

I have been interim chief executive for The Standards Board for England for six months and this is the last *Bulletin* that will be issued during my watch. I would like to thank you for your support; it has been a very rewarding time.

I am grateful for the support and advice we have received from bodies such as ACSes and SOLACE, and impressed by the commitment, enthusiasm and professionalism of the staff here at the Board. I would like to take this opportunity to thank them for their support of me and their commitment to change and development during this period of transition for the Board, as we start to move away from being a new organisation to a more experienced one.

I came to this post with long experience as a local government chief executive and it is clear to me that The Standards Board for England has a crucial role in the wider local government improvement programme. Some of the issues I have seen in my time here have, apart from showing individual acts of poor behaviour, highlighted clear failures in the governance and leadership of a minority of authorities at all levels. Such failures have a debilitating effect on local democracy.

At The Standards Board for England, we believe there are real challenges ahead if we are to correct those failures and improve the performance of local government. At a national level, we are building ever stronger links with the other key agencies, but at a local level we rely on you as monitoring officers, as well as your chief executives and leaders, to set the culture and ensure that the failures we have seen become increasingly rare amongst the family.

I would also like to take this opportunity to welcome my successor, David Prince, who is joining us from the Audit Commission, where he has been overseeing the CPA process. I am sure David will agree with me that there are many challenges ahead. These are challenges The Standards Board for England is ready to face. From the support and comments I have received from you in my time here, I know that you too are ready to take on these challenges.

John Edwards, Interim Chief Executive

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Consultation on standards in public life

The Committee on Standards in Public Life (the Wicks committee) is currently consulting on the report of its Tenth Inquiry. The report is looking at how successful its previous recommendations have been in raising standards in the public sector as a whole. It is therefore looking much wider than local government, but part of its current enquiry centres on the management and enforcement of codes of conduct, including the Model Code of Conduct.

The Standards Board for England welcomes the inquiry, which raises interesting issues, and will be replying to the consultation confident that the current arrangements are having a positive effect on improving standards of conduct in local government. We believe local government has a good story to tell about its willingness to improve standards. If you have not already done so, you may want to bring the document to your standards committee's attention.

The report is available from the website of the Committee on Standards in Public Life, at:

www.public-standards.gov.uk

First case summaries published of local hearings

Standards committees have begun hearing cases referred to them by ethical standards officers.

At the beginning of February, 20 cases had been heard out of 40 cases referred. The majority of cases heard so far concern the failure to declare an interest.

Summaries of standards committee determinations are published on our website as they become available. The following authorities held some of the first hearings, and summaries are available now.

Chorley Borough Council

A member was censured for improperly securing an advantage for another person, failing to withdraw from a meeting when holding a prejudicial interest and improperly seeking to gain an advantage on a licensing application.

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

London Borough of Hounslow

The Standards committee found that a member did not bring his office into disrepute at an election count. The committee disagreed with the ethical standards officer's assertion that the member had acted in a manner that did not secure or preserve public confidence in his authority.

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

Ilfracombe Town Council

The standards committee found that no action needed to be taken against a member who had failed to declare a prejudicial interest in a matter. It was found that, although the member had breached the Code of Conduct, no personal gain was sought, and the breach was a result of the member failing to fully understand the requirements of the Code of Conduct.

www.standardsboard.co.uk/cases/authorities_i/I_SBE510_02.php

Membership of Freemasons and councillor associations

We wrote recently to monitoring officers, clarifying the requirement under the Code of Conduct for members to register membership of the Freemasons' Grand Charity and political-party councillor associations.

Normally, when a member's interests change they have 28 days to update their register of interests, but in this instance we have allowed a small period of grace following the dispatch of our latest advice. For the members concerned, membership of these bodies may not be new, but as this advice will have only just come to their attention, we are allowing members 28 days from the receipt date of the letter to update their register.

Under normal circumstances, allegations of failure to register membership of these bodies made within this period will not be referred for investigation. However, there has, of course, always been an obligation to declare an interest if membership of an organisation is likely to result in a personal or prejudicial interest in a matter under discussion, and we will treat these cases as we would any other.

Right to review of referral decisions

Complainants and other interested parties now have the right to contest a decision made by The Standards Board for England's head of referrals on whether or not to refer allegations for investigation.

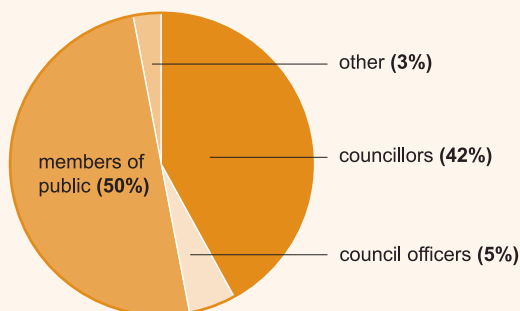
We described this right of review in a recent letter to monitoring officers. The letter explains that the Board was able to delegate its referral function, following an amendment by the Government to the primary legislation (section 112 of the *Local Government Act 2003*). Before this amendment, the Board had no delegatory powers and its decisions could not be reviewed except by judicial review.

Those dissatisfied with decisions taken should write to the chief executive of The Standards Board for England.

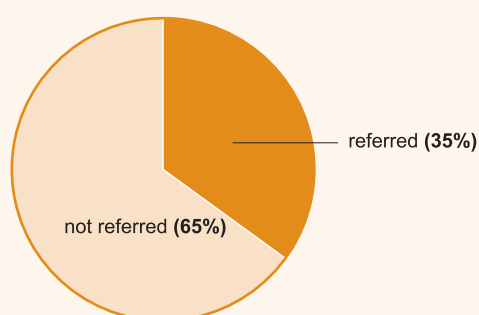
Referral statistics

The Standards Board for England received 246 allegations in January 2003, bringing the total number of allegations between 1 April 2003 and 31 January 2004 to 2813. The following charts show The Standards Board for England's referral statistics for that period.

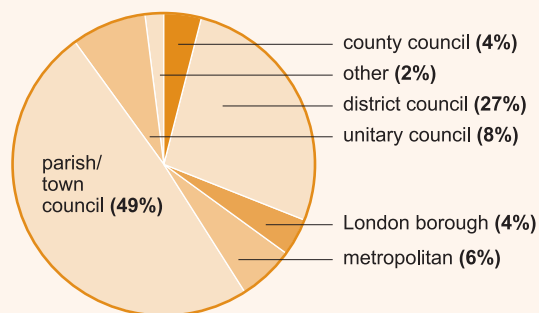
Source of allegations received



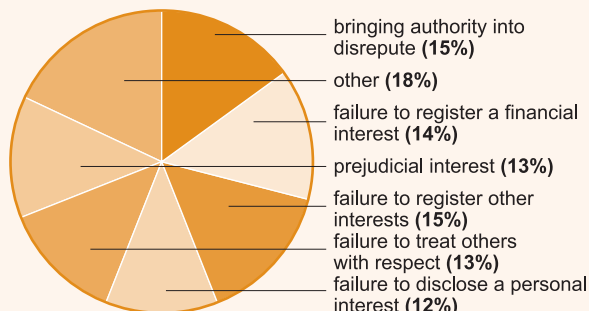
Allegations referred for investigation



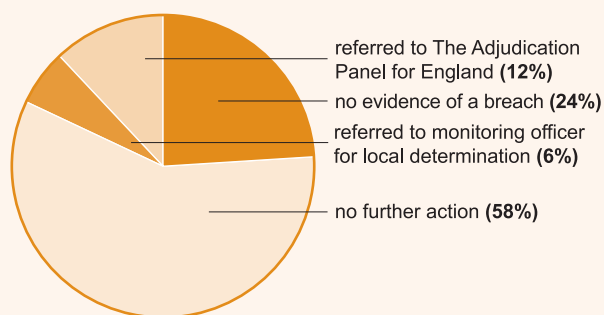
Authority of subject member in allegations referred for investigation



Nature of allegations referred for investigation



Final Findings



Members' allowances — new regulations, same Code

Members should continue to rely on paragraph 10(2)(g) of the Code of Conduct when discussing members' allowances, despite new regulations introduced recently.

Although *The Local Authorities (Members' Allowances)(England) Regulations 2003* consigned to history sections 173 to 176 of the *Local Government Act 1972*, when authorities adopt a members' allowance scheme, paragraph 10(2)(g) remains valid.

There have been no amendments to the model Code of Conduct since introduction of the regulations, but a reasonable interpretation of the Code of Conduct is that discussion about members' allowances should continue under the provision of paragraph 10(2)(g). This section of the Code of Conduct is mandatory and cannot be deleted. Discussion of members' allowances under the regulations should be treated in the same way as discussions held under the 1972 Act.

Monitoring officers may want to consider with their authority adding a reference to paragraph 10(2)(g) concerning the regulations, together with any amendments made to the regulations.

Dispensations and when to apply for one

Members who apply for dispensation from their standards committees may be able to prevent allegations and potential investigations. In a number of recent cases there would not have been a breach of the Code of Conduct had the members in question sought dispensation from their standards committees first.

Consider the following scenario:

A number of members of a single authority were also members of a local pressure group. A matter in which the group had an interest was placed on the agenda in advance of a meeting, but the members failed to declare a prejudicial interest during the meeting and

withdraw, concerned that if they did so, the meeting would become inquorate. Consequently, an allegation was made against the members for failing to declare an interest in the matter under discussion.

In these circumstances, the members could have sought a dispensation in advance from their standards committee. *Under the Relevant Authorities (Standards Committee)(Dispensations) Regulations 2002*, a standards committee can grant a dispensation to a member if:

- a. *the transaction of business of the authority would, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because:*
 - i. *the numbers of members of the authority that are prohibited from participating in the business of the authority exceeds 50 per cent of those members that are entitled or required to participate; or*
 - ii. *the authority is not able to comply with any duty which applies under section 15(4) of the Local Government and Housing Act 1989;*
- b. *the member has submitted to the standards committee a written request for a dispensation explaining why it is desirable.*

Members should still declare a personal interest in matters in which they have been granted dispensation. As a matter of good practice, members should also state that they have been granted a dispensation.

All requests to a standards committees for dispensations are granted at the committees' discretion. The Standards Board for England cannot grant dispensations.

Speakers line up to Crack the Code

Sir Brian Briscoe, chief executive of the Local Government Association (LGA), will be among the speakers at the Third Annual Assembly of Standards Committees this September. Sir Brian will take part in the feature workshop, *Best friend or big brother?*, exploring the role of The Standards Board for England and the Code of Conduct in the local government improvement agenda.

Other key speakers confirmed for the event so far include:

- Nick Raynsford MP, minister for local government and the regions
- Steve Bundred, chief executive of the Audit Commission
- Ted Cantle, associate director of the Improvement and Development Agency (IDeA)
- Paul Croft, president of the Society of Local Authority Chief Executives and Senior Managers (SOLACE)
- Mike Kendall, past president of the Association of Council Secretaries and Solicitors (ACSeS)

Shaping the future

The theme of this year's conference is 'Crack the Code'. Tim Bogan, The Standards Board for England's communications manager, explains the conference's early popularity:

"This is an opportunity for people who work with the Code of Conduct to shape its future. Those who have booked so far have told us they are keen to talk about the new regulations, which enable local investigations and determinations, and discuss improvements they want to see to the Code of Conduct."

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Latest statistics from the Adjudication Panel for England

The Standards Board for England referred 78 cases for determination by The Adjudication Panel for England between 1 April 2003 and 31 January 2004. Of these, 20 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



Continued from page 4...

Delegates are also looking forward to considering ways in which problems that affect a whole authority — not just individuals — can be addressed, where the causes or effects of misconduct have become ingrained in an authority's culture, and are not merely isolated incidents.

Filling up

Places at the conference are rapidly filling up, and delegates are being urged to book soon to avoid disappointment.

The Third Annual Assembly will take place on 13 and 14 September 2004 at the ICC, Birmingham. It is expected to attract over 700 delegates from the local government community, including monitoring officers and standards committee members.

The programme, conventional booking form, and a link to the online booking form are available from The Standard Board for England's website, at:

www.standardsboard.co.uk/events

Independent members can serve more than one term

A number of authorities will soon need to replace independent members of their standards committees whose terms of office have expired. We have been asked whether independent members can be reappointed to a standards committee after serving their initial term of office.

There is no bar to reappointment, as long as the authority follows paragraph 4 of the Relevant Authorities (Standards Committee) Regulations 2001 when appointing independent members. Paragraph 4 states that a person may not be appointed as an independent member of a standards committee unless the appointment is:

- a. *approved by a majority of the members of the authority;*
- b. *advertised in one or more newspapers circulating in the area of the authority;*
- c. *of a person who has not, within the period of five years immediately preceding the date of the appointment, been a member or officer of the authority;*
- d. *of a person who is not a relative or close friend of a member or officer of the authority.*

Authorities may also wish to consider, during the appointment process, whether long service as an independent member at a single authority may affect their impartiality, or the public perception of their impartiality.

Local investigations guidance consultation

Your authority will have received our draft guidance on the Local Authorities (*Code of Conduct*)(*Local Determination*)(*Amendment*) Regulations 2004 which make provision for local investigations. The consultation period runs until 18 May 2004. We would like to thank to those who have already responded and look forward to receiving other feedback over the coming months.

The draft guidance is available from our website at:

www.standardsboard.co.uk/publications/

All responses to our draft guidance should be sent to Michael Toft, policy advisor:

- by email, to michael.toft@standardsboard.co.uk
- by post, to The Standards Board for England, 1st floor Cottons Centre, Cottons Lane, London SE1 2QG

Recent cases

You may be interested in the following cases heard recently by The Adjudication Panel for England.

Parking row leads to one-year disqualification

A councillor was banned for one year for bringing his authority into disrepute. The member assaulted a traffic warden and aggressively confronted a market manager over a parking ticket. The member was found to have brought his authority into disrepute by his behaviour, even though the member was not acting in an official capacity.

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

Member cleared of disrepute allegation

A councillor was found not to have breached the Code of Conduct by bringing his office or authority into disrepute, following investigation by an ethical standards officer. It was found that, on the available evidence, the member had not breached the Code of Conduct with regard to a sub-letting matter in his constituency.

www.standardsboard.co.uk/cases/authorities_s/staveley.php