

## *in this issue...*

- 1 Ethical standards report**  
Committee endorses parish place in framework.
- 2 Kick off for Code review**  
Members invited to have their say on the Code.
- 2 Making enquiries**  
Weeding out complaints with little or no evidence.

## *plus...*

- 3 County associations**
- 3 Investigations statistics**
- 4 Local investigations**
- 4 Your feedback**

## Contents

Welcome to the first newsletter of 2005. It may only be March, but the year already has been a busy one. It began with praise for the parish sector from the Committee on Standards in Public Life, which recognised the vital role parish and town councils play in strengthening confidence in local democracy in the report of its Tenth Inquiry, and endorsed your hard work. We couldn't agree more.

Our role and effectiveness in this area is also under scrutiny from the select committee that shadows the work of the Office of the Deputy Prime Minister and its agencies. We appeared before the committee in January and its conclusions were expected shortly after we went to press.

Last month we launched our consultation on the review of the Code of Conduct. It is clear that the Code is not as helpful in places as it could be, and this review aims to weed out the problems and find lasting solutions. You can read more about the consultation and find out how to contribute on page 2. We know the Code of Conduct has a big impact on your lives as councillors so don't miss out on this chance to help shape its future.

During the rest of the year, we will continue to develop our relationship with the parish sector and look for ways in which we can work more closely together. In particular, we are working with the National Association of Local Councils to find ways to support parishes with particularly intractable difficulties. We are also investigating how we can make best use of the research findings on the needs of county associations, as reported on page 3. More on these topics, and others, in future issues.

## **Standards report endorses parish place in ethical framework**

The Government's policy of including parish and town councils within the framework of the Code of Conduct was endorsed by the Committee on Standards in Public Life in January, when it published the report on its Tenth Inquiry into public sector standards. Part of the inquiry focused on the framework for ethical standards in local government, the Code of Conduct, and the role of The Standards Board for England. The Committee agreed with the Government that parish councils are an important part of local democracy and was persuaded that the same standards of conduct should apply to all locally-elected representatives, irrespective of the size or levels of responsibility of their particular authority.

The Committee also backed the need for a national organisation to help local authorities work to the highest standards, through support, guidance and training. Its report was an endorsement of the shift The Standards Board for England has already made, away from handling all cases centrally towards more cases being dealt with at a local level. It also recommended an ever greater role for The Standards Board in support and guidance.

**Local considerations**

The Committee also recommended that cases should be handled locally in the first instance, with the authority's own standards committees taking a decision on whether cases should be investigated and whether local or national investigations were appropriate. Such a shift would need new legislation and is clearly a question for the Government, rather than The Standards Board for England. Ministers would need to consider whether the public could have confidence in a system where authorities decide for themselves whether to investigate a complaint against their members. The question of efficiency and resources for local authorities would also have to be considered, particularly in districts with large numbers of parishes, which would be called upon to deal quickly with allegations.

**Independent members**

The Committee made a number of other recommendations about possible changes to the Code which are reflected in our consultation document on the review of the Code, discussed below. It also recommended that the Government regulates to ensure standards committees have a majority of independent members and are chaired by an independent, a measure which we fully support.

We will be interested to see the Government response to all the recommendations and will keep you updated.

**Help shape the future of the Code of Conduct**

Nearly three years after the introduction of the Code of Conduct, members are being invited to help review and revise it in a consultation exercise being run by The Standards Board for England.

Every local authority, parish clerk and county association, among other interested groups, has been sent leaflets about the consultation. You may already have received your copy. It includes an overview of the consultation and a list of key questions being posed. A more detailed consultation paper setting out the background to each question and summarising the debate is also available on request.

You have until 17 June 2005 to respond in writing to the consultation, either by post, e-mail or online.

To request copies of the leaflet and paper, call 020 7378 5110. Copies are also available from The Standards Board for England website, along with instructions for responding, at:

[www.standardsboard.co.uk/codereview/](http://www.standardsboard.co.uk/codereview/)

**Preliminary enquiry pilot scheme in full swing**

Officers from the authority of a member named in a complaint may be contacted by The Standards Board for England to gather additional information, before a decision is made on whether to refer the complaint for investigation, under the terms of a pilot scheme. In some circumstances, the complainant may also be contacted.

The preliminary enquiry scheme is designed to help officers at The Standards Board for England collect certain facts from monitoring officers and clerks of the related authorities that were missing from the original allegation. It should enable The Standards Board for England to filter out those allegations that have little or no credible evidence to substantiate them, and will benefit the monitoring officers involved by advising them of allegations concerning their authority at an earlier stage.

The scheme is limited to enquiries relating to factual information, and only officers and complainants will be contacted. We are not seeking opinions on the merits of a particular case and will not take opinions into account when deciding whether to refer a case for investigation. The letter notifying interested parties of a decision will indicate if information from a preliminary enquiry informed the decision.

**An introduction to the review**

The Standards Board for England was asked to review the Code of Conduct by the Rt Hon Nick Raynsford MP, Minister of State for Local and Regional Government. In doing so, he stressed that the Government does not wish to dilute the underlying principles of the Code but rather seeks to see what lessons may be learnt from our experiences of working with it.

We are looking at all areas of the Code, but some of the key issues include:

- Should disrepute continue to apply to councillors' activities in their private lives?
- How can we best deal with the issue of declaring interests for dual-hatted members?
- Should there be a public interest defence for councillors who release confidential information?
- Is it right that councillors are required to report potential breaches of the Code of Conduct by fellow members?

Since November 2004, preliminary enquiries have been made into 18 allegations, seven of which concerned parish cases. In all cases the information received helped the assessment of the allegation. In half of these cases, the information gained played a decisive role in determining whether the case should be referred for investigation.

### Survey finds county associations in need of extra Board support

The Standards Board for England could improve its support of county associations in four key areas, according to the final findings of research into the needs of county associations by the Centre for Local Policy Studies at the University of Gloucestershire and the Institute of Local Government Studies at the

University of Birmingham. According to the report, The Standards Board for England could:

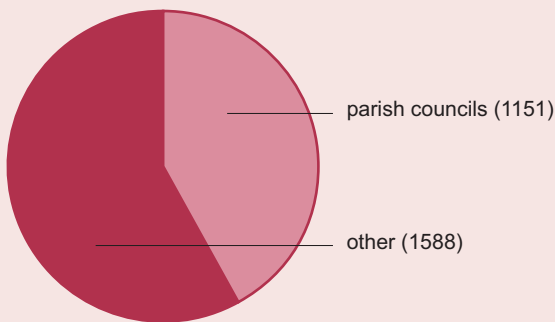
- 1 provide financial assistance, both to maintain and enhance the good work of some associations and to help others grow and develop;
- 2 provide greater assistance with training resources on the ethical framework to support town and parish councils;
- 3 enable better communication and provide greater clarity of advice in all aspects of interpreting the Code of Conduct and other parts of the ethical framework;
- 4 improve the procedure and management of complaints, in particular the time taken to reach decisions on complaints and in investigations.

### Parish and town council referral and investigation statistics

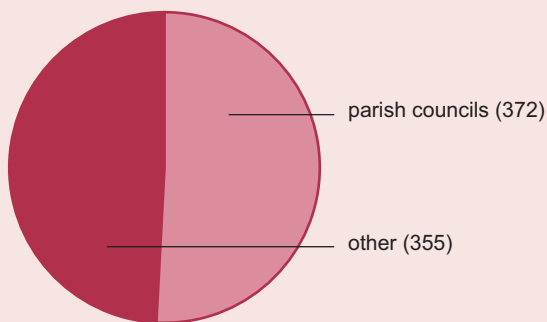
The following charts compare the parish experience with that of local government as a whole, for the period 1 April to 31 December 2004.

**Key**  parish councils  other

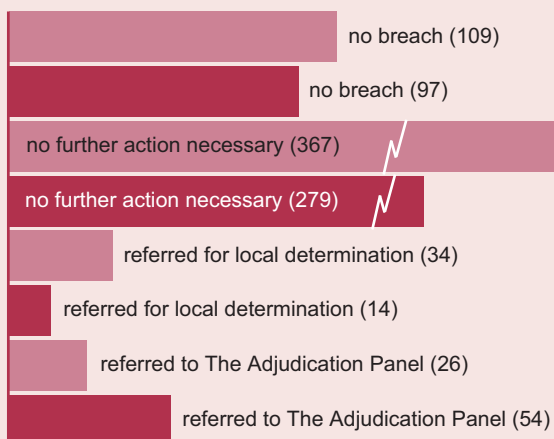
#### Number of allegations received (total: 2739)



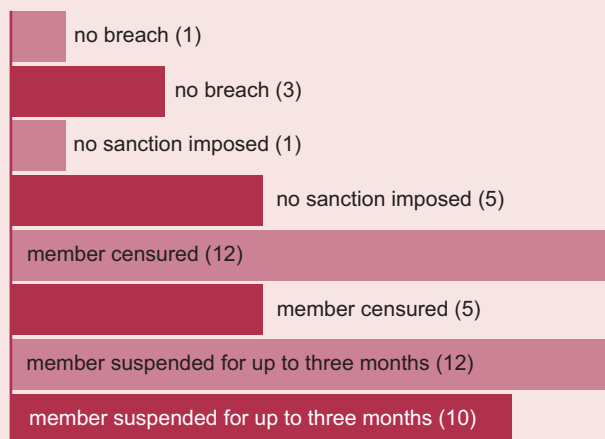
#### Number of allegations referred for investigation (total: 727)



#### Ethical standards officers' final findings



#### Standards committee determinations in cases that have been heard



The research, commissioned by The Standards Board for England, investigated how The Standards Board could help county associations enhance their role in the ethical environment. The main findings were reported in issue 2 of the *Town and Parish Standard*.

A summary report has now been published and is available from The Standards Board for England's website.

The Board is still considering the recommendations but we will report on the outcome in future issues.

### Local investigations begin

Some allegations of misconduct by members will now be investigated by their own authorities, following implementation of the *Local Authority (Code of Conduct) (Local Determination) (Amendments) Regulations 2004* last November. To date, 30 local investigations are already under way. The Standards Board for England intends that, in future, about 50% of all cases referred for investigation will be investigated locally or determined by a standards committee.

Under the new process, complaints must still be made to The Standards Board for England, and allegations are evaluated in the standard way. Only when a case is passed to be investigated, an ethical standards officer decides whether it should be referred back to the local level for investigation by the monitoring officer of the member's principal authority.

Allegations will be referred back to the local level in all circumstances unless there is an identifiable and valid reason not to do so. This could include situations where:

- a local investigation would be perceived as unfair or biased;
- there are political issues that may have a bearing locally on the effectiveness of an investigation;
- the allegation raises significant or unresolved legal issues;
- the alleged breach of the Code of Conduct, if proved, would warrant sanctions only available to The Adjudication Panel for England;
- the investigation may require evidence not available to the local authority.

Monitoring officers have the power to request information from witnesses within their own district authority and parish councils in their jurisdiction, but in certain circumstances, they can ask the ethical

standards officer to take the case back — for example, where evidence of further breaches comes to light, or members refuse to co-operate with an investigation.

At the end of a local investigation, the monitoring officer issues a final report to the relevant parties, including the clerk of any town or parish council involved, and asks the standards committee to consider the finding. If appropriate, the standards committee will hold a hearing into the matter and rule accordingly.

There is no right of appeal against a decision referred for local investigation, but parties to the case can make representations on related matters to the monitoring officer conducting the investigation.

### Direct action

Ethical standards officers are also able to refer cases back not for investigation, but with a direction to the monitoring officer that some other action should be taken. This might happen in situations where the ethical standards officer believes the matters themselves are not serious enough to warrant a sanction but the members involved might benefit from mediation to prevent further allegations.

Additionally, they may involve situations where the investigation has highlighted failings by the authority rather than a serious failing by an individual, such as lack of proper guidance to members or inadequate local procedures.

### Your feedback

We welcome ideas and suggestions for future newsletters, and questions or feedback on this edition. Please send comments to Michael Toft, policy advisor:

- by e-mail, to: [tpstandard@standardsboard.co.uk](mailto:tpstandard@standardsboard.co.uk)
- by post, to:  
The Standards Board for England  
First floor, Cottons Centre  
Cotton Lane  
London SE1 2QG

You can get more information on The Standards Board for England and the Code of Conduct, including our recently-updated FAQs, from our website at:

[www.standardsboard.co.uk](http://www.standardsboard.co.uk)