

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

Contact Officer: Christine Deller – Democratic Services Manager
☎ 01480 388007