

Town and Parish Standard:06

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In December, the Minister for Local Government, Phil Woolas MP, outlined his vision for the future of the local government ethical framework when he launched a discussion paper on the best ways to achieve high standards of conduct. The minister stated: "Our aim is to ensure that a culture of good conduct persists in local government and to put in place strategic support to enable councillors and local standards committees to manage conduct issues effectively."

This issue predominantly looks at the details of that announcement and examines the implications for town and parish councils. *Standards of Conduct in English Local Government: The Future* outlines, amongst other things, plans to revise the Code of Conduct, devolve decision-making powers on allegations to local standards committees, and develop the Standards Board's strategic, advisory and monitoring functions.

The Code of Conduct, then, is changing; the proposals, which you can read about below, will deliver a clearer, more proportionate Code, while remaining rigorous and fair to all members. The government has agreed to implement all of our recommendations for the new Code and we are now working with them on a timetable for its introduction.

The proposed introduction of a 'local filter' should also be of interest to parish councils across the country. Under the proposals, all complaints will initially be assessed by the local standards committee, in line with the government's drive to increase local decision-making. The Standards Board would continue to investigate the most serious cases, but develop a more strategic role overall, providing support and guidance and supervising the ethical framework (more on this inside).

This change in policy is unlikely to take effect until at least 2008, but much work will need to be undertaken in the meantime to ensure that authorities at all levels of local government are fully prepared for this important function.

Introducing a clearer, more proportionate Code of Conduct

Councillors will have more freedom to take part in discussions under proposals for the new Code of Conduct which the Standards Board put forward last year and which the government broadly accepted in its December announcement. The Code will be clarified and improved, "so that it better reflects the way modern councils work and is easier for members and others to understand and use". The government plans to consult on the exact wording in the coming months and a revised Code should be in place following that consultation.

The Office of the Deputy Prime Minister confirmed its plans to amend the Code in a discussion paper on the future of the local government ethical framework. *Standards of Conduct in English Local Government: The Future* accepted all of our recommendations for changes to the Code and

confirmed that parish councils will remain within the ethical framework and parish councillors will continue to be subject to the Code of Conduct.

"Our vision is for the different elements of the conduct regime — including the members' Code of Conduct, the Standards Board and local standards committees — to work effectively together, and be an integrated whole." — *Standards of Conduct in English Local Government: The Future*

The paper also incorporates the department's responses to reports by the Committee on Standards in Public Life and the parliamentary select committee on the Office of the Deputy Prime Minister, which looked at aspects of the role and function of the Standards Board and the Code of Conduct.

Greater participation

The main proposals concern the areas of personal and prejudicial interests, whistleblowing, disrepute, and confidential information. A new provision relating to bullying will also be introduced.

Under the new Code, it is proposed that you would only need to declare a personal interest in a matter if it might reasonably be regarded as affecting you to a greater extent than the majority of inhabitants within the area concerned. Under the existing Code, you are required to consider whether it affects the majority of inhabitants within the entire authority. The distinction should allow members to have a greater say in important local issues which do not necessarily affect the whole authority.

A new category of interests, called 'public service' interests, is proposed to enable members who sit on more than one public body (dual-hatted members) to take a greater part in discussions. Members would only need to register their additional memberships in the register of interests unless they speak in connection with the issue, in which case they would need to declare a personal interest. Members would only need to declare a prejudicial interest if the matter under discussion related directly to the public body on which the member serves — for example, a grant application or a regulatory decision which had an immediate affect on the body.

Whistleblowing

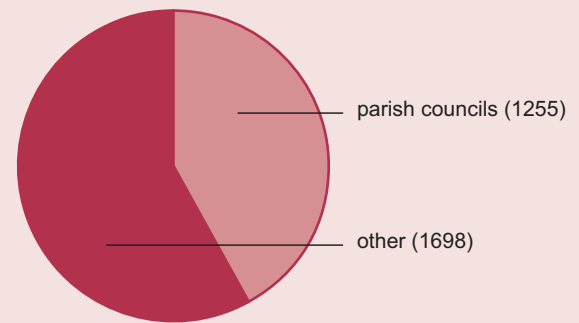
The government proposes to remove the requirement for members to report fellow members if they have a reasonable belief that they have

Parish and town council referral and investigation statistics

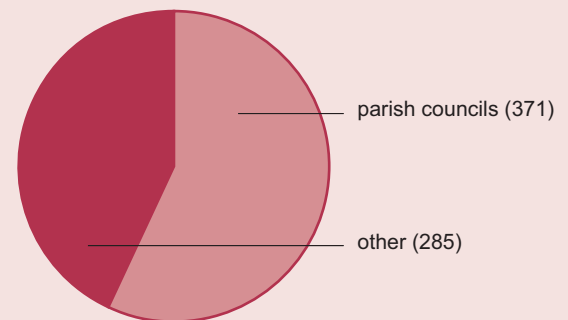
The following charts compare the parish experience with that of local government as a whole, for the period 1 April to 31 December 2005.

Key parish councils other

Number of allegations received (total: 2953)



Number of allegations referred for investigation (total: 656)

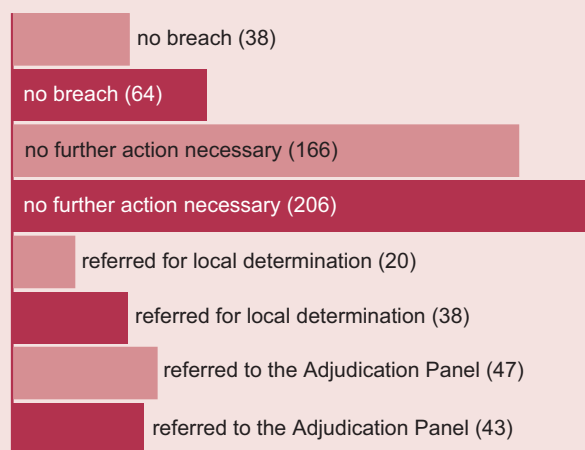


breached the Code. It will be replaced with a new provision, subject to parliamentary approval, that makes it a breach of the Code to intimidate complainants and witnesses.

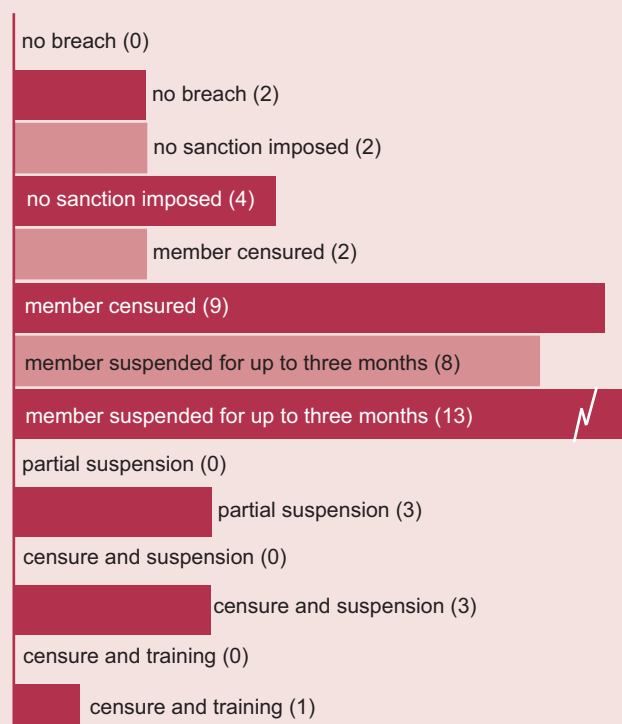
The provision of the existing Code relating to disrepute will also be clarified so that, outside of a member's official duties, only unlawful activity such as criminal or cautionable offences shall be subject to the Code of Conduct. Civil matters or merely objectionable conduct in private will not be covered.

The government also proposes to add a new provision on bullying behaviour to specifically address this important issue. It will be directed at both patterns of bullying behaviour and single

Ethical standards officers' final findings



Standards committee determinations in cases that have been heard



incidents of bullying, addressing the rare but unacceptable instances of bullying of fellow councillors, council officers and members of the public.

We do not yet have a confirmed timetable from the Office of the Deputy Prime Minister for the introduction of the new Code, but we are working with them on the plans. We are keen to see the changes implemented as soon as possible but have stressed the importance of getting the details right. These are important changes and we have already started work on guidance to help you navigate the new and amended provisions, including a reissue of the popular pocket guide and general advice on the difficult area of personal and prejudicial interests.

More strategic role for the Standards Board

Standards of Conduct in English Local Government: The Future describes an increasingly strategic role for the Standards Board for England, providing support and guidance to members and authorities and overseeing the ethical framework. Under the proposals, standards committees will decide whether or not complaints should be referred for investigation and monitoring officers will conduct the majority of investigations. Only the most serious complaints will be passed on to us for investigation.

This system of a 'local filter' for complaints was one of the key recommendations of the Committee on Standards in Public Life. It recognises the expertise and knowledge of standards committee members and gives committees a more central role in monitoring and enforcing high standards of conduct within an authority's area. To balance these additional responsibilities, the government wants to see all standards committees chaired by independent members — that is, apolitical, appointed representatives from the local community — as opposed to elected members.

As the ethical framework gains a more localised identity, we will have a more pronounced central role, less focused on investigating allegations. Instead, we will be more concerned with providing, maintaining and monitoring a national framework of support for authorities at all levels, to ensure the continuation of high standards of conduct.

Our priorities

Changes to the way allegations are currently assessed would require primary legislation. The timetable is therefore dependent on the government's legislative programme, but it is not likely to be in place until at least 2008.

Our priorities in the meantime are to maintain and continue to improve performance both nationally and locally within the existing legislative framework, continuing to focus our case-handling resources on the more serious cases that have the potential to damage confidence in local democracy. And we will continue to refer an increasing number of cases for local investigation and determination wherever appropriate, increasing local experience and capability of case handling.

In addition, we will:

- help increase the knowledge, capability and capacity of local standards committees and monitoring officers in readiness for the more locally-based decision-making process, particularly in relation to assessing allegations

Get the discussion paper

The government's announcement is on the Office of the Deputy Prime Minister's website. It includes a link to the full discussion paper and information on ordering a printed copy free of charge. Just go to: www.odpm.gov.uk and follow the links to the News Releases section.

- lay down minimum standards required for monitoring officers and standards committees to operate effectively
- design and put in place a proportionate system to oversee the new framework, particularly the effective operation of standards committees

We will continue to work closely with national bodies such as the National Association of Local Councils in taking this agenda forward, in particular advising the government on how its proposals should work in detail and making sure the system is operating robustly, fairly and independently.

Capacity-building bid submitted for first-tier development

As reported in issue four of the *Town and Parish Standard*, the Standards Board for England, the National Association of Local Councils and the Society of Local Council Clerks are jointly bidding for funding from the Office of Deputy Prime Minister and Local Government Association's capacity building programme — an initiative established in 2003 to support improvement in local government. The programme aims to enhance and develop councils' confidence, leadership and skills, and developing their capacity to learn, innovate and share knowledge and expertise about what works and how.

The government's agenda for developing and encouraging more neighbourhood-based decision-making is likely to see an increased emphasis on bodies such as town and parish councils, and the funds from a successful bid will be channelled into providing support for these bodies.

Principal local authorities already have access to funding streams aimed at capacity building and leadership development, as well as peer support and inspection, but little of this support is replicated at the town and parish level.

We have come across a number of cases in the parish sector which show there are deficiencies in the way certain parishes are run, meaning that they are unable to provide the appropriate leadership to their communities. The capacity building funds will be used to correct deficiencies of this kind and put systems in place to improve corporate governance, councillor leadership, and the sharing of knowledge and expertise.

Pilot projects

Three pilots are being developed as part of the bid:

- a diagnostic toolkit, similar to the one already in use with principal authorities
- a peer mentoring programme
- a model compact between county associations and local standards committees

The diagnostic toolkit, based on the toolkit used for principal authorities, will help parish and town councils assess their progress in meeting the ethical agenda, anticipate problems, and suggest where improvements can be made.

The peer-mentoring programme will build capacity for good corporate governance in the parish sector through a mentoring scheme for members.

The model compact between county associations and standards committees will help the two parties work together to support parish and town councils. This will also assist standards committees support parish and town councils in their area in applying and interpreting the Code.

The bid will be submitted early this year and if successful, the three programmes will be further developed and piloted in the second half of this year. We will keep you informed of progress in future issues of the *Town and Parish Standard*.

Contacts and more information

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

- tpstandard@standardsboard.co.uk
- The Standards Board for England
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More information

You can get more information on the Standards Board for England and the Code of Conduct, including case summaries, frequently asked questions and guidance for members, from our website at:

www.standardsboard.co.uk