

City of Durham

At a Meeting of the **STANDARDS COMMITTEE** held in the Gala Theatre, Durham, on Monday 11th June, 2007 at 5.30 p.m.

Present: Mr B.R.J. Ingleby (in the Chair)
and Councillor J.S. Anderson (Parish Council Member)
and Mrs T. Naples (Independent Member).

Also Present: Councillor Wilkes.

66. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Simpson.

67. MINUTES

The Minutes of the Meeting held on 20th March, 2007, were confirmed as a correct record and signed by the Chairman.

Report of Monitoring Officer

68. APPOINTMENT OF PARISH REPRESENTATIVE

Former Parish Councillor Beswick did not retain his seat on Brandon and Byshottles Parish Council at the local election on 3rd May, 2007.

In the circumstances he had tendered his resignation as a parish representative on the Standards Committee.

Resolved: That the Parish Councils be asked for their nominations to replace former Councillor Beswick.

69. ROADSHOW 2007

The Standards Board for England was holding a roadshow in Newcastle-upon-Tyne on 12th June, 2007. The Monitoring Officer had reported to the last meeting of the Standards Committee that four places had been provisionally reserved. The venue was the Assembly Rooms in Newcastle, and the programme for the roadshow was circulated.

Resolved: That the event be attended by Mrs Naples, Councillor Anderson and the Monitoring Officer.

70. TRAINING EVENT FOR MEMBERS

Sedgefield Borough Council had organised a training event on standards issues to be presented by Mr Peter Keith Lucas of Bevan Brittan Solicitors on Wednesday, 27th June, 2007 in the Clevesferye Suite at Ferryhill Leisure Centre, from 10.00 a.m. to 4.00 p.m.

The event would give Members an opportunity to take part in a mock up of the initial stage of an investigation, involving small groups acting as a Standards Committee who would evaluate complaints and decide whether to conduct an investigation. The groups would then discuss why each complaint was or was not worth investigating and the cost implications of the different decisions would be demonstrated.

The event would also incorporate a discussion on the revised Members Code of Conduct. Authorisation had been received from the City Council to send up to 5 persons to the training session. This was particularly appropriate for Members who had not had an opportunity of taking part in formal training on ethical governance issues previously and was of specific benefit to new Members of the Standards Committee.

Resolved: That Members of the Standards Committee, particularly new Members, be encouraged to attend the training event.

71. CORRESPONDENCE FROM THE STANDARDS BOARD

A letter dated 23rd May, 2007, addressed to all Leaders of local authorities and copied for Chief Executives and Monitoring Officers had been sent out by the Standards Board for England. A copy of this letter had been circulated. The letter urged early adoption of the new Code of Member Conduct and made a number of points about support for the Standards Committee and Monitoring Officer.

Resolved: That the correspondence be noted.

72. COMPLAINTS TO THE STANDARDS BOARD FOR ENGLAND

- (a) The Monitoring Officer had recently been notified by the Standards Board for England of a number of recent decisions taken by the Board.

(i) **SBE 17785.07**

An allegation had been made by a Councillor on Pittington Parish Council that the Chairman of the Parish Council had breached the Code of Conduct as a result of remarks made during a meeting of the Parish Council on 20th February, 2007.

The comments in question were concerned firstly with the accommodation needs of gypsies and travellers, secondly with the motion by the complainant for the reinstatement of the public participation session at Council meetings and thirdly with remarks allegedly made by the Chairman that "the Parish Council will be better served by Councillors who lived in the Parish".

The decision of the Standards Board was that the allegations should not be referred to an Ethical Standards Officer for investigation. Having taken account of the available information, the Standards Board did not believe that a potential breach of the Code of Conduct was disclosed.

In relation to the alleged comments concerning gypsies and travellers the Board said that the complainant had not provided specific detail of this and in the absence of such detail the allegation was not sufficiently substantiated.

In relation to the alleged sarcastic remark of the Chairman following the motion of the complainant to have the public participation session at Parish Council meetings reinstated, the Board took the view that the Chairman was entitled to express his views on that motion.

Finally in relation to the alleged comments about the complainant not living in the Parish, the Board recognised that these alleged comments were

personally critical of the complainant, but fell within the realm of legitimate political debate. As the comments were made during the course of a Council meeting at which the complainant was present, the Board felt that the complainant had the same access to a public platform as the Chairman, in which to respond to any allegations.

(ii) SBE 17786.07

The Standards Board had also received a complaint from the same Member of Pittington Parish Council concerning the alleged conduct of the Vice-Chairman.

The first allegation was similar to part of the allegation made in complaint SBE 17785.07 and concerned the purported action of the Vice-Chairman in seconding comments made by the Chairman about the complainant no longer living in the Parish. It was alleged that in seconding the motion the Vice-Chairman had made an abusive, unnecessary and unprovoked personal and political attack on the complainant.

It was also alleged that at the same meeting the Vice-Chairman had read out a list of Parish Council achievements and had made disparaging comments in relation to a political leaflet issued by the complainant's party which it was allegedly said, was full of lies and brought the Parish Council into disrepute.

The Standards Board's decision was that the allegations should not be referred to an Ethical Standards Officer for investigation. The Board, having taken account of the available information, did not believe that a potential breach of the Code of Conduct was disclosed.

The Board said that in supporting a fellow Members motion, the Vice-Chairman did not commit a potential breach of the Code of Conduct. This would fall within the realm of legitimate political debate.

The expression of different political views and criticism of the public views of opposing political parties was considered to be a regular part of the cut and thrust of local politics. The Board acknowledged that Members would frequently use council meetings to indulge in political point scoring. It was felt that the Vice-Chairman's comments had been made in a similar vein and the Board noted also that the complainant had access to the same public platform from which to respond to criticism.

(iii) SBE 18240.07 – SBE 18252.07

The Monitoring Officer had recently received from the Standards Board for England decision notices in relation to 12 complaints which had been lodged by the same individual against Members of West Rainton Parish Council.

In all twelve cases the decision of the Standards Board was that it had jurisdiction only to deal with the conduct of individual members of local authorities and could not investigate the adequacy of an authority's administrative procedures, minutes of meetings or the merits of particular decisions taken by the authority. It had been noted that the complainants concerns over Access to Information had been raised with the Information Commissioner and the Standards Board felt that in the circumstances it was considered that this was the appropriate body for dealing with such matters. The conclusion was therefore that there was no information to support the view that the Councillors and former Councillors who were complained about

had potentially failed to comply with the Code of Conduct. The allegations therefore were not being referred to an Ethical Standards Officer for investigations and there had been no findings of fact. The complainant had an option of asking the Standards Board to review its decision if he considered it unreasonable in law; i.e. if the decision was allegedly flawed because of the irregular way in which the allegation was processed or because the judgement was irrational on the reported facts.

The complainant's concerns related to issues with the Parish Council over a period of 18 months. The complainant had sought to acquire an additional burial plot at the local cemetery, to relocate a yew tree adjacent to his mother's grave and to erect a headstone. Because the Parish Council had taken a policy decision not to sell plots in the cemetery his request was refused. The complainant felt that this policy was unlawful and contradictory. He complained that the various Members against whom the allegations were made had:-

- failed to treat him with respect,
- had discriminated against him and treated him unfairly;
- had revealed information given in confidence or had prevented him from accessing information to which he was entitled,
- had failed to report the misconduct of other Members,
- had failed to reveal a personal interest,
- had used their position to the complainant's disadvantage,
- had failed to provide adequate training for the Parish Clerk,
- had damaged the reputation of their office and authority,
- had failed to register financial or other interests and had misused the Parish Council's resources,
- had taken part in a meeting where the interest was so significant it would have been likely to affect their judgment,
- had implemented unlawful policies,
- had failed to have regard to various legislation,
- had failed to attend various meetings, seminars and training sessions,
- and had failed to hold the Chairman to account.

In addition the complainant had alleged that the Parish Council itself had:-

- failed to allow him to challenge the burials policy,
- failed to follow proper procedures,
- failed to hold proper meetings and had taken unlawful decisions
- had been obstructive and demonstrated evasive behaviour,
- had made decisions in camera and failed to keep proper records,
- had failed to comply with standing orders,
- had failed to comply with the Freedom of Information Act and had restricted the complainant's access in contacting the Parish Council.

Resolved: That the report be noted.

(b) SBE 14399.06

In March 2006, the Standards Board for England had received a complaint from a Parish Councillor at Pitlington Parish Council, alleging that the Chairman had breached the Code of Conduct and had acted towards her in a rude, unpleasant and hostile manner. The Standards Board decided to refer the allegation to an Ethical Standards Officer.

The decision of the Ethical Standards Officer was to issue a direction, requiring a process of mediation between the Members of Pitlington Parish Council and for appropriate training to be arranged. It was felt that this direction would address the root causes of the problems in the Parish Council and would improve the understanding of Council Members of Council procedures and correct conduct in meetings, as well as improving chairmanship skills.

On receipt of the Ethical Standards Officer's direction, the Monitoring Officer appointed a mediator who initially met the complainant and the Chairman of the Parish Council separately. Neither Councillor was prepared to take part in further mediation, and particularly, neither was prepared to participate in a joint session, so although the initial meetings brought about some improvement in the relationship between the Chairman and complainant, the mediation process faltered. The Ethical Standards Officer requested a follow up mediation meeting when the lack of progress was reported to her and at that stage the complainant agreed, albeit reluctantly, to participate, but the Chairman was not prepared to attend a follow up session. In the circumstances the mediator felt that there was nothing further to be achieved.

So far as training was concerned, a training course comprising six module in three groups was identified as appropriate chairmanship training and a provisional booking was made on behalf of the Parish Council Chairman. He did not attend the first session, claiming insufficient notice and the wish to have the matter of fees considered by the Parish Council beforehand. He then indicated he would be unable to attend the second session because of holiday commitments.

Regrettably, the organisers had had to cancel further modules because of insufficient interest from parish councils in the run up to the local elections in May.

There was however one successful outcome of the direction in that the Parish Council as a whole attended a training session entitled "What's on the Agenda" organised by the County Durham Association of Local Councils. The Clerk to the Parish Council had advised that a supply of "The Councillor's Guide" had been ordered for distribution amongst Parish Council Members and it was felt that this would aid the knowledge of the Members and provide examples of good practice.

The outcome of the direction had been largely disappointing although the benefit of the "What's on the Agenda" training was acknowledged. The Standards Board for England had been notified of the outcome and a copy of the Monitoring Officer's report was circulated for Members' information.

The view of the Standards Board was that if there were any further complaints in relation to this Parish Council, the information contained in the Monitoring Officer's report would be taken into account as to whether allegations should be referred for investigation.

The outcome of the direction was also advertised in the local press on Thursday, 10th May, 2007, in response to a request from the Standards Board.

Resolved: That the report be noted.

(c) SBE 18323.07

The Standards Board for England had recently received a complaint alleging a breach of the Code of Conduct by a Member of the City Council. The initial decision of the Standards Board was to refer the allegation to an Ethical Standards Officer for investigation, and the Ethical Standards Officer had determined to refer the matter to the Monitoring Officer for a local investigation.

The Monitoring Officer notified the Standards Committee that an investigation was about to be carried out, however was unable to provide any details of the allegation. This confidentiality was intended to avoid the perception of prejudice both in the Monitoring Officer's investigation and also in the subsequent Standards Committee determination.

Resolved: That the report be noted.

73. LOCAL GOVERNMENT & PUBLIC INVOLVEMENT IN HEALTH BILL

The Local Government and Involvement in Health Bill was currently going through its Parliamentary stages. It was expected to become law in the early autumn. The Bill was extensive and covered structural and boundary changes, new electoral arrangements, reorganisation of local authorities and other matters, but of interest to the Standards Committee was the chapter on the conduct of local authority members.

The Monitoring Officer outlined the provisions which were currently in the draft Bill, although it was noted that these provisions could be changed before the Bill became law.

Resolved: (i) That the report be noted.

(ii) That a further report be brought to the Standards Committee once the Local Government and Public Involvement in Health Bill becomes law.

74. LOCAL AUTHORITIES (MODEL CODE OF CONDUCT) ORDER 2007

The new Model Code of Conduct for local authorities was laid before Parliament on 4th April, 2007, and came into force on 3rd May, 2007.

Under the Local Government Act 2000, local authorities had six months in which to adopt a new Code of Conduct incorporating the mandatory provisions on the new Model Code, and if they failed to do so, the Code would be applied automatically.

The Monitoring Officer submitted a comprehensive report detailing the main provisions of the new Model Code, and Members of the Standards Committee were asked to consider these new provisions and to make recommendations to Full Council on adoption.

Resolved: (i) That Full Council be recommended to adopt the new Model Code of Conduct for local authorities, subject only to one addition, namely the inclusion in the Register of Members' Interests of offers of gifts and/hospitality (whether accepted or not) with an estimated value of at least £25.00.

(ii) That a training session for Members of the City Council and Parish Councillors on the provisions of the new Code of Conduct be arranged.

75. STANDARDS BOARD FOR ENGLAND – BULLETIN 33

Copies of the latest bulletin from the Standards Board for England were circulated for Members' information.

**76. ASSOCIATION OF INDEPENDENT MEMBERS OF STANDARDS COMMITTEES
IN ENGLAND (AIMSEC)**

Mrs Naples reported that as a member of the Association, she would attend the Association's meeting at the Annual Assembly in Birmingham and report back to the Standards Committee on progress.

Resolved: That the report be noted.

The meeting terminated at 6.10 p.m.

Chairman

CITY OF DURHAM

STANDARDS COMMITTEE

31 July 2007

REPORT OF MONITORING OFFICER

1. Appointment of Parish representative

I have received a total of 7 nominations for appointments as Parish Representative to the Standards Committee. The nominees are:-

Mrs Tara Saville	Sherburn
Hillary Westwell	Witton Gilbert
Mrs Patricia Hudson	Shincliffe
Andrew Sowerby	Pittington
Marion Wilson	Bearpark
Mrs Lesley Catterson	Brandon & Byshottles
Christopher Pattinson	Belmont

Arrangements will now be made to interview candidates with a view to a recommendation for appointment being made to Full Council.

Recommended that the report be noted.

2. Roadshow 2007

The Standards Board for England held a roadshow in the Assembly Rooms, Newcastle upon Tyne on the 12 June 2007.

The event was attended by the Vice Chairman and myself.

The roadshow was led by Mr David Prince the Chief Executive of the Standards Board and Mr Roger Taylor one of the Board Members.

The main theme of the roadshow was the new Code of Conduct and there was also some discussion about the forthcoming changes in legislation which will substantially increase the role of Standards Committees in dealing with initial complaints.

3. Training Event for Members

Sedgefield Borough Council organised a training event on Standards issues, facilitated by Mr Peter Keith-Lucas of Bevan Britten Solicitors on Wednesday 27 June.

Previous presentations given by Mr Peter Keith-Lucas had proved to be very worthwhile and five places were reserved on the course. It is disappointing that in the event only Mrs Clare Greenlay, the Deputy Monitoring Officer and Councillor Thompson were able to attend

The total cost to the City Council for the event was £705 inclusive of VAT i.e. £120 per candidate and we had no option but to pay for the five places reserved.

4. Local Authorities (Model Code of Conduct) Order 2007

Council at its meeting on the 24 July will be asked to adopt the new Model Code of Conduct as recommended by the Standards Committee and with the addition only of a requirement that all offers of gifts and hospitality, whether accepted or not, over the value of £25, should be declared and recorded in the appropriate register.

I will be able to advise Members at the meeting of the decision of Council in this regard.

5. AIMSce

The Vice Chairman has received correspondence from the Association of Independent Members of Standards Committees in England (AIMSce) that one or two independent members of the association have expressed disquiet and concern over the way in which the Chairman of their respective Standards Committees has been elected.

The letter goes on to say that the customary way to elect a council sub-committee Chair is to do it by means of a very brief meeting of each council sub-committee immediately after the council's annual meeting. This method does have administrative, bureaucratic and political advantages for elected members and officers in many cases.

The good practice (which is about to be enshrined in legislation) of having an independent member of the Standards Committee as Chairman mitigates against this practice. The association suggests that unless all independent members are invited to the annual meeting of the council it is better practice to deal with the election of the Chairman by vote at the first meeting of the Standards Committee after the annual meeting. It has been suggested that in this way Standards Committees "own" their Chairman and assert their required but limited degree of independence and detachment from the council and the association has suggested that this matter should be raised with Standards Committees nationally.

Members will be aware that the City Council no longer appoints Chairman and Vice Chairman of its respective committees in the way described.

Since the Standards Committee was first constituted it has been the policy of the City Council to have independent members appointed to the Chairman and Vice Chairman positions. At Annual Council in May this year Mr Ingleby was appointed Chairman for a two year period and Mrs Naples was appointed Vice Chair. There are now three independent members of the Standards Committee and it may be appropriate when future appointments are made to consider whether this method of appointment is appropriate.

Members' instructions are requested.

6. North East Regional Forum

Members are requested to indicate whether they would wish to take the lead in setting up a North East Forum by way of networking with other Standards Committees.

7. Bulletin 34

Attached for information

THE BULLETIN #34

July 2007

Welcome to Issue 34 of the *Bulletin*.

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Statistics

The revised Code of Conduct was introduced two months ago and many councils across the country have now adopted it. Issues around adopting and advertising the revised Code are covered in this edition of the *Bulletin*, along with useful guidance on other provisions of the Code. The issues discussed fall into two broad groups, those relating to the adoption or transition from the old to the new Code, and those around its application.

In addition, we offer advice to authorities on having protocols in place for the release of confidential information by members. Robust authority protocols can assist in promoting and maintaining ethical standards and ensuring that confidential information remains protected where appropriate.

This issue of the *Bulletin* also examines those decisions by ethical standards officers to take no further action in a case, and how the referral of cases for investigation can be a stimulus to local action.

The Standards Board for England remains committed to providing guidance and support for authorities to implement and uphold the new Code. Hard copies of our guidance booklet for members have been distributed to all monitoring officers, and our training DVD is currently in the final stages of production.

We are also involved in a number of upcoming events, more details of which can be found later in this newsletter. We look forward to meeting as many of you as possible at these events and to hearing your feedback.

Contact

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David Prince
Chief Executive



Standards Board
for England

Confidence in local democracy

Issues surrounding the revised Code of Conduct

In the short time since the revised Code of Conduct was introduced, our Policy and Guidance advisers have identified a number of frequently asked questions. Further information on these common queries is supplied below.

Adoption of the new Code

As soon as your authority has adopted the revised Code, it must send notification to the Standards Board for England. The easiest way to do this is by sending an email to enquiries@standardsboard.gov.uk

This notification should clearly state:

- whether the model Code was adopted unamended or any amends that have been made
- on what date the adoption occurred
- on what date the adoption comes into effect

A simple notification will usually suffice and your authority does not need to provide us with a copy of the entire Code it has adopted, unless you amend the mandatory provisions, or add extra provisions to suit local circumstances. We recommend that you obtain legal advice before adopting such amendments. This is to ensure that the provisions can be enforced and do not break any law or regulation.

Advertising your new Code

Under Section 51(6)(b) of the Local Government Act 2000, you must publish a notice in the local newspaper as soon as possible after your council has adopted a Code of Conduct. The notice should state that a Code has been adopted and that it is available to be seen by members of the public at all reasonable hours.

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 combined notice to be arranged, parish clerks will need to ensure that their councils adopt the revised Code quickly. They will also need to confirm to the monitoring officer where copies of the Code can be inspected within the parish. This information must be included in the notice published in the newspaper.

While the newspaper notice may take some time to coordinate, your authority must notify the Standards Board immediately after the adoption of the new Code. This should not be subject to coordinating several notifications at once and should be undertaken by each council without delay.

Amending paragraph 7 of the revised Code

Paragraph 7 says that members must have regard to advice from their monitoring officer or chief finance officer where they give it under their statutory duties.

This paragraph is not mandatory for parish councils. Therefore, parish councils may choose to adopt paragraph 7 as it applies to other types of authorities, adopt an amended version of paragraph 7, or leave paragraph 7 silent.

The Standards Board believes the last approach – leaving paragraph 7 silent – is preferable, and this is the approach used in our *Model Code of Conduct for Parish and Town Councils* which is available from our website. Paragraph 7 is drafted narrowly, and is limited to the statutory duties of the monitoring officer and chief finance officer. In our opinion, the wording of paragraph 7 does not translate appropriately to the parish context and may cause confusion among members and officers.

It has been suggested that parish councils should adopt a version of paragraph 7

referring to the need to have regard to the advice of the parish clerk. We do not support this amendment. Unlike monitoring officers and chief financial officers, clerks do not have statutory duties unless they also happen to be the authority's chief finance officer and are suitably qualified. Only in that case would it be appropriate for members to be required to have regard to a parish clerk's advice.

It would not be advisable to remove the limitation in paragraph 7 to statutory duties and simply include an obligation to have regard to all advice of your authority's clerk. In the Standards Board's view, this amendment would impose an unnecessary burden on members of parish councils to have regard to the clerk's advice and lead to unwarranted breaches of local Codes.

Registration of members' interests

The requirements for the register of members' interests are slightly different under the old and the new Codes. This means that members may need to complete a new form once an authority adopts the revised Code. However, this depends on the manner in which the information is already collected. As with the practice under the old Code, it remains a matter for each individual authority to review their existing procedures for collecting and maintaining this information.

Registering gifts and hospitality

It has been suggested to the Standards Board that rather than registering gifts and hospitality in the register of interests, the revised Code requires members to register the interests of people that give them gifts or hospitality. We believe this interpretation of the revised Code is incorrect.

The Standards Board believes that the revised Code requires members to register any gifts or hospitality worth £25 or over that the member received in connection with their official duties, and the source of the gift or hospitality. This must be done within 28 days of receiving the gifts or hospitality.

The source of the gift or hospitality affects whether you have a personal interest in any business of your authority where it relates to, or is likely to affect, the source's interests.

Where an obligation to declare your personal interest in any business arises solely from a gift or hospitality on the register, members are not required to declare the personal interest once three years have passed since the gift or hospitality was registered.

Any gifts or hospitality received more than 28 days before your authority's adoption of the revised Code do not need to be placed on the members' register of interests. However, we understand that some individual authorities require that members to do so. In the Standards Board's view, the revised Code does not apply retrospectively and so does not require earlier gifts and hospitality to be 'rolled over' onto the register of interests. These items should be retained on the register of gifts and hospitality maintained by monitoring officers under the old Code.

Cracking the Code: Event for parish councillors

The Standards Board for England is pleased to be supporting the National Association of Local Councils (NALC) with their major event for parish and town councillors. *Cracking the Code* will be held on 19 July 2007 at the Hilton Birmingham Metropole and will give councillors the chance to explore and discuss the new Code of Conduct. In a keynote address, David Prince, Chief Executive of the Standards Board, will talk about the implications of the new Code. He will also discuss the changes to the system which will result in all allegations about parish and town councillors being dealt with by the standards committee of their principal authority.

Other speakers from the Standards Board will talk about the new rules around personal and prejudicial interests, and the paragraphs in the Code that deal with bullying. Speakers from the Association of Council Secretaries and Solicitors (ACSeS) will be talking about the role of monitoring officers in advising and

supporting town and parish councillors, the changing role of standards committees, and confidentiality and the new Code of Conduct.

If you are a town or parish councillor and are interested in attending, you can find more information in the Conferences and Events section of the NALC website:
www.nalc.gov.uk

Disclosing confidential information: Authority protocols

Paragraph 4(a) of the revised Code of Conduct prohibits the disclosure by councillors of confidential information, or information believed to be of a confidential nature, except in a defined range of circumstances that includes disclosure in the public interest.

Disclosure in the public interest may be justified in the following limited circumstances, when **all** of the following four requirements are met:

- 1) the disclosure must be reasonable
- 2) the disclosure must be in the public interest
- 3) the disclosure must be made in good faith
- 4) the disclosure must be made in compliance with the reasonable requirements of the authority

The fourth requirement means that before making the disclosure a member must, in addition to considering the first three requirements above, comply with the authority's policies or protocols on matters such as whistle-blowing or member-officer relationships and confidential information.

The Standards Board recommends that authorities ensure they have such policies in place to cover the possibility of a member considering a release of information, and that they take steps to ensure that all councillors are familiar with the provisions.

Appropriate and robust authority protocols can assist in ensuring the protection of confidential information where appropriate, and in promoting and upholding high ethical standards more generally.

When no further action is required

Our ethical standards officers sometimes decide that no further action should be taken in a case. The Standards Board for England recently analysed these decisions, commonly known as "b findings".

A b finding may occur when an ethical standards officer is unable to conclude that a breach of the Code of Conduct has occurred, or in cases that are deemed insufficiently serious to justify a finding of further action.

The sample of cases analysed, from the 2006-07 financial year, showed that in a third of all cases attracting a b finding, evidence was not decisive enough to conclude a breach. A further 17% of cases with b findings were deemed insufficiently serious to pursue a course of disciplinary action.

In many other cases, however, the reason why no further action was initiated was because the necessary remedial steps had already been taken. This could mean that an apology had been made, training had been undertaken or interests had been registered.

The sample revealed that a remedy was already in place, or had been agreed, in 30% of cases attracting a b finding in the 2006-07 financial year. Such action and improvements often only come about after an allegation is referred for investigation by the Standards Board and would be unlikely to have occurred otherwise.

Rather than a b finding being a negative outcome, therefore, findings of no further action can often be seen as a tribute to the effectiveness of the Code of Conduct and its enforcement.

The Standards Board firmly believes that one of the measures of the Code's success is the improvement in the behaviour of councillors and remedies of past mistakes.

"That's a wrap!"

Filming for the Standards Board's new training DVD on the revised Code of Conduct has recently finished. The resulting film will show the exploits of Grant Austin and his fellow councillors and local authority officers as they prepare for a potentially explosive planning committee meeting.

The programme examines the rules about declaring interests, disclosing confidential information and bullying. Training sections are interspersed with the drama, and extras include scene selection and subtitles.

The DVD will be of particular value to new and continuing councillors who want to increase their understanding of certain parts of the Code.

Copies of the DVD will be sent to all monitoring officers in late July, and we look forward to hearing your feedback.

Predetermination or bias: An occasional paper

Predetermination and bias have proven to be both difficult and controversial issues for many members and monitoring officers. Although they are judge-made, common law issues, and not part of the Code of Conduct, the Standards Board has agreed to publish an occasional paper to help clarify the issues.

Based on advice from leading treasury counsel Philip Sales QC, the paper includes examples of where members are predisposed, and so can take part in a debate and vote, and where they are predetermined and their participation in a decision would risk it being ruled as invalid.

The paper will be available on our website, along with the full opinion from Philip Sales QC, at the end of July.

Events update

The Standards Board is looking forward to meeting you, answering your questions and listening to your feedback at a number of forthcoming events.

In addition to NALC's *Cracking the Code* event for parish councillors mentioned previously, we will be attending the conference of the Local Government Association from 3-5 July 2007 in Birmingham.

Places are also booking up fast for our Annual Assembly on 15-16 October entitled *Down to Detail: Making local regulation work*. The assembly will provide an in-depth look at putting local regulation and the new Code of Conduct into action and is a vital event for all those who work with the Code. Visit www.annualassembly.co.uk to book one of the remaining places and to find out more about the programme.



**Sixth Annual Assembly of
Standards Committees**

15-16 October 2007

**International Convention Centre,
Birmingham**

www.annualassembly.co.uk

As we write, we are in the midst of our series of 11 roadshows, held around the country throughout June. They have been a great tool for sharing advice and experience on implementing the changes to the Code, and how they will affect you and your authority. They have also allowed us to listen first-hand to your feedback, concerns and queries.

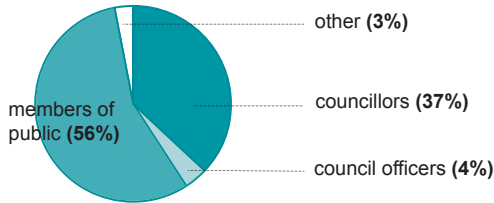
If you have a query about the Code of Conduct at any time, please contact our Policy and Guidance department at enquiries@standardsboard.gov.uk or on 0845 078 8181.

Referral and investigation statistics

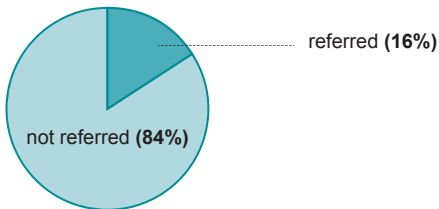
The Standards Board for England received 653 allegations between 1 April 2007 and 31 May 2007, compared to 605 during the same period in 2006.

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

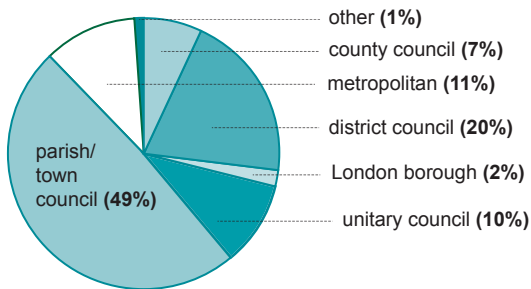
Source of allegations received



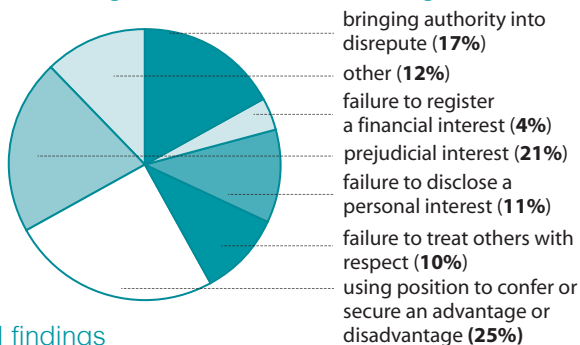
Allegations referred for investigation



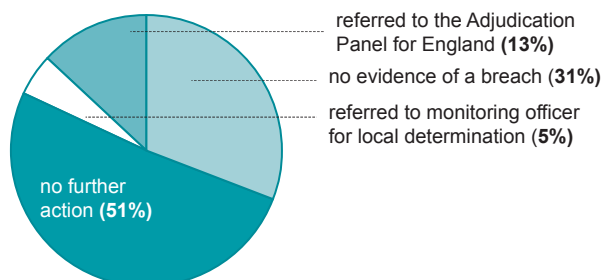
Authority of subject member in allegations referred for investigation



Nature of allegations referred for investigation



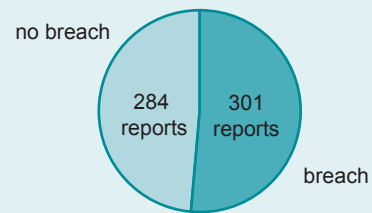
Final findings



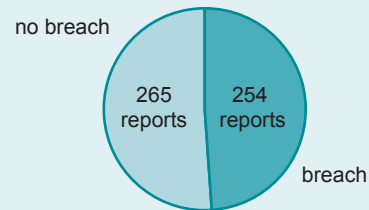
Local investigation statistics

For the period 1 April 2007 to 31 May 2007, ethical standards officers referred 66 cases for local investigation – equivalent to 65% of all cases referred for investigation. Since 1 April 2007 there has been one appeal to the Adjudication Panel for England following standards committee hearings. Of all cases referred since November 2004 for local investigation, we have received a total of 585 reports – please see below for a statistical breakdown of these cases.

Monitoring officers' recommendations following local investigations



Standards committee hearings



Standards committee determinations

