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Many thanks to all those who attended the recent Second Annual Assembly of Standards Committees conference in Birmingham. We certainly gained a great deal from meeting you and, from the initial feedback, it appears that you also took a lot from the conference. A number of important issues were raised and, as ever, it was important to hear at first hand how the new ethical framework is bedding down one year on.

By the time you read this, the *Local Authorities (Code of Conduct) (Local Determination) Regulations 2003* will be firmly in place. As I'm sure we all agree, this is another important step in allowing the Code of Conduct to be administered at the most appropriate level. As noted below, our guidance on the regulations is available on our website and a hard copy will be sent to you.

Allan Cairns, Chief Executive

Local Authorities (Code of Conduct) (Local Determination) Regulations 2003

With the regulatory framework for local determinations now in place, Ethical Standards Officers have started to refer appropriate cases back to Monitoring Officers for consideration by Standards Committees. While some Standards Committees are ready to receive referrals, others are still implementing procedures to handle them. In these early days, an Ethical Standards Officer may contact the Monitoring Officer before making a referral to discuss whether the authority is ready to deal with local determination.

A full copy of The Standards Board for England's guidance to the new regulations is available at http://www.standardsboard.co.uk/pdfs/guidance/Standards_Committee_Determinations.pdf

The Standards Board for England launches research projects

The Standards Board for England has just let three research projects. Between them, the projects will assess the impact of The Standards Board for England's support and guidance, and establish information on the role and status of County Associations and Monitoring Officers. The projects will improve our understanding of our stakeholders and highlight some models of good practice in terms of local advice and support.

Supporting Monitoring Officers will analyse the Monitoring Officer's role in the ethical framework. The project will also identify the support needs of Monitoring Officers. At present there is little published work on the roles and needs of Monitoring Officers. The project aims to address this gap and will help The Standards Board for England to develop future

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guidance that meets the needs of Monitoring Officers, and will improve our understanding of their responsibilities, resources and status within their authorities.

Satisfaction with support and guidance will assess the usefulness of the guidance published by The Standards Board for England, and will inform what we produce in the future. The project will ask how satisfied members and officers are with The Standards Board for England's current publications, in relation to both subject matter and presentation, and will ask them about their expectations for the future.

The needs of County Associations will focus on the relationship between County Associations and parish and town councillors. The aim is to identify and improve areas where The Standards Board for England can support County Associations to provide appropriate guidance and advice to parish and town councillors on the ethical framework.

The projects will begin in August 2003, and are due to finish in one year, six months and eight months respectively. Some of the interim findings will be included in future bulletins.

Further information can be obtained from Gary Hickey at The Standards Board for England on 020 7378 5087 or at gary.hickey@standardsboard.co.uk

The multiple roles of the Monitoring Officer

Under the new ethical framework, Monitoring Officers may have to advise the Standards Committee at local determination hearings or investigate allegations that are referred to them under Section 60(2)(b) of the *Local Government Act 2000*, as well as advise individual members. These different responsibilities

could give rise to conflicts of interest, and smaller authorities with a lack of resources may have particular difficulties in dealing with this problem.

One of the workshops at the Second Annual Assembly of Standards Committees identified a number of possible solutions.

Ask for extra resources

Monitoring Officers could ask their council for extra resources to enable them to perform their different roles effectively. For instance, Monitoring Officers could ask their authorities to set aside a sum of money in the budget for local determination hearings.

Monitoring Officers could work with an external firm of solicitors to advise the Standards Committee, or to help the Monitoring Officer to carry out an investigation (if, as expected, legislation gives Monitoring Officers the power to delegate this function).

Authorities could also make arrangements with neighbouring authorities to share Monitoring Officers' responsibilities for advising Standards Committees and investigating allegations.

Train other officers and members

A conflict of interest could arise where a Monitoring Officer has given advice to a member, and then has to advise the Standards Committee when an Ethical Standards Officer refers an allegation about the member to the Monitoring Officer.

Monitoring Officers could avoid this problem by training other council officers to advise members on the Code of Conduct.

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Monitoring Officers could also train members on their responsibilities under the Code of Conduct to try to prevent allegations being made in the first place. Local authorities with parish councils may want to invite parish councillors to attend this training as well.

Train parish clerks

Monitoring Officers should make sure that parish clerks know how to obtain The Standards Board for England's guidance on the Code of Conduct, and could also provide extra training to enable parish clerks to advise parish councillors.

Establish a protocol for making allegations

Some Monitoring Officers have difficulties in deciding whether to make a written allegation to The Standards Board for England where a member may have breached the Code of Conduct.

One authority has produced a protocol explaining when it is acceptable for Monitoring Officers to make an allegation. Monitoring Officers could rely on this kind of protocol to avoid being criticised by members for making an allegation.

Standards Committees and investigations – a clarification

What information should a Monitoring Officer share with a Standards Committee about an Ethical Standards Officer's investigation?

The Standards Board for England has reconsidered its position on this question in the light of feedback from Monitoring Officers.

The Standards Board for England now recommends that when a Monitoring Officer is told that an investigation is taking place, he or she should inform the relevant Standards Committee via a confidential memo.

Contrary to the advice in Bulletin 10, the Monitoring Officer should only outline the nature of the allegation. The Monitoring Officer should not name the complainant or the member that the allegation has been made against, and the allegation should not be included on the agenda of a Standards Committee meeting. This will avoid putting potentially defamatory material into the public domain.

Once the investigation (and any hearing before the Standards Committee or the Adjudication Panel for England) has been completed, a case summary will be published on our website. At this stage it might be appropriate for the Standards Committee to consider if there are any lessons to be learnt from the incident.

For your information

The Case Review/The Code Q&A (Number One, Volume One)

All Monitoring Officers should by now have received a copy of *The Case Review*, which gives The Standards Board for England's views on many questions about the Code of Conduct.

Further copies are available at a cost of £20. Please contact Hayley Armstrong on 020 7378 5161 or at hayley.armstrong@standardsboard.co.uk

Information regarding *The Case Review* is available at http://www.standardsboard.co.uk/publications/legal_digest.php

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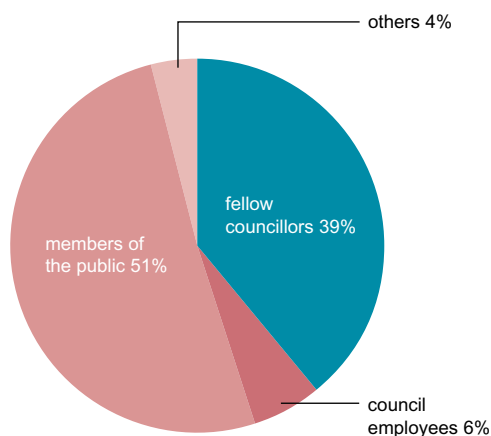
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Statistics

Referral statistics

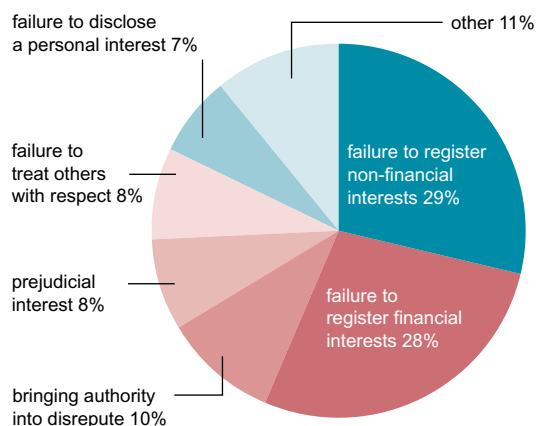
The Standards Board for England received 741 allegations between 1 April 2003 and 30 June 2003.

Source of allegations received between 1 April 2003 and 30 June 2003

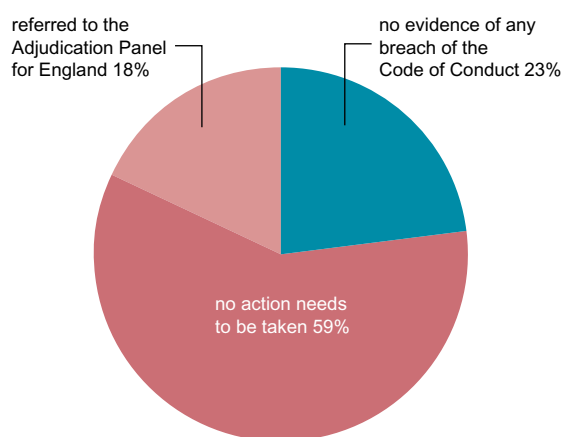


43% of these allegations were referred for investigation.

Nature of allegations investigated between 1 April 2003 and 30 June 2003



Completed cases and final findings between 1 April 2003 and 30 June 2003



Case summaries can be found on The Standard Board for England's web site at <http://www.standardsboard.co.uk/cases/index.php>

FAQ

Should details of complaints against members be disclosed to the public?

There is no statutory mechanism that prevents a complainant, or a member who has been complained against, informing the press and public of the allegation. However, members can seek an injunction through the courts to prevent the publication of potentially defamatory material.

The Standards Board for England does not comment on the details of allegations while an investigation is ongoing. Where information is already in the public domain The Standards Board for England will confirm whether the information is accurate.

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We suggest that the authority concerned should adopt a similar approach. Matters being investigated by an Ethical Standards Officer should not generally be the subject of discussion or debate in the authority. Where there is a need for a discussion at a meeting, officers should consider whether or not the matters discussed fall within any of the categories of “exempt information” in Schedule 12A to the *Local Government Act 1972*.

Can allegations still be made against members who are no longer in office?

Yes. As long as the alleged events happened when the person was a member and the Code of Conduct was in force.

However, when deciding whether to refer the allegation for investigation, the Board will take into account a number of factors, including whether the person is still a member.

The Board may, in exceptional circumstances, refer the allegation to an Ethical Standards Officer if it considers that the alleged breach is so serious that an investigation may be in the public interest, with a view to disqualifying the person from standing as a member in the future.