

A meeting of the **STANDARDS COMMITTEE** will be held in the **CABINET ROOM. PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **THURSDAY, 9 MARCH 2006** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

## FOR INFORMATION ONLY

### APOLOGIES

Contact  
(Tel No. 01480)

1. **MINUTES** (Pages 1 - 2)

C Deller  
388007

To approve as a correct record the Minutes of the meeting held on 8th December 2005.

2. **MEMBERS' INTERESTS**

To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda item. Please see Notes 1 and 2 below.

3. **STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT: THE FUTURE - DISCUSSION PAPER** (Pages 3 - 10)

C Deller  
388007

To consider a report by the Director of Central Services and Monitoring Officer in response to the contents of the discussion paper entitled "Standards of Conduct in English Local Government: The Future" published by the Office of the Deputy Prime Minister.

4. **CODE OF CONDUCT - STANDARDS BOARD NOTIFICATION** (Pages 11 - 12)

C Deller  
388007

To consider a report by the Director of Central Services and Monitoring Officer regarding a notification received from the Standards Board for England on the decision made in respect of an allegation of misconduct by a parish councillor serving on Earith Parish Council.

5. **REVIEW OF CASE SUMMARIES** (Pages 13 - 16)

C Deller  
388007

Further to Minute No. 22 of the meeting held on 8th December 2005 to consider a report by the Director of Central Services and Monitoring Officer.

6. **APPLICATION(S) FOR DISPENSATION**

The Director of Central Services and Monitoring Officer to report.

7. **CURRENT ISSUES** (Pages 17 - 22)

C Deller  
388007

To note a report by the Director of Central Services and Monitoring Officer regarding issues of interest to the Committee.

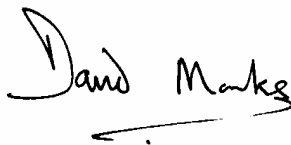
**8. NEXT MEETING**

To note that the next meeting of the Committee will be held on Thursday 6th July 2006 at 4pm.

**9. DVD**

To view a DVD prepared by the Standards Board for England on local investigations and the conduct of local hearings (approximate length 33 minutes).

Dated this 1st day of March 2006



Chief Executive

**Notes**

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
  - (a) *the well-being, financial position, employment or business of the Councillor, a partner, relatives or close friends;*
  - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
  - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or*
  - (d) *the Councillor's registerable financial and other interests.*
2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

**Please contact Ms C Deller, Democratic Services Manager, Tel No 01480 388007/e-mail: Christine.Deller@huntsdc.gov. if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee.**

**Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.**

**Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.**

Agenda and enclosures can be viewed on the District Council's website – [www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk) (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

***Emergency Procedure***

*In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit and to make their way to the base of the flagpole in the car park at the front of Pathfinder House.*

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## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in the Council Chamber, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Thursday, 8 December 2005.

PRESENT: Mr D H Bristow – Chairman.

Councillors P J Downes, Mrs K P Gregory, I R Muir and J Taylor.

Messrs D L Hall, D MacPherson and G Watkins.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors Mrs B E Boddington, J A P Eddy and T D Sanderson and Mr D Pattison.

### 19. MINUTES

The Minutes of the meeting held on 8th September 2005 were approved as a correct record and signed by the Chairman.

### 20. MEMBERS' INTERESTS

None were declared.

### 21. CODE OF CONDUCT - STANDARDS BOARD NOTIFICATIONS

By way of a report by the Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) the Committee noted details of allegations referred to the Standards Board for England and the conclusions of the Board in each case.

The Committee were informed that the Board had decided not to take any further action in relation to allegations made against a District and Huntingdon Town Councillor and Members of Great and Little Gidding Parish Council but having been reminded of a complaint made against a member of Earith Parish Council which had been reported to the last meeting, the Monitoring Officer advised that the Board had recently determined the case and that further details would be submitted to the Committee in March, 2006.

### 22. AN APPROACH TO TRAINING - DISCUSSION PAPER

Further to Minute No. 17 of the meeting held on 8th September 2005, the Committee considered a report by the Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) describing the training provided for Councillors on ethical standards and the codes of conduct.

Following the Chairman's attendance at the inaugural meeting of the Standards Committee Network for Cambridgeshire, the Committee welcomed the suggestion that they be given the opportunity to review

example cases following determination by the Standards Board, to assist their learning experience and to consider whether it would be appropriate to alert town and parish councils to any issues of interest.

The Committee reviewed a proposed framework for training and in response to their previous enquiry inspected a record of those Parish Councils/Councillors who had undergone code of conduct training.

Discussion ensued on the obligation placed on County and District Councillors by the Code of Conduct to advise the Standards Board for England if they reasonably believed that a breach of the Code had occurred at a meeting of a Parish Council at which they had been present. Given that this aspect of the Code currently was under review, the Committee were of the view that, in the first instance, Councillors should draw any concern they might have in that respect to the Chairman of the Council or Parish Clerk. The Monitoring Officer also undertook to consider whether it was necessary to issue specific advice to District Councillors on this question pending the outcome of the review of the Code of Conduct by the Standards Board.

Having been assured that the time and resources committed to training of town and parish councils compared favourably to that offered by other authorities, the Committee

RESOLVED

that the report and proposed framework for training be noted.

### **23. CURRENT ISSUES**

A report by the Director of Central Services and Monitoring Officer was submitted (a copy of which is appended in the Minute Book) which updated Members on recent referral statistics, reported on progress of the review of the Code of Conduct and the production of training aids to assist in the conduct of local investigations and announced the arrangements for the fifth Annual Assembly of Standards Committees.

Having been informed that a dvd on promoting best practice in local investigations and hearings was in the final stages of production, the Committee requested that it be made available for viewing at their next meeting.

### **24. NEXT MEETING**

It was noted that the next meeting of the Committee would be held on Thursday 9th March 2006.

Chairman

**STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT:  
THE FUTURE – DISCUSSION PAPER  
(Report by the Director of Central Services and Monitoring Officer)**

**1. INTRODUCTION**

- 1.1 The Committee will recall their involvement in the review of the Code of Conduct for Members undertaken by the Standards Board for England. The recommendations of the Board were presented to the Office of the Deputy Prime Minister (ODPM) last October.
- 1.2 Members also may recall that the Committee on Standards in Public Life (The Graham Committee) made recommendations on the local government conduct regime including the role of the Standards Board for England as did an ODPM select committee following its inquiry into the “role and effectiveness of the Standards Board for England”.
- 1.3 The ODPM has now published a discussion paper entitled “Standards of Conduct in English Local Government: The Future”. This draws together the Government’s view on the future of the conduct regime for local government and provides a co-ordinated response to the Graham and Select Committees and to the recommendations of the Standards Board.
- 1.4 The discussion paper also indicates the approach the Government is minded to follow on a Code of Conduct for employees which makes reference to the political restrictions placed on certain officer posts and the pay of political assistants. These issues fall within the terms of reference of the Employment Panel and so will not form part of this report.
- 1.5 Comments have been invited by the ODPM on the discussion paper although no closing date has been specified. A copy of the discussion paper can be viewed in full on the ODPMs website at [www.odpm.gov.uk/index.asp?id=1162582](http://www.odpm.gov.uk/index.asp?id=1162582). Paper copies are available on request from the Democratic Services Manager.

**2. PRINCIPLES FOR CHANGE**

- 2.1 The Government has applied the following principles in their review of the conduct regime and have acknowledged the need to establish a framework which would –
  - ◆ maintain high standards of conduct for local authority Members and employees;
  - ◆ define effectively what standards of conduct are expected of Members and Officers and for such rules to be fair and clear;
  - ◆ provide effective arrangements of taking action when breaches of the rules occur and for such arrangements to be fair, clear, proportionate, rigorous and thorough; and
  - ◆ ensure measures are in place to guarantee public confidence in the appropriateness of the ethical regime.

- 2.2 The overall objective of the Government is to integrate the elements of the conduct regime – including the Code, the Standards Board and local Standard Committees – to ensure they work effectively together.

### **3. THE GOVERNMENT’S RESPONSE: A SUMMARY**

#### **The Code of Conduct**

- 3.1 Following recommendations by the Standards Board for England and taking into account the lessons learnt during the first three years of operation, the Government has agreed that amendments to the Code of Conduct are required to –
- ◆ make the Code clearer and simpler, whilst maintaining a vigorous approach to the identification of serious misconduct;
  - ◆ amend the regime for declaring interests and speaking at Council meetings particularly for Members who also serve on other public bodies;
  - ◆ make changes to the arrangements for determining whether conduct in private life should fall within the ambit of the Code; and
  - ◆ amend the rules on the reporting of all allegations by Members to reduce the number of vexatious complaints.
- 3.2 More specifically, the Government has accepted that there would be benefit in incorporating the ten general principles of public life as a preamble or an annex to the Code of Conduct as the principles would provide extra context for understanding the code. In response to the recommendation of the Board, the Government has agreed to delete the provision requiring Members to report all allegations of breaches of the Code by other Members as they believe this should discourage some trivial complaints. In addition, the Board has indicated its intention to work with political parties further to reduce politically inspired “tit for tat” complaints which can damage the public perception of local government.
- 3.3 Also accepted by the Government and taking into account the Freedom of Information Act were the recommendations which sought to establish a clearer balance between the need for an authority to protect genuinely confidential information and Members’ rights to make information available in the public interest. It also has been agreed that a specific provision should be added to the Code to clarify that bullying behaviour constitutes a breach although no definition of “bullying” has yet been specified.
- 3.4 The Government has accepted the Standards Board recommendation that the “offence” of conduct likely to bring the office or authority into disrepute should continue to apply to conduct outside official duties, but only where the conduct would be regarded as unlawful.
- 3.5 The Government has also indicated its intentions to narrow the definition of personal interests which Members are required to declare and to make amendments to the Code which will require the Member to declare his or her interest only at the point where he or she speaks on a relevant issue. Additionally, it is the view of the Government that when the Member has a prejudicial interest in a matter, he or she



should be able to speak at the meeting but withdraw before the vote. In terms of interests arising from membership of another public body, a charity or local pressure group, the Government has endorsed the recommendation of the Board that such interests now should only be treated as prejudicial where the matter under consideration would have a direct impact on the body concerned (for example a grant of money). Where the member is involved in a regulatory decision, such as planning or licensing, the Member should still be allowed to speak to the matter and answer questions before withdrawing prior to the debate and any vote. This would also apply when interests arise from membership of a charity or lobby group in order to enable Members who have campaigned on a community issue, or participated in a local residents' association to continue to represent their constituents, although the rules on pre determination would prevent their participation in the actual debate or vote on the matter.

### **Local Standards Committees and the Standards Board for England**

- 3.6 Following careful consideration of the recommendations of both the Committee on Standards on Public life and the ODPM Select Committee, the Government has concluded that there will be considerable benefit in the introduction of more local decision making. This change will mean the evolution of the Standards Board into a strategic body dealing with only the most serious cases nationally and will require capacity to be increased at local level by way of additional support, advice, guidance and workload arising from the investigation and determination of complaints. Clearly, this is likely to be particularly significant in Districts which are parished extensively.
- 3.7 The effect of the changes will impact on the roles of the Standards Committees, local authority officers who support the Committees (particularly Monitoring Officers), and the Standards Board for England.
- 3.8 It contended by the Government that Standards Committees should be at the heart of decision making within the conduct regime and that they should take the lead in ensuring high standards of conduct from that premise it is considered a logical step for Standards Committees to take on the initial assessment of all allegations, suggested that Monitoring Officers undertake the investigation of most allegations and that Committees make determinations of most cases. Only the most serious cases will be referred to the Standards Board for investigation.
- 3.9 It is the Government's view that a more locally based regime would provide an appropriate way for local knowledge of the authority and its Members to be fed into the decision making process enabling the experience and skills of the Monitoring Officer to be used more effectively. Such a regime might also give an opportunity for Standards Committees to spot politically inspired or vexatious complaints, which could mean that unworthy cases could be rejected as soon as possible, but handled with an understanding of local pressures and sensitivities.

- 3.10 It has been recognised that support will need to be provided to Standards Committees to enable the introduction of the new regime and to assist authorities in taking on their new responsibilities. The Government indicated that it will work closely with the Standards Board to ensure that guidance is provided on the role and responsibilities of Monitoring Officers and Standards Committees to ensure both are ready to take on their new roles. In support of this new extended role, the Government has recognised that authorities would also need to do more than at present to ensure that Monitoring Officers and Standards Committees are:
- ◆ properly supported;
  - ◆ are of the appropriate quality; and
  - ◆ are able to promote high standards of conduct throughout the Authority so that concern for conduct issues is embedded in every aspect of the Council's work.
- 3.11 The Government promotes the view that while Standards Committees should be required to have an Independent chair, they should not be obliged to have a majority of Independent Members. It is also expected that parish interests should continue to be properly represented. The Government has acknowledged the value there could be in Committees sharing their experiences and expertise, possibly joining forces to recruit Independent members or engage Monitoring Officer services.
- 3.12 As is mentioned earlier, the shifting emphasis in the system from central to increased local decision making will have a consequential effect on the role of the Standards Board for England. The Government considers that the Board should continue to have a central role in the conduct regime for local government. It is considered that the Board is already a champion and promoter of a consistently high standard of conduct across local government. Therefore it is suggested that the Board should continue in this role but focus on the provision and maintenance of a national framework of support for authorities to ensure that high standards continue locally.
- 3.13 It is suggested that arrangements be put in place for Committees to report to the Board on how they have been undertaking their role, probably via the submission of annual reports in a common format. The Board will monitor performance and provide advice to perceived poor performers. Standards Committees would refer only the most serious cases for investigation by the Board. The Board will have powers to refuse to take on referred cases if it believes they would be better handled locally or in circumstances when the authority merely wishes to avoid dealing with the allegations.
- 3.14 In the case of unacceptable performance by Standards Committees and where it is thought that they are not operating in the public interest, it is suggested that the Board will be able to withdraw a Committee's powers to deal with cases and for those cases instead to be handled by the Board itself. There will need to be clear criteria withdrawing an authority's powers to deal with cases.

## Capacity Measures

- 3.15 In recognition of the consequences of a move towards a more locally based conduct regime, particularly in those District Councils with large numbers of parishes, the Board has proposed that Standards Committees should consider combining into countywide committees for the assessment of parish cases so as to share the burden among authorities. The Government has indicated its intention to work with the Board to agree the most effective way to promote such joint working and cooperation and to consider whether a statutory requirement should be imposed on Standards Committees to cooperate or to require them to work together jointly. Because of the increasingly demanding role of Independent Members, the Government has accepted that there may also be a valuable function for the Board in setting guidelines for the recruitment of Independent Members and in overseeing the effectiveness of the recruitment process.
- 3.16 In terms of the role of Monitoring Officers, the Board will be invited to provide guidance on the role and responsibilities of Monitoring Officers, setting out the requirements they will need to do their job. Training and support will need to be provided to equip Monitoring Officers for their new role which it is suggested should be driven by Standards Committees as part of their ownership and championing of standards issues locally. Again, it is envisaged that the Board should assist in ensuring high standards are being achieved.
- 3.17 In terms of the roles of political leaders and senior managers, the Board will be required to undertake work with other key stakeholders to support leaders and Chief Executives of authorities in ensuring that concern about standards is embedded within as an organisational issue, including the provision of better and earlier induction of new Members and staff into their roles.

## 4. WHAT NEXT?

- 4.1 In summary, the headline issues where changes are proposed and whether amendments will be brought into effect by primary or secondary legislation are reflected as follows -

Issues for Secondary Legislation	Issues for Primary Legislation
All Chairs of Committees to be Independent and Committees to include independent members who reflect a balance of experience.	Initial assessment of all allegations of misconduct to be undertaken by Standards Committees, rather than the Standards Board.
Monitoring/reporting requirements for Standards Committees, so the Standards Board can check on progress.	Local Monitoring Officers to investigate most cases, and Standards Committees to determine most cases.

	The Board only to investigate the most serious cases.
	The Boards role to be redefined as supporting, monitoring and overseeing authorities' performance in dealing with allegations.
	Intervention powers for the Board when they consider Committees are not operating effectively.
	New provisions providing powers for Standards Committees to impose higher penalties to address the more serious cases.

- 4.2 The Government has recognised that some of the provisions to be implemented will require primary legislation. Subject to any views and debate which the discussion paper might provoke, the Government has indicated its intention to seek primary legislation at the next convenient opportunity as parliamentary time allows. Some of the proposals can, however, be introduced through secondary legislation which should allow their implementation potentially within a shorter time scale. There would be benefits in providing for a phased introduction of the new regime since there is a need for capacity building measures to be put in place so as to prepare Monitoring Officers and Standards Committees for their new roles and to allow time for the changes to evolve.

## 5. CONCLUSION

- 5.1 The Government believes that the approach promulgated by the discussion paper will deliver a clearer and more proportionate conduct regime for local government Members and employees and ensure that the public can continue to have confidence in those who serve them. The Government intend to work with the Standards Board and other stakeholders to carry forward the changes identified in the paper having regard to any comments and debate the paper itself generates.
- 5.2 Since the publication of the discussion paper, the Standards Board for England has written to Monitoring Officers to indicate its support for the more strategic role envisaged for the Board and for the more local approach to case handling and filtering of complaints. The Board anticipates that new legislation for this purpose should be in place by 2008. The Board has also indicated that the suggested changes to the Code might be implemented from May 2006. In the meantime the Committee may wish to note the Board's intention to continue the trend of referring an increasing number of cases for local investigation and determination wherever appropriate.
- 5.3 The views of the Committee are invited on the proposals in the discussion paper.

## **BACKGROUND PAPERS**

Standards of Conduct in English Local Government: The Future – Discussion Paper published by the Office of the Deputy Prime Minister December 2005

**Contact Officer:** Christine Deller, Democratic Services Manager  
01480 388007

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**CODE OF CONDUCT: STANDARDS BOARD NOTIFICATION  
(Report by the Director of Central Services and Monitoring Officer)**

**1. INTRODUCTION**

- 1.1 In accordance with the procedure adopted by the Standards Board for England for the investigation of allegations, the Monitoring Officer has been notified of the Board's decision in respect of an allegation made against a Councillor serving on Earith Parish Council.

**2. DETAILS**

- 2.1 It had been alleged that the Parish Councillor had brought his office or authority into disrepute and had improperly sought to secure an advantage or disadvantage by asking for money in return for a favourable vote on a planning application. The complainant had a tape recording of the alleged conversation.

- 2.2 The Ethical Standards Officer (ESO) was unable to conclude on the basis of the evidence available that the Parish Councillor had asked for money in return for voting favourably on the complainants' planning application. The tape recording of the alleged conversation was inaudible and the ESO could not hear or identify any request made by the Councillor for payment. On this basis it was concluded that the Councillor's conduct did not bring his office or authority into disrepute and that there was no evidence that the Councillor had used his position as a Member improperly to secure an advantage for himself or an advantage or disadvantage for anyone else.

- 2.3 Given these circumstances, the ESO found that no further action needed to be taken.

**3. CONCLUSION**

- 3.1 The Committee is invited to note that the Standards Board for England has agreed not to take any further action in relation to the allegation.

**BACKGROUND PAPERS**

Letter received from Standards Board for England dated 20th December 2005.

**Contact Officer:** Christine Deller, Democratic Services Manager  
☎ (01480) 388007

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**REVIEW OF CASE SUMMARIES**  
**(Report by the Director of Central Services and Monitoring Officer)**

**1. INTRODUCTION**

1.1 As part of their review of the training provided to District and Parish Councillors on ethical standards and the Code of Conduct, the Committee considered that it would be useful to review two example cases per meeting after their determination by the Standards Board for England or local Standards Committee and if appropriate to forward any matters of interest or learning points arising from the cases to town and parish councils.

1.2 The two cases selected for this meeting take account of the Committee's previous deliberations on the question of whether to report a breach of the Code of Conduct, appointment of Parish Councillors to trusts and the intention to increase the work of Standards Committees at local level.

**2. CASE 1 – PARISH COUNCILLOR X**

**2.1 Allegation**

It had been alleged that Councillor X had failed to treat others with respect, failed to report a suspected breach of the Code of Conduct and failed to withdraw from a meeting when a matter in which he had a prejudicial interest was discussed.

**2.2 Details**

The complainant had alleged that Councillor X had failed to withdraw from a meeting when the Council had considered a planning application to refurbish the village hall. The complainant claimed that Councillor X was the Project Manager for the development and so had a prejudicial interest in the application. Councillor X said that he relied on advice that he was allowed to take part in the discussion of the application. The Ethical Standards Officer (ESO) considered that Councillor X had an interest in the application that was prejudicial in nature but had a dispensation to take part in the discussion and so did not breach the Code of Conduct. The complainant also alleged that Councillor X brought his office and the Council into disrepute by needlessly questioning the minutes of meetings, interrupting the Clerk taking the minutes and holding up Council business. The ESO noted that the Clerk had not received any complaints about Councillor X and had no concerns about Councillor X's behaviour at Council meetings. The complainant made a further allegation that Councillor X was disrespectful to another member of the Council by threatening to report the Member to the Standards Board for England for being biased in relation to affordable housing projects. Councillor X said he believed that the Councillor had a prejudicial interest and was drawing his attention to possible breaches of the Code of Conduct. The ESO considered that Councillor X tried to draw the Member's

attention to possible misconduct but did not report this possible misconduct to the Standards Board.

The ESO concluded that Councillor X breached the Code of Conduct by failing to report the conduct when he reasonably believed that there had been a breach of the Code of Conduct. The ESO noted that Councillor X genuinely believed that he was acting appropriately by first drawing the matter to the attention of the Member.

### **2.3 Outcome**

The ESO found that no action needed to be taken.

### **2.4 Relevant paragraphs of the Code of Conduct**

The allegation in this case relates to paragraphs 2(b), 6 and 10 of the Code of Conduct. Paragraph 2(b) states that a member must “treat others with respect”. Paragraph 6 states that “a member must, if he becomes aware of any conduct by another member which he reasonably believes involves the failure to comply with the authority’s Code of Conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him to do so”. Paragraph 10 states that a member with a prejudicial interest in any matter must “withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he has obtained a dispensation from the Standards Committee of the responsible authority”.

## **3. CASE 2 – COUNCILLOR Y**

### **3.1 Allegation**

It had been alleged that Councillor Y had failed to disclose a personal interest, failed to withdraw from a meeting in which he had a prejudicial interest, improperly secured an advantage, failed to complete his register of interests and brought his office and authority into disrepute.

### **3.2 Details**

It was alleged that Councillor Y had failed to declare a personal interest and failed to withdraw from a meeting in which he had a prejudicial interest. The Council had discussed a planning application to erect a mobile telephone antennae on a property owned by Councillor Y. It was alleged that Councillor Y brought his office and authority into disrepute by attending the meeting. It was also alleged that Councillor Y failed to declare an interest and withdraw from the room when the minutes of the previous meeting were discussed and that he improperly attempted to have the minutes amended and therefore secure an advantage. In addition, Councillor Y failed to register his membership of a local charity trust on his register of interests. The Ethical Standards Officer (ESO) referred the matter to the Monitoring Officer of the London Borough concerned for determination by that authority’s Standards Committee.

3.3 The Standards Committee decided that Councillor Y failed to comply with the Code of Conduct when he used his position as a member to secure an advantage for himself regarding the minutes of the previous meeting. The Standards Committee also decided that Councillor Y had failed to comply with the Code of Conduct by not declaring a personal and prejudicial interest and also by not withdrawing from the meeting. The Standards Committee found that Councillor Y had breached the Code of Conduct by failing to fully complete his register of interests but had not brought his office or authority into disrepute.

#### 3.4 **Outcome**

The Standards Committee decided that Councillor Y must undertake training in the Code of Conduct as specified by the Committee in consultation with the Monitoring Officer within a prescribed timescale.

#### 3.5 **Relevant paragraphs of the Code of Conduct**

The allegation on this case relates to paragraphs 4, 5(a), 9, 12 and 15 of the Code of Conduct. Paragraph 4 states that “a member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute”. Paragraph 5(a) states that “a member must not in his official capacity, or in any circumstance, use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage”. Paragraph 9 states that “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”. Paragraph 12 states that a member with a prejudicial interest in any matter must “withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting” and that he must “not seek improperly to influence the decision about that matter”. Paragraph 15 states that “within 28 days of the provisions of the authority’s Code of Conduct being adopted or applied to that authority or within 28 days of his election or appointment to office (if that is later), a member must register his other interests in the authority’s register maintained under Section 81(1) of the Local Government Act 2000 by providing written notification to the authority’s Monitoring Officer of his membership or position of general control or management in a number of listed organisations, including charitable bodies and trade unions.


## 4. **CONCLUSION**

The Committee are requested to

- (a) note the details of the cases presented; and
- (b) comment on whether the presentation of the cases had been of benefit or otherwise to the Committee.

## **BACKGROUND PAPERS**

Case summaries presented by the Standards Board for England

**Contact Officer:** Christine Deller, Democratic Services Manager  
 01480 388007

## CURRENT ISSUES

(Report by the Director of Central Services and Monitoring Officer)

### 1. INTRODUCTION

1.1 This report will advise Members -

- ◆ whether Independent Members and parish council representatives would be indemnified against any potential risks arising from their involvement in Standards Committee hearings;
- ◆ on the availability of future guidance following the acceptance by the government of proposals to vary the Code of Conduct;
- ◆ of recent referral statistics - including those involving local investigations;
- ◆ on the introduction of revised referral criteria for local investigations; and
- ◆ of further details of the 2006 Annual Assembly of Standards Committees.

### 2. LOCAL INVESTIGATIONS – POTENTIAL RISKS

2.1 At its last meeting, the Committee requested the Director of Central Services and Monitoring Officer to ask the Council's insurers to consider whether Independent Members and Parish Council representatives would be indemnified under the District Council's policy should there be any consequences arising from decisions they might be involved in as part of a Standards Committee hearing. The question is particularly pertinent given the intention of the Standards Board increasingly to refer complaints made against Councillors to local level to investigate.

2.2 Advice received from the Insurance/Risk Management Officer has indicated that Independent Members and Parish Council representatives would be treated in the same way as District Councillors for the purpose of insurance indemnities.

### 3. FUTURE GUIDANCE

3.1 With the introduction of a revised Code of Conduct, the Standards Board will be producing fresh guidance to help Members and others understand their responsibilities. A general leaflet to explain what has changed and a mini guide on the main provisions of the Code will be issued. Some proposals may require more in depth guidance depending on the final wording of the Code. It is anticipated that there will be significant changes in the area of personal and prejudicial interests, for example, such as allowing Members with prejudicial interests which arise through membership of other public bodies to speak in certain circumstances (but not vote). Other areas requiring more detailed guidance are confidentiality and public interest and bullying and how to report it. A general leaflet will be in place for when the revised Code is introduced.

#### **4. REFERRAL AND LOCAL INVESTIGATION STATISTICS**

4.1 The Standards Board for England received 496 allegations in October, 284 in November and 238 in December giving a running total of 2,949 for the current financial year. The referral statistics for that period are reflected pictorially in the Appendix.

4.2 Ethical Standards Officers referred 291 cases to Monitoring Officers for local investigation between 1st April and 31st December 2005 – equivalent to 44% of all allegations referred for investigation during that time. Of those 291 cases 68 reports were received by the Standards Board and of that number a breach was found in 39 cases. In those cases -

- ◆ 14 Members had no sanction imposed;
- ◆ 1 was required to make an apology;
- ◆ 1 was required to undergo training;
- ◆ 7 were censured and required to undergo training;
- ◆ 1 was required to apologise and undergo training and mediation;
- ◆ 4 were suspended for 2 weeks and required to apologise;
- ◆ 1 was suspended for 6 weeks and required to undergo training;
- ◆ 1 was suspended for 1 month; and
- ◆ 2 were suspended for 3 months.

#### **5. REVISED REFERRAL CRITERIA FOR LOCAL INVESTIGATIONS**

5.1 The criteria used by Ethical Standards Officers to assess whether a case is suitable for local investigation has been reviewed and updated. The new criteria should see more cases being passed to Monitoring Officers for local investigation, now that the regulations have been in place for over a year. This policy of increasing the number of cases suitable for local investigation also ties in with the government's plans for increased localism in decision making in local government.

5.2 The revised criteria are as follows -

- ◆ the Standards Board will retain only those cases where the allegation, if proven, will undoubtedly warrant sanctions by the Adjudication Panel for England. Previously all cases which might have warranted a sanction were retained. Monitoring Officers may ask the Ethical Standards Officer to take a case back at any time during the new investigation if they believe the case may warrant such a sanction. All requests will be assessed on a case by case basis;
- ◆ the Standards Board will now assess allegations made against members of the Executive (or Cabinet) on a case by case basis, instead of automatically retaining those cases. The determining factor will be whether the local investigation process can, and will, be seen to unfold fairly, regardless of the subject members or complainants status;
- ◆ from now on, the Standards Board will be less willing to retain cases in which the Monitoring Officer expresses a conflict of interest. Up until now, the Standards Board has accepted that

conflicts of interests could make it difficult to refer cases locally. However, now that the system has had time to evolve, it is suggested that Monitoring Officers who find that they have a conflict of interest in a case should be able to delegate the investigation, outsource, or call upon reciprocal arrangements with other local authorities; and

- ◆ the Standards Board will continue to give some latitude to Monitoring Officers of smaller authorities which do not have the resources to carry out several investigations at one time.

## **6. “A CONFERENCE TAILOR MADE”**

6.1 The Committee is reminded that the Fifth Annual Assembly of Standards Committees will be held on 16th and 17th October 2006 at the International Conference Centre, Birmingham.

6.2 This years conference, “Bridging the Gap: towards effective local regulation”, will build on the foundations laid in 2005 and encourage local authorities to assess their current performance i.e where is the authority in terms of delivering on the criteria that the ethical framework, the community and others within the local government family expect and how is the authority rising to the challenges faced? Delegates will be encouraged to identify and consider the strengths and weaknesses of the authority they represent in a range of areas relating to the code and the ethical framework. While taking the opportunity to share strengths and experience with others at the conference, the main focus will be on addressing individual authorities' unique needs and establishing some key milestones for implementing changes and future improvements.

## **7. CONCLUSION**

7.1 The Committee is invited to note the information noted in this report.

## **BACKGROUND PAPERS**

Bulletin No. 27 – Standards Board for England

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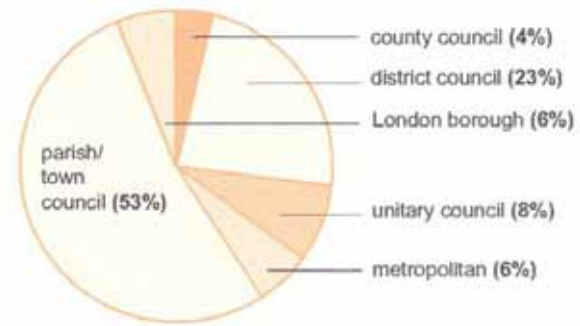
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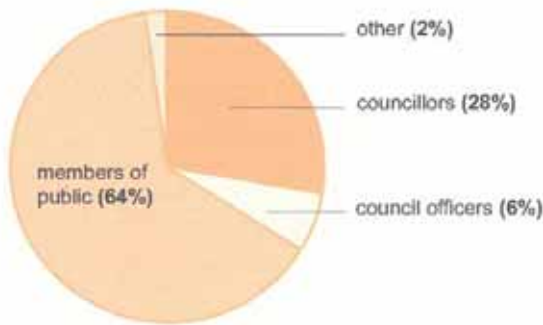
The Standards Board for England received 496 allegations in October, 284 in November, and 238 in December, giving a running total of 2949 for the current financial year.

The following charts show referral and investigation statistics for that period.

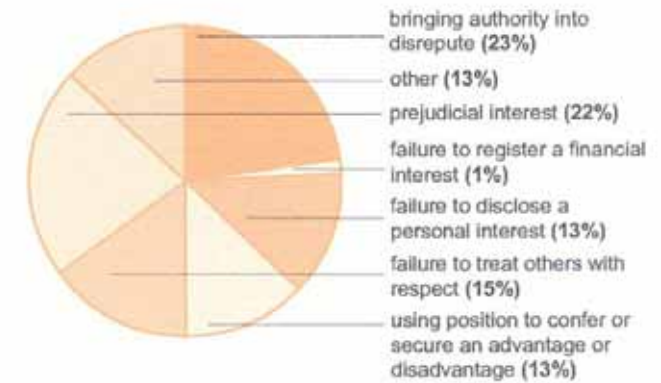
Authority of subject member in allegations referred for investigation



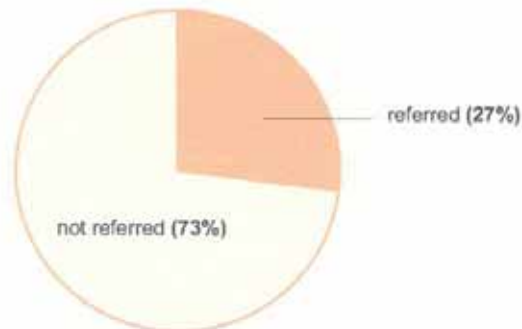
Source of allegations received



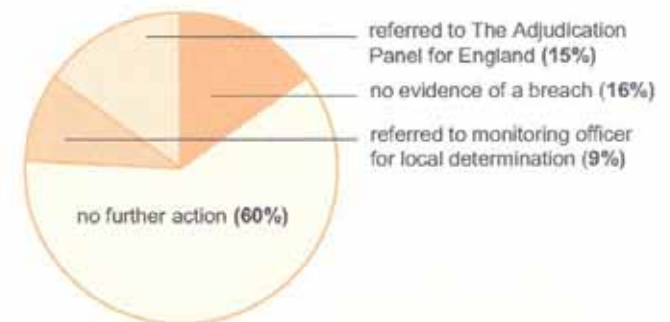
Nature of allegations referred for investigation



Allegations referred for investigation



Final findings



Local investigation statistics

Ethical standards officers referred 291 cases for local investigation between 1 April and 31 December 2005 — equivalent to 44% of all allegations referred for investigation during that time.

Of those 291 cases, we have received 68 reports. The following charts illustrate the outcomes of those cases.

Final findings in local investigations



Standards committee determinations



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