



the
Standards Board
for England

Town and Parish Standard :01

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in this issue...

- 1 Focus on local solutions**
The Standards Board outlines plans for the future.
- 2 Banishing bullies**
Fighting back against the bullies of parish councils.
- 3 Vital service and support**
The importance of County Associations to parishes.
- 2 Investigations statistics**
- 3 Referral appeals**
- 4 Local investigations**
- 4 Lobbying guidance**
- 4 Board presentations**
- 4 Your feedback**

Contents

Welcome to the first issue of the *Town and Parish Standard* from The Standards Board for England, a quarterly newsletter for parish and town councillors aimed exclusively at the largest and most local section of government. The newsletter will keep you up to date with developments on the Code of Conduct and other developments in the ethical environment. We also hope it can become an avenue for you to share your ideas and concerns.

For the majority of people in England, parish councils are the first and most tangible contact with government in this country. Parish councillors play a vital role in representing their communities and have roles and responsibilities all too often overlooked by most people.

We recognise the value of the service the parish tier of government provides and its importance in underpinning the democratic structure of this country.

The Standards Board for England believes in democracy at the local level for local people. We believe that the Code of Conduct has empowered local parish democracy by bringing it into the local government family as an equal with the district and county tier of government. The importance of parish councils and their members, and by extension their staff and constituents, deserves the full protection of the Code of Conduct enjoyed by other local democratic tiers.

We understand the difficulties regulation can bring and hope that this and future editions of the newsletter will help you deal with some of them.

Board to focus on local solutions and faster investigations

More than two years on since the introduction of the Code of Conduct, The Standards Board for England has restated the importance of parish councils within the local government family and ethical framework, and reaffirmed its commitment to seeking local solutions for local issues.

Addressing the Committee on Standards in Public Life, Sir Anthony Holland, chair of The Standards Board for England, outlined the Board's immediate priorities and focus in light of concerns over the length of some investigations and the use of resources in tackling apparently minor cases.

Sir Anthony was speaking at the first public hearing of the committee's Tenth Inquiry, which is examining the effectiveness of measures enacted following previous reports on the maintenance of public standards. He emphasised the need for a proportionate use of the Code of Conduct, local ownership and a speedier resolution to our investigations.

You can get more information on the Committee on Standards in Public Life, and the Tenth Inquiry, from its website, at:

www.public-standards.gov.uk

Local solutions for local problems

The Standards Board for England is committed to seeking local solutions to local issues. The forthcoming local investigation regulations will aid this aim by enabling investigations to be completed and determined at the local level.

Focusing on issues that matter

The Standards Board for England is not interested in personal squabbles and will not indulge attempts to abuse the Code of Conduct as a means of gaining political advantage.

We are committed to focusing on those allegations which are of a sufficiently serious nature to damage the reputation of local government. Only 34% of allegations received are referred for investigation at present, a figure we aim to lower over the next year by an intelligent and proportionate application of the Code of Conduct when it comes to looking at particular cases. For example, by an initial assessment of the effect of the misconduct on the council and whether it is part of an ongoing pattern of misconduct locally, we hope to shape a proportionate response to each allegation received.

Through a realignment of our resources and a more considered approach to misconduct, we are confident that the length of investigations will continue to fall. Although all investigations deserve a fair and diligent process, not all allegations merit the same level and intensity of investigation. We are working on adjusting our referral and investigatory processes to safeguard their integrity but improve their speed and conclusion.

We will keep you updated through this newsletter on our progress towards these aims.

Banishing parish bullies

Bullying at the parish level has been increasing steadily over the past two years, according to a recent report by the Society of Local Council Clerks (SLCC). Since 2003, the SLCC has received nearly 30 reports of bullying of parish clerks, and in a number of instances the parish clerk has resigned.

The Standards Board for England is very concerned about councillors who are found to have bullied fellow members or their clerks. Allegations of bullying are treated with the utmost seriousness and we are working on developing an approach with the SLCC to tackle this problem.

Parish and town council referral and investigation statistics

Over half of allegations received concern parish councillors. This should come as no surprise, given that they constitute the vast majority of members. Nevertheless, only a tiny minority of parish councillors have had a complaint made against them.

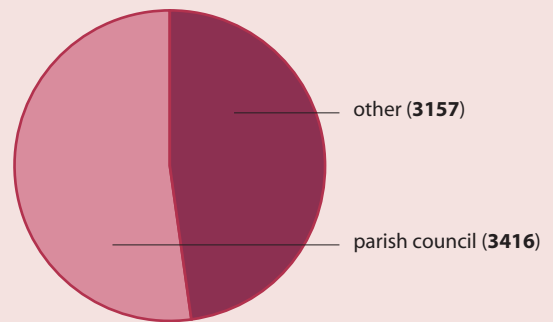
There is no significant difference in the findings for parish councils compared to other authorities, while The Adjudication Panel for England has yet to impose its most severe sanction on a parish councillor.

The following charts compare the parish experience with that of local government as a whole, covering the period 7 December 2001 to 31 March 2004.

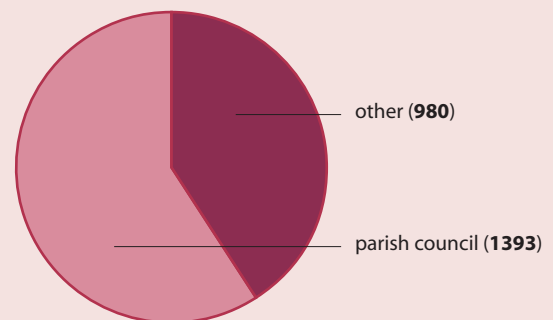
Key to bar charts

- total
- parish council

Number of allegations received (total: 6573)

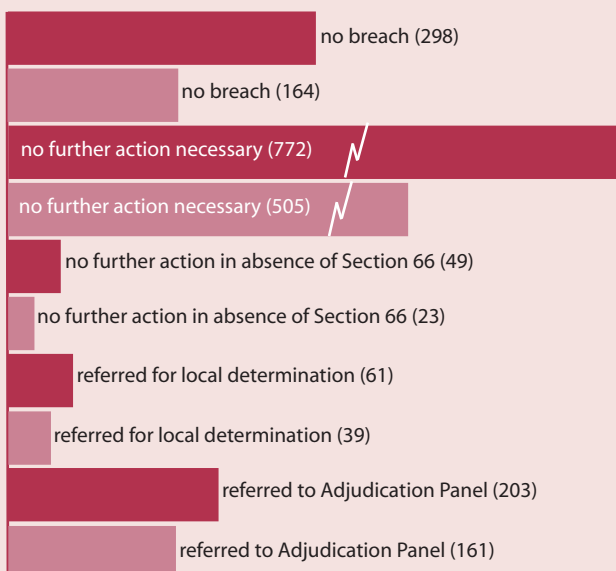


Number of allegations referred for investigation (total: 2373)



The Adjudication Panel for England has taken a hard line with those members it has found guilty of bullying. For example, Councillor Perrin of Immingham Town Council was recently disqualified for the harassment and bullying of his clerk. The tribunal decided that the councillor had failed to treat

Ethical standards officers' final findings



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



the clerk with respect and brought his office or authority into disrepute. He had attacked the clerk in letters and at council meetings. The case tribunal disqualified the member for three years because it did not think that he understood the seriousness of his actions or would be likely to adopt a different approach in the future.

In another example, Councillor Lawrence of Ventnor Town Council was disqualified for two years after he published false statements about councillors and the town clerk on a website, in newsletters and in a letter to a newspaper. The tribunal considered that the allegations against the clerk were malicious, and concluded that Councillor Lawrence failed to comply with the Code of Conduct by bringing his office and authority into disrepute and by failing to treat the clerk with respect.

Full summaries of these cases, and others, can be found on our website at:

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

Support of County Associations vital to parish councils

The importance of County Associations in supporting parish councils was highlighted in the initial findings of research commissioned by The Standards Board for England. The research noted how representative County Associations are of parish councils and revealed the range of services they provide.

The University of Gloucestershire and the Institute of Local Government Studies were commissioned to look at County Associations. We wanted to see how they can best be supported by The Standards Board for England in the provision of support and advice to parish and town councillors, and how effective they are.

The initial findings show that the majority of County Associations represent over 80% of parish and town councils in their area. Although they are not well funded, they provide a wide range of services to their members, including disseminating information, responding to enquiries, providing training and making personal visits to parish and town councils.

The research recommended the development of partnerships between County Associations, monitoring officers and other stakeholders as a way of helping address different parish issues.

Final findings of this research are due to be published in August 2004. A full report will be in the next newsletter in the autumn.

New process for appealing against referral decisions

A new appeals procedure gives complainants and other interested parties the power to ask The Standards Board for England to look again at allegations of misconduct that have been turned down for investigation.

Notified parties who are dissatisfied with a decision not to investigate an allegation should write to the chief executive of The Standards Board for England within four weeks of the referral decision, to request a review.

Speaking about the initiative, David Prince, The Standards Board for England's chief executive, said: "Overall, we are concerned to make sure that the cases we forward for investigation are those with potential to damage the public's confidence in local democracy. We are not interested in personal squabbles or trivia.

"Nevertheless, it may be that, occasionally, a decision not to investigate is made in error and requires a second look. This process is intended to be for such an opportunity."

Local investigation regulations and guidance in final phase

Monitoring officers will be able to investigate allegations of misconduct at the local level when regulations are implemented in the coming months. The development follows previous regulations enacted last year enabling local determination of cases by standards committees.

Under the regulations, The Standards Board for England will be able to refer allegations to the local district council for investigation and determination. This means that an allegation made against a parish councillor, for example, could be investigated by the monitoring officer of the district council if an ethical standards officer decided that it would be appropriate to do so.

The ethical standards officer may decide to refer a case for local investigation for a variety of reasons. For example, the matter may not appear to need the heavier penalties available only to The Adjudication Panel for England, or the matter may be an isolated occurrence and unlikely to be repeated.

We are preparing guidance on conducting local investigations to publish when the final regulations are enacted.

Guidance for members of lobbying groups

New guidance for members will focus on a range of situations where interests may arise from membership of a lobby or campaign group, or through membership of another public body, such as another tier of local government. This guidance will also cover some of the other important principles and legal requirements that members must consider

when discussing matters they have lobbied or campaigned about.

We plan to send this guidance to members of all authorities in the next few months.

Board presentations

The Standards Board for England will be making a series of presentations to County Associations over the coming months.

We hope to see you on one of the following dates:

- Bedfordshire County Association, Whipsnade
Wednesday 20 October, 7.30 pm
- Northamptonshire County Association, Northampton
Saturday 23 October, 10.30 am

We will keep you updated as new presentations are added. If your County Association would like someone from The Standards Board for England to address one of its meetings, contact Bernice Lobo on 020 7378 5023, email:

bernice.lobo@standardsboard.co.uk

Your feedback

We would like your ideas and suggestions for future newsletters, along with any questions or feedback on this edition. Please send comments to Michael Toft, policy advisor:

- by e-mail, to:
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- by post, to:

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More information

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

www.standardsboard.co.uk

The site includes answers to frequently asked questions about the Code of Conduct, details of our other publications, and summaries of cases that have gone before The Adjudication Panel for England. It also tells you how you can make a complaint about a member and explains our investigative process.