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We are pleased to welcome Councillor Louise Bloom to The Standards Board for England as our latest Board member. The appointment was announced recently by the Rt Hon Nick Raynsford MP, the Minister for Local and Regional Government. Councillor Bloom is a Liberal Democrat member of Eastleigh District Council and a member of Hedge End Town Council. As a town councillor, she will no doubt add her considerable experience of parish matters to The Standards Board for England.

The Board has been busy this autumn with presentations throughout the country to county associations and regional branches of the Local Government Association. We have also produced several new publications, including guidance on lobbying, dual-hatted members and the Code of Conduct. This guidance covers a number of common but difficult areas of the Code of Conduct surrounding the declaration of personal and prejudicial interests, and you can read more about it in the following article.

This issue, we also have articles for you on our new referrals criteria, research into the needs of county associations, an upcoming review of the Code of Conduct and more. We hope you find them interesting and informative and remember to let us know if there is anything else you would like to see in future issues.

More help with personal and prejudicial interests

New guidance produced by The Standards Board for England can help members who are involved in lobby and campaign groups or who are members of more than one relevant authority work out if they have a personal or prejudicial interest in a matter.

The new guidance covers a range of common but difficult areas of the Code of Conduct, involving interests arising from membership of lobby groups, and from membership of other public bodies or as council appointees to external groups — so-called dual-hatted members. This will be particularly relevant to those of you who serve on more than one tier of local government.

The first part of *Lobby groups, dual-hatted members and the Code of Conduct* provides practical advice and examples to help you understand when membership of lobby or campaign groups may give rise to personal and prejudicial interests, and explains what you can and cannot do if you have a prejudicial interest. It also includes information on some other important principles and legal requirements you may need to consider when making decisions, including the common-law concept of predetermination.

The second part of the guidance explains the interests that can arise from service on other authorities or public bodies and provides practical

advice and examples to help you understand circumstances where it is appropriate to rely on paragraph 9(2) of the Code of Conduct to participate in meetings. (This is the paragraph that deals with exemptions from prejudicial interests.)

The guidance was prepared in consultation with a wide range of stakeholders, including the Local Government Association, the National Association of Local Councils, the Association of Police Authorities, the Association of Council Secretaries and Solicitors and the Society of Local Authority Chief Executives. Copies of the guidance are being sent now to monitoring officers and parish clerks.

You can also view and download the guidance from our website, at:

www.standardsboard.co.uk/code_of_conduct/

County associations vital to workings of the Code

County associations play a vital part in advising and training parish councillors in the operation of the Code of Conduct but their roles are hampered by under-funding and a perceived lack of clarity around some areas of the Code of Conduct.

That is the conclusion of research into the needs of county associations undertaken by the Centre for Local Policy Studies at the University of Gloucestershire and the Institute of Local Government Studies at the University of Birmingham, on behalf on The Standards Board for England.

The research was commissioned in 2003 with the objective of identifying the ways in which The Standards Board for England can assist county associations in providing support and advice to town and parish councils on the new ethical framework. The Standards Board for England has worked closely with county associations, and the research found that, in the main, they have been satisfied with the support they receive from us. This research will help us ensure we can continue to support county associations and understand how we can help make them even more effective.

The research concluded that:

- Training is a major way in which county associations support town and parish councils in relation to the new ethical framework. Much of this training is in partnership and facilitated through the emerging county training partnerships. The most effective support services have been developed through cooperation between district councils and county associations.

- A majority of county associations have worked with at least some of the monitoring officers in their county. The introduction of the new ethical framework has precipitated the development of links between county associations and district councils, broadening the network to include other interested parties such as the Society of Local Council Clerks.
- A lack of resources, and a lack of clarity regarding some aspects of the Code of Conduct, were two key factors identified by county associations that undermine support for the new ethical framework.
- Attitudes towards the new ethical framework have mellowed over time, moving from an initial resistance to support for the principle of the new ethical framework and the move to raising standards of behaviour.
- There is criticism of the way in which the new ethical framework has been implemented, including intrusiveness, whistle blowing, lack of mediation and the fact that dysfunctional councils and bullying have yet to be addressed.

Participants in the research have made several suggestions regarding the way in which The Standards Board for England can enhance its existing level of support. These are currently being considered by the Board as we look to strengthen the support we give to those working with the ethical framework. A summary of the research will appear on our website in the near future. We will also bring you news of developments in future issues of the *Town and Parish Standard*.

Consultation announced on Code review

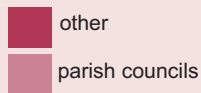
All councils will be given a chance to help shape the future of the Code of Conduct when The Standards Board for England launches its review of the Code of Conduct in the new year.

We will be addressing many of the questions that have been put to us in our discussions with parishes as we explore how the Code of Conduct can be improved. Among the questions we will be asking are:

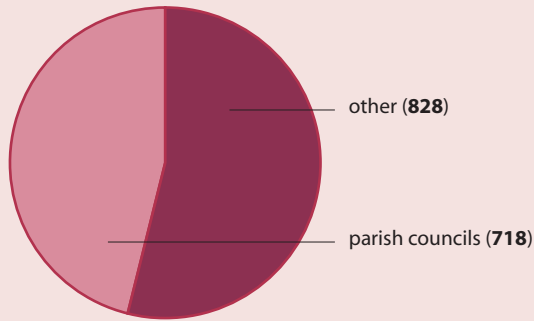
- To what extent should the Code of Conduct apply in a private capacity?
- Should the Code of Conduct continue to include a whistle-blowing provision?
- How can the Code of Conduct strike a balance between members representing their communities and protecting the integrity of decision-making?

The following charts compare the parish experience with that of local government as a whole, for the period 1 April to 31 August 2004.

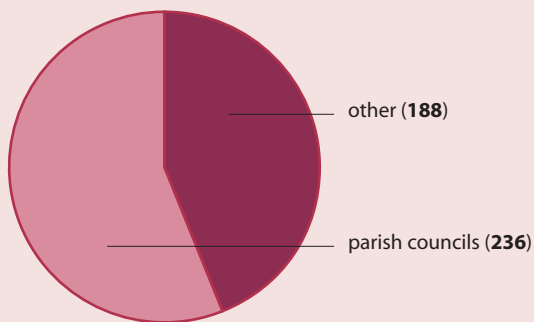
Key to bar charts



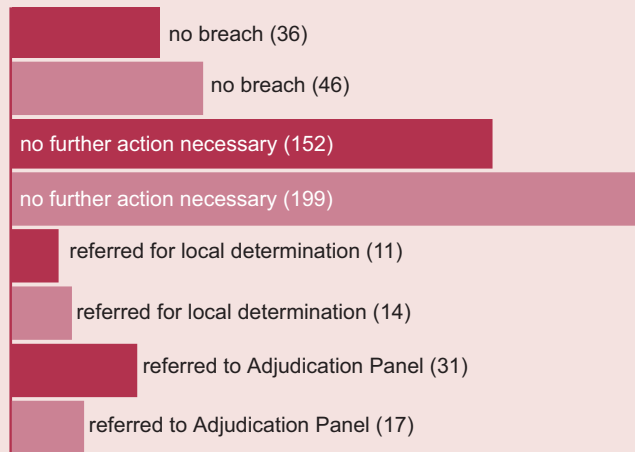
Number of allegations received (total: 1546)



Number of allegations referred for investigation (total: 424)



Ethical standards officers' final findings



The Adjudication Panel for England's decisions in cases that have been heard



- Should members be allowed the same rights as the public when making representations on issues in which they have a prejudicial interest?
- Should there be a public interest defence to the disclosure of confidential information?

The consultation is expected to close in the spring, and the Board will make recommendations for changes to the Code of Conduct to the government soon after. We will bring you more news in future issues of the *Town and Parish Standard*.

Graham Committee to report in December

The Committee for Standards in Public Life, chaired by Sir Alistair Graham, is due to publish the findings of its Tenth Inquiry this December. The committee's current inquiry, *Getting the Balance Right*, is looking at how successful its previous recommendations have been in raising standards in the public sector. Part of the inquiry is inevitably focused on the enforcement and management of the Model Code of Conduct for local government. Amongst other

things, the committee is investigating the effectiveness of The Standards Board for England at promoting the Code of Conduct, and investigating allegations of misconduct. It is also looking at whether parishes should be subject to the same code as other tiers of local government, and received a number of submissions from the parish sector on this subject.

The committee has finished its hearings into how the ethical framework has been operating and has retired to consider the evidence gathered. Future editions of this newsletter will report on its findings, including any consequences that might arise for the parish sector.

Referral criteria reassessed

The Standards Board for England's commitment to focus on only the most serious allegations of misconduct will be underlined with the introduction of a more rigorous referral process. Proposals currently being developed will ensure that only allegations concerning the most serious behaviour, with the potential to damage the reputation of local government, will be considered for investigation.

In order for an allegation to be considered for investigation, it must comply with four basic rules:

- it must be made in writing;
- it must concern the conduct of an elected, co-opted or independent member of a relevant authority;
- be about something that happened after the Code of Conduct came into effect (between 30 November 2001 and 5 May 2002, depending on the authority);
- the conduct must be covered by a provision of the Code of Conduct.

If an allegation meets all of these rules, it must then satisfy one of the following criteria to be referred for investigation:

- it is serious enough, if proven, to justify the range of sanctions available to The Adjudication Panel for England or local standards committee;
- it is part of a continuing pattern of less serious misconduct which is unreasonably disrupting the business of the authority and there is no other avenue left to deal with it short of investigation.

An allegation is unlikely to be referred for investigation if:

- it is believed to be malicious, relatively minor, or tit-for-tat;

- the same, or substantially similar, complaint has already been the subject of an investigation or inquiry and there is nothing further to be gained by seeking the sanctions available to The Adjudication Panel for England or the local standards committee;
- the complaint concerns acts carried out in the member's private life which are unlikely to affect his or her fitness for public office;
- it appears that the grievance is really about dissatisfaction with a council decision;
- there is insufficient information currently available to justify a decision to refer the matter for investigation.

Case Review sheds light on legal issues

The role of the Code of Conduct in members' private lives is just one of the issues explored in a new publication designed to help monitoring officers and others when dealing with some of the legal complexities around the Code of Conduct.

This is the second volume in The Standards Board for England's *Case Review* series. It's aimed at those who administer the Code of Conduct, so may be of particular interest to county secretaries and parish clerks.

Volume 2 addresses a number of topical issues, including prejudicial interests and conduct during political debate.

The *Case Review* is available to view and download from The Standards Board for England's website at: www.standardsboard.co.uk

Printed copies are available at a cost of £15 each. To place an order, call 020 7378 5036 or 020 7378 5025 or write to:

publications@standardsboard.co.uk

Contacts and more information

If you have any questions, comments, or suggestions for future issues, please write to us at:

• tpstandard@standardsboard.co.uk

• The Standards Board for England, First floor, Cottons Centre, Cottons Lane, London SE1 2QG

You can get more information on The Standards Board for England and the Code of Conduct from our website at:

www.standardsboard.co.uk