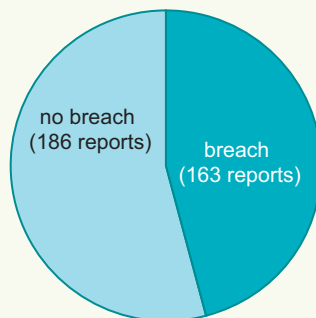
Of all cases referred since November 2004 for local investigation we have received a total of 418 reports — please see below for a statistical breakdown of these cases.

(NB: for the period 1 April — 31 December 2006, ethical standards officers referred 252 cases for local investigation - equivalent to 52% of all cases referred for investigation.)

Monitoring officers' recommendations following local investigations



Standards Committee hearings



Standards committee determinations



Guidance programme for 2007

In *bulletin 31* we discussed the Standards Board's commitment to producing guidance and training materials to help monitoring officers and standards committees implement the revised Code of Conduct. We are now working on the specific details of our Code guidance programme for 2007.

This will include a new DVD to help local authorities train members. The DVD will explain the revisions to the Code using dramatised scenarios to illustrate particular paragraphs, and we expect to be able to release it soon after the revised Code comes into force.

We are also planning to publish guidance in written form similar to our current range. This will

include a general guide to the revised Code and a detailed guide to the declaration of interest paragraphs. We expect to publish these two publications, along with a simple guide, on our website as soon as the Code comes into force.

The guidance will be available in booklet form soon afterwards and every authority covered by the Code will receive copies.

This year we will also publish a fifth *Case Review*, which will be similar to our *Code Q&A Case Review Volume 1*. This is a paragraph-by-paragraph consideration of the code illustrated by past cases. As such, it will contain specific guidance on the new bullying paragraph expected to be included in the revised Code.

On the road with the Standards Board

We will be hosting a series of 11 roadshows across the country in June 2007. The focus will be on the revised Code of Conduct and preparing for the proposed introduction of the local filter system for complaints in 2008.

The roadshows will offer an opportunity to discuss any issues that have arisen since the implementation of the revised Code and any concerns about local preparation for dealing with complaints.

As in previous years, the roadshows will take the format of presentations and discussions, and delegates will be encouraged to participate in question and answer sessions. Board members and the chief executive will also be on hand to answer any queries.

Invitations have already been sent out to local authorities as well as the parks, police, transport and fire authorities that are also covered by the Code. The roadshows will be mainly aimed at monitoring officers and members from local standards committees.

Previous roadshows have offered the Standards Board an excellent opportunity to engage with delegates, answer queries, and offer guidance and support. They also offer delegates the chance to network informally with colleagues from the local area.

Dates and venues of the roadshows are:

- Liverpool – 6 June
- Leeds – 7 June
- Newcastle – 12 June
- Nottingham – 13 June
- Birmingham – 14 June
- Truro – 19 June
- Exeter – 20 June
- Winchester – 21 June
- Swindon – 26 June
- Norwich – 27 June
- London – 28 June

For more information please contact our event managers, Benedict Business Resources, on 01483 205432.

The only sections of the Code of Conduct which apply to a member when not acting in an official capacity are the requirement not to bring the office or authority into disrepute and the requirement not to misuse their position to confer an advantage or disadvantage on yourself or any other person. These also apply "in any other circumstances".

The recent High Court decision in the case of *Livingstone v Adjudication Panel for England* changes the interpretation of what these words mean, making them more restrictive.

The court said that the circumstances are limited to situations when a member is performing his or her functions or purporting to use their status as a councillor.

There appear to be three main principles that need to be present for the behaviour under consideration to amount to a breach of the Code.

- A member must have used or sought to use their status as a member of the council. This is a "using one's position" test.
- The use of the status must be of a type that is capable of amounting to a failure to comply with the Code (for example: behaviour that amounts to treating others with disrespect; bullying; use of confidential information; and so on). This is a breach of Code test.
- The disrepute must attach to the office or the authority and damage it, as opposed to simply damaging the member's reputation. This is a damage to reputation test.

A case tribunal or standards committee will need to be persuaded that the misconduct can damage the reputation of the member's office or authority, not just the reputation of the individual concerned.

Certain kinds of conduct (for example drink driving or petty theft) may damage the reputation of an individual but will rarely be capable of damaging the reputation of the office of councillor or the reputation of the authority.

Establishing when disrepute attaches to the office or council is not easy because the High Court gave no indication of what tests to apply.

Here are some of the possible factors:

- Prejudicing the public interest for p (for example a councillor uses their position to obtain confidential information which they then use to secure a personal profit).
- Using or trying to use position or status as a member of the council (for example a councillor is in dispute with a neighbour about their planning application and threatens to speak to contacts who control the planning committee).
- Defying important and well established rules of the authority for private gain.
- Engaging in conduct which directly and

significantly undermines the authority's reputation as a good employer or responsible service provider (for example sexual offences against children committed in a village hall run by the council of which the offender is a member).

What is clear is that each case will need to be dealt with on its merits. The government wants to extend the scope of these provisions and has made proposals to do so in the new *Local Government and Public Involvement in Health Bill*, which is discussed on page 3.

Seeking volunteers

The White Paper *Strong and Prosperous Communities* outlines a future ethical framework where local government takes greater responsibility for their ethical environments and the Standards Board has a role as a light touch, strategic regulator.

We are keen to work with local government to develop the various aspects of our respective new roles.

As such we are looking for volunteers to work with us as pilot sites on the following topics:

- Joint arrangements for standards committees.
- Operating the local filter.
- Developing the Standards Board's monitoring and auditing role (identifying what data to collect, how to collect it and types of intervention).

We are asking volunteers to test and comment on the instruments and approaches we have developed. It is likely to involve the monitoring officer, standards committee members, and possibly other officers such as the chief executive. We will endeavour to ensure that your involvement is not too resource intensive.

The work will initially take place between May and September 2007. If you would like to be involved, then please e-mail gary.hickey@standardsboard.co.uk. Please also state which of the pilots you would like to be involved in — you can choose more than one.

If we have a large number of volunteers it is possible that we will not be able to include all those authorities that wish to take part. However, we will respond to everyone that puts themselves forward. If you have any queries then please contact Gary on 0207 378 5087.

Contacts and more information

Please feel free to let us know any ideas and suggestions you may have for future issues of the *Bulletin*, along with any questions or feedback. Please send comments to:

- bulletin@standardsboard.co.uk
- The Standards Board for England
First floor, Cottons Centre
Cottons Lane
London SE1 2QG

More information

You can get more information on the Standards Board for England and the Code of Conduct, including case summaries, frequently asked questions and guidance for members from our website at www.standardsboard.co.uk

THE BULLETIN #33

May 2007

Contents

Page 2

The new Code of Conduct

Page 3

Adopting and amending the new Code of Conduct

Advertising the new Model Code

Page 4

Special advice for parish and town councils

Page 5

Local investigations – update

Research findings

Roadshow and Annual Assembly news

Page 6

Relocation and contact details

New director of casework and head of legal services

Page 7

Statistics

Contact

Enquiries line: 0845 078 8181
www.standardsboard.gov.uk
email: bulletin@standardsboard.gov.uk

Welcome to Issue 33 of the Bulletin.

The new Code of Conduct has now come into force and we would urge authorities to adopt it at the earliest opportunity. The Standards Board for England welcomes this new Code, which addresses issues that emerged during the consultation process. We believe that it is now clearer and simpler to understand and that it will allow members to properly represent their constituents on matters that concern them.

Standards committees have a responsibility for ensuring that members within their area receive appropriate training on the new Code, so that they fully understand their obligations. This is an important function for them and an opportunity for authorities to demonstrate their commitment to high standards of probity and governance.

The Standards Board has published comprehensive guidance on the new Code on our website at www.standardsboard.gov.uk

Monitoring officers will also receive hard copies of the guidance soon. We will be producing a range of training materials, available from our website shortly, and a DVD which will be distributed in July.

The forthcoming roadshows being held around the country in June will provide an opportunity for us to find out your early views on the new Code and emerging themes. If you have not already booked your place on these roadshows, I would encourage you to do so soon as places are being filled quickly. Please visit our website or email roadshow2007@standardsboard.gov.uk for further details.

David Prince
Chief Executive



the Standards Board
for England

The new Code of Conduct

The revised Model Code of Conduct came into force on 3 May 2007. Authorities have until 1 October 2007 to adopt the Code formally. If an authority fails to adopt the Code before that date, the mandatory provisions of the Code will apply until the authority adopts its own Code.

There are a number of major changes to the Code and these are summarised below:

- The definition of a **personal interest** has been relaxed. Interests that are shared with most people in the ward or electoral division affected by the decision will not have to be declared. However, the definition will not change for many parishes or other authorities that do not have wards or electoral divisions.
- **Dual-hatted members** and those members appointed or nominated by the authority to outside bodies will also benefit from changes to the rules regarding declaration of interests. Where a matter that affects the other body is being discussed at a meeting of the authority, these members will not be required to declare that they have a personal interest in the matter before they vote, unless they wish to speak on the matter or where the personal interest is also a prejudicial interest.
- **Prejudicial interests** now only arise if a matter affects a member, their family, or their close associates in the following ways:
 - it relates to their finances or
 - it concerns regulatory functions such as licensing or planning which affect them
 - and a reasonable member of the public with knowledge of the facts
- **Gifts or hospitality** over the value of £25 must now be included in the member's register of interests. This means that a personal interest must be declared at any meeting where a matter relating to that interest is discussed.
- The **unlawful discrimination provision** has been replaced by a duty not to do anything that may cause the authority to breach its statutory duties under equality laws (including anti-discrimination laws). As a result, discriminatory behaviour can now be dealt with through the Code.
- A new provision makes it clear that **bullying** is prohibited by the Code.
- Another new provision states that members must not **intimidate or attempt to intimidate** anyone involved in an investigation, such as a complainant, a witness or an officer involved in the conduct of an investigation.
- The Code does not incorporate the **Ten General Principles of Public Life** but

would believe their ability to judge the public interest would be impaired.

Even where members have a prejudicial interest, the Code supports their role as a community advocate and enables them, in certain circumstances, to represent the community and to speak on issues important to it and to the member. Paragraph 12(2) of the Code gives members with a prejudicial interest in a matter the same rights as members of the public to speak to a meeting on the matter. However, once they have done so, the member must immediately leave the meeting room, as currently required, and cannot remain in the public gallery to observe the vote on the matter.

members are required to read the Code together with these general principles. Although members are not legally obliged to observe the principles, a failure to follow them may indicate behaviour that could potentially breach the Code.

- Subject to the enactment of the Local Government and Public Involvement in Health Bill, the Code will apply where **criminal activity** has been committed in a private capacity, but not in relation to other conduct which solely concerns a member's private life.
- The ban on **disclosing confidential information** has been relaxed to allow disclosure of confidential information where:
 - the disclosure is made to a third party for the purpose of obtaining professional advice (provided that person agrees not to disclose it)
 - the disclosure is reasonable and in the public interest, made in good faith, and does not breach the reasonable requirements of the authority

The Standards Board's comprehensive guidance on the new Code of Conduct is available on our website at www.standardsboard.gov.uk

We will be sending printed copies of the guidance to all monitoring officers and parish clerks soon.

Adopting and amending the new Code of Conduct

The new Code of Conduct applies to the same range of authorities covered by the existing Code. However, only one composite Code has been made for different types of authorities. As a result, some paragraphs are

not mandatory for your authority, and particular wording within mandatory paragraphs may not be relevant to your authority. For example, some paragraphs refer specifically to executive arrangements and overview and scrutiny which parishes do not have, while other paragraphs expressly apply only to the Greater London Authority or Metropolitan Police Authority.

Councils may adopt a version of the Model Code that excludes non-mandatory provisions or wording that is not relevant to the particular authority, so long as it is consistent with the application of the mandatory provisions to that relevant authority. To avoid confusion and ensure consistency, we recommend that any amendments do not affect the subsequent numbering of paragraphs. To assist parish and town councils, we have prepared a 'Model Code of Conduct for Parish and Town Councils' which is available from our website.

If your authority simply adopts the Model Code, this means that it does not adopt the non-mandatory paragraphs for that authority. For example, paragraph 12(2) is not mandatory for parish and town councils, English and Welsh police authorities, the Greater London Authority, national park authorities, and fire and rescue authorities. Therefore, if these types of authorities wish to adopt paragraph 12(2), they will need to do so expressly. See also the article on page 4 *Special advice for parish and town councils adopting the new Code of Conduct*.

Advertising the new Model Code

As soon as your authority has adopted a revised Code of Conduct, it must send notification to the Standards Board and make copies available for inspection by the public. It must also publish a notice in a local newspaper, stating that the council has adopted a revised Code. The authority can also publish the notice in its own newspaper, if it has one, but this cannot be the only notice that is published.

This duty to publish a notice will again be relevant when the Model Code comes into effect. When the previous Code was introduced, some unitary and district councils organised combined notices for councils in their area. This can save money, especially where there are a large number of parish councils.

To enable a monitoring officer to coordinate a combined notice, parish clerks will need to ensure their councils adopt the revised Code quickly and confirm to the monitoring officer where copies of the Code can be inspected within the parish. This information can then be fed into the notice published in the newspaper.

If you are a local authority, the easiest way to notify the Standards Board of your adoption of the Code is to send an email to Kimberley Connell in our Policy and Guidance team at enquiries@standardsboard.gov.uk.

Special advice for parish and town councils adopting the new Code of Conduct

Parish and town councils can maximise their ability to exercise democratic rights under the new Code of Conduct by taking certain actions.

A new paragraph 12(2) gives elected members with a prejudicial interest the same rights as members of the public to speak to a meeting on the issue, but then leave before the main discussion and vote. This part of the revised Code does not automatically apply to parish and town councils.

It is not enough, therefore, for parishes to simply adopt the Model Code “as applicable to parish councils” – paragraph 12(2) is not mandatory for parishes. In order to take advantage of the amendment, parish councils will need to pass a resolution adopting the Model Code of Conduct including paragraph 12(2).

Each parish and town council wanting to take advantage of this provision should notify the Standards Board of the resolution passed and the date on which it was passed. This information can be sent electronically to Kimberley Connell in our Policy and Guidance team at enquiries@standardsboard.gov.uk.

We recommend: “to adopt the Model Code of Conduct for Members including paragraph 12(2), effective [insert ‘immediately’ or ‘specific date’]”.

The Standards Board also recommends that parishes should consider having standing orders in place to allow members of the public to attend meetings of the authority for the purpose of making representations, giving evidence or answering questions.

The revised Code gives councillors the same rights to speak as members of the public, but if an authority’s standing orders or procedural rules do not provide members of the public with these rights, or if an authority has no standing orders in place at all, paragraph 12(2) will have no effect.

This means that councillors with a prejudicial interest would have to leave a meeting after declaring the nature and extent of their interest, just as they have had to under the old Code of Conduct. They will not be able to take advantage of the freedom offered by the new Code to allow members with a prejudicial interest to speak in certain circumstances.

The Standards Board has prepared a ‘Model Code for Parish and Town Councils’ which is available from our website. It has been created to assist parish and town councils in adopting the relevant mandatory paragraphs and the ‘voluntary’ paragraph 12(2), while excluding paragraphs that are not relevant to parishes.

We urge monitoring officers to bring the above information to the attention of parish clerks.

Local investigations – update

There has been positive feedback to a number of changes to our criteria for referring investigations back to monitoring officers for local investigation:

- We now retain complaints for investigations where the allegation, if proven, would undoubtedly warrant the Adjudication Panel for England’s penalties.
- We assess allegations against executive members on a case-by-case basis to decide if they should be investigated locally, and do not automatically retain such cases.
- We do not normally retain cases where a monitoring officer has a conflict of interest. We assume that an investigation can be delegated, outsourced or undertaken by a monitoring officer from another authority, but ethical standards officers exercise their discretion, especially in relation to monitoring officers from smaller authorities.

The Standards Board now has a local investigations co-ordinator who liaises with monitoring officers and other parties about the allocation and monitoring of local investigations. They can be contacted at local.investigationenquiries@standardsboard.gov.uk or on 0161 817 5372

Research findings

Thank you to those who returned questionnaires on the research undertaken by BMG Research entitled ‘Study into the operation and role of standards committees within local authorities’. This research has now been completed and the full report can be found on our website at:

www.standardsboard.gov.uk/Aboutus/Research

The research is a survey of monitoring

officers and standards committees and has increased our understanding of your activities, the resources available to you, the challenges you face and the support you may need in the future.

Delegates quick to sign up to roadshows

Bookings for the summer roadshow events have been flooding in over the past month, with several venues nearly fully booked. The London event on 28 June has proved so popular that a second roadshow will be run in the morning at 10.00am, in addition to the one taking place in the afternoon.

There are still some places available for the roadshows, which are taking place at 11 venues across the country and are aimed at monitoring officers and standards committee members. For further details on when and where visit:

www.standardsboard.gov.uk/Events

To book a place on the earlier London roadshow or any of the other events please contact our event managers, Benedict Business Resources, on 01483 205 432 or email roadshow2007@standardsboard.gov.uk

Annual Assembly – Down to detail: Making local regulation work

We have already received a significant number of bookings for the Sixth Annual Assembly of Standards Committees in October, with over 400 delegates signed up to attend.

Phil Woolas MP, Minister for Local Government and Community Cohesion, will open the conference by outlining how to meet the challenges of the local filter system and the revised Code of Conduct. He will also set out the government’s focus for the future.

There will be over 25 sessions covering issues such as the process and practice of managing the local filter, and a focus on

helping delegates to develop the skills and knowledge they need to deliver high standards of effective local governance.

Several sessions will address vital issues linked to managing the wider impact of the local filter and the revised Code. These will include training and hands-on workshops to help delegates focus on raising their authorities' standards to an even higher level. There will also be sessions on how to improve communication with stakeholders and confidently deliver effective local regulation.

An advanced copy of the conference programme is available at www.annualassembly.co.uk/Programme/

To book a place at the conference please contact our event managers, Benedict Business Resources, on 01483 205 432 or email annualassembly2007@standardsboard.gov.uk

Relocation and new contact details

The Standards Board has completed the key stage of our relocation from our offices in London to our new premises in Manchester. Our new details can be found below:

Fourth Floor
Griffin House
40 Lever Street
Manchester M1 1BB

Telephone: 0161 817 5300 (main switchboard)
Facsimile: 0161 817 5499

Web address: www.standardsboard.gov.uk

New director of casework and head of legal services

We are pleased to announce that two new heads of department have been appointed to oversee our Investigations and Legal Services teams.

Hazel Salisbury was appointed as the new director of casework in February.

Hazel brings with her a wealth of professional experience and a strong background in local government. She was admitted as a solicitor in 1987, and was later head of legal services and monitoring officer for Nottinghamshire County Council. Hazel also spent two years on secondment as monitoring officer at Lincolnshire County Council

Most recently, Hazel worked as a consultant in a private practice, providing member and monitoring officer training for local authorities.

Sara Goodwin took up the position of head of legal services earlier this month.

Sara was a lecturer in law at Leeds Metropolitan University for two years. She spent 12 years in the local government sector and is a former head of legal services and monitoring officer.

Most recently Sara worked as a consultant for SOLACE (the Society of Local Authority Chief Executives) providing support and monitoring officer training for local authorities.

Sir Anthony Holland, chair of the Standards Board said:

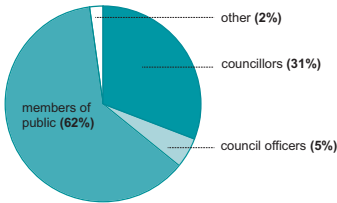
“We welcome both Hazel and Sara to the organisation. The Standards Board will benefit from the experience and knowledge that they have both gathered over the many years they have spent working closely with local government. They will have an important role to play in establishing the new teams in Manchester and meeting the challenges ahead.”

Referral and investigation statistics

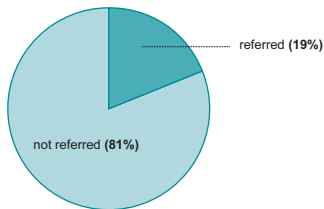
The Standards Board for England received 3549 allegations between 1 April 2006 and 31 March 2007, compared to 3836 during the same period in 2005/2006.

The following charts show referral and investigation statistics during the above dates.

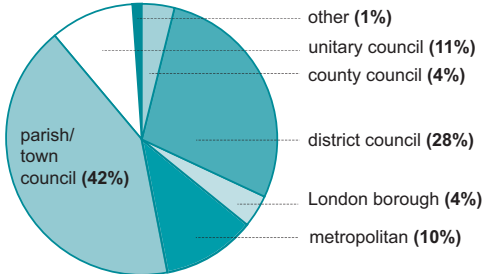
Source of allegations received



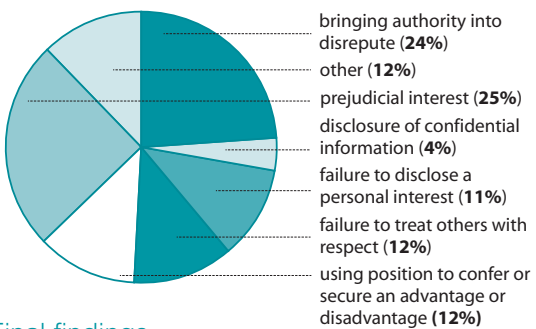
Allegations referred for investigation



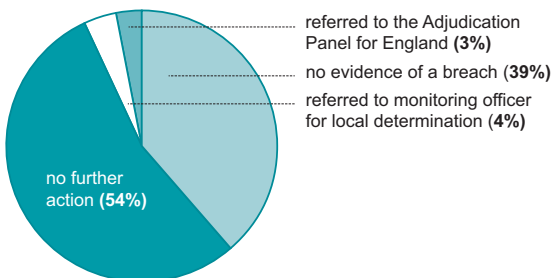
Authority of subject member in allegations referred for investigation



Nature of allegations referred for investigation



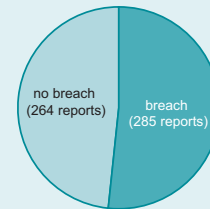
Final findings



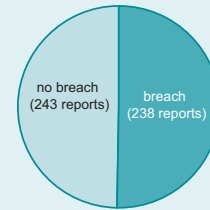
Local investigation statistics

Of all cases referred since April 2006 for local investigation we have received a total of 546 reports — please see below for a statistical breakdown of these cases. (NB: for the period 1 April - 31 March 2007, ethical standards officers referred 347 cases for local investigation — equivalent to 55% of all cases referred for investigation. Since 1 April 2006 there have been 18 appeals to the Adjudication Panel for England following standards committee hearings.)

Monitoring officers' recommendations following local investigations



Standards Committee hearings



Standards committee determinations

