



## NOTICE OF MEETING

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# Standards Committee

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MONDAY, 8TH OCTOBER, 2007 at 19:30 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

**PLEASE NOTE: THE STANDARDS BOARD FOR ENGLAND DVD WILL BE SHOWN TO MEMBERS OF THE COMMITTEE PRIOR TO THE MEETING AT 19:00**

MEMBERS: Councillors Dobbie, Khan, Lister, Mallett, Mughal, Whyte, Williams and Winskill

INDEPENDENT MEMBERS: Ms I. Francis (Chair), Mr R. Lovegrove (Deputy Chair), Ms C. Sykes and Mr N. Weber.

### AGENDA

**19:00 – STANDARDS BOARD FOR ENGLAND DVD**

**19:30 – COMMITTEE COMMENCES**

**1. APOLOGIES FOR ABSENCE**

**2. URGENT BUSINESS**

The Chair will consider the admission of any late items of urgent business.

**3. DECLARATIONS OF INTEREST**

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest **and** if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct **and/or** if it relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

**4. MINUTES AND MATTERS ARISING (PAGES 1 - 4)**

To confirm and sign the minutes of the meetings of the Standards Committee held on June 12<sup>th</sup> 2007.

**5. CHAIR'S ANNOUNCEMENTS**

**6. MONITORING OFFICER'S REPORT ON REFERRALS RECEIVED FROM THE STANDARDS BOARD FOR ENGLAND**

To consider any referrals received from the Standards Board for England.

**7. DETERMINATION HEARINGS**

To consider the outcomes of recently held Haringey Council Determination Hearings.

**8. TRAINING ON THE REVISED MEMBER CODE OF CONDUCT (PAGES 5 - 8)**

(Report of the Monitoring Officer) To provide an update on the training given to Members and Officers on the revised Member Code of Conduct and to make proposals for ongoing training.

**9. DEVELOPMENTS SINCE THE ADOPTION OF THE REVISED MEMBERS CODE OF CONDUCT (PAGES 9 - 30)**

(Report of the Monitoring Officer) To update the Standards Committee of developments since the adoption of the revised Members Code of Conduct at the AGM of 21 May 2007.

**10. NEW ITEMS OF URGENT BUSINESS**

**11. DATES OF NEXT MEETINGS**

Yuniea Semambo  
Head of Member Services  
5<sup>th</sup> Floor  
River Park House  
225 High Road  
Wood Green  
London N22 8HQ

Jeremy Williams  
Principal Committee Co-Ordinator  
London Borough of Haringey  
Tel: 020 8489 2919  
Fax: 020 8489 2660  
Email: [Jeremy.Williams@haringey.gov.uk](mailto:Jeremy.Williams@haringey.gov.uk)

28 September 2007

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**MINUTES OF THE STANDARDS COMMITTEE  
TUESDAY, 12 JUNE 2007**

<b>MEMBERS:</b>	Councillors Gmmh Rahman Khan, Lister, Mallett, Whyte, Williams and Winskill  Also present: Councillors Bull and Egan
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<b>INDEPENDENT MEMBERS:</b>	Ms I Francis (Chair), Mr R. Lovegrove (Deputy Chair), Mr N Weber and Ms C. Sykes.
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Apologies                      Councillor Dobbie, Mughal and Weber  
   Carol Sykes

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>
<b>STCO01.</b>	<b>ELECTION OF CHAIR AND DEPUTY CHAIR FOR STANDARDS COMMITTEE 2007-8</b> <b>RESOLVED:</b>  1. That Irene Francis be elected Chair of the Standards Committee for the municipal year 2007-8.  2. That Roger Lovegrove be elected Deputy Chair of the Standards Committee for the municipal year 2007-8.
<b>STCO02.</b>	<b>APOLOGIES FOR ABSENCE</b>  Apologies for absence were received from Councillors Dobbie, Mughal and Weber.
<b>STCO03.</b>	<b>URGENT BUSINESS</b>  There was no such business.
<b>STCO04.</b>	<b>DECLARATIONS OF INTEREST</b>  There were no such declarations.
<b>STCO05.</b>	<b>MINUTES AND MATTERS ARISING</b>  <b>RESOLVED:</b>  That the minutes of the following meetings of the Standards Committee be confirmed and signed.  i)        5 <sup>th</sup> March 2007  ii)      30 <sup>th</sup> April 2007 (special meeting)
<b>STCO06.</b>	<b>CHAIR'S ANNOUNCEMENTS</b>

**MINUTES OF THE STANDARDS COMMITTEE  
TUESDAY, 12 JUNE 2007**

	There were no announcements.
<b>STCO07.</b>	<p><b>MONITORING OFFICER'S REPORT ON REFERRALS RECEIVED FROM THE STANDARDS BOARD FOR ENGLAND</b></p> <p>The Monitoring Officer stated that there had been no new referrals received from the Standards Board for England.</p> <p>Members were presented with a tabled copy of the judgement summary of Standards Board for England case number SBE14281.06 which had been published on the website of the Standards Board for England. Members placed on record their concern that the Standards Committee had not been made aware of the case at the time at which it was originally considered.</p> <p>Members were reminded that any complaints about the conduct of Members should initially be referred to the Standards Board.</p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That Members' concerns be noted that the Standards Committee were not informed about case number SBE14281.06 at the time of the case.</li> </ol>
<b>STCO08.</b>	<p><b>DETERMINATION HEARINGS</b></p> <p>There had been no determination hearings to report.</p>
<b>STCO09.</b>	<p><b>STANDARDS COMMITTEE ANNUAL REPORT TO COUNCIL</b></p> <p>Members received the draft of the Standards Annual Report to Council. Members also received a revised version of table 4, replacing that included in the original report.</p> <p>After proposing the below mentioned changes, Members agreed the Committee's Annual Report to be brought before the Full Council.</p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That the Standards Committee Annual Report to Full Council be approved subject to the following revisions: <ol style="list-style-type: none"> <li>i) That section 7.1.1(a) be amended to more accurately reflect the judgement of the case referred to the Ethical Standards Officer.</li> <li>ii) That an encouragement for Members to attend Standards Training be included within section 8.2.</li> </ol> </li> </ol>
<b>STCO10.</b>	<p><b>TRAINING</b></p> <p>The Monitoring Officer and Members agreed for 10-minute briefing sessions on declarations of interests to be held at some Council committee meetings.</p> <p>Members noted that senior lawyers in the Council were being trained on the</p>

**MINUTES OF THE STANDARDS COMMITTEE  
TUESDAY, 12 JUNE 2007**

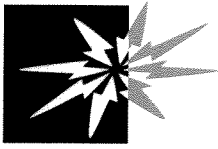
	<p>code of conduct, and that training would be given at directorate senior management meetings. At least one further session on the Code for Members was also planned.</p> <p>Members noted that training would have to be provided for any new independent members of the committee.</p> <p><b>RESOLVED:</b></p> <p>1. That 10-minute briefing sessions on Declarations of Interests be arranged for Members at some Council committee meetings.</p>
<b>STCO11.</b>	<p><b>STANDARDS BOARD FOR ENGLAND</b></p> <p><b>RESOLVED:</b></p> <p>1. That Haringey's delegate to the Standards Board's Sixth Annual Assembly of Standards Committees be either Irene Francis or Carol Sykes.</p>
<b>STCO12.</b>	<p><b>NEW ITEMS OF URGENT BUSINESS</b></p> <p>There were no such items.</p>
<b>STCO13.</b>	<p><b>DATES OF NEXT MEETINGS</b></p> <p>The dates of other Standards Committee meetings this municipal year were noted, with all meetings commencing at 7:30pm.</p> <ul style="list-style-type: none"> <li>- 8 October 2007</li> <li>- 10 January 2008</li> <li>- 10 April 2008</li> </ul>

IRENE FRANCIS

Chair

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Haringey Council

Agenda item:

**[No.]****Standards Committee****On 8<sup>th</sup> October 2007**Report Title: **Training on the Revised Member Code of Conduct**

Forward Plan reference number :

Report of: **Monitoring Officer**Wards(s) affected: **All**

Report for: Non – Key decision

**1. Purpose**

- 1.1 To provide an update on the training given to Members and Officers on the revised Member Code of Conduct and to make proposals for ongoing training.

**2. Introduction by Cabinet Member****3. Recommendations**

- 3.1 Members of the Standards Committee are asked to note the progress made so far in training on the new code and to consider the proposals in the report for follow up training.
- 3.2 Members are also asked to consider whether they wish further training to be organised relating to local determinations in preparation for the start of the local filter arrangements anticipated to take effect from 1 April 2007

Report Authorised by: **Monitoring Officer**Contact Officer: **John Suddaby – Monitoring Officer**
**4. Director of Finance Comments**

- 4.1 Any financial implications for Member training will be covered by the Member training budget

**5. Head of Legal Services Comments**

There are no legal implications

**6. Local Government (Access to Information) Act 1985**

**7. Report**

7.1 Training in the Revised Code of Conduct has been conducted as follows:

A Special Standards Committee on 30 April at which a briefing on the revised code was given to members of the Standards Committee

Two Member training sessions – 23 May 2007 and 19 June 2007 have been completed.

In addition, the Monitoring Officer has given briefings to a meeting of CAB (at which members of CEMB were also in attendance) on 14 June 2007 and has also given a briefing at the Labour Majority Group meeting on 21 June 2007 and at the Liberal Democrat Group Meeting on 4 July 2007. In all 42 Members have so far been briefed on the changes in the Code of Conduct.

7.2 Proposed follow up measures

The following is proposed to follow up the training already given

1. 2 training sessions for those Members (15 ) who have not yet had briefings on the Code –dates are currently being fixed and may be reported to Committee
2. Attendance of Monitoring Officer at Committee meetings – at Planning Committee on 29 October to give short briefing ( before this meeting the Standards Board DVD on the Revised Code will be shown).
3. Briefing of Senior Officers – Briefings will be given at Directorate Management Team meetings and these are being arranged.
4. Showing of the new SBE DVD (at tonight's Standards Committee) at a meeting of CAB and at meetings of the political groups/before Council meetings.

7.3 Future Training for Members

It is expected that the local filter for complaints which will involve the Standards Committee in receiving and sifting complaints and deciding whether to conduct a local investigation into them will come into effect on 1 April 2007. This is the projected date but has yet to be confirmed.

When the details of the new arrangements are published it will be important to construct and implement appropriate training for Members of the Standards Committee so that Committee members can effectively administer the new arrangements. At that stage further briefing sessions for Members as a whole will also have to be considered.

It is not possible to predict with any accuracy the impact that the new arrangements will have on the number of complaints – whether to increase or decrease their number. Whatever happens, however, the Standards Committee and the Monitoring Officer will have an enhanced role in the procedure for considering allegations of breach of the Code. It would be helpful for the Standards Committee to review their perceived training needs as of now – considering for example whether a further training session on the local determinations proceedings (mock hearing) or a training session on writing up a local determinations decision would be helpful.

## **8. Financial Implications**

8.1 The financial implications of Member training will be covered by the Members' training budget

## **9. Legal Implications**

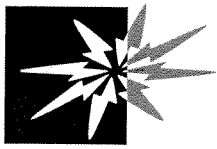
9.1 There are no legal implications

## **10. Equalities Implications**

10.1 There are no equalities implications

## **11. Use of Appendices / Tables / Photographs**

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Agenda item:

[No.]

**Standards Committee**

**On 8<sup>th</sup> October 2007**

Report Title: Developments since adoption of revised Members Code of Conduct

Forward Plan reference number:

Report of: **Monitoring Officer**

Wards(s) affected: All

Report for: Non Key Decision

**1. Purpose**

1.1 To update the Standards Committee of developments since the adoption of the revised Members Code of Conduct at the AGM of 21 May 2007

**2. Introduction by Cabinet Member**

**3. Recommendations**

3.1 Members are asked to note the report and agree the proposal to amend the register of gifts and hospitalities in the light of Standards Board advice and

3.2 Consider whether they wish to send members to attend Committee meetings of the Council to monitor how the new code is being implemented.

Report Authorised by: **John Suddaby, Monitoring Officer**

Contact Officer: **John Suddaby – Monitoring Officer**

**4. Director of Finance Comments**

4.1 There are no financial implications

## **5. Head of Legal Services Comments**

The legal implications are included in the body of the report

## **6. Local Government (Access to Information) Act 1985**

6.1 Guidance on the revised Code of Conduct issued by the Standards Board for England

6.2 [Also list reasons for exemption or confidentiality (if applicable)]

## **7. Report**

Members are asked to note the following developments that have occurred since the adoption of the revised Members Code of Conduct in May 2007:

1. The statement of declaring personal interests read out at the start of all formal council meetings has been revised to bring it into line with the revised code. An example of the new statement is in Appendix 1 to this report.

2. The Standards Board for England has confirmed that gifts or hospitality worth £25 or over that a member has received in connection with their official duties, and the source of the gift or hospitality must be registered under the revised code and registered within 28 days of receipt. However the Board has also confirmed that any gifts or hospitality received more than 28 days before the Council adopted the revised code (effective from 22 May 2007) do not need to be placed on the members register of interests. These previous items will however be retained on the register of gifts and hospitality maintained by the Monitoring officer under the old Code. Agreement is sought to remove all gifts or hospitalities received by Members before 25 April 2007 from the register kept under the revised code and make similar amendments to the version placed on the Council website. It is suggested that the Monitoring Officer write to Members to explain this change.

3. It has been suggested that Members of the Standards Committee may wish to consider observing Council Committees to gain insight into the issues raised by day to day committee decision-making in the context of the revised code of conduct and to carry out proactively their role in supporting the good ethical governance of the authority. If Standards Committee feel that this is appropriate then proposals for which committee meetings and volunteers from Standards Committee to attend and report back will be sought.

4. The Standards Board for England publishes a regular bulletin on its website [www.standardsboard.co.uk](http://www.standardsboard.co.uk) . Enclosed at Appendix 2 to this report are copies of the last two bulletins.

## **8. Financial Implications**

8.1 There are no financial implications

**9. Legal Implications**

9.1 The legal implications are included in the body of the report

**10. Equalities Implications**

10.1 There are no equalities implication

**11. Use of Appendices / Tables / Photographs**

11.1 Appendix 1 Statement on Members declarations of interests at Council meetings

11.2 Appendix 2 Copies of Standards Board for England's July and September Bulletins

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### **Declarations of Interest Council Meetings Statement**

'A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest **and** if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct **and/or** if it relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.'

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# THE BULLETIN # 34

**July 2007**

**Welcome to Issue 34 of the *Bulletin*.**

## **Contents**

### **Page 2**

Issues surrounding the revised Code of Conduct

### **Page 3**

Cracking the Code: Event for parish councillors

### **Page 4**

Disclosing confidential information: Authority protocols

When no further action is required

### **Page 5**

"That's a wrap!"

Predetermination or bias: An occasional paper

Events update

### **Page 6**

Statistics

## **Contact**

Enquiries line: 0845 078 8181  
Minicom: 0161 817 5449  
[www.standardsboard.gov.uk](http://www.standardsboard.gov.uk)  
email: [bulletin@standardsboard.gov.uk](mailto:bulletin@standardsboard.gov.uk)

The revised Code of Conduct was introduced two months ago and many councils across the country have now adopted it. Issues around adopting and advertising the revised Code are covered in this edition of the *Bulletin*, along with useful guidance on other provisions of the Code. The issues discussed fall into two broad groups, those relating to the adoption or transition from the old to the new Code, and those around its application.

In addition, we offer advice to authorities on having protocols in place for the release of confidential information by members. Robust authority protocols can assist in promoting and maintaining ethical standards and ensuring that confidential information remains protected where appropriate.

This issue of the *Bulletin* also examines those decisions by ethical standards officers to take no further action in a case, and how the referral of cases for investigation can be a stimulus to local action.

The Standards Board for England remains committed to providing guidance and support for authorities to implement and uphold the new Code. Hard copies of our guidance booklet for members have been distributed to all monitoring officers, and our training DVD is currently in the final stages of production.

We are also involved in a number of upcoming events, more details of which can be found later in this newsletter. We look forward to meeting as many of you as possible at these events and to hearing your feedback.

**David Prince**  
**Chief Executive**



**the**  
**Standards Board**  
for England

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## Issues surrounding the revised Code of Conduct

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In the short time since the revised Code of Conduct was introduced, our Policy and Guidance advisers have identified a number of frequently asked questions. Further information on these common queries is supplied below.

### Adoption of the new Code

As soon as your authority has adopted the revised Code, it must send notification to the Standards Board for England. The easiest way to do this is by sending an email to [enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk)

This notification should clearly state:

- whether the model Code was adopted unamended or any amends that have been made
- on what date the adoption occurred
- on what date the adoption comes into effect

A simple notification will usually suffice and your authority does not need to provide us with a copy of the entire Code it has adopted, unless you amend the mandatory provisions, or add extra provisions to suit local circumstances. We recommend that you obtain legal advice before adopting such amendments. This is to ensure that the provisions can be enforced and do not break any law or regulation.

### Advertising your new Code

Under Section 51(6)(b) of the Local Government Act 2000, you must publish a notice in the local newspaper as soon as possible after your council has adopted a Code of Conduct. The notice should state that a Code has been adopted and that it is available to be seen by members of the public at all reasonable hours.

When the previous Code was introduced, some unitary and district councils organised combined notices for councils in their area. This can save money, especially where there are a large number of parish councils.

To enable a combined notice to be arranged, parish clerks will need to ensure that their councils adopt the revised Code quickly. They will also need to confirm to the monitoring officer where copies of the Code can be inspected within the parish. This information must be included in the notice published in the newspaper.

While the newspaper notice may take some time to coordinate, your authority must notify the Standards Board immediately after the adoption of the new Code. This should not be subject to coordinating several notifications at once and should be undertaken by each council without delay.

### Amending paragraph 7 of the revised Code

Paragraph 7 says that members must have regard to advice from their monitoring officer or chief finance officer where they give it under their statutory duties.

This paragraph is not mandatory for parish councils. Therefore, parish councils may choose to adopt paragraph 7 as it applies to other types of authorities, adopt an amended version of paragraph 7, or leave paragraph 7 silent.

The Standards Board believes the last approach – leaving paragraph 7 silent – is preferable, and this is the approach used in our *Model Code of Conduct for Parish and Town Councils* which is available from our website. Paragraph 7 is drafted narrowly, and is limited to the statutory duties of the monitoring officer and chief finance officer. In our opinion, the wording of paragraph 7 does not translate appropriately to the parish context and may cause confusion among members and officers.

It has been suggested that parish councils should adopt a version of paragraph 7

referring to the need to have regard to the advice of the parish clerk. We do not support this amendment. Unlike monitoring officers and chief financial officers, clerks do not have statutory duties unless they also happen to be the authority's chief finance officer and are suitably qualified. Only in that case would it be appropriate for members to be required to have regard to a parish clerk's advice.

It would not be advisable to remove the limitation in paragraph 7 to statutory duties and simply include an obligation to have regard to all advice of your authority's clerk. In the Standards Board's view, this amendment would impose an unnecessary burden on members of parish councils to have regard to the clerk's advice and lead to unwarranted breaches of local Codes.

### **Registration of members' interests**

The requirements for the register of members' interests are slightly different under the old and the new Codes. This means that members may need to complete a new form once an authority adopts the revised Code. However, this depends on the manner in which the information is already collected. As with the practice under the old Code, it remains a matter for each individual authority to review their existing procedures for collecting and maintaining this information.

### **Registering gifts and hospitality**

It has been suggested to the Standards Board that rather than registering gifts and hospitality in the register of interests, the revised Code requires members to register the interests of people that give them gifts or hospitality. We believe this interpretation of the revised Code is incorrect.

The Standards Board believes that the revised Code requires members to register any gifts or hospitality worth £25 or over that the member received in connection with their official duties, and the source of the gift or hospitality. This must be done within 28 days of receiving the gifts or hospitality.

The source of the gift or hospitality affects whether you have a personal interest in any business of your authority where it relates to, or is likely to affect, the source's interests.

Where an obligation to declare your personal interest in any business arises solely from a gift or hospitality on the register, members are not required to declare the personal interest once three years have passed since the gift or hospitality was registered.

Any gifts or hospitality received more than 28 days before your authority's adoption of the revised Code do not need to be placed on the members' register of interests. However, we understand that some individual authorities require that members to do so. In the Standards Board's view, the revised Code does not apply retrospectively and so does not require earlier gifts and hospitality to be 'rolled over' onto the register of interests. These items should be retained on the register of gifts and hospitality maintained by monitoring officers under the old Code.

### **Cracking the Code: Event for parish councillors**

The Standards Board for England is pleased to be supporting the National Association of Local Councils (NALC) with their major event for parish and town councillors. *Cracking the Code* will be held on 19 July 2007 at the Hilton Birmingham Metropole and will give councillors the chance to explore and discuss the new Code of Conduct. In a keynote address, David Prince, Chief Executive of the Standards Board, will talk about the implications of the new Code. He will also discuss the changes to the system which will result in all allegations about parish and town councillors being dealt with by the standards committee of their principal authority.

Other speakers from the Standards Board will talk about the new rules around personal and prejudicial interests, and the paragraphs in the Code that deal with bullying. Speakers from the Association of Council Secretaries and Solicitors (ACSeS) will be talking about the role of monitoring officers in advising and

supporting town and parish councillors, the changing role of standards committees, and confidentiality and the new Code of Conduct.

If you are a town or parish councillor and are interested in attending, you can find more information in the Conferences and Events section of the NALC website:  
www.nalc.gov.uk

**Disclosing confidential information:  
Authority protocols**

Paragraph 4(a) of the revised Code of Conduct prohibits the disclosure by councillors of confidential information, or information believed to be of a confidential nature, except in a defined range of circumstances that includes disclosure in the public interest.

Disclosure in the public interest may be justified in the following limited circumstances, when **all** of the following four requirements are met:

- 1) the disclosure must be reasonable
- 2) the disclosure must be in the public interest
- 3) the disclosure must be made in good faith
- 4) the disclosure must be made in compliance with the reasonable requirements of the authority

The fourth requirement means that before making the disclosure a member must, in addition to considering the first three requirements above, comply with the authority's policies or protocols on matters such as whistle-blowing or member-officer relationships and confidential information.

The Standards Board recommends that authorities ensure they have such policies in place to cover the possibility of a member considering a release of information, and that they take steps to ensure that all councillors are familiar with the provisions.

Appropriate and robust authority protocols can assist in ensuring the protection of confidential information where appropriate, and in promoting and upholding high ethical standards more generally.

**When no further action is required**

Our ethical standards officers sometimes decide that no further action should be taken in a case. The Standards Board for England recently analysed these decisions, commonly known as "b findings".

A b finding may occur when an ethical standards officer is unable to conclude that a breach of the Code of Conduct has occurred, or in cases that are deemed insufficiently serious to justify a finding of further action.

The sample of cases analysed, from the 2006-07 financial year, showed that in a third of all cases attracting a b finding, evidence was not decisive enough to conclude a breach. A further 17% of cases with b findings were deemed insufficiently serious to pursue a course of disciplinary action.

In many other cases, however, the reason why no further action was initiated was because the necessary remedial steps had already been taken. This could mean that an apology had been made, training had been undertaken or interests had been registered.

The sample revealed that a remedy was already in place, or had been agreed, in 30% of cases attracting a b finding in the 2006-07 financial year. Such action and improvements often only come about after an allegation is referred for investigation by the Standards Board and would be unlikely to have occurred otherwise.

Rather than a b finding being a negative outcome, therefore, findings of no further action can often be seen as a tribute to the effectiveness of the Code of Conduct and its enforcement.

The Standards Board firmly believes that one of the measures of the Code's success is the improvement in the behaviour of councillors and remedies of past mistakes.

### "That's a wrap!"

Filming for the Standards Board's new training DVD on the revised Code of Conduct has recently finished. The resulting film will show the exploits of Grant Austin and his fellow councillors and local authority officers as they prepare for a potentially explosive planning committee meeting.

The programme examines the rules about declaring interests, disclosing confidential information and bullying. Training sections are interspersed with the drama, and extras include scene selection and subtitles.

The DVD will be of particular value to new and continuing councillors who want to increase their understanding of certain parts of the Code.

Copies of the DVD will be sent to all monitoring officers in late July, and we look forward to hearing your feedback.

### Predetermination or bias: An occasional paper

Predetermination and bias have proven to be both difficult and controversial issues for many members and monitoring officers. Although they are judge-made, common law issues, and not part of the Code of Conduct, the Standards Board has agreed to publish an occasional paper to help clarify the issues.

Based on advice from leading treasury counsel Philip Sales QC, the paper includes examples of where members are predisposed, and so can take part in a debate and vote, and where they are predetermined and their participation in a decision would risk it being ruled as invalid.

The paper will be available on our website, along with the full opinion from Philip Sales QC, at the end of July.

### Events update

The Standards Board is looking forward to meeting you, answering your questions and listening to your feedback at a number of forthcoming events.

In addition to NALC's *Cracking the Code* event for parish councillors mentioned previously, we will be attending the conference of the Local Government Association from 3-5 July 2007 in Birmingham.

Places are also booking up fast for our Annual Assembly on 15-16 October entitled *Down to Detail: Making local regulation work*. The assembly will provide an in-depth look at putting local regulation and the new Code of Conduct into action and is a vital event for all those who work with the Code. Visit [www.annualassembly.co.uk](http://www.annualassembly.co.uk) to book one of the remaining places and to find out more about the programme.



**Sixth Annual Assembly of Standards Committees**

**15-16 October 2007**

**International Convention Centre,  
Birmingham**

**[www.annualassembly.co.uk](http://www.annualassembly.co.uk)**

As we write, we are in the midst of our series of 11 roadshows, held around the country throughout June. They have been a great tool for sharing advice and experience on implementing the changes to the Code, and how they will affect you and your authority. They have also allowed us to listen first-hand to your feedback, concerns and queries.

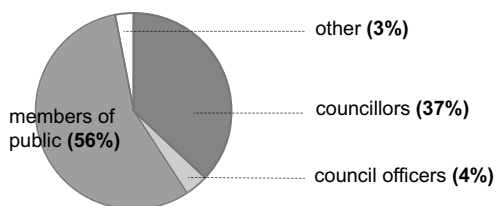
If you have a query about the Code of Conduct at any time, please contact our Policy and Guidance department at [enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk) or on 0845 078 8181.

**Referral and investigation statistics**

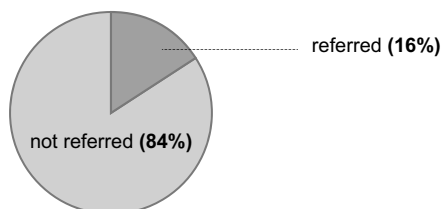
The Standards Board for England received 653 allegations between 1 April 2007 and 31 May 2007, compared to 605 during the same period in 2006.

The following charts show referral and investigation statistics during the above dates.

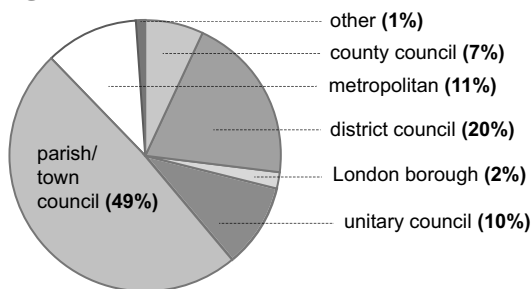
Source of allegations received



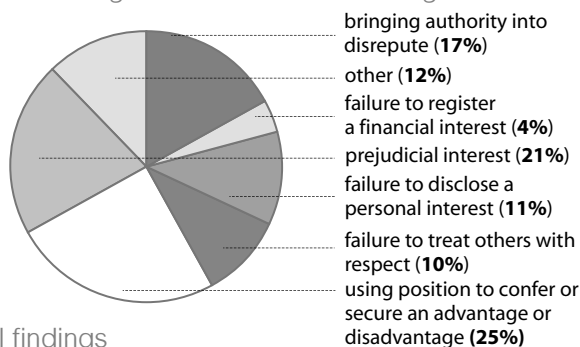
Allegations referred for investigation



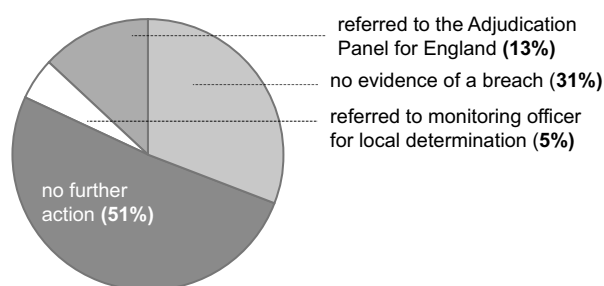
Authority of subject member in allegations referred for investigation



Nature of allegations referred for investigation



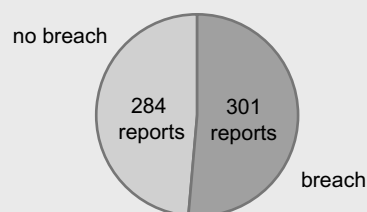
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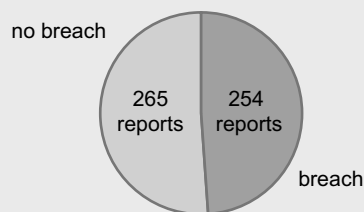
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Monitoring officers' recommendations following local investigations



Standards committee hearings



Standards committee determinations





# THE BULLETIN #35

**September 2007**

**Welcome to Issue 35 of the *Bulletin*.**

## **Contents**

### **Page 2**

Amendments to the Local Government Act 2000

Lobby groups and single-issue campaigns

### **Page 3**

'To Higher Standards' – Annual Review published

Positive support for the Code of Conduct

### **Page 4**

Local filter

### **Page 6**

Gifts and hospitality register

### **Page 7**

The Code Uncovered

Independent members of standards committees

### **Page 10**

Statistics

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With the expected move towards a locally based ethical framework from April 2008, this edition of the *Bulletin* looks at some of the likely effects for authorities, and provides an update on the recent local filter pilot projects. For the majority of authorities, the resource implications of the new system look likely to be relatively small.

The Standards Board for England welcomes the move to a locally based framework. We believe that this will reinforce the importance of high standards at a local level, with standards committees taking the lead in ensuring that the Code is upheld. Specifications of the role for independent members of standards committees are also explored in this issue of the *Bulletin*.

The next edition of the *Bulletin* will be in December 2007, as we will be producing a short series of newsletters in the autumn to coincide with our sixth Annual Assembly. These newsletters will be distributed to delegates or will be available from our dedicated website: [www.annualassembly.co.uk](http://www.annualassembly.co.uk).

The Annual Assembly is now fully booked. It will be a key event for standards committees and those who work with the Code of Conduct, and presentations from many of the sessions will be available on the conference website following the event.

**David Prince**  
**Chief Executive**



**the Standards Board**  
for England

**Amendments to the Local Government Act 2000**

The *Local Government and Public Involvement in Health Bill* is currently before the House of Lords, and is expected to receive Royal Assent in the autumn.

An important amendment to the *Local Government Act 2000* is to enable the Code of Conduct to cover some conduct in a private capacity. It will cover conduct which has led to a criminal conviction.

This amendment seeks to address the High Court's decision last year in *Livingstone v Adjudication Panel for England*. Prior to this decision, it was understood that a member could breach the Code through their conduct in a private capacity. The High Court decided that Section 52 of the Act required members to comply with the Code in their official capacity only, and that it could not govern the private conduct of members.

Until the amendment becomes law, private capacity conduct cannot be covered by the Code. Despite the wording in paragraph 2(3) of the Code, only if a member's alleged misconduct is linked to the functions of their office will any conduct in their private capacity currently be covered, even if it results in a conviction.

**Lobby groups and single-issue campaigns**

The 2007 Code of Conduct is less restrictive than the Code of 2001 for members who are elected on a particular ticket, who participate in campaigns or are members of lobby groups. Some members who were prevented by the 2001 Code of Conduct from voting on a matter important to them or their lobby group will not have a prejudicial interest under the revised 2007 Code.

The Code of Conduct requires members to declare a personal interest in any matter that relates to an interest they must include in their register of interests - so they are required to declare a personal interest if they are a member of a group that lobbies or campaigns about an issue that comes up for discussion or decision at their authority.

Members may not have a personal interest in the related discussion or decision of their authority if they merely campaigned on an issue as an individual, perhaps during their election campaign, and they are not a member of a relevant lobby group. As a result, they could not have a prejudicial interest in the matter. Members should still consider the general test for personal and prejudicial interests and whether there is any other reason outside of the Code why they should not participate in the decision, including bias.

Of particular relevance to members of lobby or campaign groups, the revised Code provides an exception to having a prejudicial interest in the following circumstances:

- where the decision does not affect the financial position of a member or their interests

or

- does not relate to a licensing or regulatory matter brought by them or a person or body in which they have a personal interest

For example, a member will not have a prejudicial interest in a developer's planning proposal against which they and their lobby group campaigned if they or any other person or body in which they have a personal interest are not affected financially by the matter.

It is not relevant for the purposes of the Code that the planning proposal will impact on the aims of the lobby or campaign group that the member belongs to. The Code is focused on the actions of individuals and as such is about preventing improper personal advantage. Under the 2001 Code, the indirect impact on campaign groups was a relevant factor in deciding whether or not a prejudicial interest arose, even if members were achieving no personal gain. Under the revised Code, however, the focus is now on financial impacts and improper personal gain. For further information on personal and prejudicial interests, please see our publication *The Code of Conduct – Guide for members*, available from our website at [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk)

### **‘To Higher Standards’ – Annual Review published**

The continuing development of the Standards Board’s new role as a strategic regulator, how the new arrangements for a locally based ethical system are taking shape and the introduction of a new, less restrictive Code of Conduct are the main themes addressed in our *Annual Review 2006-07*.

The review focuses on the progress that has been made in preparing for a shift in ownership of the ethical conduct regime to a local level. The majority of cases are now being dealt with locally and the introduction of a system of local assessment of complaints is on course to come into effect in April 2008.

In our new role we are committed to defining what people can expect the standards regime to deliver. This includes the role of monitoring officers and standards committees, and providing support and guidance to local authorities to help them operate effectively.

The review also details our achievements over the 2006-07 financial year, which included:

- The majority of our recommendations were implemented by government, leading to the introduction of an improved, less restrictive Code of Conduct
- The initial assessment time for complaints was nine working days
- The Fifth Annual Assembly of Standards Committees was sold out, with an overall satisfaction rate of 91%
- The Standards Board’s move to Manchester was successfully completed

Copies of the Annual Review are now available on our website at

[www.standardsboard.gov.uk/Publications](http://www.standardsboard.gov.uk/Publications)

Our Annual Report 2006-07 will be laid in Parliament in autumn 2007 and will be available in hard copy shortly afterwards.

### **Positive support for the Code of Conduct**

An overwhelming majority of local authority members, clerks and monitoring officers support the need for a Code of Conduct, according to research undertaken on behalf of the Standards Board.

The research, carried out earlier this year, assessed attitudes towards the Code of Conduct and the ethical environment generally, as well as the degree to which local authorities are prepared for changes in the way the ethical framework will be managed.

The requirement for members to sign a Code of Conduct was supported by 93% of respondents – up from 84% in similar research in 2004.

Unsurprisingly, of those surveyed, monitoring officers and standards committee members

showed the most support for the Code. However, 85% of elected members were also in favour.

In comparison to 2004's survey, more respondents also felt that members' standards of behaviour in their authority had improved in recent years, and almost three-quarters of those surveyed felt that members' behaviour was important to the general public.

### **Local filter for Code of Conduct complaints – impact for local authorities**

#### **What is happening?**

The *Local Government and Public Involvement in Health Bill* proposes the introduction of two key changes to the management of compliance with the Code of Conduct:

- A locally managed framework. This will involve local standards committees making initial assessments of misconduct allegations, and most cases being handled locally.
- A revised strategic regulatory role for the Standards Board. This role is to provide supervision, support and guidance for local authorities and to ensure some degree of consistency in the application of the Code.

Some investigations and hearings are already carried out by authorities. Under the new arrangements, authorities' standards committees will receive all complaints relating to the Code.

Standards committees will decide whether to refer complaints for further action locally, whether to refer complaints to the Standards Board, or whether no further action should be taken. Aside from asking for an investigation, standards committees will also be able to

resolve cases by alternative means such as mediation or training. In cases where the committee considers the sanctions available to it are insufficiently serious, cases can be referred to the Adjudication Panel for England.

#### **How many complaints can authorities expect to receive?**

For the majority of authorities the impact of the local system is likely to be relatively minimal. For example, during the financial year 2006-2007, the Standards Board received about 3500 complaints under the Code, of which just under 700 (an average of approximately 18%) were referred for investigation.

On average, based on the number of complaints received by the Standards Board over the last five years, all authorities could expect to receive approximately six complaints a year. On top of this, a district council with 20 parishes may expect about three or four complaints a year about their parishes. A district council with 100 or more parishes may expect around 18 parish complaints each year.

Some authorities, however, may receive no allegations at all over a significant period. Of the approximately 8000 parish and town councils, 80% have not been the subject of a single complaint over five years. There has been at least one complaint about a member of each district council over five years. Of the authorities which are not districts, 25% have not had any complaints in five years.

A small number of authorities have received a significant number of complaints about their members or about members of one or more of their parishes. In the worst case, 125 complaints were made over five years about members of a principal authority.

**What will be the impact on authorities?**

The Standards Board estimates that individual complaints will take an average of two and a half hours to assess upon receipt. Our pilot work on the local filter has shown that standards committees take up to an hour to reach a decision on whether to refer a complaint for further action based on the information available.

We expect that authorities will refer only some of the complaints they receive for investigation, although the pilot work has indicated that standards committees may refer a greater proportion of the complaints they receive in the earlier stages of the local system, as it becomes established.

As authorities become increasingly proficient in determining complaints, we estimate that even authorities which receive a higher volume of complaints will refer about 25% per year for further action. In terms of the impact on workload, therefore, based on an average of six complaints per year and a referral rate of 25% across all authorities, an average authority can expect to conduct one or two investigations per year. Even for a district council with over 100 parishes, an average of only six investigations per year would be anticipated. These are of course average assumptions, but provide a guideline to the increase in workload that authorities should expect with the move to a locally based framework.

Standards committees will have the opportunity to promote high ethical standards in their authority. They can do this through developing effective procedures for managing the local system in the following ways:

- 1) Responding to and deciding complaints in the right way and on time.
- 2) Becoming proficient in identifying what is

appropriate for investigation/sanction and what is not.

- 3) Being proportionate in their decisions to the nature of the issue and the harm caused.
- 4) Aiming to resolve the harm caused by non-compliance, and aiming to deter future non-compliance.
- 5) Participating fully in the reporting protocols operated by the Standards Board and sharing good practice.

The Standards Board will monitor the operation of the local filter by:

- 1) Ensuring our reporting systems are as simple as possible whilst allowing us to do our job effectively.
- 2) Measuring outcomes as well as outputs.
- 3) Offering support and guidance where authorities may be experiencing difficulties.
- 4) Using our statutory powers to remove local powers only as a last resort and only after efforts to support the authority have been unsuccessful.
- 5) Ensuring our monitoring is complimentary to, and does not duplicate, the work of other regulators.

We will also share good practice and ensure that we are responsive, offering guidance and support for local authorities.

**Local filter pilot projects: update**

Thank you for the positive response following Bulletin 32 in February 2007 from authorities keen to participate in three pilot projects. The aim of these projects is to help the Standards Board plan for its strategic role in support of local government taking on the local filter.

**Operating the local filter**

An exercise in filtering ten real life allegations and reviewing two appeal cases has been

completed by 38 standards committees. Several committees were facilitated or observed by officers from the Standards Board's monitoring and audit team, who were able to gain a valuable insight into how the local filter will operate at local level.

Standards committee members and monitoring officers benefited from training in undertaking the local filter and operating the appeal mechanism, as set out in the *Local Government and Public Involvement in Health Bill*. Constructive feedback has been received from each volunteer authority. This feedback will now be used to contribute to the shaping of national policy, sharing of good practice, and in helping the Standards Board develop its guidance to relevant authorities.

### Joint arrangements

Significant work is underway with seven groups of authorities with a keen interest in developing joint working for standards committees. The output of this second pilot is expected to be:

- 1) The establishment of a set of four to five model structure options for joint arrangements.
- 2) To provide direction and influence for the preparation of the regulations which will underpin joint working.

Full consultation is taking place with volunteer authorities in considering the scope that the legislation allows for joint standards committees. Participating monitoring officers have been invited to a consultation event in September, after which the Standards Board's proposals for joint working will be finalised.

### Future monitoring and audit

The Standards Board's monitoring and audit team is developing the way in which it will monitor, assess and demonstrate compliance with the new statutory regime at local level.

An online information return system, based on periodic returns and an annual report, will be tested with volunteer authorities in autumn 2007. The system will be proportionate to our monitoring needs and will not add undue burden to authorities.

The types of information we will collect include:

- the timeliness of standards committee referral and review decisions
- the timeliness of carrying out investigations and hearings
- the outcomes at different stages of the process
- any failure by an authority to meet statutory requirements in respect of its standards committee

The approach is intended to support improvement, to enable authorities to be kept informed at regular intervals about their own performance, and to enable the Standards Board to analyse the information received in order to identify good practice.

### Gifts and hospitality register

The obligation on monitoring officers to maintain a **separate** register of gifts and hospitality no longer exists following implementation of the revised Code of Conduct for members which does not incorporate paragraph 17 of the 2001 Code.

The absence of paragraph 17 does not mean that the details of gifts and hospitality could not be kept separately from other interests that have to be registered – as long as they form part of the register of interests that monitoring officers are obliged to keep under Section 81 of the *Local Government Act 2000*. The difference in treatment of gifts and hospitality between the new and old Code is that instead of monitoring officers keeping a

separate register for them, they will now form part of the register of financial and other interests.

Section 81(1) of the *Local Government Act 2000* and paragraph 13(1) of the revised Code require elected and co-opted members to notify their monitoring officer of any personal interests that fall within a category mentioned in paragraph 8(1)(a) of the revised Code.

Gifts and hospitality are captured by subparagraph 8(1)(a)(viii) along with the person who gave them. The Standards Board's guidance *The Code of Conduct: Guide for members*, issued in May 2007, recommends that the existence and nature of the gift or hospitality are given, as well as the name of the person who gave it to them.

How this information is held is a matter for each monitoring officer who can decide what works best for them.

### The Code Uncovered

*The Code Uncovered*, the Standards Board's new training DVD, will be distributed to all monitoring officers and County Association secretaries next week. The DVD uses a dramatised scenario to illustrate the lead up to a potentially explosive planning committee meeting, and highlights the key changes to the revised Code of Conduct.

The film examines the rules about declaring interests, disclosing confidential information and bullying. It also features learning points identifying key elements to consider when following the rules governing members' behaviour.

The DVD will be of particular value to councillors who want to increase their understanding of certain parts of the Code

We hope that you will find the DVD a useful addition to our existing guidance and look forward to hearing your feedback.

For information on how to obtain additional copies, contact us on 0161 817 5335 or email [ellie.holmes@standardsboard.gov.uk](mailto:ellie.holmes@standardsboard.gov.uk). There is a charge of £38 per extra copy requested.

### Independent members of standards committees

The Standards Board has been asked the following questions:

**Q: "Can an independent (i.e. lay) member of a standards committee also be an independent member of a standards committee of another authority or does membership of the first standards committee mean that they are a 'member' of that authority, making them ineligible to be an independent member elsewhere?"**

**A: No, it does not make them ineligible.**

Under section 53(4)(b) of the *Local Government Act 2000*, a standards committee must include at least one person who is not a member, or an officer, of that **or any other** relevant authority.

Also, under regulations, a person cannot be appointed as an independent member of a standards committee unless they have not been a member or officer of **that** authority within the five years immediately preceding the date of appointment.

Section 54(8) of the *Local Government Act 2000* states:

"...a member of a standards committee of a relevant authority in England or a police authority in Wales **who is not a member of**

*the authority is entitled to vote at meetings of the committee."*

This seems to confirm that membership of the standards committee does not make the independent members into members of the authority. Therefore, an independent member of one standards committee can also be an independent member of another.

**Q: "Is an independent member who subsequently becomes an officer with another relevant authority disqualified from being an independent member of the standards committee of their non-employing authority?"**

**A: No.**

When an independent member of a standards committee subsequently becomes an officer or member of another relevant authority, they no longer fall within the description of people in section 54(4)(b) of the *Local Government Act 2000*. Therefore, they could not be re-appointed to the standards committee as an independent member.

However, an independent member in this situation would not be instantly disqualified from being a member of the standards committee, as there is nothing in the legislation which would require them to resign from the committee after the change has occurred. The committee would have to comply with Section 53(4) of the *Local Government Act 2000*, but it would do so if at least one member of the committee continued not to be a member, or an officer, of that **or any other** relevant authority. However the qualifying member would then be needed for the duration of every meeting to constitute its quorum.

Therefore, the Standards Board would generally recommend that independent

members should resign from membership of a standards committee once they can no longer be re-appointed.

### **Sixth Annual Assembly sold out**

The Sixth Annual Assembly of Standards Committees is now fully booked, with over 750 delegates set to attend the event in October.

The programme at this year's conference – *Down to detail: Making local regulation work* – will tackle the issues facing standards committees in the changing ethical environment.

Sessions will take an in-depth look at the logistics of the forthcoming local filter for complaints, and will focus on the practical implications for standards committees.

Breakout sessions are filling up fast and those who have already secured a place at the conference are urged to choose their sessions and return their preference forms as soon as possible to avoid disappointment.

Presentations from many of the sessions will be available on our dedicated conference website following the Annual Assembly. Three issues of our conference newsletter will also be available, providing a round-up of information from the event.

For more information, visit the conference website, at: **[www.annualassembly.co.uk](http://www.annualassembly.co.uk)**, which offers a one-stop-shop of conference information including the latest news on speakers, sessions and fringe events.

### **Code of Conduct guidance**

Authorities have until 1 October 2007 to adopt the revised Code of Conduct. After this time, members of authorities that have not adopted



it will be automatically covered by it. If your authority has not already done so, we urge you to do so now at the earliest possible opportunity.

As October approaches, we have taken the decision that, to avoid confusion with the previous Code, we will no longer be issuing guidance on the 2001 Code. This guidance will automatically be superseded when the new Code applies in October.

The Standards Board has distributed its *Guide for members* on the revised Code to all relevant authorities, along with a pocket guide to the Code, and this guidance offers a comprehensive overview of the requirements of the new Code. All guidance relating to the old Code, including the booklets on lobby groups and registering gifts and hospitality, along with guidance on standards committees, will no longer be available for distribution in hard copy format. It will, however, still be available from our website, **[www.standardsboard.gov.uk](http://www.standardsboard.gov.uk)**

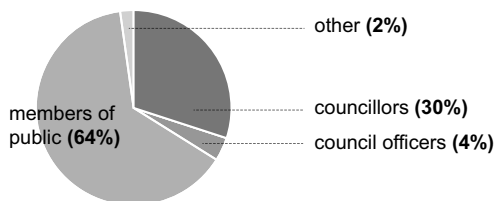
We hope that this move will improve clarity for authorities on the new Code in the final few weeks of the transition period.

**Referral and investigation statistics**

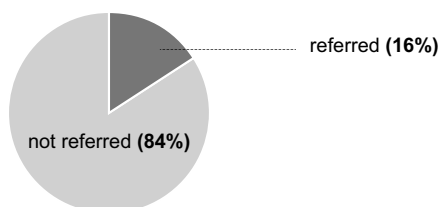
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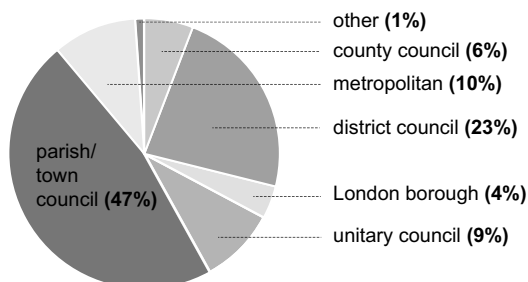
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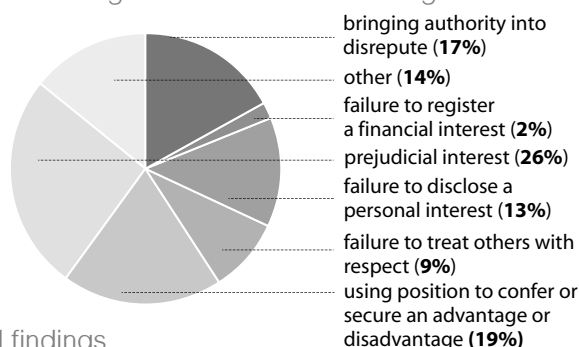
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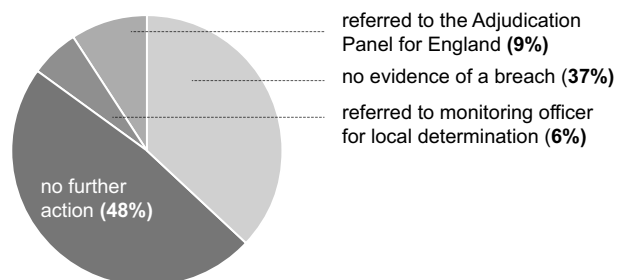
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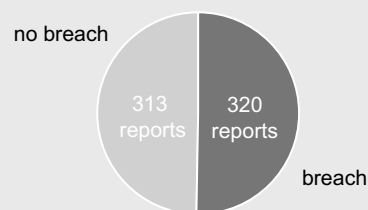
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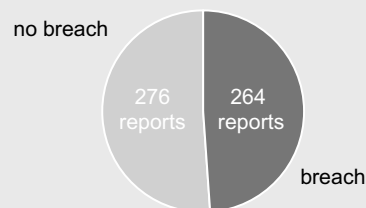
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