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Over the last few weeks, I have had the opportunity to meet with standards committee members and monitoring officers at the first of our 2005 roadshows. We are only a small way through the programme of events, but it has already produced a lot of interesting feedback on both the review of the Code of Conduct and the wider ethical agenda.

It is already clear that the issues we have highlighted in the review of the Code are the ones that are of most concern to colleagues at a local level — hardly surprising, as we based them on your feedback. The possibilities of an explicit public interest defence, clarifying the need to declare interests, and the duty to report breaches of the Code of Conduct by fellow members have all been discussed.

Other issues raised include the debate around the workability and potential effect of a local filter proposed recently by the Committee on Standards in Public Life, resources available to monitoring officers and standards committees, the composition of standards committees, and the role of standards committees when they are not involved in individual cases.

This last topic, I believe, is very important. Standards committees have a critical role in promoting an ethical environment, being proactive in their authorities and reaching out to local communities. Some are already doing this, others are still finding their feet. It is our job to identify and share good practices and demonstrate to everyone what can be achieved. We will be exploring the possibilities at the Fourth Annual Assembly of Standards Committees in September. I hope you can join us for the debate.

David Prince, chief executive

Code review consultation begins

Consultation on the review of the Code of Conduct officially started on 18 February, launching a four-month period in which councillors, officers and others can have their say on how they think the Code should be developed for the future.

Monitoring officers, council leaders, chief executives and parish clerks should by now have received copies of a leaflet introducing the consultation. The leaflet includes a number of questions which we expand on in a full consultation paper, available from our website. You can also request printed copies of both documents by calling 020 7378 5110 or writing to publications@standardsboard.co.uk. Requests for the consultation paper should be limited to a maximum of five copies.

This is an excellent opportunity for everyone who works with or is affected by the Code of Conduct to assess its current effectiveness and propose amendments that will help clarify its operation in certain areas. We are carrying out a fundamental review and believe it is important that the issues are considered by the whole council and its leadership. As well as looking at specific areas of the Code of Conduct, we want to ensure it is a living document which meets the way a modern authority does business. It is therefore important to us that responses reflect the views of all within the authority.

Respondents have until 17 June 2005 to submit their opinions and ideas, either by post, e-mail or online. For more information, go to:

www.standardsboard.co.uk/codereview/

Conducting local investigations

Ethical standards officers have developed criteria for assessing whether an allegation referred to them for investigation is suitable for referral to a monitoring officer for local investigation. An allegation will be referred back for local investigation unless:

- the allegation, if proven, would require the sanctions of The Adjudication Panel for England;
- the allegation raises issues of principle where guidance at a national level is required;
- the allegation raises issues that may require the ethical standards officer to use their powers under section 62 of the *Local Government Act 2000*.

In addition, ethical standards officers will look at any local factors that might prejudice the fairness or perceived fairness of the investigation. These factors could include:

- the status of the subject member and complainant — for example, are they a group leader or cabinet member?
- a potential conflict of interest for the monitoring officer — the ethical standards officer would consider whether there were any arrangements in place to address such a conflict;
- any exceptional local resource implications.

Each ethical standards officer has nominated one of their investigators to act as a liaison with authorities. In all cases, these investigators will contact the monitoring officer to seek their views on cases earmarked for local investigation before they are referred. This should help ethical standards officers come to a decision on the suitability of a case for local investigation. Information may come to light which was not included in the allegation that may influence an ethical standards officer's decision on a case.

These investigators will also act as single point of contact for monitoring officers on cases that are referred, providing advice and guidance and answering questions where requested.

Whilst we will consider exceptional local resource implications, we will not consider simple statements about being too busy or not having an established mechanism for dealing with the allegation as acceptable reasons for not referring a matter back. The ACSes supports our position on this.

A total of 74 cases had been referred for local investigation by 1 February 2005, representing approximately 35% of all cases considered. Of these, a significant majority involved allegations of failures to declare personal and prejudicial interests. In addition, there have been allegations of disrespectful and rude behaviour and minor bullying.

Delegates quick to sign up for Annual Assembly

The Standards Board for England has received an overwhelming response from delegates keen to book places on this year's Annual Assembly of Standards Committees, *Ethical standards — in your hands*. Over 100 places were snapped up within days of booking opening in January, and places have continued to fill up at a consistently high rate ever since.

The conference will take place on 5 and 6 September at the International Convention Centre, Birmingham. This year, we are turning the spotlight on the work of standards committees, and others within local government who play a significant role alongside them, enabling them to take ownership of the ethical agenda.

The Rt Hon Nick Raynsford MP, Minister for Local and Regional Government, is to open the conference by setting out his vision for local government. Sir Alistair Graham, Chair of the Committee on Standards in Public Life, will follow with a report on the Committee's Tenth Inquiry and subsequent developments.

Speaking about the conference, Sir Alistair said:

"I am delighted to be invited back to speak at this important annual event for all those concerned with ethical standards in local government. Following on from last year's conference, I am looking forward to returning to discuss and debate the issues raised in my Committee's Tenth Report concerning the operation of the local government ethical standards framework."

Other speakers confirmed to attend include Jacquie Dean, chief executive of the London Borough of Waltham Forest, Tim Minogue, editor of *Private Eye's* Rotten Boroughs column, and Professor Gerry Stoker from the Institute for Political and Economic Governance, University of Manchester. All will be taking part in the big debate, asking 'Will the public ever trust local government?'

More information on the conference, including an advance programme and booking instructions, are available from:

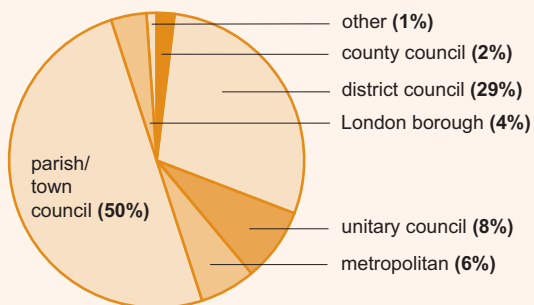
www.standardsboard.co.uk/annualassembly/

Referral statistics

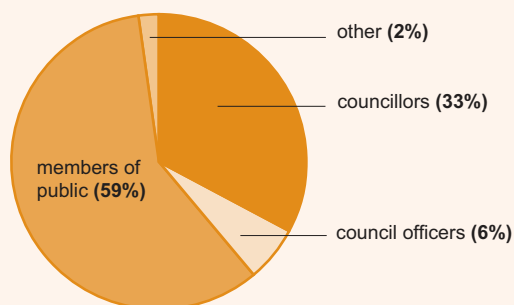
The Standards Board for England received 579 allegations in December 2004 and January 2005, bringing the total number of allegations between 1 April and 31 January 2005 to 3026.

The following charts show The Standards Board for England's referral statistics for that period.

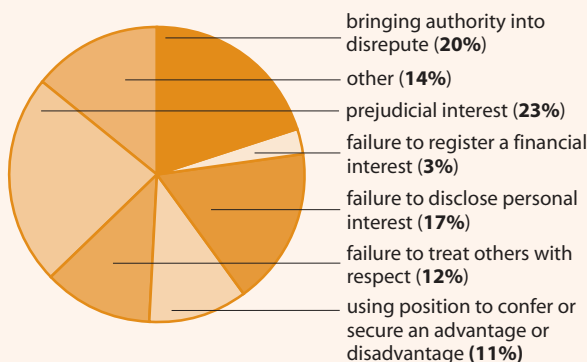
Authority of subject member in allegations referred for investigation



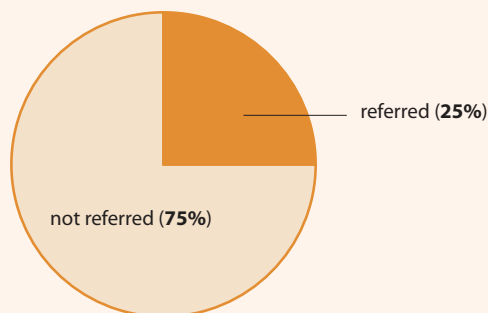
Source of allegations received



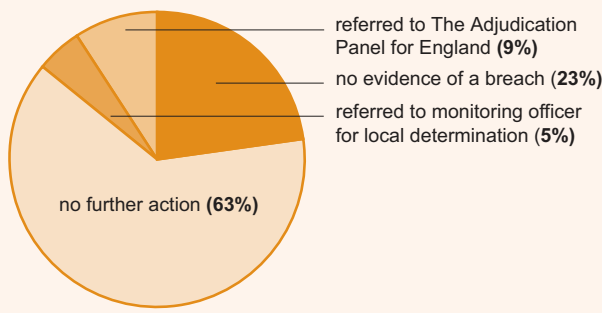
Nature of allegations referred for investigation



Allegations referred for investigation



Final findings



Graham committee findings revealed

The Standards Board for England welcomed the findings of the Committee on Standards in Public Life's Tenth Inquiry in January, when the Committee published its latest report. The Committee, chaired by Sir Alistair Graham, looked at how successful its previous recommendations had been in raising standards in public life, and part of the inquiry focused on the enforcement and management of the Code of Conduct and the work of The Standards Board for England.

We fully agree with the majority of the Committee's recommendations, including the call for more independent members on standards committees, and the majority of suggested revisions to the Code of Conduct are reflected in our current consultation on the review of the Code of Conduct.

We also welcome the call for us to act as the strategic regulator for ethical standards in local government.

We do have reservations, however, with the recommendation for a local filter for complaints — both in principle and for practical reasons — and believe this is a matter for further debate.

We believe it will be difficult to maintain public confidence and trust in local democracy if councils are seen to be deciding which of their own members should be investigated, even if the standards committee has a majority of independent members as the Committee recommends. We are also concerned about how the arrangements would actually work. For example, standards committees tend to meet once a month at the most. Unless they meet more often, that could mean some complaints would not even be considered for more

than four weeks. And for councils with a large number of parishes in their area, the workload could be unmanageable.

We also have considerable reservations about implementing such far-reaching changes before the local investigation arrangements have fully bedded down.

Ultimately, of course, this would be a matter for legislation and it is up to the government to decide how complaints should best be handled. We look forward to their response and will keep you informed.

Toolkit developed for ethical governance

Councils will be able to work out how well they are performing in maintaining high standards and identify ways to improve performance using an ethical governance toolkit being developed by the Audit Commission with The Standards Board for England and the Improvement and Development Agency. The toolkit includes an audit, a self-assessment survey and a range of workshops.

High standards are a significant benefit to councils. They are an integral part of good corporate governance arrangements, can lead to increased confidence in local democracy and local services, and can help authorities attain a high Comprehensive Performance Assessment rating.

For more information on the toolkit, contact:

- Alison Kelly — a-kelly@audit-commission.gov.uk
- Gillian Fawcett — g-fawcett@audit-commission.gov.uk
- Vanessa Walker — vanessa.walker@idea.gov.uk

New research into the ethical environment

New research commissioned by The Standards Board for England will probe what the public thinks of local government ethics and the work of The Standards Board for England, while a second project will look at what makes a local authority have high standards.

The first project, *Public perceptions of ethics in local government*, is being run by MORI the public opinion and research company.

It aims to:

- establish benchmarks of public confidence in local democracy;
- establish benchmarks of public confidence in The Standards Board for England;
- establish what behaviour members of the public view as acceptable and unacceptable;
- investigate how the public develops their perceptions of members of local government.

Identifying the components of an ethical environment is being undertaken by the University of Manchester. The key aims are to:

- identify the key components of an ethical environment;

- investigate the relationships between the various components of an ethical environment and the behaviour of members and officers;
- identify good practice in an ethical environment;
- investigate the impact of decisions by The Standards Board for England on members' behaviour;
- identify what guidance The Standards Board for England could provide in the future.

The MORI research will be completed this summer. The second project is due to finish early next year. We will report back on the findings in future issues of the Bulletin.

Summary reports of past projects are available on our website, at:

www.standardsboard.co.uk/research/

Referrals up to speed

The average time taken to decide whether a complaint should be referred for investigation is now less than 10 working days. We understand the need to reach a decision as quickly as possible, particularly where the complaints have been made in an effort to score political points or as a tit-for-tat response to other incidents. By making a decision quickly on whether or not to investigate a complaint, we can reduce the opportunities to make political capital out of the situation.

We have also seen an improvement in the throughput of investigations, with at least twice as many cases being investigated each month compared to the same time last year. Some of our older cases are still counted in our statistics as we complete them, and distort the average time taken to investigate a case. However, we expect to see a dramatic improvement in this measurement when these older cases have worked their way through the system.

New neighbourhood powers on the cards

Three new documents from the Office of the Deputy Prime Minister set out proposals for reinvigorating participation in local government and improving authority performance in delivering key services.

The Office of the Deputy Prime Minister believes that revitalising local communities is essential and aims to reconnect people with the democratic process by giving them power at the most local of levels. Its main proposals include:

- establishing Neighbourhood Charters, based on a nationally-agreed framework which could give local communities budget and asset ownership responsibilities, the power to introduce bye-laws, the power to 'trigger' the local authority into tackling a particular problem, and additional revenue raising avenues that allow local areas to spend money on local priorities;

- providing funding for community projects, to come from existing authority budgets, with the raising of council tax not a funding option;
- building clearer and stronger role for councillors in their position as advocates of their local communities;
- increasing the number of mayors with increased powers.

The documents are available from the Office of the Deputy Prime Minister's website at the following addresses:

- Sustainable Communities: People, Places and Prosperity

www.odpm.gov.uk/stellent/groups/odpm_about/documents/downloadable/odpm_about_035149.pdf

- Citizen Engagement and Public Services: Why Neighbourhoods Matter

www.odpm.gov.uk/stellent/groups/odpm_localgov/documents/page/odpm_locgov_034880.pdf

- Vibrant Local Leadership

www.odpm.gov.uk/stellent/groups/odpm_localgov/documents/page/odpm_locgov_034875.pdf

Roadshows

The first of The Standards Board for England's eleven free roadshow events have taken place in Leeds, Nottingham, Tunbridge Wells and Southampton. Standards committee members and monitoring officers discussed authorities' experience of local investigations and hearings, the review of the Code of Conduct and contributed to research by the University of Manchester into the components of an ethical environment.

The remainder of events run from the end of May and throughout June. For more information, go to:

www.standardsboard.co.uk/events/

Implementing tribunal recommendations

We would like to remind monitoring officers that they should pass on final reports from The Adjudication Panel for England to relevant parishes. Parish councils must consider how to put in place the measures needed to satisfy The Adjudication Panel for England's recommendations to the authority as a whole.

As advised in Bulletin 22, under section 80(3) of the *Local Government Act 2000*, an authority has three months in which to consider recommendations made to it by The Adjudication Panel for England. An authority must also prepare a report for The Standards Board for England within this time, giving details of the action it has taken or proposes to take as a result of the recommendations.