



**NORTHAMPTON  
BOROUGH COUNCIL**

STANDARDS COMMITTEE

10 January 2006

ITEM NO:

6

Report of Solicitor to the Council

Directorate: Finance Governance and  
Citizens

Author/Contact Officer:  
J Buckler (Ext 7341)  
Procurement and Practice Team Leader

**STANDARDS BOARD UPDATE**

Recommendation(s)

1. That the Report be noted.
2. Bulletins 25, 26 and Standards Committee News 04 ("the Bulletins") published by the Standards Board of England are attached for the information of members of the Committee.
3. That the Bulletins in future will be circulated to Members as they are received.

**1. GENERAL**

The Bulletins provide an update on the current activities of the Standards Board of England, together with advice and referral statistics indicating the current workload of the Standards Board.

**2. PUBLIC INTEREST DEFENCE**

The Adjudication Panel for England, following a recent decision, have acknowledged that in certain circumstances a full public-interest defence can and should be read into the provision in the Code of Conduct regarding the prohibition of the disclosure of confidential information.

The decision in the case of a Westminster City Councillor, has provided the first fully reasoned decision on the impact of the European human rights legislation on an alleged failure to comply with paragraph 3(a) the Code of Conduct (the Council's paragraph 2.2.1). The Adjudication Panel stated the correct interpretation was to enable the disclosure of information of a confidential nature, where it is in the public interest to do so and all public interest issues need to be taken into account by Ethical Standards Officers when considering whether there has been a breach relating to this part of the code. Despite the case highlighting such an issue, it was found that in the circumstances of this case, this was no public-interest defence however taking into account the mitigating factors, no sanction was imposed.

### **3. REVIEW OF CODE OF CONDUCT**

Following the consultation on the review of the Code of Conduct, where it was hoped clarification and simplification of the Code would be provided to ensure it properly promotes effective local governance, the following main recommendations were made:-

- The Code should be simpler, more enabling, and owned by the Members.
- The Code should empower Members as community advocates to take the lead on issues and speak out on behalf of their own communities where their expertise is greatest
- The rules around personal and prejudicial interests should be clearer, especially for Members who sit on more than one public body
- The Code needs to be clear on what information should be confidential, Members must be able to speak out when it is in the public interest
- Members are entitled to have a private life and the public only expect this to be regulated when behaviour outside official duties damages the reputation of local government
- Bullying cannot be tolerated and needs to be addressed more explicitly. Members have a right to challenge poor performance and criticise Officers fairly
- The current duty for members to report breaches should be removed.
- The Code should protect complainants and witnesses from intimidation.

The Standards Board, are positively endorsing the likely move by the Government to introduce legislation to enable the initial decision as to whether a complaint should be investigated to be made by local authority standards committees. Although this will be subject to further legislation, the Standards Board are already starting to consider how local authorities can do this in a way that is “visibly independent, timely and efficient”, the Standards Board believes by taking ownership this will promote and improve ethical standards and the public’s perception of them.

**4. STATISTICS**

The most up to date referral statistics at the time of writing this report are contained within Bulletin 26. The statistics are remaining fairly constant.

Since the implementation of the legislation (November 2004) allowing local investigations, the Standards Board’s Ethical Standards Officers have referred 32% of all cases to Monitoring Officers for local investigations. More recently over half of all cases have been referred locally and it is expected that this trend will continue.

**5. ETHICS IN LOCAL AUTHORITIES**

Research commissioned by the Standards Board for England is currently being carried out by a team (at Manchester University) into what factors contribute to an ethical local authority. It is the intention of the Standards Board to then draw on good practice, following investigation of mediation, communication, training, protocols, the role of Standards Committees, the importance of leadership and the role of ethics in corporate governance.

The first stage of the project has developed a model of the components that make up an ethical environment and how these components relate to each other. The model is to be tested and a summary of the findings will be available in the near future.

Other research carried out by MORI into the public’s perceptions of ethics and attitudes in local government has found that the public tend to have a higher opinion of local councillors than politicians generally, but trust is still low. The findings also found a mismatch between what the public regarded as important roles for Councillors and what Councillors actually do:-

Is it important to ensure public money is spent wisely?	54% thought it was
Do Councillors fulfill this in your area?	21% thought they did

Do you think Councillors should fulfill their election promises?	39% thought they should
Do Councillors fulfill their election promise?	15% thought they did

If the public do need to complain 46% wanted an independent body to deal with it, compared to 28% for the local Council and 13% for their MP. The three factors that emerged as being important in such circumstances was that there was a thorough investigation, it was independent and that the complainant was kept informed. A detailed summary of the findings is to be published in the near future.

## **6. REFERRAL DECISIONS**

Monitoring Officers and Members named in an allegation will now be notified of the outcome of referral challenges along with the complainant – previously the parties above would only have been informed if the original decision was overturned and the matter was referred for investigation.

The Standards Board have also clarified that only the complainant may seek a review of a decision, unless of course there is new information to add to the allegation and be taken account of. This forms part of the new policy where the Chief Executive of the Standards Board now has powers to review a decision made by the referrals unit not to refer a complaint for investigation. The Chief Executive's role is to decide whether the decision on a complaint was procedurally sound and reasonable.

## **7. SUMMARY**

Any further updates will be reported verbally to the Committee.

- 1 Confidential information: What the Dimoldenberg case means for the Code
- 2 Conference accredited: Law Society adds Annual Assembly to CPD courses
- 2 Case summaries
- 3 DVD to focus on hearings
- 3 Referral statistics
- 3 Local investigations
- 3 3-month limit explained
- 4 Code consultation closes
- 5 First direction issued
- 4 Correction to *Bulletin 24*
- 5 A change to the schedule

Confidence in local democracy

Consultation on the review of the Code of Conduct is now closed and the task of analysing the many responses is underway. Thank you to all who participated in this exercise. It has provided a key opportunity for us to work with local government to develop a stronger, better Code of Conduct, and the large number of responses we have received demonstrates that there is a healthy debate in progress.

The following months will be of particular interest, both to myself and The Standards Board for England as a whole, as the results of the consultation emerge. Some of our early findings are included here in an article on page 2, which should whet your appetite for the final report. We hope to bring you that in the next issue of the *Bulletin*.

Thanks also to everyone who attended our roadshows, which drew to a close last month. We spoke with approaching 1,000 monitoring officers and standards committee members and, in separate but related events, chief executives and leaders, across 11 regional venues. Your feedback and comments have been invaluable in supplementing the written submissions for the review of the Code of Conduct and in shaping our work in general.

David Prince, chief executive

#### Code allows for public-interest defence

In certain circumstances, a full public-interest defence can and should be read into the provision in the Code of Conduct prohibiting the disclosure of confidential information, according to a recent decision by The Adjudication Panel for England.

The decision in the case of Paul Dimoldenberg, a Westminster City councillor, has provided the first fully argued and reasoned decision on the impact of the European human rights legislation on an alleged failure to comply with paragraph 3(a) of the Code of Conduct.

In a preliminary issue in the hearing of the case, The Adjudication Panel ruled that the paragraph failed to take proper account of the *European Convention on Human Rights*. It stated that the proper interpretation of that paragraph was to allow for the disclosure of information of a confidential nature where it is in the public interest to do so.

This means that, in the right circumstances, if publication were found to be justified in the public interest, the disclosure would not be a breach of paragraph 3(a) at all.

The decision made it clear that all public-interest issues need to be taken into account by an ethical standards officer and the case tribunal, when considering whether there has been a breach of paragraph 3(a). It was also made clear that these types of issues, and the sometimes-delicate balancing act they will entail, will often need to be decided by an independent tribunal.

On the particular facts of Councillor Dimoldenberg's case, there was no public-interest defence. There was clear evidence of unjustified disclosure of information which had previously been classified as highly confidential by a High Court judge. Therefore, it would not have been appropriate for the ethical standards officer to reach an 'a' or 'b' finding.

An 'a' finding — one of no evidence of a breach — was clearly not available to the ethical standards officer, and the nature of Councillor Dimoldenberg's defence and mitigation demanded the scrutiny afforded by an independent tribunal. In the circumstances of this particular case, and taking into account the mitigating factors, the case tribunal decided to impose no sanction.

The full decision of The Adjudication Panel for England in this case is available at:

[www.adjudicationpanel.co.uk/documents/apa\\_0241\\_final\\_decision\\_cop13.pdf](http://www.adjudicationpanel.co.uk/documents/apa_0241_final_decision_cop13.pdf)

#### Annual Assembly gets Law Society accreditation

Solicitors attending this year's Annual Assembly of Standards Committees will earn credits towards their Continual Professional Development now that the conference is certified to count towards the Law Society scheme.

The addition of the conference to the list of recognised courses is acknowledgement of the level of expertise that the Board has developed concerning ethics in local government, and the considerable learning opportunities offered by the conference to local government solicitors — one of the key audiences, alongside standards committee members.

The conference will tackle issues of importance for monitoring officers such as the key components of conducting local investigations and standards committee hearings. The conference was assessed on a range of criteria, such as content, relevance, organisation and suitability.

#### In good company

Phil Woolas MP, the new minister for local government, was recently confirmed as a key speaker at the event. Mr Woolas joins other familiar names from the world of local government, including Sir Alistair Graham, Chair of the Committee on Standards in Public Life, Gifty Edila, President of the Association of Council Secretaries and Solicitors, and Kate Priestley, Chair of the Local Government Leadership Centre. The conference will be

the first opportunity to hear the minister following our extensive consultation on the review of the Code of Conduct, as well as being a great opportunity for standards committee members and monitoring officers to meet each other and discuss issues of mutual interest.

Booking has been very brisk for this year's conference. The two-day event, to be held on 5 and 6 September, will focus on local ownership of the Code of Conduct, local investigations and local hearings. With limited capacity, and workshop preferences being snapped up quickly, anyone who has not yet booked is being urged to do so now.

More details and an online booking form are available at:

#### The ups and downs of case summaries

Summaries of cases where ethical standards officers consider there is no evidence of a breach of the Code of Conduct will be taken down off the website after only six months, following a recent review of the policy by the Board. Previously, these cases remained up for two years.

The policy for all other cases remains the same — the summary will remain on the site for two years, from either the closure of the case or, for cases referred to The Adjudication Panel or local standards committee, from the hearing date or completion of any sanction, such as a suspension or disqualification.

You may have noticed that some case summaries are taking a little longer to appear on our site than usual. We have been busy over the last few months clearing the backlog of 400 cases that built up while we were awaiting the local investigations regulations.

We are working hard to catch up with the workload and hope to be hitting or even beating our target for publishing case summaries by September, which is 90% within one month. In the meantime, please accept our apologies for any delays, which we know can be frustrating.

#### Local investigations DVD makes the cut

Work has started on the production of a DVD to promote best practice in local investigations and hearings.

The DVD, intended to be of particular value to monitoring officers and standards committee members, will include filmed scenarios illustrating some of the common areas of difficulty and our recommended solutions. There will also be a section on the importance of local ownership of the Code of Conduct and The Standards Board for England's role in supporting its implementation.

The DVD should be available by the end of September.

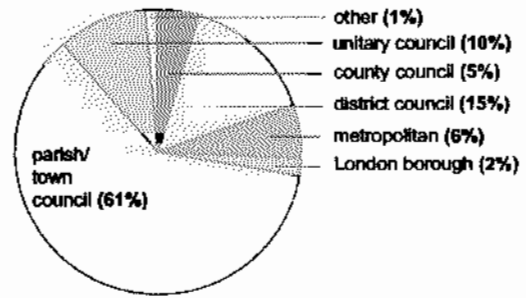
Thank you to everyone who responded to our request in the last Bulletin for feedback on the format. Respondents were unanimously in favour of DVD over video cassette.

**Referral statistics**

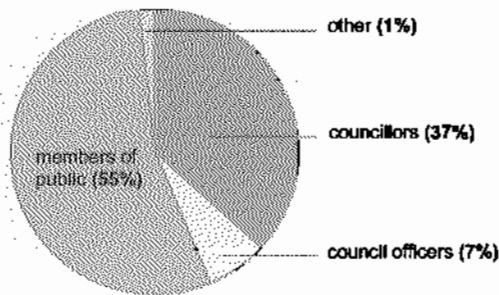
The Standards Board for England received 306 allegations in April and 328 allegations in May, giving a running total of 634 so far for the current financial year.

The following charts show The standards Board for England's referral statistics for that period.

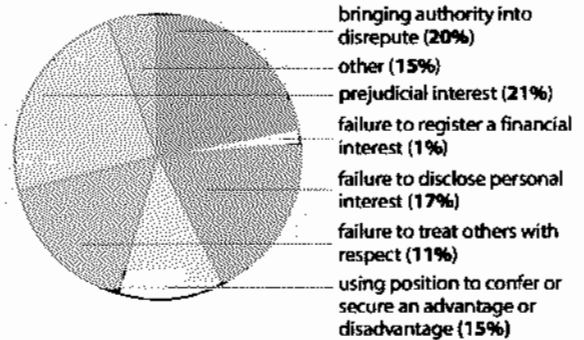
**Authority of subject member in allegations referred for investigation**



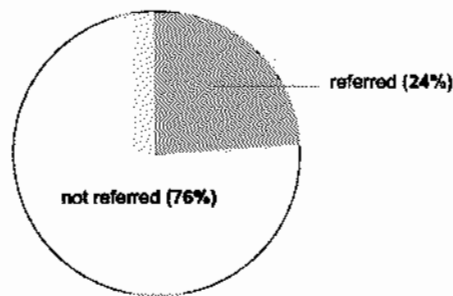
**Source of allegations received**



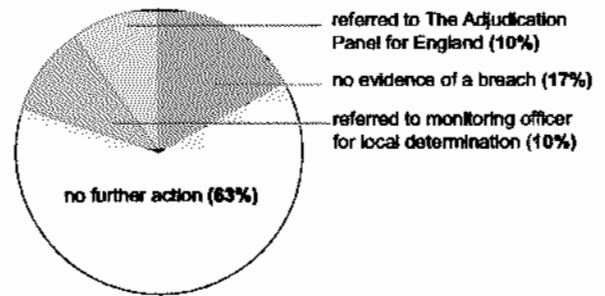
**Nature of allegations referred for investigation**



**Allegations referred for investigation**



**Final findings**



**Local investigations statistics**

- Ethical standards officers referred 142 cases to monitoring officers for local investigation between November 2004, when referrals began, and the end of May 2005 — equivalent to 30% of cases referred for investigation over that time.
- 25 reports have already been received from monitoring officers, and there have been six standards committee decisions on cases investigated locally.
- The average time taken to complete a case is three months, although the sample for this figure is currently quite small.

**Three-month limit on hearings explained**

The recent case of *Dawkins v Boisover* established the principle that authorities need to make every effort to hold a hearing within three months of receiving the case from an ethical standards officer (see *Bulletin 22*, page 4). But just how rigid is this limit, and are there any exceptions to the rule?

Paragraph 6(2)(b) of the *Local Authorities (Code of Conduct)(Local Determination) Regulations 2003* states that a hearing must be held within three months of the reference from the ethical standards officer. Authorities are encouraged to ensure that hearings are held as soon as possible and within this time limit imposed by legislation. The standards committee does have jurisdiction to delay the hearing if something unexpected or unforeseen occurs which

prevents it from meeting the time limit, but it is not sufficient that a subject member may not have any objections to the hearing being held outside of the three-month period.

The following list illustrates the type of events that may be considered unexpected or unforeseen, although it is by no means exhaustive:

- illness of the subject member or any of the standards committee members;
- bereavement suffered by the subject member or any of the standards committee members;
- other important engagements which cannot be altered, such as hospital appointments and jury service;
- the subject member being called to work out of the country for a long period of time.

#### Key issues emerge as Code consultation closes

Over 1,000 individuals, authorities and other organisations responded to our consultation on the review of the Code of Conduct, which formally closed on 17 June. We have been very pleased with the warm welcome the review has received. We believe it is important that any revisions to the Code reflect real experiences, and the constructive comments received will help us make recommendations for change that reflect the views of local government as a whole.

#### Early findings

Responses analysed so far indicate a general agreement with the principles behind many areas of the Code of Conduct, but respondents have highlighted a number of provisions that could be added, amended or dropped altogether. The majority of respondents, for example, believe the ten general principles of public life should be added as a preamble to the Code and the majority of respondents would also welcome a specific provision on bullying.

Although our analysis is ongoing, the following areas have emerged as leading issues. We hope to make our recommendations on the Code of Conduct to the Government in the Autumn, and will include a final report in a future issue of the *Bulletin*.

#### Private lives and public conduct

The contentious question of whether aspects of a member's private life should continue to be subject to the Code of Conduct has attracted a varied response. Those in favour of the status quo argue that public figures have a position of trust and responsibility that should be met with high standards of behaviour at all times. Those in favour of relaxing the provisions covering a member's private behaviour contend that private lives should not be brought into the political arena. A number of respondents took the view that private conduct should only be regulated where it has an impact on a member's ability to perform their official duties.

#### Whistleblowing

The majority of respondents are in favour of retaining the 'whistleblowing' clause requiring members to report suspected breaches of the Code of Conduct by fellow members. But a significant minority believe that the provision should be removed as it simply prompts petty and malicious complaints and that we should rely on the integrity of members to report any serious abuses they become aware of.

#### Confidentiality

The thorny issue of releasing confidential information has provoked a wide range of views. The majority of respondents agree with our view that disclosing information which is not legally classified as confidential should not be a breach of the Code of Conduct. There has also been broad support for considering the public-interest aspect of any disclosure.

#### Personal and prejudicial interests

Unsurprisingly, the issue of declaring interests has prompted a lot of comment. The majority of respondents believe that the personal interest test should be narrowed, so that members need not declare interests shared by a substantial number of other inhabitants in an authority's area. A majority of respondents also think that less stringent rules should apply to prejudicial interests which arise through public service and membership of charities and lobby groups.

#### First direction issued over parish with problem

A parish council with evidence of longstanding personal conflict and communication problems is to get mediation and training support from its principal authority as a result of directions issued by an ethical standards officer. This is the first time a direction has been issued, using powers which came into force as part of the local investigations regulations.

The powers derive from regulation 5 of the *Local Authorities (Code of Conduct) (Local Determination) Regulations 2003* as amended by the *Local Authorities (Code of Conduct) (Local determination) (Amendment) Regulations 2004*. The regulation enables ethical standards officers to direct monitoring officers to take action other than investigation to resolve local problems, such as reviewing procedures to make them more robust or, as in this case, getting councillors to sit down and work out their problems together.

#### Tackling problems at the root

Some allegations reveal longstanding problems or more deeply ingrained issues within an authority which investigations alone are not able to address. The directions power is an important tool because it allows us to tackle these problems at the root and make a lasting difference to the way an authority is run.

In this instance, 76 allegations had been received about council members since April 2002, suggesting a history



of conflict and communication problems. A number of these allegations were investigated, but it became apparent that the investigations were unable to resolve the underlying problems. Therefore, due to the overriding need to improve the functioning of the council, both in the public interest and in the interest of members themselves, the direction was issued.

The ethical standards officer directed the monitoring officer of Mendip District Council to arrange mediation between the members and organise training and guidance on conflict resolution and parish council procedure. The monitoring officer has to report back to The Standards Board for England within three months, setting out progress on both aspects of the direction. The ethical standards officer may then decide to issue a statement on the matter in a local newspaper.

Vivienne Pay, the monitoring officer of Mendip District Council, is happy to be contacted with any questions or for further information on this matter. Please telephone 01749 341538 or e-mail:

[payv@mendip.gov.uk](mailto:payv@mendip.gov.uk)

#### Correction to Bulletin 24

The story *High Court considers prejudicial interests test*, featured on page 2 of *Bulletin 24*, contained a number of factual errors.

The first sentence of the article may have been misleading. It should have read: "Ignorance is not bliss, according to the High Court, which last month confirmed that councillors who wrongly believe that their interest in a matter is not prejudicial will still be subject to the rules of the Code of Conduct."

The point being made by the court was that the prejudicial interest test is objective. If a standards committee or case tribunal concludes that an interest is,

viewed objectively, prejudicial, then the member has a prejudicial interest. The member cannot argue that because he or she genuinely tried to apply the test but came to a 'wrong but reasonable' conclusion, he or she had no prejudicial interest.

The High Court ruling does not concern situations where members are genuinely unaware of any personal or prejudicial interest, and we have always taken the view that members cannot be expected to declare interests of which they have no knowledge.

In addition to this, the first sentence of the final paragraph should have stated "The High Court disagreed...", rather than the Court of Appeal. And the judge was Mr Justice Stanley Burnton, not Mr Justice Stanley.

We apologise for the errors contained in the story. The copy of the newsletter available on our website has been corrected and is available at:

[www.standardsboardforengland.org.uk](http://www.standardsboardforengland.org.uk)

#### Changes to the Bulletin schedule

The Bulletin will take a break from its normal schedule this September to make way for a special conference newsletter to coincide with the Fourth Annual Assembly of Standards Committees.

The special newsletter will focus on all the important issues arising from the conference, including developments in the review of the Code of Conduct. Even if you are unable to attend the event, we think you will find it interesting and informative. Anyone subscribed to receive the Bulletin will get a copy of the conference newsletter automatically. It will also be available from the events area on our website.

Normal service on the Bulletin will resume in November.

- 1 **Clearer Code on the cards**  
Government considers  
Code recommendations.
- 3 **Referral statistics**  
The latest case figures.
- 3 **Engaging with delegates**  
Board staff meet and greet  
at political conferences.
- 4 **Annual Assembly roundup**
- 4 **Ethical research underway**
- 5 **MORI polls public opinion**
- 5 **Reviewing referral reviews**
- 5 **Local Investigations**
- 6 **Board changes**
- 6 **New Case Review**

A great deal has happened since the last *Bulletin*. We submitted our recommendations for a revised Code of Conduct to the government in September. Further details on our proposals can be found in this newsletter, and we eagerly await the government's response.

We expect at the same time the government's decisions on recommendations from the Committee on Standards in Public Life and the parliamentary select committee on the Office of the Deputy Prime Minister, covering the future direction of The Standards Board for England within the wider ethical framework. We hope to bring you a full report on all these issues in the next edition of the *Bulletin*, which will arrive early in the new year.

Also in September, we hosted our Fourth Annual Assembly of Standards Committees and followed this by attending the party conferences of the three main political parties (see stories on page 3 and 4 for details). The feedback we have received from all of these events has helped us to assess our performance, both over the past year and throughout our existence. We will use it to guide our future work programme as we continue to transform ourselves into a strategic regulator focusing on enabling authorities to take control of the ethical agenda.

David Prince, chief executive

#### Government considers Code review

The government is considering recommendations from The Standards Board for England for a clearer and more positive Code of Conduct, following consultation on the review of the Code earlier this year. An announcement is expected from the government towards the end of November — slightly later than originally anticipated.

We presented our key recommendations to local government minister Phil Woolas MP at the Fourth Annual Assembly of Standards Committees in September. The recommendations are the outcome of four months of consultation on the review of the Code conducted early this year, to which we received over 1,200 responses. We also talked to nearly 1,000 monitoring officers and standards committees during a series of 11 roadshows. Consultation closed in June and we reported the early findings in the last issue of the *Bulletin*.

We recommend that the government seeks ways to clarify the Code and simplify it wherever possible. There is a particular need to clarify and reframe the rules around declarations of interests. It is also important to ensure that the Code is seen in a more positive light as promoting effective local governance, rather than merely being a list of prohibitions on certain activities. We believe the Code should, where possible, be written as a positive, rather than negative, statement. Specifically, we recommend that the government includes the ten general principles as a preamble to the Code.

### Declarations of interests

One of our key findings is that the framework for declaring interests needs to be addressed urgently. We believe the public has a right to expect decisions to be made for the public good and not simply to serve a vested interest. However, it is clear from consultation that councillors have too often felt excluded from discussing issues in which they have a legitimate interest and where the public would expect them to represent the views of their communities. We think the Code should exclude councillors from taking decisions only where they or their close associates gain an unfair advantage, allowing them to participate where they are acting in their role as representative or advocate.

### Whistleblowing

Our other key concern is amending the Code to reduce the potential for politically-motivated and trivial complaints. We have already made great strides in this direction, and think the message that we will not entertain such complaints is now well understood. Nevertheless, we propose that, as a further strategy to address this issue, the current duty of members to report breaches of the Code by fellow members is removed.

We believe the existing provision, designed to protect members who blow the whistle on colleagues' behaviour from intimidation, has failed to achieve its aim. A specific provision making it an offence to seek to intimidate complainants and witnesses would provide the protection originally sought by the provision and allow members to come forward where they have serious concerns.

### Disrepute and private conduct

We also recommend that certain aspects of a member's private life continue to be viewed as capable of bringing the authority into disrepute. The Committee on Standards in Public Life, in the report on their Tenth Inquiry, recommended that this provision be restricted solely to public life, but this view was not supported by the consultation. We believe there are certain unlawful activities which, although not carried out in an official capacity, would still damage the public's perception of that member's fitness for office. For this reason, we think that unlawful activities should continue to be within the jurisdiction of the Code of Conduct. This would also be consistent with the eighth general principle which states that a member should uphold the law at all times.

### Confidential information

We believe that a greater balance needs to be struck between the proper need for an authority to protect confidential information and the member's right to make information available in the public interest. This is particularly important in the light of the *Freedom of Information Act*. The Code needs to be clearer that there are times when it is legitimate to raise concerns and release information which has been deemed confidential. We believe there should be an emphasis in local government on openness in order to ensure proper public accountability and the Code should reflect this.

### Bullying

We think a specific provision is needed to address the rare but serious incidents of bullying. Councillors have a right to challenge and question advice and decisions but in certain cases the line between appropriate behaviour and intimidation and humiliation has been crossed. Such behaviour should not be tolerated and we are committed to working with all in local government to stamp it out.

We have been successful in dealing with cases of bullying to date but believe that such cases are particularly concerning because of the characteristics they share. While the Code already says that members should treat people with respect, we believe it could make a much clearer statement that bullying behaviour will not be tolerated in a modern workplace.

### A Code for the future

The decision on what changes will be made to the Code is now in the government's hands. We have told the minister that we are keen to proceed with a revised Code of Conduct as soon as possible. We think it is particularly important to address the provisions relating to personal and prejudicial interests, which are currently seen as inhibiting members from carrying out their proper role as community advocates. This issue needs to be addressed urgently if the Code of Conduct is to better serve the government's vision for effective local democracy. We look forward to working with the Office of the Deputy Prime Minister on the revised Code.

### Key recommendations

- The Code should be simpler, more enabling, and owned by members.
- The Code should empower members as community advocates.
- The rules around personal and prejudicial interests should be clearer.
- The Code needs to be clear on what information should be confidential.
- Private behaviour should be regulated only when it seriously damages the reputation of local government.
- Bullying cannot be tolerated and needs to be addressed more explicitly.
- The current duty for members to report breaches should be removed.
- The Code should protect complainants and witnesses from intimidation.

A full summary of our recommendations is available on our website, along with a report on the independent analysis of consultation responses carried out by Teesside Business School:

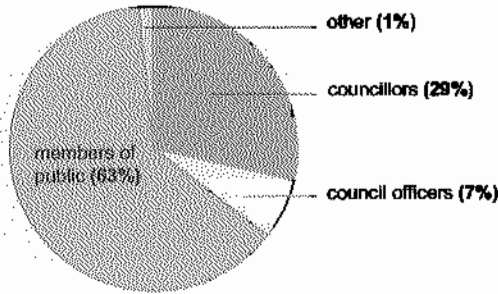


Referral statistics

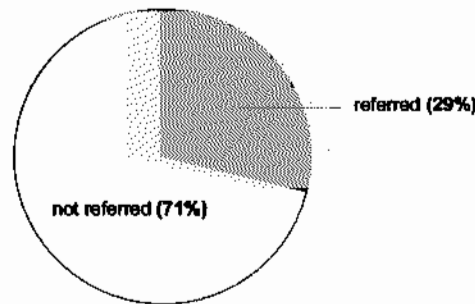
The Standards Board for England received 309 allegations in June, 321 in July, 374 in August, and 293 in September, giving a running total of 1931 for the current financial year.

The following charts show The Standards Board for England's referral and investigation statistics for that period.

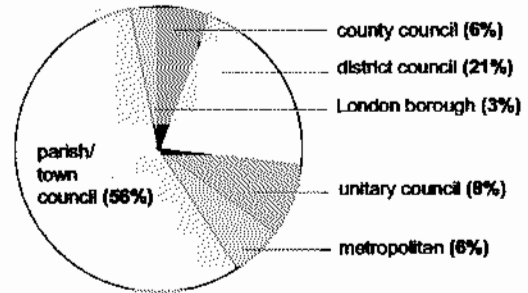
Source of allegations received



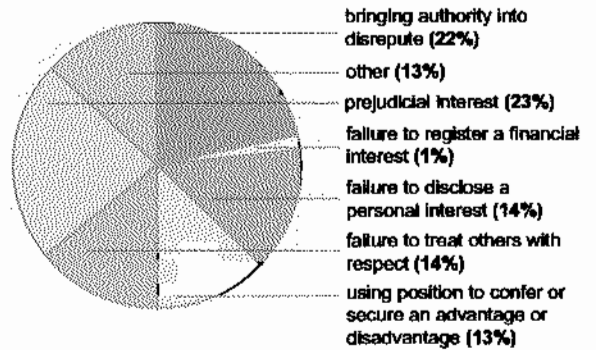
Allegations referred for investigation



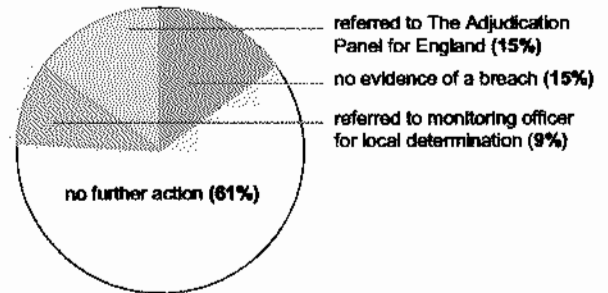
Authority of subject member in allegations referred for investigation



Nature of allegations referred for investigation



Final findings



Party conferences respond well to Code review

The Standards Board for England attended all three main political party conferences this autumn, taking the opportunity to talk to delegates — including many serving councillors — about the review of the Code of Conduct and the increasingly local focus for investigations and hearings. We were also keen to reiterate the message that we are not interested in being used as a weapon in political skirmishes between members. Feedback from delegates was largely positive, particularly in response to our recommendations for a clearer, more positive Code of Conduct.

Liberal Democrat focus

We were the subject of much debate during the Liberal Democrat conference. One of their main policy motions called for the abolition of the Board in its present form. The conference rejected overwhelmingly a motion to abolish the Board unconditionally, but approved the

policy which would see the Board replaced by a more strategic organisation overseeing a clearer Code of Conduct. This is, of course, broadly the direction in which we are already travelling. With local investigations taking root and the Code review almost complete, you will see us taking an increasingly more strategic approach to our work over the coming months and years.

Also at the Liberal Democrat conference, Roger Taylor, one of our Board members, took part in a fringe event hosted by the Association of Liberal Democrat Councillors. He told the audience that the reputation of local government has suffered, and continues to suffer, as the result of the behaviour of a minority. He argued that the need for the Code of Conduct and Standards Board is unquestionable, and the present reforms, including the review of the Code, are essential to ensure that authorities are able to take ownership and responsibility for improving standards.

## Fifth Annual Assembly of Standards Committees

The Fifth Annual Assembly of Standards Committee will be held on 16 and 17 October 2006, and will once again be at the International Conference Centre, Birmingham. Marketing for the event will begin in the New Year. This year's conference was fully booked and we had to turn people away, so make sure you book early to avoid disappointment!

### Standards conference a hit with delegates

A record 800 delegates travelled from across the country to attend this year's Annual Assembly of Standards Committees in Birmingham, and with 98% expressing their overall satisfaction with the event, it can safely be said to be another resounding success.

Delegates included around 200 monitoring officers, 200 independent members, and a range of other standards committee members (including councillors), chief executives and council leaders. The two-day conference included a wide variety of sessions covering local investigations, standards committee hearings, and some of the wider issues of the ethical framework.

A large proportion of conference materials is still available on our website, including the conference programme, several plenary speeches, session slides, handouts and newsletters. For those who were unable to attend the event, the third issue of the newsletter may be a good place to start as it includes an overview of the sessions and a roundup from our chief executive, David Prince.

### Monitoring Officers' Standards

#### Focussing on what's important

The Annual Assembly is the only event in the local government calendar that allows such a wide range of practitioners to come together to debate issues relating to the ethical agenda. It is evident from the feedback that delegates really value the opportunity to network and share experiences with colleagues from across the country.

However, looking forward, one of the key challenges delegates identified in their feedback was how the conference could evolve to continue to meet the learning and information needs of a diverse and discerning audience. With delegates ranging from experienced monitoring officers to newly appointed independent members, the audience for our conference is of a considerable size and variation, and delegates come to the event with varying degrees of knowledge and levels of interest in topics.

Of course, we would prefer not to exclude delegates from sessions, as experience has shown us that this can generate feelings of isolation and a sense of missing out among other groups. So, taking all this on board, next year we hope to build a programme of sessions designed around the different needs of our audience.

In practice, this will mean promoting individual conference sessions as 'primarily aimed at' certain types of delegate. We may describe a session as 'particularly relevant to independent members', for example, or 'most appropriate to those new to the Code and ethical framework'. This approach will enable delegates to make an informed choice about the sessions that are most likely to meet their needs and suit their level of knowledge and expertise without excluding others.

We continue to appreciate any feedback or comments on the Annual Assembly, particularly concerning how we can best meet the needs of our stakeholders. So if you have any thoughts for next year's event, please contact our conference organiser, Clare Stephenson, at [clare.stephenson@standardsboard.co.uk](mailto:clare.stephenson@standardsboard.co.uk).

### Ethics in local authorities explored

A team at the University of Manchester is conducting research into what components contribute to an ethical local authority. The research, commissioned by The Standards Board for England, will draw on good practice both nationally and internationally and, importantly, on your experiences as practitioners in local authorities.

The report on the Tenth Inquiry of the Committee on Standards in Public Life placed a great deal of emphasis on the importance of embedding the principles of public life in public organisations. We want to know how this goal might be achieved. A number of factors will be investigated, including mediation, communication, training, the development of protocols, the role of standards committees, the importance of leadership, and the role of ethics in corporate governance.

The first stage of the project, now complete, involved a literature review to develop a model of the components that make up an ethical environment and how these components relate to each other. The model will then be tested and developed further via case studies, in the context of the challenges regularly faced by local public bodies today.

The research team has set up a special website where you can get more information on the project and take part in a brief survey:

### Research on Ethics Standards

The research will be completed in December 2005. We will publish a summary of the findings on our website and report back in a future issue of the *Bulletin*.

**Survey sets benchmark for public confidence**

Research by MORI into the public's perceptions of ethics in local government has found that most people have a higher opinion of local councillors than politicians generally, but trust is still low. And while most people have never complained about a councillor, one in ten has wanted to.

The Standards Board for England commissioned MORI to investigate the public's perceptions of ethics and attitudes towards local government. The research will help us to establish benchmarks against which we can monitor the success of our work in increasing public confidence in local democracy.

**Initial findings**

MORI asked over 1,000 members of the public about their views on local government. It found a mismatch between what people regard as important roles for councillors and the perception of what councillors actually do. For example, 54% of those surveyed think it is important for councillors to make sure that public money is spent wisely, but only 21% think most or all councillors in their area do so. 39% think councillors should fulfil election promises, but only 15% think most or all councillors do.

The survey found that people are interested in local issues and want to engage with their local area but are not always certain what they can do in practice. It also revealed a lack of understanding about the work of councillors and low levels of contact with elected members — only one in seven people have met a local councillor within the last six months.

If people ever do need to complain, they are most likely to want an independent body to deal with it (46%), compared with their local council (28%) or an MP (13%). The three most important factors when making a complaint are knowing that it will be dealt with thoroughly, that the investigation will be independent, and that the complainant will be kept informed.

A summary of the findings will be published on our website in the near future.

**Local investigations statistics**

Ethical standards officers had referred 253 cases to monitoring officers for local investigation as of the end of September 2005 — equivalent to 32% of all cases referred for investigation since local referrals began in November 2004. In recent months, over half of all cases have been referred locally, and this trend looks set to continue.

74 reports have already been received from monitoring officers, and there have been 51 standards committee decisions on cases investigated locally. In

**Monitoring officers to be notified of all referral review decisions**

Monitoring officers and members named in an allegation will be notified of the outcome of referrals challenges, along with the complainant, following an amendment made to the Board's policy earlier this year. The relevant clerk will also be notified if the allegation concerns a parish councillor.

Complainants can request a review of a decision made by the Referrals Unit not to refer their complaint for investigation by writing to the chief executive of The Standards Board for England. The decision to inform monitoring officers, subject members and clerks of the outcome of the review is in response to feedback. Previously, these parties would have been informed only if the original decision was overturned and the complaint was referred for investigation.

The Board has also clarified that only the complainant may seek a review of a decision. Other parties who may also disagree with the decision cannot request a review but can lodge a fresh complaint if they believe they have anything new and material to add to the allegation.

**Revised scheme**

The new policy forms part of an amended Scheme of Delegation, which sets out the chief executive's powers to review a decision made by the Referrals Unit not to refer a complaint for investigation. The amended scheme makes it clear that the main purpose of the review process is to consider whether a decision not to refer a complaint should be changed and the complaint investigated. The chief executive (or delegated officer when the chief executive is unavailable) will consider whether the decision on a complaint was procedurally sound. For instance, was it based on a proper understanding of the allegation on the information available at the time, and did it go through the proper checking and sign-off procedures? They will also consider whether the decision reached was reasonable, regardless of whether they would have reached the same conclusion.

28 of those cases, it was decided that the member had not breached the Code of Conduct. In the other 23 cases:

- 12 members were censured;
- 1 was suspended for 1 month;
- 1 was suspended for 3 months;
- 3 were required to make an apology and undergo appropriate training;
- 6 had no sanction imposed.

### Board changes

Professor Alan Doig and John Bowers have ended their terms of office as Board members with The Standards Board for England. Both have served since the organisation's formation in 2001. They contributed to our development during the difficult early years when we were dealing with untried and incomplete legislation, and have overseen the improvements in our performance in more recent times. Their expertise and considered contributions will be sorely missed.

The Office of the Deputy Prime Minister, which is responsible for board member appointments, has advertised the vacancies and we will let you know about their replacements as soon as they are announced.

### New Case Review covers confidential ruling

The landmark ruling by The Adjudication Panel for England in the case against Councillor Dimoldenberg of Westminster City Council is examined in the latest volume of the *Case Review*, clarifying the Code's position on confidential information.

Other chapters explore The Standards Board for England's referrals process and criteria, national trends

emerging in local determinations, and the implications of several recent High Court challenges.

The *Case Review* is The Standards Board's annual review of case-related issues and developments, in which we investigate the key themes and topics in local government ethics. Each edition uses case examples drawn from our experience of conducting investigations and providing advice and guidance to pose questions, suggest some answers, and spark debate.

A copy of the publication was sent to all monitoring officers in September and was included in conference packs at the Fourth Annual Assembly of Standards Committees. Additional copies are available at a cost of £15 each. To place an order, call 0845 078 8181 or write to [publications@standardsboard.co.uk](mailto:publications@standardsboard.co.uk).

### Past issues at bargain prices

We also have limited copies of previous editions on special offer. Issue 1 includes a paragraph-by-paragraph analysis of the Code of Conduct, while issue 2 examines the role of the Code of Conduct in members' private lives, the boundaries of political debate, and prejudicial interests. These publications, normally priced at £20 and £15 respectively, can be purchased together for the total price of £20 while stocks last.



the  
Standards Board  
for England

# Standards Committee News:04

email: [scnw@sstandardsboard.co.uk](mailto:scnw@sstandardsboard.co.uk)

tel: 0845 073 8181

www: [standardsboard.co.uk/publications/](http://standardsboard.co.uk/publications/)

November 2005

## In this issue

- 1 Committee reports
- 2 Mediation services
- 2 Local investigations
- 3 Referral statistics
- 3 Code recommendations
- 4 Independent members
- 5 MORI research
- 5 Holding hearings
- 5 Local directions
- 6 Supporting parishes
- 7 Going local DVD
- ...and more!

Contents

Confidence in local democracy

You have probably been wondering what happened to *Standards Committee News* — this is, after all, our first issue for nearly a year. It has been a very busy time for us, reviewing and consulting on the Code of Conduct, embedding local investigations, and speeding up our referrals and investigations, not to mention organising the Fourth Annual Assembly of Standards Committees. We have also been scrutinised by two influential public bodies and await the government's response to their recommendations. You can read more about this work over the following pages, and we will write to all standards committee chairs detailing the government's official response to these issues in the near future.

In the meantime, we have been talking to standards committees and looking again at our newsletters to make sure they meet your needs. In future, we will produce two issues of *Standards Committee News* a year, in May and November, and we will be encouraging you to help shape them by submitting ideas and feedback. Our contact details are on the last page.

We believe standards committees have a critical role to play in improving standards of behaviour and increasing public trust and confidence, and I look forward to supporting you in your important work over the coming months and years. I also encourage you to send in any ideas for future articles in this newsletter — any examples of good practice and hot topics for discussion are welcome, and will help to keep this newsletter relevant to your needs.

David Prince, chief executive

## Government considers committee findings

The government is considering its response to recommendations from two influential committees which scrutinised the role and effectiveness of The Standards Board for England last year. The Committee on Standards in Public Life and the parliamentary select committee on the Office of the Deputy Prime Minister both presented their findings to the government earlier this year. Local government minister Phil Woolas MP told the Fourth Annual Assembly of Standards Committees, meeting in Birmingham this September, that he intends to reach a decision in the next few months.

## A strategic approach

The report of the Committee on Standards in Public Life, chaired by Sir Alistair Graham, called for more independent members on standards committees — a view we fully agree with. It also called for The Standards Board for England to take on a more strategic role in regulating ethical standards in local government, and with local investigations now in place, we are already moving in this direction.



The Committee on the Office of the Deputy Prime Minister, reporting a few months later, congratulated the Standards Board on the progress made in speeding up investigations and put past delays down to the absence of local investigations regulations. Recognising that we have often been criticised for these delays, the committee remarked that it was unreasonable to have expected us to function well within an incomplete statutory framework and without the necessary resources and powers.

Both reports also suggested improvements to the Code of Conduct which were reflected in our consultation on the review of the Code.

#### Considering complaints

The one issue on which the two committees disagreed was the question of who should consider complaints.

The Committee on Standards in Public Life proposed a local filter, where complaints would be received and assessed by each local authority. It believes this will enable greater local ownership of the process and discourage politically-motivated complaints. But the committee stressed that standards committees would need a majority of independent members and independent chairs if they were to maintain public confidence in the system, and this would require primary legislation.

Conversely, the Committee on the Office of the Deputy Prime Minister endorsed the current arrangements with The Standards Board for England as a central filter for complaints. According to the report, "central initial assessment of complaints by experienced officers applying a consistent set of criteria is one of its [the system's] unique strengths". The committee stated that it does not believe a local filtering system would enhance consistency in the process or increase efficiency.

The question of who should filter complaints is therefore clearly a key issue for ministers as they consider the way

forward. They will have to take into account a number of questions of both principle — will it lead to enhanced public confidence and greater responsibility for standards at a local level? — and practicality — will it be more cost-effective and efficient than at present and reduce politically-motivated complaints?

We look forward to their response and will keep you informed.

#### Resolving disputes through mediation

Councillors with disputes can be instructed by standards committees to undertake mediation and conciliation as part of a sanction, and ethical standards officers can make similar directions to be implemented by monitoring officers in specific cases. Mediation and conciliation may also be useful in resolving situations that have not yet given rise to complaints to The Standards Board for England. Some monitoring officers and standards committees already have mediation skills, but it may be useful for others to know how to acquire mediation skills and access third-party services.

That's where Mediation UK comes in. Mediation UK is a national voluntary organisation dedicated to developing constructive means of resolving conflicts in communities. It provides information on free and subsidised community mediation services throughout the UK, including training services for those who wish to provide mediation services themselves.

Authorities without specific mediation expertise may find these services useful. For more information and resources on mediation, visit the organisation's website at

[www.mediationuk.org.uk](http://www.mediationuk.org.uk)

We are not able to endorse any particular mediation training providers.

#### Local investigations statistics

Ethical standards officers had referred 253 cases to monitoring officers for local investigation as of the end of September 2005 — equivalent to 32% of all cases referred for investigation since local referrals began in November 2004. In recent months, over half of all cases have been referred locally, and this trend looks set to continue.

74 reports have already been received from monitoring officers, and there have been 51 standards committee decisions on cases investigated locally. In

28 of those cases, it was decided that the member had not breached the Code of Conduct. In the other 23 cases:

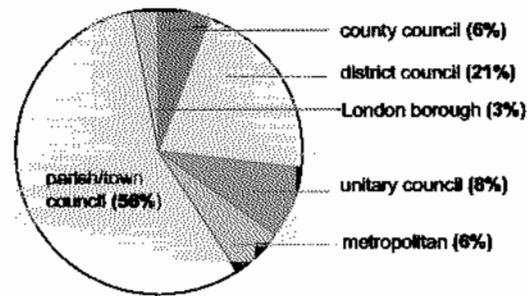
- 12 members were censured;
- 1 was suspended for 1 month;
- 1 was suspended for 3 months;
- 3 were required to make an apology and undergo appropriate training;
- 6 had no sanction imposed.

## Latest referral statistics

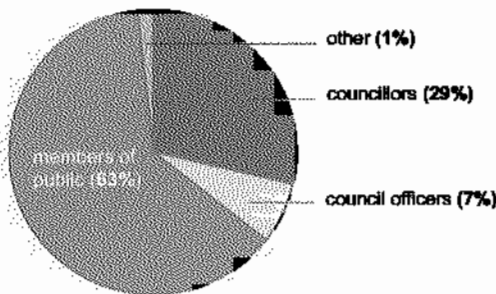
The Standards Board for England received 1931 allegations between 1 April and 30 September 2005 (the latest figure for the current financial year). The following charts show the breakdown for those allegations as they progressed through evaluation and investigation.

These figures are also available from our website, along with final figures for the previous financial years. The current statistics are updated monthly. To view them, go to: [www.standardsboard.co.uk/casestatistics/](http://www.standardsboard.co.uk/casestatistics/)

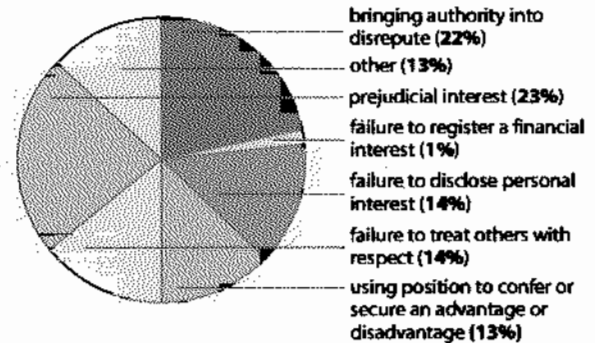
### Authority of subject member in allegations referred for investigation



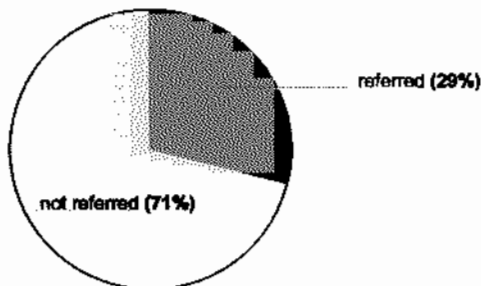
### Source of allegations received



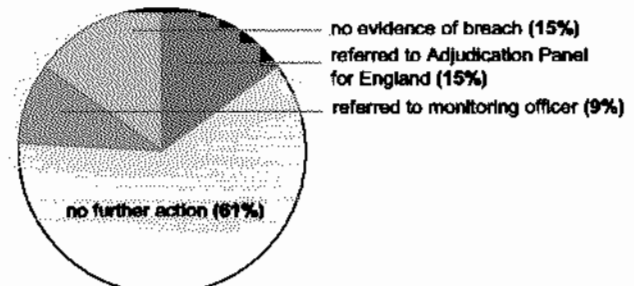
### Nature of allegations referred for investigation



### Allegations referred for investigation



### Final findings



## Key issues emerge as Code consultation closes

The Standards Board for England has presented Phil Woolas MP, the local government minister, with a series of recommendations for changes to the Code of Conduct, following our review of the Code earlier this year. We want to see a clearer Code which enables members to fully represent their communities without undue hindrance or red tape, while maintaining a commitment to the highest principles of public service.

The recommendations are the result of a four-month consultation exercise on the future of the Code of Conduct in which we asked members how they thought the Code could be improved. Over 1,200 individuals,

authorities and other organisations responded in writing, and we consulted nearly 1,000 additional members and officers during our series of regional roadshows held across the country.

We found wide support for a simpler Code, one that local government can take ownership of and adopt. These are the key changes we want to see made:

- The Code of Conduct should be simpler, more enabling, and owned by the members it applies to.
- The Code needs to empower members as community advocates, taking the lead on issues where their expertise is greatest and speaking out on behalf of their communities.

- The rules around personal and prejudicial interests should be clearer, especially for members who sit on more than one public body.
- Members must be able to disclose information when it is in the public interest. The Code needs to be clear on what information should be confidential.
- Members are entitled to private lives. The public only expects private behaviour to be regulated when it seriously damages the reputation of local government.
- Members have a right to challenge poor performance and criticise officers fairly, but bullying cannot be tolerated and needs to be addressed more explicitly in the Code.
- The current duty for members to report breaches is unnecessary and unhelpful, and should be removed.
- The Code should protect complainants and witnesses from intimidation.

The government is now considering its response and we expect a decision on possible revisions to the Code of Conduct later in the year, alongside any proposals arising from the recommendations of the Committee on Standards in Public Life and Committee on the Office of the Deputy Prime Minister (see Government considers committee findings on page 1).

Our full recommendations, along with an independent analysis of consultation responses by Teesside Business School, are available from our website at:

[www.standardsboardforengland.gov.uk/](http://www.standardsboardforengland.gov.uk/)

#### Co-ordinators push for more member forums

Co-ordinators of independent members' forums discussed the possibility of setting up a national forum of independent members at their annual meeting in July. But after a lively debate, it was decided that this was a bit premature, as not all areas of the country are covered by forums yet. The gaps are in the area north of Yorkshire, a large part of the Midlands and Cambridgeshire, Norfolk and Essex.

The co-ordinators agreed instead to encourage as many people as possible to attend a fringe event for independent members at the Fourth Annual Assembly of Standards Committees, where they could learn about the benefits of joining forums and hear about members' experiences of setting them up. The fringe event was a rare chance for independent members from all over the country to get together and share experiences and ideas and, judging from the high attendance, was a welcome event.

The session focused on the benefits of independent members' forums, which are growing in popularity and strength across the country. The session heard first hand accounts of how existing forums had galvanized members to approach their authorities for things which were available to members in other authorities but not to them. It was clearly shown that the encouragement and support of forums can make a big difference to

independent members who, in some authorities, may feel isolated or marginalised.

About half the independent members at the conference attended the lively event and a number of members registered their interest in forming new groups. Anne Rehill, senior policy adviser at The Standards Board for England, is helping to facilitate the drive for forums and will put members who are interested in setting one up in touch with other members from the same area. If you are in one of the areas where there is no forum and you would like to set one up, you can contact Anne on 020 7378 5030, or e-mail: [anne.rehill@standardsboard.co.uk](mailto:anne.rehill@standardsboard.co.uk).

The existing co-ordinators are also happy to be contacted if you would like to talk to them about setting up a forum in your area. They are also willing to attend meetings if you would find that helpful.

- Mr Richard Stephens (Gloucestershire)  
e-mail: [rstephens@diaioqueuk.com](mailto:rstephens@diaioqueuk.com)
- Mr Andrew May (south west)  
e-mail: [andrewandsuemay@witterings.fsworld.co.uk](mailto:andrewandsuemay@witterings.fsworld.co.uk)
- Mr Mike Wilkinson (West Yorkshire and Humberside)  
e-mail: [mike.wilkinson100@ntlworld.com](mailto:mike.wilkinson100@ntlworld.com)
- Mr Graham Wood (Greater Manchester)  
telephone: 0161 295 3646  
e-mail: [gwoodatno1@aol.com](mailto:gwoodatno1@aol.com)
- Mr Bruce Claxton (south of England)  
e-mail: [bandjclaxton@btinternet.com](mailto:bandjclaxton@btinternet.com)
- Ms Sarah Lawrence (Berkshire, Oxfordshire and Wiltshire)  
telephone: 01793 463603  
e-mail: [slawrence@swindon.gov.uk](mailto:slawrence@swindon.gov.uk)
- Mr Ray Haines (Kent)  
e-mail: [ray@doverchamber.co.uk](mailto:ray@doverchamber.co.uk)
- Father Jim Kennedy (London)  
e-mail: [blesac@rcdow.org.uk](mailto:blesac@rcdow.org.uk)

#### Upcoming meetings

The next meeting of the **London independent members' forum** will be on 28 December at 1pm (venue to be confirmed). If you are interested in attending and would like more information, please contact the forum co-ordinator, Jim Kennedy. Details above.

The next meeting of the **south of England independent members' forum** will be held at the Wealden District Council offices, Crowborough, East Sussex, on 3 April 2006.

If you are interested in attending and would like more information, contact the forum co-ordinator, Bruce Claxton. Details above.

### Sharing terms of reference

The co-ordinators also emphasised the importance of sharing information, particularly around extended terms of reference for standards committees — an area where The Standards Board for England can help. Standards committees are required to provide their terms of reference to us and should forward a new copy every time they change. We will then be able to share information more widely about what terms of reference standards committees have.

We are also interested in hearing about your experiences of being on a standards committee, particularly if you have been involved in a local investigation or hearing, have any special responsibilities, or have been innovative in your approach to the statutory functions of training and promoting the Code of Conduct.

Please send any ideas or information to James Harrigan at [james.harrigan@standardsboard.co.uk](mailto:james.harrigan@standardsboard.co.uk).

### Survey sets benchmark for public confidence

Research by MORI into the public's perceptions of ethics in local government has found that most people have a higher opinion of local councillors than politicians generally, but trust is still low. And while most people have never complained about a councillor, one in ten has wanted to.

The Standards Board for England commissioned MORI to investigate the public's perceptions of ethics and attitudes towards local government. The research will help us to establish benchmarks against which we can monitor the success of our work in increasing public confidence in local democracy.

#### Initial findings

MORI asked over 1,000 members of the public about their views on local government. It found a mismatch between what people regard as important roles for councillors and the perception of what councillors actually do. For example, 54% of those surveyed think it is important for councillors to make sure that public money is spent wisely, but only 21% think most or all councillors in their area do so. 39% think councillors should fulfil election promises, but only 15% think most or all councillors do.

The survey found that people are interested in local issues and want to engage with their local area but are not always certain what they can do in practice. It also revealed a lack of understanding about the work of councillors and low levels of contact with elected members — only one in seven people have met a local councillor within the last six months.

If people ever do need to complain, they are most likely to want an independent body to deal with it (46%), compared with their local council (28%) or an MP (13%). The three most important factors when making a complaint are knowing that it will be dealt with thoroughly, that the investigation will be independent, and that you will be kept informed.

The full report will be available on our website in the near future.

### Three-month limit on hearings explained

A case heard in the High Court regarding a local determination by the standards committee of Bolsover District Council established the principle that authorities need to make every effort to hold a hearing within three months of receiving the case from an ethical standards officer. But just how rigid is this limit, and are there any exceptions to the rule?

Paragraph 6(2)(b) of the *Local Authorities (Code of Conduct)(Local Determination) Regulations 2003* states that a hearing must be held within three months of the reference from the ethical standards officer. Authorities are encouraged to ensure that hearings are held as soon as possible and within this time limit imposed by legislation. The standards committee has the power to delay the hearing if something unexpected or unforeseen occurs which prevents it from meeting the time limit, but the court made it clear these must be genuine reasons — it is not sufficient that a subject member may have no objections to the hearing being held outside the three-month period.

Unexpected or unforeseen circumstances may include the following events, although it is by no means an exhaustive list:

- illness of the subject member or any of the standards committee members;
- bereavement suffered by the subject member or any of the standards committee members;
- other important engagements which cannot be altered, such as hospital appointments and jury service;
- the subject member being called to work out of the country for a long period of time.

### Tackling parish problems at the root

A parish council with evidence of longstanding personal conflict and communication problems was given mediation and training support by its principal authority as a result of directions issued for the first time by The Standards Board for England.

The Standards Board for England issued the directions using powers that came into force as part of the local investigations regulations last year. The regulations enable ethical standards officers to direct monitoring officers to take action other than investigation to resolve local problems, such as reviewing procedures to make them more robust or, as in this case, getting councillors to sit down and work out their problems together.

Since this first direction was issued, ethical standards officers have used these powers in several further cases, and a number of other directions are expected to be issued in the near future.

#### Underlying problems

Some allegations reveal longstanding problems or more deeply ingrained issues within an authority which investigations alone are not able to address. There may be any number of underlying factors affecting the authority, such as:

- factionalism on the council, often resulting from a split over a controversial decision — possibly the clerk may even be thought to have taken sides;
- a dominant or destructive personality on the council antagonising other members;
- bullying of members or the clerk by other members;
- a lack of understanding by members of what is and is not acceptable behaviour;
- a lack of procedures in council, such as standing orders or procedures for dealing with disruptive behaviour;
- poor chairing skills, which can allow meetings to get out of control;
- poor resourcing and a lack of support for the clerk, who may be unable to ensure business is run correctly.

The directions power is an important tool because it allows us to tackle these problems at the root and make a lasting difference to the way an authority is run.

#### Beyond investigations

In this instance, 76 allegations had been received about council members since April 2002, suggesting a history of conflict and communication problems. A number of these allegations were investigated, but it became apparent that the investigations were unable to resolve the underlying problems.

The ethical standards officer directed the monitoring officer of Mendip District Council to arrange mediation between the members and organise training and guidance on conflict resolution and parish council procedure. The monitoring officer had to report back to The Standards Board for England within three months, setting out progress on both aspects of the direction.

Vivienne Pay, the monitoring officer of Mendip District Council, is happy to be contacted with any questions or for further information on this matter. Please telephone 01749 341538 or e-mail [payv@mendip.gov.uk](mailto:payv@mendip.gov.uk).

#### Supporting your parishes

Directions are not the only way we are working to address issues of this kind. At a national level, we are working with bodies such as the National Association of Local Councils and the Society of Local Council Clerks to develop support packages, and we are seeking funding from the Office of the Deputy Prime Minister to support some of the work.

Standards committees too have a role to play. Sometimes standards committees seem reluctant to support parishes in their area with these kinds of problems, but standards committees have a responsibility to promote and maintain high standards of conduct among members. We often find that independent members, in particular, can play an important role in working through some of the difficulties with parishes as they are seen as not having the political baggage that elected members may have.

If you think there may be issues with a particular parish in your area, we would urge you to talk to your local county association and the local branch of the Society of Local Council Clerks about how to work collectively with the parishes to address these problems and help them move forward to the benefit of all in the local community. You may also be interested in the article on providing mediation and conciliation support to members.

If any committees out there have stories of success in supporting a parish facing such difficulties, please tell us about it so we can share effective practice with other standards committees and see if there is anything we can try to replicate at a national level. Send your stories to James Harrigan at

[james.harrigan@standardsboard.co.uk](mailto:james.harrigan@standardsboard.co.uk)

Please also state if you would be happy for us to use your experience as a case study in future editions of the newsletter.

#### Toolkit helps authorities assess standards

Tools to help authorities take their ethical temperature and develop good ethical governance are being jointly developed by The Standards Board for England, the Audit Commission and the Improvement and Development Agency (IDeA).

The ethical governance toolkit provides diagnostic tools to help authorities strengthen their ethical governance arrangements. Authorities can choose from a range of options, recognising that councils differ in their needs and approaches to ethical governance issues.

There are four key elements to the toolkit, administered by the Audit Commission, the IDeA, or jointly by both organisations:

1. A self-assessment questionnaire for elected members and senior officers, designed to assess an authority's awareness of ethical issues.
2. A full audit, investigating all areas of an authority's arrangements in depth and assessing:
  - compliance with the Code of Conduct;
  - arrangements for local determinations and investigations;
  - the roles and responsibilities of standards committees;
  - the roles and responsibilities of monitoring officers;
  - the roles and responsibilities of chief executives;
  - protocols and constitution;
  - arrangements for promoting confidence in local democracy;
  - understanding and behaviours.
3. A light-touch health check, investigating the same areas covered by the full audit (listed above) but in less detail
4. Developmental workshops with officers and members tailored to the specific needs of the authority.

The first two services are available now and the other parts will be available in the new year.

For more information on the toolkit, visit the IDeA's website at:

[www.idea.gov.uk/standards/ideatoolkit/ideatoolkit.asp?PageID=1115350](http://www.idea.gov.uk/standards/ideatoolkit/ideatoolkit.asp?PageID=1115350)

### Case summary policy reviewed

Summaries of cases where ethical standards officers consider there is no evidence of a breach of the Code of Conduct will be taken down off the website after only six months, following a recent review of the policy by the Board. Previously, these cases remained up for two years.

The policy for all other cases remains the same — the summaries remain on the site for two years from either the closure of the case or, for cases referred to The Adjudication Panel for England or local standards committee, from the hearing date or completion of any sanction, such as a suspension or disqualification.

### Ethics in local authorities explored

The Standards Board for England has commissioned a team at the University of Manchester to conduct research into what components contribute to an ethical local authority. The research will draw on good practice both nationally and internationally and, importantly, upon your experiences as practitioners in local authorities.

The tenth report of the Committee on Standards in Public Life placed a great deal of emphasis on the importance of embedding the principles of public life in public organisations. This research project looks at how this

goal might be achieved. A number of factors will be investigated, including mediation, communication and training, the development of protocols, the role of standards committees, the importance of leadership, and the role of ethics in corporate governance.

The first stage of the project, which was recently completed, was to undertake a literature review, in order to develop a model of the components that make up an ethical environment and how these components relate to each other. The model will then be tested and developed further via case studies, in the context of the challenges regularly faced by local public bodies today.

More information on this project can be found at the following website, which has been set up by the research team:

[www.speag.org.uk/standards.htm](http://www.speag.org.uk/standards.htm)

The research will be completed in December 2005, and we will publish a summary of the findings on our website.

### Help with local investigations and hearings

A DVD promoting best practice in local investigations and hearings is in the final stages of production.

The DVD, *Going local: investigations and hearings*, follows the fictional case of Councillor Jones, who has been accused of failing to declare an interest in a planning meeting considering an application submitted by his nephew. Viewers follow the drama as it develops, from the initial referral of the complaint through to the standards committee hearing. Learning points and commentary punctuating the film address some of the common areas of difficulty and our recommended solutions. It also includes a section on the importance of local ownership of the Code of Conduct and our role in supporting its implementation.

We hope to complete the DVD soon and should be in a position to distribute it by the end of this month. In the meantime, you may find some of our other guidance for standards committees of use — see *Information for new members* on page 8 for more information

### Board changes

Professor Alan Doig and John Bowers have ended their terms of office as Board members with The Standards Board for England. Both have served since the organisation's formation in 2001. They contributed to our development during the difficult early years when we were dealing with untried and incomplete legislation, and have overseen the improvements in our performance in more recent times. Their expertise and considered contributions will be sorely missed.

The Office of the Deputy Prime Minister, which is responsible for board member appointments, has advertised the vacancies and we will let you know about their replacements as soon as they are announced.

## Information for new members

As a result of the local elections in May, there are undoubtedly many new members of standards committees across the country. So, as an introduction to the new faces — and a reminder to the more established ones — here is a brief guide to the information available from our website, including publications aimed specifically at members of standards committees. Some of this information is also available in hard copy. For more information, please call 0845 078 8181 or write to [publications@standardsboard.co.uk](mailto:publications@standardsboard.co.uk).

### Guidance

- **Guidance on standards committees**

A guide to the role and make-up of standards committees.

- **Standards committee determinations**

Information for standards committees on how to hold a local determination hearing.

[www.standardsboard.co.uk/localauthorityguidance/](http://www.standardsboard.co.uk/localauthorityguidance/)

### Standards Committee News

The latest issue and past issues of the newsletter. You can also sign up to receive issues by e-mail or cancel your subscription [here](#).

[www.standardsboard.co.uk/scnews/](http://www.standardsboard.co.uk/scnews/)

### FAQs

Frequently asked questions about the Code of Conduct, including a section on standards committees.

[www.standardsboard.co.uk/faqs/](http://www.standardsboard.co.uk/faqs/)

### Case summaries

Summaries of recent investigations and hearings. The browse function enables you to find cases referred to standards committees — use the 'SBE outcome' box and select 'referred to the local standards committee'.

[www.standardsboard.co.uk/cases/](http://www.standardsboard.co.uk/cases/)

### Other publications

An extensive list of all our publications.

[www.standardsboard.co.uk/publications/](http://www.standardsboard.co.uk/publications/)

### Contacts

If you received this edition of Standard Committee News from a colleague but would like your own copies in future, write to [scnews@standardsboard.co.uk](mailto:scnews@standardsboard.co.uk) or go to:

[www.standardsboard.co.uk/scnews/](http://www.standardsboard.co.uk/scnews/)

If you have any comments or questions about Standards Committee News or ideas for future items, drop us a line at [scnews@standardsboard.co.uk](mailto:scnews@standardsboard.co.uk).

For all other enquiries, telephone 0845 078 8181 or e-mail [enquiries@standardsboard.co.uk](mailto:enquiries@standardsboard.co.uk).