

# THE BULLETIN # 33

**May 2007**

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## **Contact**

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## **Welcome to Issue 33 of the Bulletin.**

The new Code of Conduct has now come into force and we would urge authorities to adopt it at the earliest opportunity. The Standards Board for England welcomes this new Code, which addresses issues that emerged during the consultation process. We believe that it is now clearer and simpler to understand and that it will allow members to properly represent their constituents on matters that concern them.

Standards committees have a responsibility for ensuring that members within their area receive appropriate training on the new Code, so that they fully understand their obligations. This is an important function for them and an opportunity for authorities to demonstrate their commitment to high standards of probity and governance.

The Standards Board has published comprehensive guidance on the new Code on our website at [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk)

Monitoring officers will also receive hard copies of the guidance soon. We will be producing a range of training materials, available from our website shortly, and a DVD which will be distributed in July.

The forthcoming roadshows being held around the country in June will provide an opportunity for us to find out your early views on the new Code and emerging themes. If you have not already booked your place on these roadshows, I would encourage you to do so soon as places are being filled quickly. Please visit our website or email [roadshow2007@standardsboard.gov.uk](mailto:roadshow2007@standardsboard.gov.uk) for further details.

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

 the  
**Standards Board**  
for England

Confidence in local democracy

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## The new Code of Conduct

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The revised Model Code of Conduct came into force on 3 May 2007. Authorities have until 1 October 2007 to adopt the Code formally. If an authority fails to adopt the Code before that date, the mandatory provisions of the Code will apply until the authority adopts its own Code.

There are a number of major changes to the Code and these are summarised below:

- The definition of a **personal interest** has been relaxed. Interests that are shared with most people in the ward or electoral division affected by the decision will not have to be declared. However, the definition will not change for many parishes or other authorities that do not have wards or electoral divisions.
  - **Dual-hatted members** and those members appointed or nominated by the authority to outside bodies will also benefit from changes to the rules regarding declaration of interests. Where a matter that affects the other body is being discussed at a meeting of the authority, these members will not be required to declare that they have a personal interest in the matter before they vote, unless they wish to speak on the matter or where the personal interest is also a prejudicial interest.
  - **Prejudicial interests** now only arise if a matter affects a member, their family, or their close associates in the following ways:
    - it relates to their finances or well-being
    - it concerns regulatory functions such as licensing or planning which affect them
    - and a reasonable member of the public with knowledge of the facts
- would believe their ability to judge the public interest would be impaired.
- Even where members have a prejudicial interest, the Code supports their role as a community advocate and enables them, in certain circumstances, to represent the community and to speak on issues important to it and to the member. Paragraph 12(2) of the Code gives members with a prejudicial interest in a matter the same rights as members of the public to speak to a meeting on the matter. However, once they have done so, the member must immediately leave the meeting room, as currently required, and cannot remain in the public gallery to observe the vote on the matter.
- **Gifts or hospitality** over the value of £25 must now be included in the member's register of interests. This means that a personal interest must be declared at any meeting where a matter relating to that interest is discussed.
  - The **unlawful discrimination provision** has been replaced by a duty not to do anything that may cause the authority to breach its statutory duties under equality laws (including anti-discrimination laws). As a result, discriminatory behaviour can now be dealt with through the Code.
  - A new provision makes it clear that **bullying** is prohibited by the Code.
  - Another new provision states that members must not **intimidate or attempt to intimidate** anyone involved in an investigation, such as a complainant, a witness or an officer involved in the conduct of an investigation.
  - The Code does not incorporate the **Ten General Principles of Public Life** but

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members are required to read the Code together with these general principles. Although members are not legally obliged to observe the principles, a failure to follow them may indicate behaviour that could potentially breach the Code.

- Subject to the enactment of the Local Government and Public Involvement in Health Bill, the Code will apply where **criminal activity** has been committed in a private capacity, but not in relation to other conduct which solely concerns a member's private life.
- The ban on **disclosing confidential information** has been relaxed to allow disclosure of confidential information where:
  - the disclosure is made to a third party for the purpose of obtaining professional advice (provided that person agrees not to disclose it)
  - the disclosure is reasonable and in the public interest, made in good faith, and does not breach the reasonable requirements of the authority

The Standards Board's comprehensive guidance on the new Code of Conduct is available on our website at [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk)

We will be sending printed copies of the guidance to all monitoring officers and parish clerks soon.

#### **Adopting and amending the new Code of Conduct**

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The new Code of Conduct applies to the same range of authorities covered by the existing Code. However, only one composite Code has been made for different types of authorities. As a result, some paragraphs are

not mandatory for your authority, and particular wording within mandatory paragraphs may not be relevant to your authority. For example, some paragraphs refer specifically to executive arrangements and overview and scrutiny which parishes do not have, while other paragraphs expressly apply only to the Greater London Authority or Metropolitan Police Authority.

Councils may adopt a version of the Model Code that excludes non-mandatory provisions or wording that is not relevant to the particular authority, so long as it is consistent with the application of the mandatory provisions to that relevant authority. To avoid confusion and ensure consistency, we recommend that any amendments do not affect the subsequent numbering of paragraphs. To assist parish and town councils, we have prepared a 'Model Code of Conduct for Parish and Town Councils' which is available from our website.

If your authority simply adopts the Model Code, this means that it does not adopt the non-mandatory paragraphs for that authority. For example, paragraph 12(2) is not mandatory for parish and town councils, English and Welsh police authorities, the Greater London Authority, national park authorities, and fire and rescue authorities. Therefore, if these types of authorities wish to adopt paragraph 12(2), they will need to do so expressly. See also the article on page 4 *Special advice for parish and town councils adopting the new Code of Conduct*.

#### **Advertising the new Model Code**

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As soon as your authority has adopted a revised Code of Conduct, it must send notification to the Standards Board and make copies available for inspection by the public. It must also publish a notice in a local newspaper, stating that the council has adopted a revised Code. The authority can also publish the notice in its own newspaper, if it has one, but this cannot be the only notice that is published.

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This duty to publish a notice will again be relevant when the Model Code comes into effect. 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 monitoring officer to coordinate a combined notice, parish clerks will need to ensure their councils adopt the revised Code quickly and confirm to the monitoring officer where copies of the Code can be inspected within the parish. This information can then be fed into the notice published in the newspaper.

If you are a local authority, the easiest way to notify the Standards Board of your adoption of the Code is to send an email to Kimberley Connell in our Policy and Guidance team at [enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk).

#### **Special advice for parish and town councils adopting the new Code of Conduct**

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Parish and town councils can maximise their ability to exercise democratic rights under the new Code of Conduct by taking certain actions.

A new paragraph 12(2) gives elected members with a prejudicial interest the same rights as members of the public to speak to a meeting on the issue, but then leave before the main discussion and vote. This part of the revised Code does not automatically apply to parish and town councils.

It is not enough, therefore, for parishes to simply adopt the Model Code “as applicable to parish councils” – paragraph 12(2) is not mandatory for parishes. In order to take advantage of the amendment, parish councils will need to pass a resolution adopting the Model Code of Conduct including paragraph 12(2).

Each parish and town council wanting to take advantage of this provision should notify the Standards Board of the resolution passed and the date on which it was passed. This information can be sent electronically to Kimberley Connell in our Policy and Guidance team at [enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk).

We recommend: “to adopt the Model Code of Conduct for Members including paragraph 12(2), effective [insert ‘immediately’ or ‘specific date’]”.

The Standards Board also recommends that parishes should consider having standing orders in place to allow members of the public to attend meetings of the authority for the purpose of making representations, giving evidence or answering questions.

The revised Code gives councillors the same rights to speak as members of the public, but if an authority’s standing orders or procedural rules do not provide members of the public with these rights, or if an authority has no standing orders in place at all, paragraph 12(2) will have no effect.

This means that councillors with a prejudicial interest would have to leave a meeting after declaring the nature and extent of their interest, just as they have had to under the old Code of Conduct. They will not be able to take advantage of the freedom offered by the new Code to allow members with a prejudicial interest to speak in certain circumstances.

The Standards Board has prepared a ‘Model Code for Parish and Town Councils’ which is available from our website. It has been created to assist parish and town councils in adopting the relevant mandatory paragraphs and the ‘voluntary’ paragraph 12(2), while excluding paragraphs that are not relevant to parishes.

We urge monitoring officers to bring the above information to the attention of parish clerks.

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## Local investigations – update

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There has been positive feedback to a number of changes to our criteria for referring investigations back to monitoring officers for local investigation:

- We now retain complaints for investigations where the allegation, if proven, would undoubtedly warrant the Adjudication Panel for England's penalties.
- We assess allegations against executive members on a case-by-case basis to decide if they should be investigated locally, and do not automatically retain such cases.
- We do not normally retain cases where a monitoring officer has a conflict of interest. We assume that an investigation can be delegated, outsourced or undertaken by a monitoring officer from another authority, but ethical standards officers exercise their discretion, especially in relation to monitoring officers from smaller authorities.

The Standards Board now has a local investigations co-ordinator who liaises with monitoring officers and other parties about the allocation and monitoring of local investigations. They can be contacted at [local.investigationenquiries@standardsboard.gov.uk](mailto:local.investigationenquiries@standardsboard.gov.uk) or on 0161 817 5372

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## Research findings

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Thank you to those who returned questionnaires on the research undertaken by BMG Research entitled 'Study into the operation and role of standards committees within local authorities'. This research has now been completed and the full report can be found on our website at:

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

The research is a survey of monitoring

officers and standards committees and has increased our understanding of your activities, the resources available to you, the challenges you face and the support you may need in the future.

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## Delegates quick to sign up to roadshows

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Bookings for the summer roadshow events have been flooding in over the past month, with several venues nearly fully booked. The London event on 28 June has proved so popular that a second roadshow will be run in the morning at 10.00am, in addition to the one taking place in the afternoon.

There are still some places available for the roadshows, which are taking place at 11 venues across the country and are aimed at monitoring officers and standards committee members. For further details on when and where visit:

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

To book a place on the earlier London roadshow or any of the other events please contact our event managers, Benedict Business Resources, on 01483 205 432 or email [roadshow2007@standardsboard.gov.uk](mailto:roadshow2007@standardsboard.gov.uk)

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## Annual Assembly – Down to detail: Making local regulation work

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We have already received a significant number of bookings for the Sixth Annual Assembly of Standards Committees in October, with over 400 delegates signed up to attend.

Phil Woolas MP, Minister for Local Government and Community Cohesion, will open the conference by outlining how to meet the challenges of the local filter system and the revised Code of Conduct. He will also set out the government's focus for the future.

There will be over 25 sessions covering issues such as the process and practice of managing the local filter, and a focus on

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helping delegates to develop the skills and knowledge they need to deliver high standards of effective local governance.

Several sessions will address vital issues linked to managing the wider impact of the local filter and the revised Code. These will include training and hands-on workshops to help delegates focus on raising their authorities' standards to an even higher level. There will also be sessions on how to improve communication with stakeholders and confidently deliver effective local regulation.

An advanced copy of the conference programme is available at [www.annualassembly.co.uk/Programme/](http://www.annualassembly.co.uk/Programme/)

To book a place at the conference please contact our event managers, Benedict Business Resources, on 01483 205 432 or email [annualassembly2007@standardsboard.gov.uk](mailto:annualassembly2007@standardsboard.gov.uk)

#### **Relocation and new contact details**

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The Standards Board has completed the key stage of our relocation from our offices in London to our new premises in Manchester. Our new details can be found below:

Fourth Floor  
Griffin House  
40 Lever Street  
Manchester M1 1BB

Telephone: 0161 817 5300 (main switchboard)  
Facsimile: 0161 817 5499

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

#### **New director of casework and head of legal services**

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We are pleased to announce that two new heads of department have been appointed to oversee our Investigations and Legal Services teams.

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**Hazel Salisbury** was appointed as the new director of casework in February.

Hazel brings with her a wealth of professional experience and a strong background in local government. She was admitted as a solicitor in 1987, and was later head of legal services and monitoring officer for Nottinghamshire County Council. Hazel also spent two years on secondment as monitoring officer at Lincolnshire County Council

Most recently, Hazel worked as a consultant in a private practice, providing member and monitoring officer training for local authorities.

**Sara Goodwin** took up the position of head of legal services earlier this month.

Sara was a lecturer in law at Leeds Metropolitan University for two years. She spent 12 years in the local government sector and is a former head of legal services and monitoring officer.

Most recently Sara worked as a consultant for SOLACE (the Society of Local Authority Chief Executives) providing support and monitoring officer training for local authorities.

Sir Anthony Holland, chair of the Standards Board said:

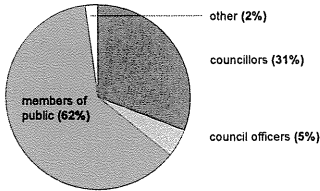
"We welcome both Hazel and Sara to the organisation. The Standards Board will benefit from the experience and knowledge that they have both gathered over the many years they have spent working closely with local government. They will have an important role to play in establishing the new teams in Manchester and meeting the challenges ahead."

## Referral and investigation statistics

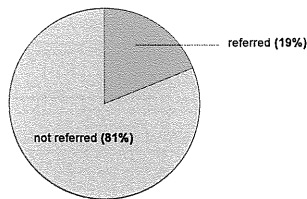
The Standards Board for England received 3549 allegations between 1 April and 31 March 2007, compared to 3836 during the same period in 2005/2006.

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

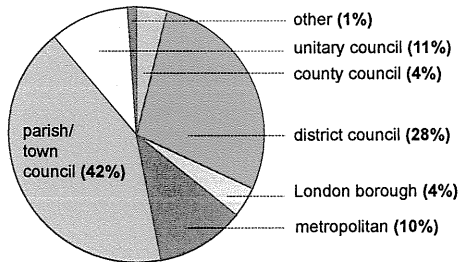
Source of allegations received



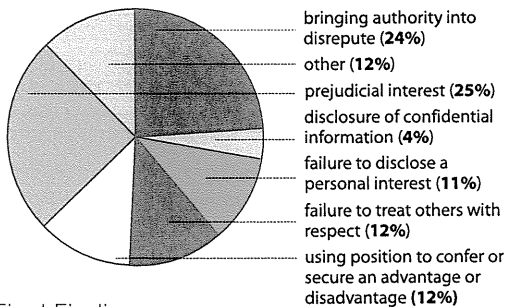
Allegations referred for investigation



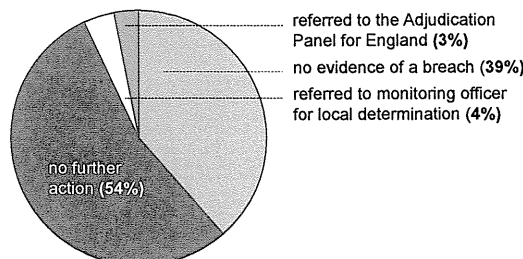
Authority of subject member in allegations referred for investigation



Nature of allegations referred for investigation



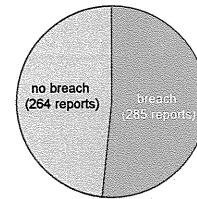
Final Findings



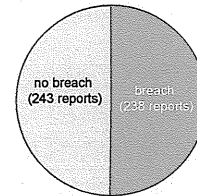
## Local investigation statistics

Of all cases referred since April 2006 for local investigation we have received a total of 46 reports — please see below for a statistical breakdown of these cases. (NB: for the period 1 April- 31 March 2007, ethical standards officers referred 347 cases for local investigation — equivalent to 55% of all cases referred for investigation. Since 1 April 2006 there have been 18 appeals to the Adjudication Panel for England following standards committee hearings.)

Monitoring officers' recommendations following local investigations



Standards Committee hearings



Standards committee determinations

