

City of Durham

At a Meeting of the **STANDARDS COMMITTEE** held in the Gala Theatre, Durham, on Tuesday, 25th September, 2007, at 5.30 p.m.

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

240. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Moderate and Simpson and Mr Hollingworth.

241. MINUTES

The Minutes of the Meeting held on 31st July, 2007, were confirmed as a correct record and signed by the Chairman.

Report of Monitoring Officer

242. COMPLAINTS TO THE STANDARDS BOARD FOR ENGLAND

(a) SBE 19208.07

The Standards Board for England recently received a complaint from a member of the public concerning the alleged conduct of a Member of the City Council. The general nature of the allegation was that the Member had been inappropriately involved in consideration of a planning application in which his employer had a direct financial interest.

The Standards Board for England, on considering the information provided considered that if the employer's financial position was to be affected by the outcome of the planning application, this would have had potential to constitute a personal interest for the Member as an employee of that body. The information provided was not considered to support the view that the Member's own wellbeing or financial position was likely to be affected by the outcome.

A Member who had a personal interest in a matter was required to declare it, but nevertheless then participate in discussions and vote or make recommendations. The Standards Board for England had decided that the allegation should not be referred to an Ethical Standards Officer for investigation.

At the request of the complainant, the Standards Board's Chief Executive could review and change a decision not to refer an allegation for investigation if he was persuaded the decision was unreasonable in law. The complainant had a period of 30 days in which to make application for review.

To date, no such review had been requested.

(b) SBE 19601.07 and SBE 19602.07

The Standards Board for England had recently received two related complaints from a Complainant concerning the alleged conduct of two Parish Councillors.

The Standards Board had decided to refer both allegations to an Ethical Standards Officer and had identified the possible potential breaches of the Code of Conduct on both counts:

- Compromising the impartiality of those who work for, or on behalf of, the Authority.
- Using position as a Member improperly to confer or secure an advantage or disadvantage.

The Ethical Standards Officer has now referred the matter for local investigation.

(c) SBE 19941.07

The Monitoring Officer had forwarded a complaint received from a District Councillor against another District Councillor to the Standards Board for England, who would determine whether the matter should be investigated further.

(d) SBE 19731.07

The Standards Board for England had received a complaint regarding a Parish Councillor, which had been referred for local investigation as it had identified potential breaches of the following elements of the Code of Conduct:-

- Failing to treat others with respect

(e) SBE 17281.07

The report of the Investigating Officer had now been received and a Special Meeting of the Standards Committee will be convened to discuss the same.

Resolved: That the report be noted.

243. THE NEW CODE OF CONDUCT

As the District Council had now adopted the new Code of Conduct, and Parish Councils are required to do so by 30th September, training would be arranged upon the new Code for all Members.

Resolved: That the report be noted.

244. INITIAL LOCAL DETERMINATION

From 1st April, 2008, all complaints would at first instance be referred to the Standards Committee to determine whether they should be investigated. Initial indications were that it would be best practice to form a sub-committee to appraise complaints received and to determine whether they should be subject to further investigation. It would therefore be necessary early in the New Year to consider how best to deal with the additional work that this would involve for the Committee and advise the Council as to whether the size of the Committee should be increased.

Resolved: That the report be noted.

245. BULLETIN 35

A copy of the latest bulletin from the Standards Board for England was circulated for Members' information.

246. ANY OTHER BUSINESS

- (a) The Committee noted that a meeting had been held in respect of setting up a North East Regional Forum to facilitate networking with other Standards Committee Members. Further developments would be reported as they happened.
- (b) The Committee felt that it was important that the visibility of the Committee was improved so that Members were aware of the Panel and its remit. It also felt that it would be beneficial to investigate the possibility of quality marks being awarded to Councils who had achieved minimum levels of training and competence in governance and investing in such improvements should reduce the number of complaints being made about Councillors.

The meeting terminated at 6.20 p.m.

Chairman

City of Durham

At a Special Meeting of the **STANDARDS COMMITTEE** held in Dragonville Offices, Durham, on Monday, 1st October, 2007, at 9.30 a.m.

Present: Mr B.R.J. Ingleby (in the Chair)
and Councillors Holland, Moderate, Simpson and Thompson (City Council Members)
Councillor Anderson (Parish Council Member)
and Mrs T. Naples (Independent Member).

Also present: Councillor Stoddart, Ms Randle of Steel & Shamash Solicitors, Councillor Kellett, Mrs L Blackie (Investigating Officer), Mrs C Greenlay (Monitoring Officer) and Mr and Mrs Grimes

265. APOLOGIES FOR ABSENCE

There were no apologies for absence

266. DECLARATIONS OF INTEREST

Councillor Thompson declared his membership of the Labour Party and that all parties in this matter were known to him but that his interest did not extend to being as a personal or prejudicial interest. All parties were happy for Councillor Thompson to sit as a member of the panel.

267. COMPLAINT TO THE STANDARDS BOARD FOR ENGLAND – REF: SBE 18323.07

In the light of members of the public and press not being in attendance at the meeting, the Committee did not consider it necessary to exclude the press and public from all or part of the hearing.

Mrs Grimes had complained to the Standards Board for England alleging that Councillor Stoddart had used threatening and abusive behaviour towards her as his fellow councillor on two occasions and used threatening behaviour towards an observer attending a meeting of the City Council's Labour Group meeting and thereby breaching the Council's Code of Conduct.

The complaint was referred by the Standards Board to the City Council for a local investigation. The investigation was carried out by Mrs Lesley Blackie, Monitoring Officer of the City of Durham Council at the time the complaint was received. She found that there was evidence that Councillor Stoddart had failed to comply with the Code of Conduct.

The investigating officer's findings were considered by the Standards Committee who heard in person from Mrs Blackie, Councillor Stoddart, Councillor Kellett and Ms Randle, in accordance with the Local Authorities (Code of Conduct) (Local Determination)(Amendment) Regulations 2004.

Resolved: That Councillor Stoddart had not failed to comply with the City Council's Code of Conduct.

The Meeting terminated at 12.15 p.m.

Chairman

City of Durham

At a Special Meeting of the **STANDARDS COMMITTEE** held in the Gala Theatre, Durham, on Friday, 26th October, 2007, at 5.00 p.m.

Present: Mr B.R.J. Ingleby (in the Chair)
and Councillors Holland and Simpson (City Council Members)
and Councillor J.S. Anderson (Parish Council Member)
and Mr D. Hollingworth and Mrs T. Naples (Independent Members).

APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Moderate.

Report of Monitoring Officer

DETERMINATION OF LOCAL INVESTIGATION SBE 17281.07

The Committee considered the report of the Investigating Officer, dated 15th September, 2007, copies of which had been circulated.

Resolved: (i) To accept the recommendations of the Investigating Officer.

(ii) To refer the report to the Standards Board for England in respect of the allegation of bullying disclosed by the report.

(iii) To write to the Parish Council to highlight the training issues disclosed by the report.

The meeting terminated at 6.25 p.m.

Chairman

From Tina Naples.

A note following the recent Standards Board for England Annual Conference.

Introduction

The conference took place in Birmingham on the 15th and 16th of October. I could write up a blow by blow account of each session that I attended - and indeed I will do so if that is what you wish - but I thought it might be more productive to note the things that I identified that we need to be getting on with in preparation for the introduction of the Local Filter next April. What I am clear about is that we must take a very proactive role in making sure that the implications of what is going to happen are well known throughout the authority. In so doing we must be careful not to give the impression that complaints handling is solely what we are about (I don't need to go into why we are here in this paper) but for now that must be our focus.

There is a lot to do if we are to implement this successfully and I am recommending a special session or sessions for the Standards Committee to concentrate solely on this issue. The important thing is that as a committee we need to take ownership of this and make sure that it happens in a way that we can support and operate. I mention some of the things below. Others of you may have things to add and the Monitoring Officer will no doubt have some useful input.

a. The Local Filter

This is not a phrase that I think we can use publicly as it does not convey to anyone outside our circle what it means. There is absolutely no reason why we cannot rename the process locally and I strongly recommend that we do this.

b. Publicity

There is a need to make sure that the public and others know how to make complaints under the new system. As a committee, we must

satisfy ourselves that appropriate arrangements for local publicity are being put in place. I would go further and suggest that we should approve the proposals - or at least satisfy ourselves about the content, scope and publicity vehicles to be used.

c. Processes

We must be satisfied about the processes that are being put in place to handle complaints. Of particular importance is the need to have a nominated and clearly identified point of receipt which must be well known throughout the authority. It is imperative that complaints are acknowledged and handled quickly because of the time constraints that will be placed upon us. We will need to have reporting mechanisms in place and therefore will need to be clear about what things we want to have reported to us. In due course, the SEB will let us know what they need to know at the centre and we will need to take a view on whether it is sufficient for our local needs or whether we need to have other data collected as well. I can tell you that the SEB have promised a "light touch" in relation to their requirements and are likely to call for quarterly returns but their focus will be on performance improvement, consistency across the patch and identification of problems. They intend to call in a few cases for examination. I have some thoughts about what information would be useful for the committee and I'm sure the rest of you do as well and we could have a good discussion about this. I would be prepared to write a short paper with some ideas to kick us off if desired.

d. Committee Organisation

The committee will have to fulfil three functions in relation to complaints namely, initial filtering, hearings, and appeals. We need to be very clear about how we are going to handle this. Each of the three processes will have to be chaired by an Independent Member. The Appeals Committee cannot be chaired or include members who have been involved in the earlier processes. The SEB see no inherent conflict in the same person chairing both the initial filter and the hearing, although many of those who took part in the pilots were of the view that it is best to keep each one separate. There are a number of things for us to consider:

- We need to review our policy on having the whole Committee present for hearings as we need to keep at least a Chairman and two members available for potential appeals.
- We need to decide whether to have static membership of these various sub-committees or whether to work a "pool" system whereby we would set things up each time we get a case to deal with. There are arguments on both sides centring around building expertise and conflicts of interest.
- The issue of whether to keep each part of the process totally separate in terms of sub-committee membership must be resolved.
- We should review our membership and consider whether we are big enough to deal with this, bearing in mind that with only three independents we could run into difficulties in finding a chairman.
- The question of financing the Standards Committee must be kept under review. At this point it is difficult to see whether the officer support presently available will be adequate under the new regime as well as the potential additional costs if decide to recommend extra members be appointed.

e. Annual Report

The Standards Committee will be required to produce an Annual Report from 2009. Many committees already do so. I know that my suggestion that we do the same met with little enthusiasm, on the grounds that the Monitoring Officer does a report. However, I return to this matter again and recommend that we do so from 2008. This will not only raise our profile, increase our ownership of the committee but will also get us in the right frame of mind for the legal requirement from 2009. It is likely that the SEB will provide a template to make sure that they get enough information in order to produce a national report. However, none of that need stand in our way just now.

f. Joint Working

An option open to us is to consider setting up joint arrangements with a neighbouring authority. This would have the helpful effect of lightening the load. However, if it is a notion that appeals, we should get on with it quickly and decide who to approach and open

negotiations. We might wish to think about the County Council given the probable move to unitary status in due course.

Conclusion

I think that the foregoing paragraphs show that there is more than enough for us to be discussing and moving forward with so that we arrive at April in good order and fully prepared. I have not mentioned training in this paper because we have already discussed it and the Monitoring Officer has undertaken to set it up.

Finally, I'm sure you will be delighted to hear that the Minister announced that after the new regulations come into effect in April, the Code of Conduct will be reviewed again to see whether it remains fit for purpose.

I look forward to discussing the future with you all.

Tina Naples

Vice Chairman

CITY OF DURHAM

STANDARDS COMMITTEE

29th November 2007

REPORT OF MONITORING OFFICER

1. APPOINTMENT OF PARISH REPRESENTATIVE TO STANDARDS COMMITTEE

On 5 September 2007 the Council resolved to constitute a panel comprising of four Members of the Council and the Chairman of the Standards Committee be set up to consider nominations made by the Parish Councils for a parish representative on the Standards Committee. Accordingly, on 11 October 2007 the Chair of the Standards Committee together with Councillors Moderate, Stoddart, Young and Lightley interviewed the parish council nominees. Once all interviews were complete, the panel decided to put forward Councillor Mrs Hudson to the Council as the suggested appointment.

The nomination was accepted by Full Council on the 13 November 2007 and accordingly Councillor Mrs Hudson is appointed to the Standards Committee as a parish representative.

2. COMPLAINTS TO THE STANDARDS BOARD FOR ENGLAND

a. SBE 19731.07

The Standards Board for England recently received a complaint from a member of the public concerning the alleged conduct of a member of West Rainton and Leamside Parish Council. The general nature of the allegation is that the Member had failed to treat others with respect in that the Councillor had acted in a threatening manner.

The Standards Board for England, on considering the information provided considered that the matter should be referred to an Ethical Standards Officer (ESO). The ESO has referred the matter for local investigation and accordingly the Deputy Monitoring Officer, Richard Langdon, has been instructed to conduct the investigation. His report will be referred to the panel in due course.

Recommended that the report be noted.

b. SBE 19601.07 and SBE 19602.07

At the time of the last meeting, the above matters were being considered by the Ethical Standards Officer of the Standards Board for England. The Standards Board for England have since referred this matter for local investigation and accordingly the Deputy Monitoring Officer, Mr Richard Langdon, has been instructed to investigate the matter and produce a report. The possible breaches of the Code of Conduct in this matter are that the parish councillors have compromised the impartiality of those work on behalf of the parish council and use their position to improperly secure or confer an advantage or disadvantage. The investigating officers report will be referred to the panel in due course.

Recommended that the report be noted.

c. SBE 18323.07

The committee met on the 1 October 2007 to consider the above complaint. The outcome of the hearing was that the committee considered that there had been no breach of the Code of Conduct. Arrangements are being made for the outcome to be reported in the local press.

Recommended that the report be noted.

d. SBE 19941.07

The Standards Board for England recently received a complaint from Councillor Peter Mitchell concerning the alleged conduct of Councillor Carol Woods of City of Durham Council. The Standards Board for England conducted an assessment and decided not to refer the complaint for investigation. They acknowledged that this was a sensitive matter and that the reported conduct of the Member had attracted criticism from a number of quarters, however, on balance, it was not considered that the reported comments were likely to amount to an unlawful act under the Race Relations Act 1976 and other legislation. The Standards Board for England further considered that the views expressed would be protected by the articles of the Human Rights Act pertaining to freedom of expression as the comments could be viewed in the context of the MP not being local to the Durham area rather than a specific commentary on the capabilities of individuals who come from Belfast. The Standards Board for England went onto determine that party political leaflets are usually produced in a members private capacity and as such the Code of Conduct does not apply. Accordingly, no further action would be taken.

Recommended that the report be noted.

e. SBE 19968.07

The Standards Board for England recently received a complaint from Mrs Victoria Williams concerning the alleged conduct of Councillor Carol Woods of City of Durham Council.

The complaint was that the comment made by Councillor Wood that the local MP was born and bred in Belfast and was out of touch with the views of local people was insulting.

This complaint arose from the same facts as complaint SBE 19941.07 and the Standards Board for England maintained their conclusion that the matter should not be referred to an Ethical Standards Officer as the comments were not likely to amount to an unlawful act under the Race Relations Act 1976, the comments would be protected by the right to political expression confirmed within the Human Rights Act 1998 and that the comments were contained within a political leaflet and that therefore the Code did not apply as the political leaflet had been produced other than while Councillor Wood was acting in her official capacity. Accordingly, no further action would be taken.

Recommended that the report be noted.

f. SBE 14399.06

Further to the concerns raised by Members in respect of the above matter, I can confirm that the Standards Board for England took the view that the failure of the Chairman to attend mediation sessions constituted a failure in the direction process and needed to be

recorded in the Monitoring Officers final report. Upon receipt of the final report the Standards Board for England instructed that the outcome of the direction be reported in the press. The Standards Board for England also noted that in the event of any further complaints being received, the failure to participate fully in the direction process would be taken into account during any investigation.

The outcome was publicised in the Durham Advertiser on the 10 May 2007 and the Monitoring Officers final report was noted by the Standards Committee on the 11 June 2007.

Given that the matter was investigated by an Ethical Standards Officer, who decided that the most appropriate course of action was to issue a direction requiring mediation, it would not be appropriate for the Committee to take any further action in respect of this matter.

In the event that further allegations are made concerning the parties contributing to the failure of the process, the investigating officer and the committee will obviously need to take into account the issues raised.

3. PUBLICATIONS

The following are provided to the Committee for information;

- i) Factsheet; The Code of Conduct
 - a) Lobby Groups and Declarations of Interest under the Code of Conduct
 - b) Personal and Prejudicial Interest
 - c) Gifts and Hospitality
 - d) Bullying
 - e) Disclosing Confidential Information
 - f) The Ethical Framework for Local Government
- ii) Down to Detail
- iii) The Daily Detail
 - a) 15 October 2007
 - b) 16 October 2007
 - c) 26 October 2007

Lobby groups and declarations of interest under the Code of Conduct

Relevant Code paragraphs: 8 – 12

Summary: This document provides key information and answers frequently asked questions about lobby groups and declarations of interest under the 2007 revised Code of Conduct for members.

Date published: 1 October 2007

Key facts

The revised Code of Conduct

- The Code of Conduct was revised in 2007. It is now less restrictive than the 2001 Code for members who participate in campaigns or are members of lobby groups. Some members, who found they were prevented by the 2001 Code from voting on a matter important to them or their lobby group, will not have a prejudicial interest under the revised Code of Conduct.

Register of interests

- Membership of lobby or campaign groups should be included on your register of interests, as these are bodies “whose principal purposes include the influence of public opinion or policy” under paragraph 8(1)(ii)(cc).
- Even if your lobby group does not keep a formal membership list, the Code of Conduct still applies to you. If you are acting as a member of the group – perhaps attending meetings or participating in group activities – you should still register your membership of the group and declare interests, where appropriate.

Personal interests

- The Code of Conduct requires you to declare a personal interest in any matter relating to an interest you must include in your register of interests.
- You are required to declare a personal interest if you are a member of a group that lobbies or campaigns about an issue that comes up for discussion or decision at your authority.
- You should declare the existence and nature of your interest at the meeting so that members of the public are informed about interests that may relate to your decisions. You can continue to participate unless the interest is also prejudicial (see the section on prejudicial interests below).
- You may not have a personal interest in a related discussion or decision of your authority if you merely campaigned on an issue as an individual and not as member of a relevant lobby group - for example, if you tackled an issue as part of your election campaign.

However, you should still consider the general test for personal and prejudicial interests and whether there is any other reason why you should not participate in the decision, including the possibility of bias.

You may want to discuss your circumstances with your monitoring officer. For information on bias and predetermination, see our occasional paper, which is available from our website - www.standardsboard.gov.uk

Prejudicial interests

Under the Code of Conduct, you only have to withdraw from a meeting where your personal interest is also prejudicial.

Exceptions

You cannot have a prejudicial interest in a matter if:

- a) The matter falls within one of the exempt categories of decisions under paragraph 10(2)(c), for example, any ceremonial honour given to members. A full list of exempt categories can be found in the Standards Board's Code of Conduct guidance, which is available on our website - www.standardsboard.gov.uk
- b) The matter does not affect your financial interests or does not relate to a licensing or regulatory matter brought by you or a person or body in which you have a personal interest.

For example, you will not have a prejudicial interest in a developer's planning proposal which you and your lobby group have campaigned against, if you, any person, or any body you have a personal interest in is not financially affected by the proposal.

The planning proposal might indirectly affect your lobby or campaign group since it relates to things it campaigns for or has expressed public opinions about. However, in this context, it will not be relevant for the purposes of the Code.

Nevertheless, you may have a prejudicial interest where the matter is an application for a grant for funding for a body on your register of interests, or a planning or licensing application made by you, a person or a body on your register of interests.

If your personal interest in a matter falls outside the exempt categories mentioned in a) above, and does affect your financial or regulatory interests, you will then have to consider the following **general test for prejudicial interests**:

Would a member of the public, who knows the relevant facts, reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest?

If the answer is 'yes' then you would have a prejudicial interest.

Frequently asked questions

Q1 How has the Code of Conduct changed for members of lobby or campaign groups?

Under the original Code of Conduct 2001, members of lobby groups were required to consider whether the indirect impact of a decision on their group would give rise to a prejudicial interest under the general test (see above). As a result, members declared personal and prejudicial interests in matters which they or their group had campaigned on or had expressed public opinions about.

Under the revised Code, members will not be prevented under the Code of Conduct from voting on a matter if their only interest is that they hold views on the matter, for example based on their experiences or political outlook.

Q2 Do I have a personal and prejudicial interest if I am a member of a group that campaigned against a planning application submitted by a developer?

No. You will only have a personal interest which you should declare the existence and nature of at the meeting considering the application. This is so that members of the public are informed about interests that may relate to your decisions.

However, you should still consider the general test for personal and prejudicial interests and whether there is any other reason why you should not participate in the decision, including bias. You may want to discuss your circumstances with your monitoring officer.

Q3 What should I do if my membership of a pro-development campaign does not give rise to a prejudicial interest, but I have other interests that may be relevant?

You still need to consider whether you have any personal interests that may also be prejudicial interests. For example, a prejudicial interest is likely to exist where a particular development financially affects your sister, as her property is two doors away from the development site. Please see our specific factsheet entitled *Personal and Prejudicial Interests*.

Additional information

- *The Code of Conduct: Guide for members May 2007* offers more guidance on the Code and can be downloaded from our website - www.standardsboard.gov.uk.
- A full range of factsheets and frequently asked questions is available from the Code of Conduct section of our website.
- View our occasional paper on bias and predetermination, available online.
- Call our enquiries line on **0845 078 8181**.
- Email us at enquiries@standardsboard.gov.uk.

Personal and prejudicial interests

Relevant Code paragraphs: 8 – 13

Summary: This document provides key information and answers to frequently asked questions about the ethical framework for local government and the role of the Standards Board for England.

Date published: 1 October 2007

Key facts

Personal interests

There are two types of personal interest.

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- 1) An interest that you must register.
- 2) An interest that is not on your register but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of:
 - inhabitants of the ward or electoral divisions affected by the decision (in the case of authorities with wards or electoral divisions)
 - inhabitants of the assembly constituency affected by the decision (in the case of the Greater London Authority)
 - inhabitants of the authority's area (in all other cases)

Note:

- 1) You must declare that you have a personal interest and the nature of that interest, as soon as it becomes apparent to you in all meetings before the matter is discussed.
- 2) There are two exemptions to the rule on declaring a personal interest, which is a key change under the revised Code.

Exemptions apply where an interest arises solely from membership of, position of control or management on:

- Any other body to which you were appointed or nominated by the authority.
- Any other body exercising functions of a public nature for example, if you have been appointed as a school governor.

In these exceptional circumstances you only need to declare your interest if and when you speak on a matter, provided that you do not have a prejudicial interest (see below).

Prejudicial interests

Your personal interest will also be a prejudicial interest if it meets all of the following conditions:

- a) The matter does not fall within one of the exempt categories of decisions under paragraph 10(2)(c), for example, setting the council tax.
- b) The matter affects your interests financially or a licensing or regulatory matter, for example an application for a grant funding to a body on your register of interests, or a planning or licensing application made by you or a body on your register of interests.
- c) A member of the public, who knows the relevant facts, would reasonably think your personal interest so significant that it is likely to prejudice your judgement of the public interest.

Note: in order for your interest to be prejudicial, it must be a financial or regulatory matter.

What to do if you have a prejudicial interest

If you have a prejudicial interest in a matter being discussed at a meeting:

- You must declare that you have a prejudicial interest and the nature of that interest as soon as the interest becomes apparent.
- You should leave the room unless members of the public are allowed to make representations, give evidence or answer questions about the matter. If this is the case, you can also attend the meeting for that purpose.
- You must leave the room immediately once you have finished speaking, or when the meeting decides that you have finished (if that is earlier).

Frequently asked questions

Q1 Is paragraph 12(2) mandatory for my authority?

Paragraph 12(2) is mandatory for most authorities. However, paragraph 12(2) is not mandatory for the following authorities:

- parish and town councils
- English and Welsh police authorities
- the Greater London Authority
- national park authorities
- fire and rescue authorities

If your authority wishes paragraph 12 (2) to apply, it will need to pass a resolution adopting the Model Code of Conduct including paragraph 12(2).

If your authority is a parish or town council and you wish to adopt paragraph 12(2), you can do so by adopting the Standards Board's *Model Code of Conduct for parish and town councils 2007*, which is available on our website on our website -

www.standardsboard.gov.uk

If paragraph 12(2) is included in your authority's Code, the Standards Board recommends that standing orders or procedural rules should be put in place for clarity. These should clearly set out the circumstances in which members of the public can attend the authority's meetings to make representations, give evidence or answer questions.

If your authority does not provide members of the public with any right to speak, paragraph 12(2) will have no effect at your authority. This means that members with a prejudicial interest would have to continue to leave the meeting room after declaring the nature and extent of their interest.

Q2 What rights are available to members with a prejudicial interest?

Paragraph 12(2) gives members with a prejudicial interest in a matter the same rights as members of the public to speak at a meeting on the matter. Members must then leave before the main discussion and voting takes place.

Additional information

- *The Code of Conduct: Guide for members May 2007* offers more guidance on the Code and can be downloaded from our website - www.standardsboard.gov.uk.
- A full range of factsheets and frequently asked questions is available from the Code of Conduct section of our website.
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Gifts and hospitality

Relevant Code paragraphs: 8 and 13

Summary: This document provides key information and answers frequently asked questions about registering gifts and hospitality under the 2007 revised Code of Conduct for members.

Date published: 1 October 2007

Key facts

- You must register any gifts or hospitality worth £25 or over that you receive in connection with your official duties as a member. You must also register the source (for example, the person, firm, body or company) of the gift or hospitality.
- You must register the gift or hospitality and its source within 28 days of receiving it.
- You automatically have a personal interest in a matter if it relates to or is likely to affect the source of the gift or hospitality that is registered.
- You must declare the existence and nature of the gift or hospitality, the source who gave it to you, how the business under consideration relates to that source, and then decide whether that interest is also a prejudicial interest.
- Once three years have passed since you registered the gift or hospitality, your obligation to disclose that interest to any relevant meeting ceases.

Frequently asked questions

Q1 Is the gift or hospitality connected to my official duties as a member?

You should ask yourself, “would I have been given this if I was not on the council”? If you are in doubt as to the motive behind a gift or hospitality, we recommend that you register it or speak to your monitoring officer (or your parish or town clerk where appropriate). What matters is to show who you have received a gift or hospitality from, and to make that known when business related to them is discussed at a council meeting at which you are present.

You do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept.

However, you should always register a gift or hospitality if it could be seen as something given to you because of your position or if your authority requires you to do so. It may also be good practice to register declined gifts.

Q2 What if I do not know the value of a gift or hospitality?

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it as a matter of good practice and in accordance with the principles of openness and accountability in public life.

You should also register an accumulation of small gifts you receive from the same source over a short period that add up to £25 or more.

Q3 What about official gifts or hospitality given to the civic mayor or chair of a council?

There are no special rules for those who serve as mayor or chair of an authority. Gifts that are clearly made to the authority do not need to be registered. Gifts made directly to a mayor or chair’s charity appeal also do not need to be registered.

On the other hand such gifts ought to be recorded for audit, and perhaps insurance purposes on the council’s asset inventory. Although the mayor or chair may attend many social functions they are not exempt from the requirement to register hospitality.

All hospitality over £25 must be registered under the Code.

Q4 What does “hospitality” mean?

Hospitality can be defined as any food, drink, accommodation or entertainment provided free of charge or heavily discounted.

Q5 Does the revised Code require me to register the interests of people that give me gifts or hospitality?

No. The Standards Board believes the revised Code requires you to register any gifts or hospitality worth £25 or over that you received in connection with your official duties, and the source of the gift or hospitality.

Q6 Do I have to transfer my gifts and hospitality register from before 2007 onto the new, publicly available, general register of interests?

If you were a member prior to the revised Code being introduced in 2007, you are likely to have a register of gifts and hospitality which was separate to the publicly available registers of members' interests under the 2001 Code.

You do not need to copy or transfer your register of gifts and hospitality onto your general register of interests under the revised Code. This is because we believe the new Code cannot be applied retrospectively.

As a result, gifts and hospitality received prior to the revised Code coming into effect in your authority (on 1 October 2007 or on the date your authority adopts it - whichever is earlier), will also not give rise to a personal interest under the revised Code.

Additional information

- *The Code of Conduct: Guide for members May 2007* offers more guidance on the Code and can be downloaded from our website - www.standardsboard.gov.uk.
- A full range of factsheets and frequently asked questions is available from the Code of Conduct section of our website.
- View our occasional paper on bias and predetermination, available online.
- Call our enquiries line on **0845 078 8181**.
- Email us at enquiries@standardsboard.gov.uk.

Bullying

Relevant Code paragraphs: 3(2)(b) and 3(2)(c)

Summary: This document provides key information and answers frequently asked questions about bullying under the 2007 revised Code of Conduct for members.

Date published: 1 October 2007

Key facts

- You must not bully anyone including other councillors, council officers or members of the public.
- Bullying can be described as offensive, intimidating, malicious, insulting or humiliating behaviour, towards someone weaker than you or someone you have, or believe to have, influence over.
- Bullying may happen once or be part of a pattern of behaviour.
- Bullying attempts to undermine an individual or group of individuals and it can have a damaging effect on a person's confidence, capability and health.
- You must not intimidate anyone who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings relating to a Code of Conduct investigation.
- Bullying can be contrasted with the legitimate challenges a member can make when questioning policy or scrutinising performance (as long as it is done appropriately and is not offensive or disrespectful).

Frequently asked questions

Q1 Why is bullying such a serious issue?

Bullying can have a significant effect on victims and the authority's ability to provide services by affecting the morale of staff and the authority as a whole. This is because bullying can create a working environment with an atmosphere of mistrust, insecurity and fear.

In some cases, bullied officers require long periods of leave because of ill health or stress which can damage the running of an authority. This is particularly the case in parish and town councils, where there may only be a small team of employees. Quite often, officers feel unable to return to their role or even to carry out work of a similar nature.

Q2 Is bullying only bullying when it is done face-to-face?

Bullying is any insulting or offensive behaviour towards an individual or group of individuals.

This includes using physical force or making abusive personal remarks about or to the victim not only face-to-face, but by email, letter, through the press, at council meetings or by other means.

Q3 How can it be proved that bullying has occurred?

It is possible to investigate complaints of bullying if there is clear evidence that it may have occurred, for example if the complainant has kept a detailed record of the incidents and the context in which they took place.

Clear evidence is required so objective assessments can be made more easily as to whether these may be a breach of the Code of Conduct. This is because it is more difficult to judge bullying from general remarks, such as 'the councillor is always undermining me through her comments'.

To test whether bullying is taking place, ask yourself whether a neutral third party with all the facts would regard the conduct as bullying. In some circumstances, the claims are cases of oversensitivity to criticism, or a breakdown in a relationship between officers and members without an indication of any bullying.

Q4 Is it possible to take part in a vigorous political debate without breaching the Code of Conduct?

Disrespectful, intimidating or demeaning behaviour which is not carried out from a position of power or authority may not be bullying. But it may still be a breach of the Code of Conduct, e.g. by failing to treat others with respect.

For example, if a member uses inappropriate language or is disrespectful to another member during a debate, it may not be classed as bullying because a platform is present for the other member to defend themselves.

On the other hand, a member making abusive and disrespectful comments about an officer during a debate may be seen as bullying because the officer is not able to defend themselves.

Additional information

- *The Code of Conduct: Guide for members May 2007* offers more guidance on the Code and can be downloaded from our website - www.standardsboard.gov.uk.
- A full range of factsheets and frequently asked questions is available from the Code of Conduct section of our website.
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Disclosing confidential information

Relevant Code paragraphs: 4(a)

Summary: This fact sheet provides a summary of key points and frequently asked questions about disclosing confidential information under the 2007 revised Code of Conduct for members.

Date published: 1 October 2007

Key facts

- Confidential information can only be disclosed when at least **one** of the following circumstances applies:
 - 1) You have to disclose the information by law.
 - 2) An authorised person says that you can disclose it.
 - 3) You need professional advice from a third party, for example your lawyer, and that person agrees not to pass the information to anyone else.
 - 4) The disclosure is in the public interest. This is only justified in limited circumstances (see below).
- Disclosure of confidential information, or information which you believe to be confidential for any other reason, is likely to be a breach of the Code.
- Disclosure of confidential information in the public interest can only be justified when **all** of the following requirements are met:
 - a) The disclosure must be reasonable.
 - b) The disclosure must be in the public interest.
 - c) The disclosure must be made in good faith.
 - d) The disclosure must be made in compliance with any reasonable requirements of your authority.

Frequently asked questions

Q1 When is a public interest disclosure “reasonable”?

This depends on the facts of the case and is a matter of judgement. However, you will need to consider issues such as:

- Whether you believe that the information disclosed, and any allegation contained in it, is true. If you do not believe it is true, then the disclosure is unlikely to be reasonable.
- Whether you make the disclosure for personal gain. If you are paid to disclose the information, the disclosure is unlikely to be reasonable.
- The identity of the person to whom you make the disclosure. It may be reasonable to disclose information to the police but not to the world at large through the media.
- The extent of information disclosed. The inclusion of unnecessary detail is unlikely to be reasonable.
- The seriousness of the matter. The more serious it is, the more likely it is that the disclosure will be reasonable.
- The timing of the disclosure. If the matter to which the disclosure relates has already occurred, and is unlikely to occur again, then the disclosure may be less likely to be reasonable than if the matter is continuing or is likely to reoccur.
- Whether the disclosure involves your authority failing in a duty of confidence to another person.

Q2 When is a disclosure “in the public interest”?

For a disclosure to be in the public interest it needs to involve at least one of the following matters, or something of comparable seriousness, that has either happened in the past, is currently happening, or is likely to happen in the future:

- A criminal offence is committed.
- Your authority or some other person fails to comply with any legal obligation to which they are subject.
- A miscarriage of justice occurs.
- The health or safety of any individual is in danger.
- The environment is likely to be damaged.
- Information showing any of the above is deliberately concealed.

Q3 When is a public interest disclosure “made in good faith”?

To make a disclosure in good faith you must not act with an ulterior motive, for example to achieve political advantage.

Q4 How do I comply with the “reasonable requirements of my authority”?

Before considering releasing confidential information you must ensure that you comply with your authority’s policies or protocols on matters such as whistle-blowing or member-officer relationships and confidential information, in addition to considering requirements (a)-(c) in the key facts above.

If your authority does not make any requirements to cover the possibility of a member considering a release of information, then the test for disclosing confidential information is a three-stage one – namely it must satisfy the requirements (a)-(c) as above.

However, the Standards Board recommends that authorities ensure they have policies on matters such as whistle-blowing in place and that they take steps to ensure that all members 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.

Q5 When is a public interest disclosure not capable of being justified?

When a disclosure amounts to a criminal offence or when information is protected by legal professional privilege, it is extremely unlikely its release could be justified in the public interest.

Additional information

- *The Code of Conduct: Guide for members May 2007* offers more guidance on the Code and can be downloaded from our website - www.standardsboard.gov.uk.
- A full range of factsheets and frequently asked questions is available from the Code of Conduct section of our website.
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The ethical framework for local government

Summary: This document provides key information and answers to frequently asked questions about the ethical framework for local government and the role of the Standards Board for England.

Date published: 1 October 2007

Key facts

- The current ethical framework for local government first emerged from the Committee on Standards in Public Life's third report in 1997.
- The report responded to concerns over a series of high-profile political scandals during the 1990s and that public confidence in councillors was being undermined.
- It formed part of the broader drive by government to modernise local government and make it more accountable to local communities.
- The key elements of the ethical framework are the Code of Conduct for elected and co-opted members of local authorities, local authority standards committees and the Standards Board for England.
- The Standards Board for England was formally established in March 2001, by an Act of Parliament in Part III of the *Local Government Act 2000*.
- The Standards Board for England is independent of government, although it reports to the minister of state for local government.

Frequently asked questions

Q1 What does Part III of the *Local Government Act 2000* govern?

- Every local authority is required to adopt the Code of Conduct and most elected, co-opted, appointed and independent members are covered by it.
- Each principal authority is required to have a standards committee, comprising members of the authority and at least one independent representative.
- Standards committees have specific and general functions, including promoting standards of ethical conduct of members and carrying out local determinations of allegations of breaches of the Code of Conduct.
- Establishment of the Standards Board for England as an independent body to promote high ethical standards in local government and to investigate allegations that members may have breached the Code of Conduct.

Q2 What is the difference between the Standards Board for England and the Adjudication Panel for England?

The Standards Board's main roles are to ensure that standards of ethical conduct are maintained across authorities and to deal with complaints of misconduct against individual members.

This differs from the Adjudication Panel for England, which is an independent judicial tribunal set up to deliver judgement on matters concerning the Code of Conduct of local authority members. The Adjudication Panel considers cases referred to it by ethical standards officers of the Standards Board for England and also considers appeal cases.

Q3 What are the general principles of standards in public life?

The ten general principles of public life come from the Nolan Committee's First Report on Standards in Public Life. They define the standards that members should uphold, and serve as a reminder of the purpose of the Code of Conduct.

The principles, as set out in the Relevant Authorities (General Principles) Order 2001, are:

- | | |
|-------------------------|--------------------------|
| ■ selflessness | ■ personal judgement |
| ■ honesty and integrity | ■ respect for others |
| ■ objectivity | ■ duty to uphold the law |
| ■ accountability | ■ stewardship |
| ■ openness | ■ leadership |

Additional information

- *The Code of Conduct: Guide for members May 2007* offers more guidance on the Code and can be downloaded from our website - www.standardsboard.gov.uk.
- A full range of factsheets and frequently asked questions is available from the Code of Conduct section of our website.
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- Email us at enquiries@standardsboard.gov.uk.

What's the score?

Stronger action needed on ethical governance

The latest Audit Commission self-assessment survey reveals that, although councils are generally managing the ethical agenda well, there are a number of areas that require stronger action.

Key findings

- Most councils actively encourage high standards.
 - Members generally demonstrate high standards of behaviour.
 - Leaders and chief executives are proving themselves positive role models in many councils.
 - Roles, responsibilities, relationships and ethical frameworks are not always clearly understood.
 - Standards committees make a difference, but they don't always explain widely what they do, the issues they are addressing and the progress they are making.
 - Members and officers often hold divergent views on ethical governance issues.
 - Communication, training, guidance and information are critical areas and often need more of a focus.

○

Survey background

The self-assessment survey was created by the Audit Commission in conjunction with the Standards Board for England and the Improvement and Development Agency (IDeA). It is one element of the four-part Ethical Governance Diagnostic toolkit which also includes a full diagnostic, a light-touch health check (provided by the IDeA) and workshops.

The survey aims to:

- help councils assess and then drive up their ethical governance arrangements and procedures
- help councils better understand the key ethical governance issues they are now facing
- highlight areas to focus on in future

continues overleaf

Widespread response

Up to the end of July 2007, the survey questionnaire was completed by 3,998 individual council members and senior officers from 44 councils across the country. In all, over 170 councils have used at least one part of the toolkit.

Although the survey findings are encouraging, they also pinpoint areas where further work and clarity is needed. In particular the findings suggest that some members and officers could be helped to develop a better understanding of ethical governance. For example, one in five senior officers replied 'don't know' when asked if their council has a standards committee.

There are also differences between members' and officers' perceptions. To take just one example, members are far more likely than officers to think that communication between them and officers is open.

Findings overview

High standards and good behaviour

The findings show there is a firm foundation on which to build, but there is clearly room to improve.

- Most members and officers (84% and 76% respectively) say their council's efforts to drive up ethical standards are encouraging appropriate behaviour.
- Around nine in ten members report that members 'always or usually':
 - show respect to and treat fairly all people who use council services (90%)
 - show respect to and treat all officers fairly and do not discriminate unlawfully (89%)
 - use public funds, council property and facilities responsibly (90%)
- Around eight in ten members and seven in ten officers consider the leader of the council a positive role model for ethical behaviour (78% and 73% respectively). Similar proportions say the same of their chief executive.

Roles, responsibilities and relationships

The survey shows that greater communication about the ethical framework and a wider understanding of each other's roles would strengthen working relationships between officers and members.

- The vast majority of members (92%) believe that they understand their role and responsibilities under the ethical framework. However, fewer than three-quarters of officers (72%) say they understand their role in this area.
- One in five officers (21%) think the guidelines members have on their personal conduct are not clear, whereas almost all members (91%) are positive about the guidance they receive.
- While nearly all (96%) members are aware of the members' Code of Conduct, only just over three-quarters (79%) of senior officers are similarly aware.
- Officers and members differ in their perceptions of the degree of open communication and trust between them. Over three-quarters of members (78%) believe member/officer communication is open. That compares to just two-thirds of officers (64%).
- Members are also far more positive (70%) than officers (51%) about the levels of trust that exist between members and officers.
- More appropriate training, guidance and information could provide a solution. For example, less than seven in ten members (69%) and four in ten senior officers (39%) think members receive appropriate training on issues of conduct.
- Officers would also benefit from further clarity about their own ethical responsibilities. For example, over a third (36%) of the officers surveyed were not absolutely sure what to do if they became aware of conduct by a member that could result in failure to comply with the council's member Code of Conduct.

Communication, clarity and culture

There is much work to be done in raising awareness of standards committees. Significant opportunities exist for improvement, particularly in explaining their role. The survey plainly illustrates that standards committees should raise their profile by communicating their work and their progress.

- While the majority (85%) of members are sure their organisation has a standards committee, only half of the senior officers surveyed (52%) are sure there is one in their organisation.
- Members are more likely to think their standards committee operates effectively (77%), than officers (47%). More members (68%) think their standards committee makes a positive difference to the ethical environment in the council than officers (45%).
- A large proportion (45%) of senior officers do not know if their standards committee operates effectively or whether it makes a positive difference to the ethical environment in their council.

continues overleaf

Other findings in the important area of communications include:

- more than eight in ten members (80%) say the importance of high ethical standards is communicated to them. Yet more than one-third of officers (35%) don't know if this is so
- well over half (57%) of members say the importance of high ethical standards is communicated to local communities, but nearly a third (29%) of officers do not know if this is so
- more than half of officers (53%) say they 'don't know' whether or not the public can easily access the register of members' interests
- nearly one third of members (29%) don't know if their council has a whistle blowing policy compared to just over a tenth (11%) of officers
- less than two-thirds (60%) of members have received training, guidance or information on equalities or human rights legislation

Yet encouragingly:

- the majority of members and officers (78% and 83% respectively) agree that their council's complaints system is clear

Moving forward

The survey has highlighted key areas that councils actively need to address to improve ethical behaviour and meet fully the ethical agenda.

Councils that have used the toolkit have found that it helps to expose the ethical governance issues they are facing and that it provides clarity about what to do next.

Individual councils can use these results as a starting point for reflection, dialogue and action.

Among the most crucial questions for individuals in local government are:

- what do these survey results mean for our council?
- how do we compare with the overall picture?
- what are our strengths and weaknesses?
- what training and improvements can we make?
- how do we ensure effective communication about the importance of the ethical agenda?

Councils have the tools for success and must now ensure they use them.

Further information

For further information on the Ethical Governance Toolkit, please contact:

Alison Kelly
Strategy Advisor, Governance and Accountability

Audit Commission

1st floor, Millbank Tower, London SW1P 4HQ

E: a-kelly@audit-commission.gov.uk

M: 07759 723 943

T: 0844 798 2211



Vanessa Walker
Principal Consultant

IDeA

Layden House, Turnmill Street, London EC1M 5LG,

E: vanessa.walker@idea.gov.uk

T: 020 7296 6811



Dr Gary Hickey
Research and Practice Manager
The Standards Board for England

Fourth Floor, Griffin House, 40 Lever Street, Manchester, M1 1BB

E: gary.hickey@standardsboard.gov.uk

T: 0161 817 5416



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In depth, in detail

Results of the recent Standards Board pilot on operating the local filter will be revealed during the Local filter: In detail sessions, taking place from 12.00pm today.

Around 40 authorities took part in the pilot, which gave us a valuable insight into how the filter will operate at local level. Officers and members from several of these authorities will talk about their experience in the sessions.

Standards Board officers were invited to visit some of the standards committees carrying out the exercise,

which saw them filter ten real life complaints and two appeals already considered by the Standards Board.

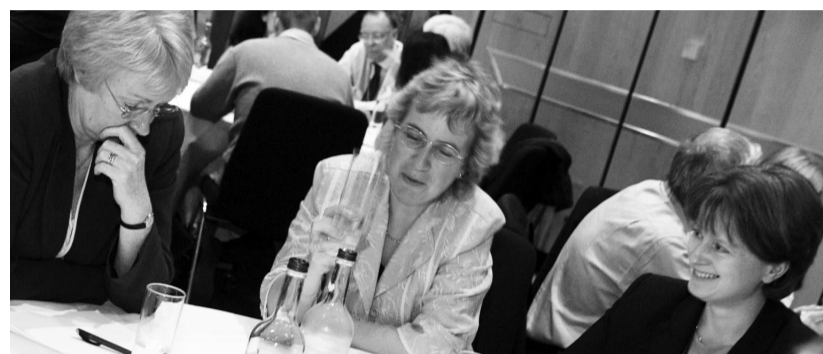
There were a challenging mix of clear-cut and more complex cases, and also some thought-provoking borderline situations.

We are encouraged by the results and believe they show that local government has the capacity, expertise and confidence to manage the local filter. The pilot helped to increase confidence and knowledge of the revised Code of Conduct among the local authorities taking part and

highlighted the quality of independent chairs of standards committees.

Information on two further local filter pilot projects, covering joint working and the Standards Board's future monitoring and audit role, will also be featured today in the **Managing the filter: Resources, challenges and solutions** and **Safeguarding local standards** sessions. These presentations will be available on our conference website shortly after the conference at:

www.annualassembly.co.uk



Key feedback from the local filter pilot:

- Each complaint will take an average of 20 minutes to process, though this will vary from case to case.
- Standards committees' confidence and knowledge of the Code of Conduct will increase once they begin to filter cases themselves.
- On average, local authorities have been about twice as likely to refer complaints for investigation as the Standards Board.

Agenda



08.30 – 10.15	Registration
09.15 – 10.00	Getting up to speed
10.15 – 10.25	Welcome
10.25 – 10.40	Defining the detail
10.40 – 10.55	Evolving standards
10.55 – 11.15	Local filter: Countdown to 2008
11.15 – 11.30	Question time
11.30 – 12.00	Refreshments
12.00 – 13.15	Local filter: In detail
13.15 – 14.30	Lunch
14.30 – 15.45	Breakout sessions
15.45 – 16.15	Refreshments
16.15 – 17.30	Breakout sessions
17.30	Close of day one
17.45 – 18.45	Fringe events (optional)
19.30 – 20.00	Drinks reception
20.00 – late	Conference dinner

Welcome to Down to detail

We at the Standards Board are pleased to welcome you to the Sixth Annual Assembly of Standards Committees, one of the most important events in the calendar for all those working with the Code of Conduct.

The focus of this year's conference is on meeting the challenges of the new local filter for complaints. It aims to boost your understanding of the Code, and help you to develop the skills and knowledge you need to deliver a high standard of effective local governance for your authority.

Of course, the Standards Board has its own challenges to meet – namely in defining what the new strategic framework should deliver, determining our light touch approach and providing you with the appropriate guidance and support.

Opening plenary speeches from Chief Executive David Prince and Deputy Chair Patricia Hughes will give more information on this changing role, and how we aim to help you to meet the challenges ahead.

We hope you will find the conference productive and we look forward to hearing



your views. We also hope that you have an enjoyable and pleasant few days here in Birmingham and benefit from the networking opportunities available.



Sir Anthony Holland
Chair,
The Standards Board for
England

What's the score?

Is the new regulatory framework fit and ready to deal with greater local ownership? Hall 1, Tuesday 16 October, 10.45pm – 12.00pm.

Key to lanyard colours

The colour of delegates' lanyards (neck cords) can be used to identify their position or profession.

Please wear your badge at all times.

WHITE

Monitoring officers

YELLOW

Independent members

DARK GREEN

Standards committee members

ORANGE

Chief executives

BLACK

Council leaders

RED

Speakers

PURPLE

Conference steering committee members

JADE GREEN

The Standards Board for England board members

BLUE

Others (delegates who don't fit into any of the categories above)

Fringe events

Tonight there will be a range of optional fringe events, which provide a great opportunity for getting up to speed on the diverse issues currently affecting local government.

All events take place from 5.45pm to 6.45pm.

This year's sessions are as follows:

■ Hall 6: Parish councillors: Community champions

National Association of Local Councils (NALC)

■ Hall 7: Promoting the interests of independent members: Current and future challenges

Association of Independent Members of Standards Committees in England (AIMSce)

■ Hall 8b: ACSeS – guardians of good governance, the Code and the law – mission possible?

The Association of Council Secretaries and Solicitors (ACSeS)

■ Hall 11b: Partnership, ethics, governance and citizen redress

Improvement and Development Agency (IDeA) and the Local Government Ombudsman (LGO)

Any questions?

Standards Board staff members will be on hand to answer any questions you may have about the Code, or the work of the Standards Board, and to respond to your feedback. You can also drop completed question sheets in the conference postboxes.

Steering committee 2007

We would like to thank all members of the 2007 Annual Assembly's steering committee for the commitment they have made in helping stage this event.

If you would like to volunteer to be one of our committee members for the seventh Annual Assembly in 2008, please complete the application form enclosed in your delegate pack and submit it at the conference enquiries desk.

Quentin Baker

Monitoring Officer, Borough Solicitor Cheltenham Borough Council

Anita Grosz

Independent Chair of Standards Committee, Wokingham Borough Council

The Reverend Canon Tim Barker

Independent Chair of Standards Committee, Lincolnshire County Council, and Independent Vice Chair of Standards Committee, South Holland District Council

Elizabeth Hall

Board Member, The Standards Board for England

Patricia Hughes

Deputy Chair, The Standards Board for England

Councillor Donald Beckett

Member of Standards Committee, Vale Royal Borough Council

Peter Lacey

County Secretary, Somerset Association of Local Councils

Joy Bowes

Head of Legal and Democratic Services, St Edmundsbury Borough Council

Derek Phillips

Independent Chair of Standards Committee (and Independent Member) Teignbridge District Council, and Independent Member of Standards Committee Devon Fire and Rescue Authority

Jonathan Eatough

Head of Democratic and Legal Services, Kettering Borough Council

Louise A Somerville Williams

Independent Member of Standards Committee, Mendip District Council

Pam Essler

Independent Chair of Standards Committee, City of Bradford Metropolitan District Council

Mike Wilkinson

Independent Chair of Standards Committee, Leeds City Council

Councillor Shirley Flint

Board Member, The Standards Board for England

Waste not want not...



Please use the recycle bins located around the conference centre for any of your unwanted papers. Thank you.

Stop press!

In your delegate bags you'll find a copy of our *Case Review 2007*. This year's Review takes the reader through every paragraph of the revised Code of Conduct and answers questions arising from each paragraph in turn. It draws on the experience of the Standards Board's legal

team, who provide ethical standards officers and monitoring officers with expert legal advice.

Don't forget, you can find the most up-to-date news on recent cases in the Case Summaries section of the Standards Board's website:

www.standardsboard.gov.uk

You will also find a copy of our recent occasional paper on our site entitled *Predisposition, Predetermination or Bias, and the Code*, which helps clarify predetermination and bias – issues which have proved difficult and controversial for many members and monitoring officers.

CPD accreditation

The conference is an opportunity for solicitors and barristers to earn credits for their continuing professional development (CPD) schemes. Solicitors can earn credits towards the Law Society's CPD

scheme and barristers can also claim accreditation for the General Council of the Bar's CPD scheme. The amount of credit available at the conference this year totals 9.5 hours. To claim it, eligible delegates need

to register their attendance at the enquiries desk. We would also remind all delegates who are solicitors or barristers to update their personal training records.

Contact

The Standards Board for England
Fourth Floor, Griffin House
40 Lever Street
Manchester M1 1BB

Enquiries: 0845 078 8181

Minicom: 0161 817 5449 **Fax:** 0161 817 5499

Email: annualassembly2007@standardsboard.gov.uk

Web: www.standardsboard.gov.uk

Conference dinner

Drinks reception at 7.30pm,
dinner commences at 8.00pm.

Your contribution is vital says MP

Parmjit Dhanda MP yesterday described how responsibilities across local government are moving back to where they belonged – at a local level.

The minister said that following the Local Government and Public Involvement in Health Bill, currently going through its final parliamentary stages, there will be consultation on the regulations

needed for the detailed operation of the new system.

Mr Dhanda, the Parliamentary Under Secretary of State at the Department of Communities and Local Government, recognised that there are concerns about resources and that the system will bring new challenges.

However, standards committees and

monitoring officers will be aided by the support and guidance of the Standards Board, and the clearer, simpler Code of Conduct, which will be looked at again early next year to make sure it is absolutely fit for purpose.

The minister finished by emphasising the vital contribution that delegates can make to building trust and respect in local governance.



Parmjit Dhanda MP

“ Maintaining standards of conduct is part of the bedrock of our democracy. ”

Counting down to local ownership

Patricia Hughes, Deputy Chair for the Standards Board for England, outlined how the new ethical framework will be implemented.



Patricia Hughes CBE

Patricia described the new roles and responsibilities the changes will bring for authorities and the Standards Board, gave details of possible issues arising from complaints, and explained how performance will be reported and monitored.

She said that the new framework is on track to be in place by April 2008. The Standards Board is already preparing advice and guidance for the change to ensure that it is both

smooth and effective. Findings from two recent pilot trials and details of a third pilot were also revealed.

Patricia said the thought-provoking results from these pilots will be used to help the Standards Board monitor performance and publish appropriate guidance.

She concluded that there is strong evidence that authorities are already gaining confidence in their role

as champions of high standards, and that this will be further strengthened by the new framework.

Chief Executive David Prince also spoke of new responsibilities in his speech earlier in the morning.

He said that the building blocks for local ownership are already in place and that the Standards Board will strive to ensure that the system is operated effectively at local level.

Agenda



08.00 – 09.00	Refreshments
09.00 – 10.15	Breakout sessions
10.15 – 10.45	Refreshments
10.45 – 12.00	What's the score?
12.00 – 13.15	Lunch
13.15 – 14.30	Breakout sessions
14.30 – 14.45	Comfort break
14.45 – 15.00	All clear
15.00 – 15.30	The next step
15.30 – 16.00	Networking/refreshments
16.00	Close

Find out more

Information on topics covered in the practical sessions can be found in our new **factsheets**, which are available online.

Same time – same place

All delegates attending this year's conference will receive booking information for next year's Annual Assembly as soon as it becomes available.

The Seventh Annual Assembly of Standards Committees will be back at the ICC in Birmingham from 13-14 October 2008. We look forward to seeing you again.

Contact

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Fourth Floor, Griffin House
40 Lever Street
Manchester M1 1BB

Enquiries: 0845 078 8181

Minicom: 0161 817 5449 **Fax:** 0161 817 5499

Email: annualassembly2007@standardsboard.gov.uk

Web: www.standardsboard.gov.uk

Joining forces

Yesterday afternoon, delegates heard of the ways that standards committees can use joint arrangements to tackle the challenges presented by the local filter.

The session, called **Managing the filter: Resources, challenges and solutions** aimed to address some of the concerns authorities might have over their new responsibilities.

Joy Bowes and Mark Heath shared their insights into working

with joint arrangements, gained from taking part in pilots with their local authorities.

Their experience revealed the diverse ways authorities can use joint arrangements to take on the local filter – and it proved that there is no 'one-size-fits-all' solution.

The session showed that pooling resources among standards committees can be an effective way of meeting the challenges ahead.



Don't forget...

You can download handouts from many of the sessions at our conference website:

www.annualassembly.co.uk

See you next year

We hope you enjoyed the conference and look forward to seeing you at the 2008 Annual Assembly.

It's down to you

Closing this year's Annual Assembly, his last as Chair of the Standards Board for England, Sir Anthony Holland considered the importance of the work carried out by standards committees and monitoring officers.

He said: "Sometimes I reflect on the reasons why I have spent seven years at the Standards Board for England... coming here to this assembly immediately provides the answer.

"I do have a deep-seated and abiding belief in doing the right thing, in ethical conduct, in integrity. I know that this belief is shared equally deeply by all of you in this audience, the monitoring officers and the members of the standards committees both here and up and down the country.

"When I used to admit solicitors to the Roll at the admission ceremony

at The Law Society, I used to emphasise above all the importance of integrity and of trust, of always doing the right thing even when no one is watching you. The personal reputation that one has is everything, and the Code of Conduct only encapsulates what most of us want to do anyway.

"The public has a deep yearning for truth and honesty in public life and that is where you, the monitoring officers and the standards committees, have a key role to play."

“ The Code of Conduct only encapsulates what most of us want to do anyway. ”

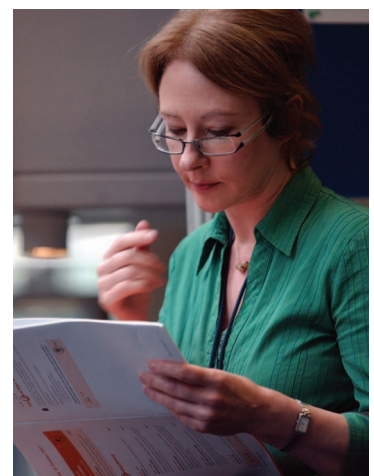
See you in 2008

Planning has started for next year's Annual Assembly and we already know where and when it will be held. The event will again take

place after the party conferences at the ICC in Birmingham, on Monday 13 and Tuesday 14 October.

The theme and content are yet to be finalised, but it is likely that one focus will be the opportunity for authorities to share their experiences of receiving complaints, deciding what to investigate, and reaching outcomes that help build public confidence.

In the meantime, put the dates in your diary and be prepared to book early in the new year when we send out the details of the 2008 conference. This information will be sent both to those who attended this year and those who missed out because they didn't book quickly enough in 2007.





This year's Annual Assembly featured a variety of sessions, ranging from debates to workshops and Q&A events. These summaries give you a flavour of some of the delegate discussions that took place.

The Local filter: In detail

In these sessions, delegates were taken through the local filter process from handling the initial complaint to evaluating the outcome.

There were eight sessions in all. Some catered specifically for monitoring officers, others for standards committee members and some were designed for a mix of delegates.

A recurring theme was concern over the size of

standards committees, and their ability to effectively manage the conflict issues at different stages of the case handling process when changes to the new framework are introduced. Details of the joint arrangements pilot trial, which is a possible solution to this, can be found on page 5.

Sub-committees, as mentioned in Deputy Chair Patricia Hughes' speech on day one, could also solve the problem of a standards committee having few members. These could be set up to handle different stages of the process and might lead to a more effective use of resources, as fewer members would be excluded from the system due to conflicting interests. Other issues raised included the impact of

the new framework on resources and workloads. One of the benefits of the local filter pilots was that they eased the transition for participants and allowed them to understand the impact on resources. However, delegates requested further Standards Board guidance on solutions to practical problems that could arise.

Many also said that the flowchart for filtering complaints was an invaluable aid as it helped members focus on problems and cooperate in finding solutions. A copy of the flowchart is available in the Session materials section of our Annual Assembly website.

Guidance on the process for filtering complaints and on the Code of Conduct was

requested by several delegates. The Standards Board has recently produced a DVD on the Code of Conduct. We have also published factsheets, which, when used together with existing guidance on the Code of Conduct, offer clear explanations about potentially difficult parts of the revised Code. Both the guidance and the factsheets are available from

www.standardsboard.gov.uk

Download our conference material

Material from this year's conference is now on our dedicated Annual Assembly website. You can find speeches, handouts and presentations under 'Session materials' in the programme section of

www.annualassembly.co.uk

Breakout sessions

Day one

Below is a brief summary of the issues and topics raised in some of the breakout sessions from day one.

While the revised Code of Conduct contains no specific definition of bullying, many delegates attending **Cracking the revised Code** suggested that bullying is an important provision of it. Please see our factsheet on bullying and the Code, which is available from our website, for more details on this issue. The session also referred to equality provisions and to speeches made earlier in the day, which called for increased recognition of the importance of standards of behaviour.

Delegates who attended **Referrals: Lessons learnt** felt that the toolkit for the assessment process should be disseminated as soon as possible. There were also calls for additional guidance on matters

such as predetermination. The Standards Board recently published information on this subject in an occasional paper called *Predisposition, predetermination or bias, and the Code*, which can be found on the publications section of our website.

It was suggested that more information is required on the timescales for obtaining correct facts in **Investigations: Tackling complex cases**. One member of a standards committee said they now had a better idea of the length of time it takes to write up complex reports and the kind of information necessary for such reports.

Delegates were given the opportunity to speak directly to representatives of the Standards Board in two **Q&A sessions**, one catering for standards committee members and the other for



monitoring officers. In their session, monitoring officers voiced concerns about putting in formal constitutional arrangements, given that government regulations have not yet been issued. A panel of Standards Board members urged officers to work on the basis of what they already know and to amend arrangements later, if necessary.

Day two

Practical mediation skills showed how mediation could be used to resolve disputes and to reduce the potential of a complaint leading to a full investigation. While the session highlighted that not all situations can be mediated, it stressed the importance of managing relationships if authorities are to be run effectively.

In **Positive about towns and parishes**, delegates heard a series of short presentations on how to work effectively with their town and parish representatives. Several delegates emphasised the importance of more training and a better understanding of the Code among parish councillors. The significant role that monitoring officers and county associations play in leading to a greater awareness of the Code among parish councils was also stressed.

The session entitled **State of independence** aimed to help independent chairs and members build the skills necessary to respond to challenges presented by the local filter. Delegates from newly-created committees felt the interactive session was particularly useful as a training tool.

Fringe sessions

The 2007 Annual Assembly featured several optional fringe events that covered a range of diverse subjects currently affecting local government.

Parish councillors: Community champions gave an insight into the innovative and diverse work councillors are involved with across the country. The reception which followed also gave an opportunity for

networking and sharing experiences.

Guardians of good governance, the code and the law – mission possible? by the Association of Council Secretaries and Solicitors (ACSeS), was an open debate on the role of monitoring officers and looked at the support needed by monitoring officers from organisations such as ACSeS to make their jobs work.

The session called **Promoting the interests of independent members: Current and future challenges** was an open discussion held by the Association of Independent Members of Standards Committees in England (AIMSce).

And **Partnership, ethics, governance and citizen redress** presented an opportunity for delegates to hear about

the Local Government Ombudsman special report *Local Partnerships and Citizen Redress*. The report, produced in conjunction with the Improvement and Development Agency for local government (IDeA), showed the effects of considering partnerships with authorities.

Settling the score

What's the score? – the main session on day two of this year's Annual Assembly – was an open discussion on the current ethical framework. Chief Executive David Prince chaired the session and was joined by three guest speakers who presented the results of studies on the regulatory framework.

Dawn Hands, Research Director and Board Director at BMG Research, revealed that many of those forming

the bedrock of the new framework are aware of the changes lying ahead. Nearly all monitoring officers (99%) and the majority of standards committee members (90%) said they knew of the changes. However, concerns were raised over the level of awareness among town and parish authorities – with 30% not aware.

Similarly, less than half of town and parish authorities felt that their monitoring officers were ready for the transition (44%).

Alison Kelly, Strategy Adviser for Governance and Accountability at the Audit Commission, spoke next. She said that findings from the ethical governance diagnostic self-assessment surveys show a general picture of readiness and that authorities are actively encouraging high standards.

However, the responses suggest many require a greater awareness of the roles and responsibilities of standards committees.

They also state that the importance of the ethical framework and the work carried out by standards committees needs to be communicated more widely, bringing a culture of high standards into the mainstream.

The final session speaker was Jessica Crowe, Executive Director of the Centre for Public Scrutiny (CfPS) and member of the Department for Communities and Local Government's Local

continued overleaf

Putting pilots into practice

Results of our recent local filter pilot trials were revealed at this year's Annual Assembly.

More work has been done since, and the Standards Board for England believes that the pilots can be used to determine how the new ethical framework could be implemented.

Patricia Hughes, Deputy Chair of the Standards Board for England, spoke about the three pilots in the conference's opening session.

The first aimed to measure how authorities carried out their decision-making. Patricia said its results show that standards committees may adopt lower referrals thresholds than the Standards Board. The results also suggest that, in future, standards committees might recommend alternative measures to

investigation, for example, member training.

Details of the second pilot, which investigated joint arrangements, were also discussed. This pilot examined the scope for standards committees working together and assessed the impact this would have on resources. The pilot offered four different types of joint working structures, with most participants preferring a joint structure handling the local filter function.

Feedback from delegates attending the conference suggests there is a demand for the use of joint arrangements, as this could solve the problem of recruiting enough independent members for standards committee panels.

Preparation for a third pilot to develop the Standards Board's

future monitoring and auditing arrangements is currently underway.

This pilot is creating an online information return system for use by monitoring officers on a quarterly basis, which the Standards Board hopes will aid its evolution as a light touch strategic regulator.

The online tool aims to provide authorities with their own complaint tracking system, which will in turn be risk-assessed by the Standards Board.

Final touches are being made to the system, which the Standards Board hopes to make available as soon as possible.

Councillors' Commission, who compared the work of scrutiny and standards committees.

Jessica highlighted the importance of leadership among standards committees and pointed out the value of having independent members working alongside elected members. She also stressed the importance of taking transparent decisions, reflecting one of the principles in the CIPFA/SOLACE (Chartered Institute of Public Finance and Accountancy/Society of Local Authority Chief Executives) good governance framework, and having an open culture which supports this.

David reflected on the speakers' comments and noted that culture and leadership were areas for further focus.

He also responded to questions from delegates and summarised that high standards are a cornerstone of good governance, which is essential to ensure the delivery of good services.

Conference in pictures



Your thoughts

Thank you for all of your comments and feedback about this year's conference. Here's a selection of what you had to say about the Sixth Annual Assembly of Standards Committees:

“Excellent at imparting understanding of the issues standards committees face when local filtering is introduced.”

“Best sessions were the practical ones – more of those please.”

“All speakers were very knowledgeable. An excellent, very useful conference.”

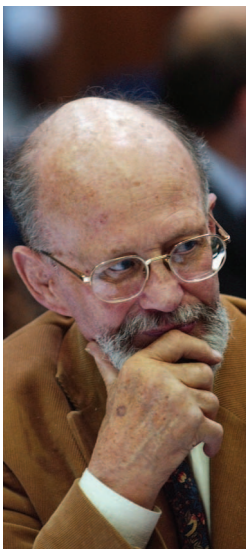
“It would be very helpful if future conferences had some sessions focused on police authorities.”

“Most useful event I have been to for years.”

“Slightly more time for workshops – those I attended were very good, but more time would have allowed for more depth.”

“It has spurred me on to go back and get the standards committee to ‘up its game’ and to start formulating some of the decisions and actions we need to make a start on.”

“Very professional, well-planned event – thank you, it has been invaluable.”



Contact

The Standards Board for England
Fourth Floor, Griffin House
40 Lever Street
Manchester M1 1BB

Enquiries: 0845 078 8181

Minicom: 0161 817 5449 **Fax:** 0161 817 5499

Email: enquiries@standardsboard.gov.uk

Web: www.standardsboard.gov.uk