

Welcome to The Standards Board for England's *Standards Committee News*, a new quarterly newsletter for members of standards committees.

In recent months we have received a lot of feedback about how we can support you better in promoting and maintaining high standards of conduct in your authority. *Standards Committee News* is part of our response and we hope it will answer many of the questions you and your colleagues have. Please feel free to forward it to anyone you think might find it useful.

We need your help to ensure that *Standards Committee News* provides you with the most useful and relevant information, so if you have any ideas for features in future issues, please let us know. Our contact details are on the last page.

We announced recently that David Prince has been appointed as The Standards Board for England's new chief executive. With over 20 years' experience in local government, David has a deep understanding of the sector and a clear vision of what it means to maintain standards on behalf of the public. He is currently director of strategy and resources at the Audit Commission and, for the past year, has taken the lead for the Commission on Comprehensive Performance Assessments. His past appointments include chief executive of Leicestershire County Council and director of finance and administration at Cambridgeshire County Council. He was also District Audit's first chief executive when it became an arm's-length agency in 1994.

David will take up his new post in April. Until then, I will continue as interim chief executive.

[John Edwards, interim chief executive](#)

Programme released for Code-cracking conference

Monitoring officers, members of standards committees and other local government professionals, are invited to 'Crack the Code' this September, at the Third Annual Assembly of Standards Committees. A full programme and online booking

system for the conference were launched in January.

This year's conference addresses several key issues: is everyone clear about the application of the Code of Conduct; what are the areas of difficulty; and how can the Code be improved? Delegates will be invited to confront these issues,

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What's happening so far in local determinations.
- 3 State of independence**
How to make the most of independent members.
- 6 Could you do more?**
There's no end of extra tasks for keen committees.

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identify areas for improvement, and debate the Code's role in the wider ethical framework.

The comprehensive programme of speeches, plenary discussions and workshops covers topics such as bullying, campaigning and planning. The Open house Q & A sessions that proved so popular at the last Annual Assembly are back, giving delegates the chance to quiz panels of experts on Code-related queries. And there are a few new features too, including feature workshops: large-scale debates giving up to 500 delegates an opportunity to examine the key issues.

Guest speakers from the worlds of local government politics, journalism and academia are being lined up to share their views and lead discussion.

This year's big debate, which asks: 'is there any more to public service than making the trains run on time?', promises to be thought-provoking and lively. The names of speakers will be announced as they are confirmed.

The event will take place on 13 and 14 September 2004, at the International Conference Centre (ICC), Birmingham. Places are booking up fast; delegates are being encouraged to register as soon as possible to guarantee space.

The programme, conventional booking form, and a link to the online booking form are available at:

www.standardsboard.co.uk/events/index.php

Research reveals good levels of satisfaction

Stage one of a MORI research project into satisfaction of members and officers with the work of The Standards Board for England is now complete. The results will be used to shape our work in the future. Thank you to everyone who took part in the survey.

According to the research, 89% of members support the Code of Conduct. The survey also found that:

- nearly three-quarters of members (74%) believe the public are concerned about members' conduct;
- less than a third of members (31%) believe standards of behaviour have improved over the last two years;
- over two-thirds of members and officers of principal authorities (68%) agree that their local standards committee is impartial; only a small number (6%) disagree;
- more than a quarter of parish and town councillors and clerks (29%) don't know whether their standards committee is impartial, suggesting that standards committees could do more work with parishes and parish representatives in their area to keep them up to date and involved;
- of the 94 chairs of standards committees who responded, just under a third (32%) are independent members;
- over half of standards committee members (53%) thought that the amount of published information and

guidance provided by The Standards Board for England was about right; more than a third (34%) thought that there was not enough;

- 61% of standards committee members were very or fairly satisfied, overall, with the published information and guidance provided by The Standards Board for England; 15% were dissatisfied;
- 61% of standards committee members who used our website were either very or fairly satisfied with it; 12% were dissatisfied.

Other findings indicate that monitoring officers and standards committee members are relatively satisfied with our work so far. Few stakeholders seemed dissatisfied with our work, although the findings did reveal that we need to do more work with leaders and town and parish councils to meet their expectations.

Data collection for stage two of this research has now been completed and we will bring you further findings later in the year.

Local investigations coming your way

The Office of the Deputy Prime Minister is currently drafting new regulations to provide a framework for monitoring officers to investigate allegations of misconduct that are referred to them by ethical standards officers. The new arrangements will mean investigations can be carried out at the level most appropriate to the alleged misconduct and speed up the investigations process overall.

The Office of the Deputy Prime Minister will be consulting widely on the draft regulations over the coming months. At the same time, The Standards Board for England will be consulting on draft guidance setting out practical advice for monitoring officers and authorities on how to implement the regulations.

New complaints leaflet

The latest guide to The Standards Board for England's complaints procedure, *How to make a complaint*, is available now. The leaflet is suitable for anyone who may wish to complain about a member's behaviour. It explains what things they can complain about, how to complain, and what happens once the complaint has been made. There is a form at the back to help the complainant provide all the information we need.

The leaflet was distributed in December 2003 to MPs, local authorities, citizens' advice bureaux and law centres. To get copies of the leaflet, telephone 020 7378 5110 or e-mail:

publications@standardsboard.co.uk

The leaflet is also available from our website at:

www.standardsboard.co.uk/complaints/index.php

Standards committee determinations — six months on

It has been over six months since the *Local Authorities (Code of Conduct) (Local Determination) Regulations 2003* came into force, giving standards committees the power to carry out one of their key roles. To date, ethical standards officers have referred 32 cases to monitoring officers for local determination by standards committees. There have been 12 hearings:

- four resulted in suspensions ranging from one month (to end earlier if conditions were met), to three months;
- three resulted in censure;
- in five cases the standards committees found that the members failed to follow the Code of Conduct but that no further action should be taken.

Questions answered

Standards committees are now implementing procedures and training to ensure they are ready to hear cases. As part of that process, monitoring officers and standards committees have raised a number of questions about the determinations process. You should find the answers to many of your questions in our guidance booklet, *Standards Committee determinations*, which outlines the powers of standards committees to hear determinations and sets out model procedures for you to consider. You can download a copy from our website. We'll also address any common queries, such as the one concerning the three-month time limit below, in *Standards Committee News*.

Three-month time limit

Some authorities have raised concerns about the three-month time limit in which standards committees must hear cases referred for determination by an ethical standards officer.

Our interpretation of the regulations is that hearings should be completed within three months. However, there may be occasions when delays beyond this time limit are unavoidable — for instance, if the member who is the subject of the allegation suddenly falls seriously ill. In such cases, the standards committee could arrange for the hearing to be held at a later date. The standards committee does not lose jurisdiction after three months, and there would only be scope for a legal challenge or judicial review if the delay was unreasonable.

Making the most of independent members

Independent members bring a fresh perspective to the workings of their standards committees and, by extension, to their authority. Appointing independent members to standards committees is a way of involving citizens with a commitment to public service in the promotion of high standards of conduct among elected representatives.

Standards committees must ensure they are seen as fair in upholding ethical standards in local government. Appointing an independent member as chair of your

Case summaries

We publish summaries of standards committee determinations on our website as they become available. The following summaries are available now:

- Councillor Mellor, Chorley Borough Council:

www.standardsboard.co.uk/cases/authorities_c/C_SBE965_02.php

- Councillor Connelly, Hounslow Council:

www.standardsboard.co.uk/cases/authorities_h/H_SBE153_02.php

- Councillor Ince, Mendelsham Parish Council:

www.standardsboard.co.uk/cases/authorities_m/M_SBE2781_03.php

- Councillor Janet Preston, Barnstaple Town Council:

www.standardsboard.co.uk/cases/authorities_b/B_SBE1427_02.php

- Councillor John Preston, Barnstaple Town Council:

www.standardsboard.co.uk/cases/authorities_b/B_SBE1658_02.php

- Councillor Oram, North Dorset District Council:

www.standardsboard.co.uk/cases/authorities_n/N_SBE1174_02.php

- Councillor Beechey, Bridgnorth District Council:

www.standardsboard.co.uk/cases/authorities_b/B_SBE1268_02.php

- Councillor Davies and Councillor Emmott, Rochdale Metropolitan Borough Council:

www.standardsboard.co.uk/cases/authorities_r/R_SBE910_02_911_02.php

- Councillor Cotton, Ilfracombe Town Council:

[www.standardsboard.co.uk/cases/authorities_i/I_SBE510_02\(b\).php](http://www.standardsboard.co.uk/cases/authorities_i/I_SBE510_02(b).php)

- Councillor Shopland, North Somerset Council:

www.standardsboard.co.uk/cases/authorities_n/N_SBE1479_02.php

Q&A

What is the recommended term of office for independent members?

Although the legislation and regulations do not specify a term of office for independent members, we recommend that authorities set a term of office similar to that of other members of the authority. This gives independent members time to get to grips with their work without becoming so involved that they begin to lose their impartiality. Anecdotal evidence suggests most authorities appoint independent members for a period of two to four years.

How many terms can they serve?

There are no set rules about how many times an independent member can serve on a standards committee but it's important that independent members are seen as impartial. The authority should consider whether long service as an independent member at a single authority may affect their impartiality, or the public perception of their impartiality.

Could they be open to civil action through their adjudication duties?

The independent member could only be sued through the authority, not as an individual. Most authorities are insured against this risk.

standards committee, or appointing more independent members than the required minimum of 25%, sends a strong message to the public that you value impartiality and fairness.

The job of an independent member

Independent members play an important role in safeguarding and emphasising the independence and integrity of standards committees. Independent members bring a non-partisan perspective to their standards committee's work, and can assure other members, officers and the public of the committee's impartiality when discussing conduct at the authority. Independent members have a mandate to be community orientated, public spirited and focussed on serving the public interest in an ethical manner.

Independent members should:

- develop and apply knowledge of the Code of Conduct in relation to matters brought before their standards committee, including determining cases referred by an ethical standards officer;
- develop a clear understanding of the way in which their authority works and how their standards committee enhances corporate governance;
- read reports, briefings and background information in advance of standards committee meetings;
- be inquisitive, open-minded and non-judgemental;
- be committed to a defined term of office; perhaps between two- and four-years long.

Training for independent members

Like other members of standards committees, independent members will have a range of training needs.

Those who have been appointed recently will probably be unfamiliar with the operations of local government, and of standards committees in particular. Your authority would be well advised to arrange a fast-track induction so that new independent members can effectively participate in your standards committee. New independent members will most likely also require training on the Code of Conduct and the role of the standards committee.

And now that cases of alleged breaches of the Code may be referred to standards committees for determination, independent members will also need training in the hearing process adopted by your authority, if they have not already received it. Independent chairs may need additional training, as the role of chair is a critical one, especially in the local determination process.

Authorities should ensure that the training needs of independent members are reviewed regularly to ensure they are up to date on new issues throughout their term of office. Attending relevant conferences is a good way to keep abreast of new and emerging issues and broaden understanding of the roles and responsibilities of standards committees.

Getting to grips

Independent members should also have ongoing access to, and advice from, the monitoring officer and other officers. They will usually need access to administrative and IT facilities, such as photocopiers and e-mail, and support and training where required. Useful support would include administrative staff to help prepare correspondence, organise meetings and so on.

The authority could further help independent members get to grips with their work by:

- allowing them to observe members and officers performing their duties;
- enabling them to observe public meetings and committee meetings;
- providing regular updates on the authority's work and the issues that affect it;
- providing access to documents, information and buildings relevant to the performance of their duties as standards committee members;
- allowing them to pursue their responsibilities free of political interference;
- providing financial support such as allowances or the means to attend relevant training or conferences.

Independent members' networks

At the Second Annual Assembly of Standards Committees in June 2003, a number of independent members discussed the idea of forming local networks to share ideas and experiences to help them get to grips with their roles. So far, at least six groups have been set up, either on a regional basis (Yorkshire and Humber, Greater Manchester, the South West and London) or county-wide basis (Kent and Gloucestershire).

The networks have been set up to support members by helping them share experiences, discuss common issues and arrange training, particularly for independent members. Members have also found them useful as a forum for developing and sharing good practices, discussing the wider functions of standards committees and identifying areas where they need better support as a whole. Some of the networks are also open to elected members of standards committees.

Most plan to meet two or three times a year and promote informal contact amongst members at other times. They are being supported by local authorities, which provide facilities for meetings and sometimes support from officers. Some networks are also approaching local government groups for additional funding.

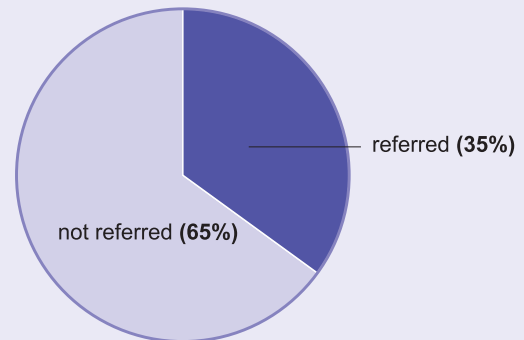
The Standards Board for England has sent officers to the inaugural meetings of each group to provide advice and share experiences between groups, and we have offered to send senior officers in future to discuss investigation and tribunal procedures.

If you would like to know more about independent members' networks or would like to set one up in your area, contact Anne Rehill, senior policy advisor, on 020 7378 5030.

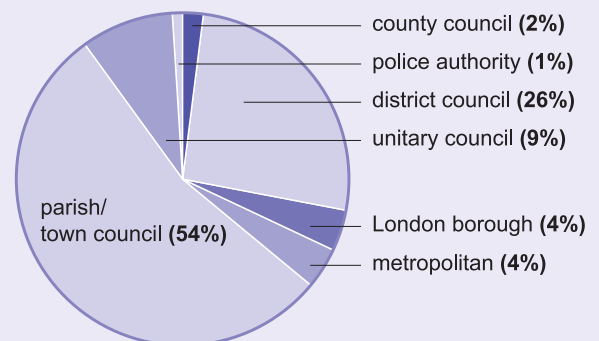
Latest referral statistics

The Standards Board for England received 327 allegations in December 2003, bringing the total number of allegations between 1 April and 31 December 2003 to 2567. The following charts show The Standards Board for England's referral statistics for that period.

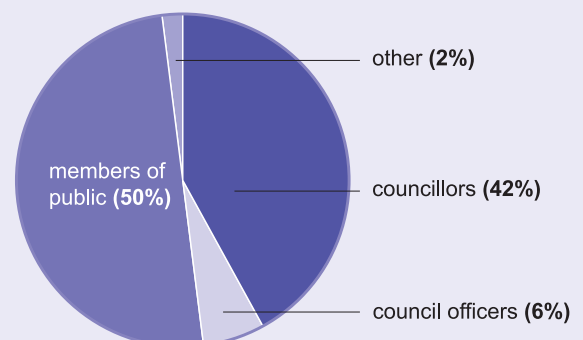
Allegations referred for investigation



Authority of subject member in allegations referred for investigation



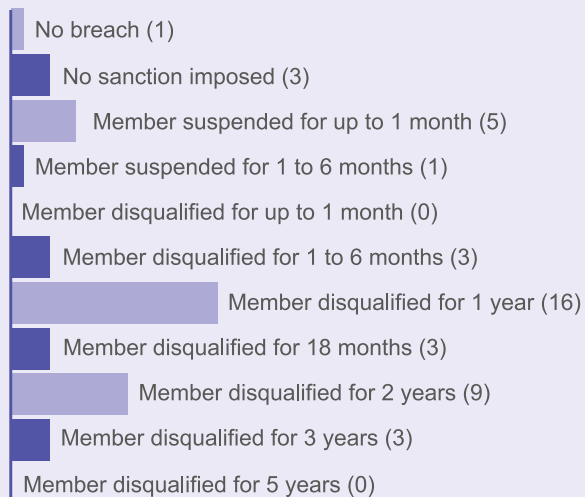
Source of allegations received



Latest statistics from The Adjudication Panel for England

The Standards Board for England referred 77 cases for determination by The Adjudication Panel for England between 1 April and 31 December 2003. Of these, 33 have yet to be heard. The following chart shows the Adjudication Panel's decisions in the cases that have been heard.

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



Could your standards committee do more?

The *Local Government Act 2000* and the *Relevant Authorities (Standards Committee) Regulations 2001* set out a range of functions for standards committees in implementing the Code of Conduct and upholding high standards of conduct in their authorities. These functions are only a minimum requirement, however, and do not exclude other functions which an authority feels are proper for its standards committee.

This article highlights a range of additional functions that some authorities have assigned to their standards committees. We believe that a standards committee with extra responsibilities will help promote confidence in your local authority. We do not recommend any of these functions specifically but you might find them useful when reviewing your own committee's functions.

Promoting and maintaining high standards of conduct

Standards committees have a key role in improving and promoting an ethical environment. As part of this responsibility they can:

- provide guidance and advice on ethical matters or probity issues when requested by members, the chief executive, the monitoring officer or parish and town councils;
- develop an internal framework of ethical governance and protocols for members and officers that complements the Code of Conduct — for instance, covering use of the authority's facilities or IT equipment, or covering member-officer relations and conduct at meetings;
- review current procedures and protocols in terms of their ethical consistency and impact on the authority's services and delivery;
- undertake audits of the authority's ethical performance across all aspects of its operation and consider reports from the authority's external auditors that cover matters of conduct, probity or ethics;
- ensure members and officers are not discouraged in reporting suspected malpractice, fraud or crime and monitor any whistle-blowing policy in accordance with the requirements of the *Public Interest Disclosure Act 1998*;
- advise and oversee anti-fraud and corruption strategies;
- consider reports related to conduct, ethics and probity issued by regulatory bodies, including The Standards Board for England, make recommendations where appropriate and monitor their implementation;
- advise other people and bodies on probity and ethics, particularly where they are exercising functions or providing services on behalf of the authority;
- advise members on the authority's planning code;
- advise on internal and external audit systems, set the audit plan, consider audit reports and monitor procedures following audit reports;

- oversee the development, and review the operation, of the authority's constitution and its compatibility with the Code of Conduct.

Overseeing local procedures and other Code of Conduct matters

Standards committees have a key role in hearing matters related to alleged breaches of the Code of Conduct that are referred by ethical standards officers. They might also monitor and recommend improvements in the way the authority deals with Code of Conduct requirements generally.

For instance, the standards committee could:

- advise on the management of statutory and other registers of interest, and the inventory of gifts and hospitality received, and ensure they are kept up to date and accessible;
- be responsible for the authority's procedures for investigating and hearing complaints under the Code of Conduct, and ensure that the authority's complaint procedures are accessible and consistent;
- discourage lobbying by any person in relation to any investigation or complaint brought to the committee;
- disseminate advice on the Code of Conduct in light of published guidance and resolved cases.

Improving communications

A standards committee may provide regular updates on its work. For instance, it could:

- ensure information is provided to local people about The Standards Board for England, the Local Government Ombudsman and the authority's complaints procedure;
- update members, co-opted members and other interested parties on the standards committee's meetings and activities — for example, through an annual report and regular reports to the council;
- liaise with external agencies in connection with any matter that falls within the standards committee's terms of reference;
- oversee training procedures for standards committee members who deal with the media.

Changing your terms of reference

If you think your standards committee's terms of reference could be expanded, speak to your committee's advisor or administrators about this. If you do change your terms of reference, you also need to provide us with a copy.

Where to get more information

You can get information on The Standards Board for England and the Code of Conduct from our website, www.standardsboard.co.uk, including:

- Third Annual Assembly of Standards Committees:
www.standardsboard.co.uk/events/index.php
- guidance:
www.standardsboard.co.uk/code_of_conduct/guidance.php
- frequently asked questions:
www.standardsboard.co.uk/code_of_conduct/questions.php

Subscriptions

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scnews@standardsboard.co.uk

You can also remove yourself from our mailing list by sending an e-mail to the same address.

Contacts

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