

Bulletin

Bulletin 14 2003



Welcome to this edition of the *Bulletin* for Monitoring Officers. We continue to receive helpful feedback from you that you value this form of communication and are planning to introduce similar newsletters for other groups, including one aimed at Standards Committee members. The first issue will be published by December.

We have also started to plan our next Annual Assembly of Standards Committees. The dates are given below and I urge you to put them into your diaries. I want the conference to be both an opportunity for delegates to learn from each other and also to influence the future development of the Code of Conduct and the work of The Standards Board for England. Although we are still finalising the programme with the steering committee, drawn from members and officers of the authorities we cover, I have been asked by the team to encourage you to contact them if you have any ideas or areas you would like to be considered at the conference. You can write to them at AnnualAssembly2004@standardsboard.co.uk

On a more personal note, you may have noticed advertisements in the national press for a new Chief Executive for The Standards Board for England. It is our intention to have someone in post in the spring of the New Year. Until then, I will be continuing to fill the gap and welcome any comments and suggestions about this *Bulletin* or any other aspect of the Board's work.

John Edwards, Interim Chief Executive

The 2004 Annual Assembly of Standards Committees – dates announced

Following the great success of the first two annual assemblies, the third Annual Assembly of Standards Committees will take place on 13 and 14 September 2004 at the International Conference Centre (ICC), Birmingham. The Annual Assembly is a forum for those in local government to exchange ideas and build relationships with others. It is expected to attract over 700 delegates from the local government community, including Monitoring Officers and Standards Committee members.

A programme and booking details will be available in the New Year.

The Local Authorities (Code of Conduct) (Local Determinations) (Amendment) Regulations 2003

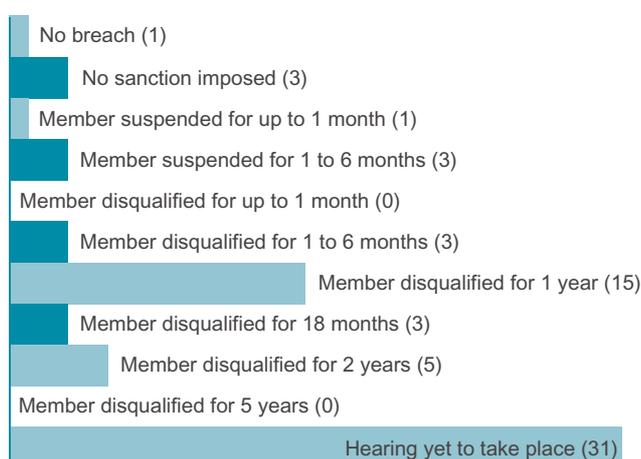
The Office of the Deputy Prime Minister has indicated that it will begin consultation on these regulations in December 2003. The Standards Board for England will consult our stakeholders on our guidance for the regulations at the same time. We'll bring you more information on this subject in future issues of the *Bulletin*.

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Latest statistics from The Adjudication Panel for England

The following chart shows The Adjudication Panel for England's decisions by case, for the referral period 1 April to 30 September 2003.



Total = 65

Noteworthy adjudications

Some particularly interesting decisions of The Adjudication Panel for England's case tribunals are listed below. They may be of some assistance in the interpretation of certain parts of the Code of Conduct, and may also be of interest to Standards Committees. They concern cases relating to personal and prejudicial interests, registration of interests and disrepute. The decisions are published on The Adjudication Panel for England's website at www.adjudicationpanel.co.uk/decisions/recent_decisions.htm

APE0101 – Councillor Derbyshire, Stockport Metropolitan Borough Council, 8 July 2003

The decision relates to a member who brought their authority into disrepute by committing a criminal offence.

APE0111 – Councillor Curry, Elmswell Parish Council, 11 August 2003

The decision relates to a member who failed to declare personal and prejudicial interests in a matter and attempted to influence a decision improperly.

APE0135 – Mr Cunningham, Harrietsham Parish Council, 10 September 2003

Part of the decision relates to the registration of membership of a lobbying group, and looks at whether the body needs to be a formal group.

APE0138 – Mr Hall, North Shropshire District & Whitchurch Town Councils, 11 September 2003

Part of the decision relates to a member who remained in the public gallery during consideration of a matter in which they had a prejudicial interest.

Convening Standards Committee hearings

During a recent Standards Committee local determination hearing the Ethical Standards Officer (ESO) and his representative were left in the same room as Standards Committee members without the subject member being present.

We would suggest that instead, all Standards Committees should adopt the same practice as quasi-judicial hearings such as those dealing with licensing or education admission appeals. All relevant parties, including the ESO and their representatives, and the subject member and their representatives, should be present in the meeting room before the start of the hearing. The Standards Committee members should then be brought into the room by an officer of the authority at the beginning of the hearing.

Such an approach is good practice because it avoids allegations of collusion between any of the parties involved and Standards Committee members.

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Local Government Act 2003

Although the *Local Government Act 2003* was passed on 18 September 2003, under the commencement provisions, Sections 112 and 113 do not come into force until 18 November 2003.

Section 112 concerns the delegation of some of The Standards Board for England's functions to a committee or sub-committee established by the Board, an individual member of the Board or an officer or servant of the Board.

Section 113 concerns the delegating powers of Monitoring Officers and Standards Committees with regard to their statutory functions.

To see these sections of the act in full go to www.hmso.gov.uk/acts/acts2003/20030026.htm

Conference appearances

Chris Boothman, our Head of Legal Services and Paul Hoey, our Head of Policy, recently attended the Association of Council Secretaries and Solicitors (ACSeS) conference in Chichester. Chris gave a presentation to the conference on the issue of the relationship between the Code of Conduct and the concepts of bias and predetermination.

In addition, Paul Hoey and one of our Board members, Roger Taylor, hosted a breakfast at the Society of Local Authority Chief Executives (SOLACE) conference in Edinburgh, with a dozen invited chief executives. This was a very useful opportunity to explore some of the wider themes of leadership and how the Board can work together with chief executives to promote high standards and protect officers from bullying and undue political interference.

Your contact details

If your contact details have changed, please e-mail us at bulletin@standardsboard.co.uk so we can update our records.

FAQs

How long should 'old' entries in the members' register of interests be retained for public inspection?

There is no public right of access to the register of interests of former members. Information about members who have ceased to hold office should be removed from the public copy of the register immediately.

The fifth data protection principle provides that organisations should not retain personal data any longer than necessary. Authorities need to make a judgement as to how long it is appropriate to retain an ex-member's written notification of interests in their own records. As the *Local Government Act 2000* does not place a limitation period on written allegations being made to The Standards Board for England, we suggest that Monitoring Officers retain the written notification of interests of a person who is no longer a member for a period of eighteen months. This will allow the notification of interests to be referred to in the event of an investigation by an Ethical Standards Officer.