

Bulletin

September 2002 Issue 05



We have now received around 1000 allegations since the Code of Conduct applied to all authorities in May of this year. We always expected this volume of referrals, what we did not expect was to receive it so quickly. We regard it as a sign of our success in creating awareness of ourselves and proof of the need for an organisation like The Standards Board.

For the past six months we have conducted in depth investigations into all allegations that fall within our remit. That has given us the valuable experience we need to be able to start rejecting some allegations at an early stage.

From now on, allegations that are clearly trivial will no longer be passed to be investigated in depth. We will also be prioritising the most serious allegations and bringing in extra investigators, earlier than first anticipated, in order to respond to the demands of our caseload.

We have written to the Chairs of all Standards Committees detailing these arrangements and are encouraging them to pass the details to all members.

Allan Cairns, Chief Executive

Standards Committee Conference

The date has been set for next year's Annual Assembly of Standards Committees. The event will be held over two days, 9-10 June, and will be based at the Birmingham ICC. We have been working with a steering committee of practitioners and, with their help, are putting together an agenda, which will address issues that have arisen during the first year of the Code of Conduct, and will also set the agenda for moving forward in identifying and actively promoting ethical behaviour. More details will be

forwarded as soon as they are available, but in the meantime colleagues and members may wish to pencil the date into their diaries.

Terms of Reference

Could you please ensure, if you haven't already done so, that your authority sends a copy of its Standards Committee's Terms of Reference. As you are probably aware, we are required to receive them under the Local Government Act 2000 and we would be grateful for your assistance in this matter.

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Your questions answered

Every month we respond to the most Frequently Asked Questions by members.

A council appoints a member to the board of a company or a trust. Can that member speak about that board/trust in council meetings? Will that member hold a prejudicial interest?

Where a member is appointed by council to an outside body, he is appointed, to all extents and purposes, as a representative of the council. However, when acting as a board member/trustee he must act in the best interests of the board/trust. When acting as a council member he must act in the best interests of the council.

Paragraph 10 (2) of the Model Code of Conduct stipulates that when a matter comes before a local authority, and that matter concerns a body to which a member of the authority has been appointed to, or nominated as a representative of, by the authority, the member may regard himself as not having a prejudicial interest. Therefore, the member can participate in debate and decision-making.

However, given that the wording includes the term 'may regard', there is an indication that there will be some exceptional circumstances where it would be inappropriate for a member to take advantage of the paragraph 10 (2) exemption clause. For instance, where the circumstances throw up a conflict of interest, which is so clear that it would be practically impossible for the member to fulfil his obligation to act in the best interests of the local authority, if he were to take part in the decision. Furthermore, someone who is a member of both parish and district councils should not, in our view, participate in arms length commercial negotiations between the two councils. Each situation should be considered on its merits and advice sought from your Monitoring Officer.

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