



## STANDARDS COMMITTEE

4 AUGUST, 2004

**AGENDA  
ITEM: 9**

### STANDARDS BOARD FOR ENGLAND – BULLETINS 18, 19 AND 20

#### Summary of report

This report advises members of advice provided in Bulletins 18, 19 and 20 issued by the Standards Board for England. The bulletins contain detailed information on the following matters:

#### Bulletin 18

- Judicial review upholds the Standards Board's discretion to investigate.
- Response given to public standards inquiry.
- Latest statistics from the Adjudication Panel for England.
- Membership of trusts
- Appeals against Standard Committee findings.
- Are Board referrals confidential?
- Referral statistics.
- Recent cases.
- Career opportunities at the Standards Board for England.
- Complaints banner points surfers in the right direction.

#### Bulletin 19

- Board to focus on serious allegations, committee told.
- Consultation closes on Section 66 Regulations.
- Referral statistics.
- Standards Committee findings

- MORI research finds stakeholders support for Board and Code of Conduct.
- Standards in Public Life Chair to speak to Annual Assembly.

### **Bulletin 20**

- Witnesses to be handled with care
- Referral statistics
- Standards Committee sanction limits
- Register can go online
- Interested parties to be told about hearings
- Complainants to be informed of right to review
- No news is good news
- Making an exhibition of ourselves
- Don't miss out on the Annual Assembly

A copy of Bulletins 18, 19 and 20 are attached to this report as Appendices 1, 2 and 3 respectively.

### **Recommendations**

- (1) That the Committee note the content of the guidance provided in Bulletins 18, 19 and 20.
- (2) That a copy of the report and appendices be provided to each Member of the Council for their information and guidance.

**Signed** .....

**Assistant Director of Legal Services and Monitoring Officer**

**Date: 26 July, 2004**

**Background papers:** All published

**Contact officer:** Frazer Powell, Walsall 652015

- 1 Referral decision upheld  
Judicial review backs  
The Standards Board.
- 2 Standards in Public Life  
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## APPENDIX 1

I am enjoying continuing to work with the local government community. Before joining The Standards Board for England I worked with the Audit Commission. Before that, I worked in local government for 20 years, latterly as a chief executive.

My immediate aim is to help build on the progress that has already been made in promoting ethical behaviour in local government. Over the past two years, the Code of Conduct has become established within local authorities as an essential tool in promoting good standards of conduct. We now need to develop our role from the initial one of helping with compliance to one of building stronger local cultures, supported by effective and stalwart local leadership.

It is important that The Standards Board for England focuses its resources where they are most effective, and an immediate priority is improving our throughput of cases.

We have already announced some measures to this end, including the recruitment of new colleagues both to refine our handling of new allegations and ensure investigations are conducted without delay. Other measures will be announced over the coming months, along with consideration of the ways in which we ensure that local authorities and their monitoring officers are able to put their local knowledge to good use and sort out the majority of standards issues themselves.

David Prince, chief executive

### Judicial review upholds The Standards Board's discretion to investigate

A recent judicial review ruling found that The Standards Board for England has a wide discretion when deciding whether or not to investigate an allegation.

In April 2003, The Standards Board for England was served with a claim for judicial review against its decision not to refer a written allegation for investigation. The allegation concerned a member publicly making false testimony against a member of the public during a council meeting. The allegation was considered by the Board insufficiently serious to warrant an investigation, as allegations concerning charges of slander (without special factors) are not normally referred for investigation. The claimant challenged the Board at judicial review, arguing that the Board's decision was "unreasonable and irrational".

The Board defended its position, stating:

"It is well established that, where Parliament has conferred a broad and unfettered discretion on a public body, a claimant must surmount a high threshold in order to demonstrate that such a discretion was exercised unreasonably or irrationally."

The Board added that the claimant would need to point to specific features of his allegation to demonstrate that it was of such seriousness that The Standards Board for England could not rationally have decided that it did not warrant investigation. However, the Board believed there was nothing in the claim which demonstrated an arguable case of irrationality in failing to refer the allegation for investigation.

The presiding judge found in favour of The Standards Board for England, refusing permission for judicial review. The judge said:

"...the decision not to investigate the matter cannot arguably be described as irrational. The defendant [the Board] is given a wide discretion as to whether or not to investigate a complaint and it is not arguable that the only rational response to the complaint by the claimant was to investigate it."

#### Response given to public standards inquiry

The Standards Board for England has responded to the Committee for Standards in Public Life's Tenth Inquiry, describing how we have supported and promoted the Code of Conduct and have fulfilled the requirements of the three 'common threads', as set out in the committee's first report. The threads — consisting of codes of conduct, independent scrutiny and guidance and education — were established to ensure a common, acceptable standard of behaviour from those in public life.

The committee's Tenth Inquiry is examining the

effectiveness of measures enacted following previous reports on the maintenance of public standards.

The committee is considering whether the procedures and processes used to implement the common threads have been effective, proportional and not excessive to the objectives of the exercise. The review is therefore examining the role of the Code of Conduct, particularly in relation to the issue of proportionality in its coverage of all tiers of local government.

#### Building confidence in democracy

The practice of a uniform and consistently-applied code of conduct is described in The Standards Board for England's response as vital for members and their constituents to build confidence in democracy at the local level, and it points out the support for the Code of Conduct from a range of local government stakeholders.

The response describes how The Standards Board for England has met the expectations set out for independent scrutiny, noting that it has referred 2,270 allegations for investigation since the Code of Conduct was fully implemented in May 2002 — about 40% of the allegations received. The level of allegations illustrates serious concerns about probity in local government. The response also describes how we ensure that investigations are balanced between fairness, proportionality and thoroughness.

With regard to guidance and education, the response highlights how The Standards Board for England has proved particularly good at responding to the needs of members and officers in local government. This has been achieved through a comprehensive programme of guidance, information, visits and presentations, and a range of support for standards committees culminating in our popular annual assembly.

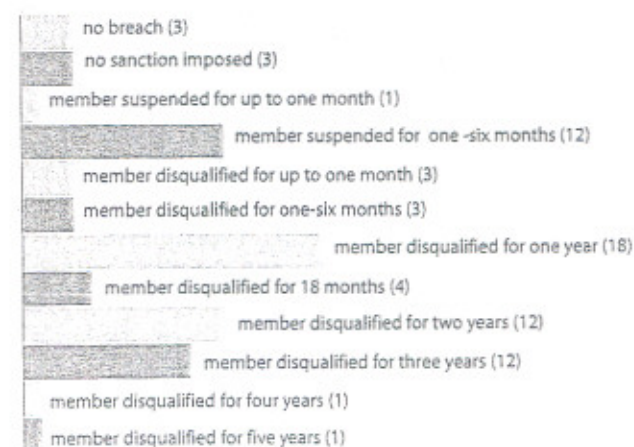
The full response is available from our website at:

[www.standardsboard.co.uk/press/press\\_releases.php](http://www.standardsboard.co.uk/press/press_releases.php)

#### Latest statistics from the Adjudication Panel for England

The Standards Board for England referred 89 cases for determination by The Adjudication Panel for England in the 2003–04 financial year. Of these, 17 have yet to be heard. The following chart shows The Adjudication Panel's decisions in the cases that have been heard.

#### The Adjudication Panel for England's decisions in cases that have been heard



### Membership of trusts

Members that have been appointed or nominated by their authority to a trust or community organisation must still consider whether they have a personal or prejudicial interest in council discussions that relate to that organisation.

Just because a member has been appointed or nominated to that organisation by their authority, it does not automatically mean there is no conflict of interest. If the decision of the council will affect the business of the trust or community organisation, then the member will automatically have a personal interest, as membership of that organisation would be a registerable interest. It could potentially also constitute a prejudicial interest.

When deciding whether to declare a personal or prejudicial interest, a member should note the following:

- Each situation should be judged on its own merits.
- In some situations, paragraph 10(2) of the Code of Conduct may affect whether or not members regard themselves as having a prejudicial interest.
- Paragraph 10(2) does not grant a blanket exemption for any category of prejudicial interest. Although it says that members *may* regard themselves as not having a prejudicial interest in the listed circumstances, members must continue to exercise their judgment when deciding whether or not they have a prejudicial interest in specific circumstances.

### Appeals against standards committee findings

Members who have appeared before their standards committee for determination can appeal against the committee's decision within 21 days following notice of the decision.

Sanctions applied against members by a standards committee come into force immediately and are not stayed pending the appeal. However, the standards committee does have the discretion to suspend or partially suspend the sanction while the subject member seeks an appeal.

#### How to appeal

Members should appeal in writing to the president of The Adjudication Panel for England, outlining the reasons for their appeal and stating whether they would like it to be carried out in writing or in person.

The president will consider whether there are reasonable grounds for an appeal. The member will receive notification of the president's decision within 21 days of receipt of the application. The president will also notify:

- the ethical standards officer concerned;
- the standards committee that made the original finding;
- the standards committees of any other authorities concerned;

- any parish councils concerned;
- the person who made the allegation.

#### The appeal hearing

If permission for appeal is granted, the president of The Adjudication Panel for England will arrange a tribunal to deal with the member's appeal. It will consist of at least three members of The Adjudication Panel for England, chosen by the president.

The member can be represented at the appeal hearing by counsel, a solicitor or any other person they choose. If they want to have a non-legal representative, the member must get permission from the tribunal beforehand. The tribunal may prevent that person acting as a representative if he or she is directly involved in the case.

The tribunal can choose its own procedures, but it is likely that the ethical standards officer, a member of the standards committee and the subject member, will be given the opportunity to make representations or be represented at the appeal hearing.

#### The appeal findings

The appeal tribunal will consider whether or not to uphold or dismiss part or all of the finding made by the standards committee. If the tribunal upholds the standards committee's finding (full or in part) it may:

- agree with the penalty set by the standards committee;
- ask the standards committee to set a penalty if it has not already done so;
- ask the standards committee to set a different penalty to that already set.

If the tribunal dismisses the finding of the standards committee, the decision and any resulting penalty will no longer apply. The standards committee must act on any directions given by the appeals tribunal.

More information on appealing against standards committee determinations, and a form to use when appealing a decision is available from The Adjudication Panel for England's website at:

[www.adjudicationpanel.org.uk/Pages/Procedures.aspx](http://www.adjudicationpanel.org.uk/Pages/Procedures.aspx)

#### Are Board referral letters confidential?

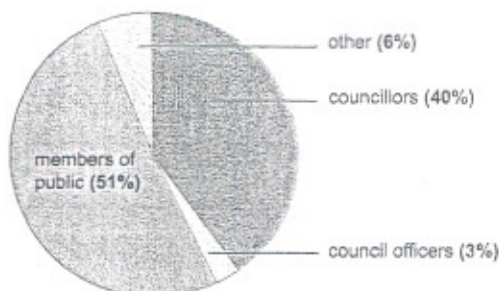
A number of members have asked whether the information contained in referral notification letters should be treated as confidential. For example, can a member with a letter informing them that the Board does not intend to investigate an allegation made against them, discuss the letter with others in order to counter any negative publicity?

When The Standards Board for England receives a new allegation, our Referrals Unit assesses it to determine whether it should be referred for investigation. We then send a written notification, including a summary of the

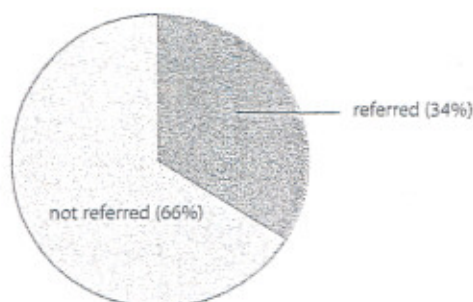
## Referral statistics

The Standards Board for England received 444 allegations in March 2004, bringing the total number of allegations received in the 2003-04 financial year to 3566. The following charts show The Standards Board for England's referral statistics for the year.

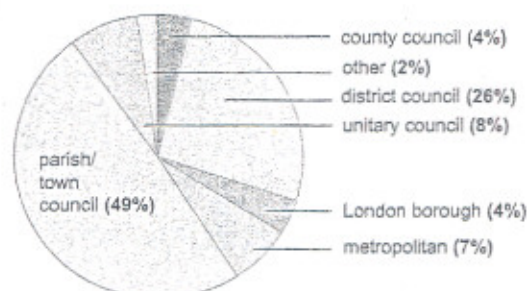
### Source of allegations received



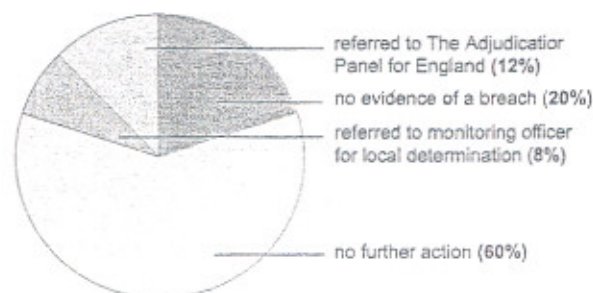
### Allegations referred for investigation



### Authority of subject member in allegations referred for investigation



### Final Findings



allegation and our decision, to the following parties:

- the complainant;
- the member who is the subject of the allegation;
- the monitoring officer of the relevant authority;
- the parish clerk, if applicable.

Unless there are exceptional circumstances, we also disclose the name of the complainant to all parties.

The information contained in our notification letters is of a different nature to that contained in a draft ethical standards officer's report, which is protected under statute. Our notification letter is in the public domain, does not relate to an ongoing investigation and does not represent a finding of fact.

We mark these letters private and confidential to ensure that only the addressee opens them, much as a bank does with its statements. However, the Board cannot, and does not want to, control what the addressee chooses to do with them. We do, of course, urge all parties to use their judgment and consider the possible consequences when discussing Board decisions.

## Recent cases

### Member's improper behaviour leads to four-year ban

A councillor was banned for four years for failing to treat others with respect and for bringing his office or authority into disrepute. Over the course of a four-day conference, the member:

- repeatedly sexually harassed two women in attendance at the conference;
- persistently behaved in a threatening and aggressive way toward the women;
- failed to attend conference sessions;
- behaved in a way that led to his arrest and subsequent conviction;
- behaved inappropriately while he was in police custody.

The full case summary is available at:

[www.standardsboard.co.uk/cases/authorities/s/SBEP4502\\_2306\\_00A.php](http://www.standardsboard.co.uk/cases/authorities/s/SBEP4502_2306_00A.php)

## Career opportunities at The Standards Board for England

We are currently recruiting a principal case referral manager and two case referral managers for our Referrals Unit. We are keen to attract strong applicants with relevant experience in local government, on either a permanent basis or on a period of secondment.

If you have any members of staff who you consider to have the necessary skills and who you think would benefit from the experience of performing these roles, please encourage them to apply for secondment.

More information on these positions is available from our website at:

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

### Investigations roles

We are also in the process of setting up a short-term investigations team to expedite our investigations process and tackle cases that have not yet been assigned to an investigator. We anticipate that the team will consist of an ethical standards officer, investigation managers and investigators, and be in place for a period of up to one year. We will be recruiting for these posts soon and will consider secondments from local government to the team.

For more information, contact Victoria Bryan, senior HR adviser, on 020 7378 5090, e-mail:

[victoria.bryan@standardsboard.co.uk](mailto:victoria.bryan@standardsboard.co.uk)

### Complaints banner points surfers in the right direction

A web banner helping internet users find out how to complain about councillors' behaviour is available for use on your authority's website. Some monitoring officers may have received an e-mail about the banner from us in February.

The banner, shown on the right, is designed to help local authorities direct people that wish to complain about members' behaviour to the right place. It asks web users if they are 'unhappy with a councillor's behaviour?', then directs them to click on the image to find out how to complain.

It should point to our complaints page, where visitors can decide if they should make a complaint and, if they chose to proceed, how to go about it:

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

The banner is available in both horizontal and vertical formats to suit the requirements of your site.

Please let your web team know about the banner. For more information, or to request a copy, contact Mark Jefferson on 020 7378 5141, e-mail:

[mark.jefferson@standardsboard.co.uk](mailto:mark.jefferson@standardsboard.co.uk)



## in this issue...

- 2 Focus on serious cases  
Graham Committee hears  
the Board's future plans.
- 2 Local investigations  
Your comments on the  
draft guidance revealed.
- 3 MORI research  
Final report finds support  
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- 4 Assembly line-up  
Sir Alistair Graham joins  
conference speakers.

## plus...

- 2 Referrals statistics
- 3 Standards committee  
findings

Speeding up the throughput of cases is currently our main priority. Our performance has fallen short of the target we set for ourselves over the past 18 months or so, but we have now introduced a number of initiatives which, along with the impending local investigations regulations, will speed up the investigations process without compromising its effectiveness.

In our last *Bulletin*, we announced the creation of a new investigation team to tackle cases that have yet to be assigned to an investigator. I am pleased to announce that Natalie Birtle, one of our current legal advisers, will head the team as our fifth ethical standards officer. The team will have started its work by the time you read this.

We will be piloting a scheme to gather additional information relating to a complaint, where appropriate, before deciding whether or not to refer it for investigation. The scheme should help us to make more informed decisions on allegations and enable us to concentrate our resources on those cases that fully merit an investigation. We will be writing to all monitoring officers shortly to explain how the scheme will work and will keep you updated on the scheme's progress over the coming months.

We continue to press the Office of the Deputy Prime Minister to introduce the local investigation regulations as soon as possible, to enable cases finally to be referred back to local authorities for investigation. This will be an important development. We believe that local issues should be tackled at a local level wherever possible and the regulations are crucial in achieving this.

Once the regulations are in place, we can look forward to working with a complete framework.

David Prince, chief executive

## Board to focus on serious allegations, committee told

The Standards Board for England will ensure investigations are proportionate to the seriousness of the issue and in the public interest, and speed up its throughput of cases, the Committee on Standards in Public Life heard recently. Sir Anthony Holland, chair of The Standards Board for England, told the committee that its investigations would focus increasingly on the most serious allegations concerning behaviour that has the potential to damage the reputation of local government.

"We are not interested in personal squabbles and will not indulge attempts to abuse the Code of Conduct as a means of gaining political advantage," he said.

A case-weighting scheme will be developed and those cases that appear to be more serious will be given priority in terms of resource allocation.

Sir Anthony was addressing the committee during the first public hearing of its Tenth Inquiry, outlining how The Standards Board for England was looking to enhance its investigatory process. Other measures announced include piloting a scheme to seek information from the local level before a decision to investigate is made, and raising the threshold for allegations to be investigated.

Sir Anthony also addressed the issue of planning under the Code of Conduct and, recognising the difficulty of this topic, described how The Standards Board for England is seeking to balance common law requirements with that of the Code. He noted that The Standards Board for England would be issuing guidance on this issue later this year.

An officers' code of conduct would be welcomed by the Board, although Sir Anthony didn't believe that The Standards Board for England should oversee an officers' code. He believed its provisions should form part of officers' contractual arrangements with their own authorities.

A transcript of our evidence, along with full information on the Tenth Inquiry, is available from the Committee on Standards in Public Life's website at:

[www.public-standards.gov.uk](http://www.public-standards.gov.uk)

The chair of the Committee on Standards in Public Life, Sir Alistair Graham, was confirmed recently as a key speaker at this year's Annual Assembly of Standards Committees — see the article on page 4.

## Consultation closes on Section 66 regulations

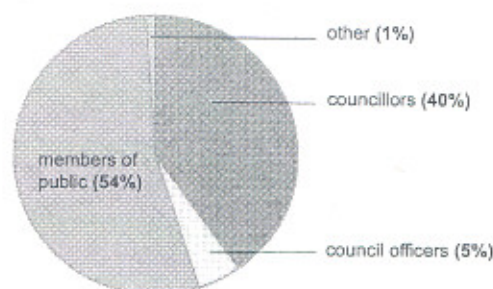
The local investigation regulations will be in place this summer, according to the Office of the Deputy Prime Minister.

Consultation on the regulations and our accompanying guidance ended in May. Responses to our draft guidance have been largely positive. We are now assessing the

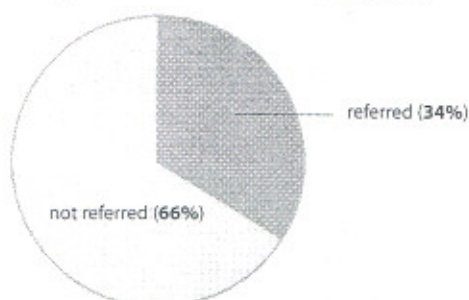
## Referral statistics

The Standards Board for England received 330 allegations in April 2004. The following charts show The Standards Board for England's referral statistics for that period.

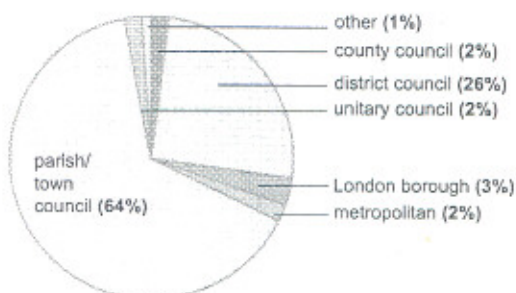
### Source of allegations received



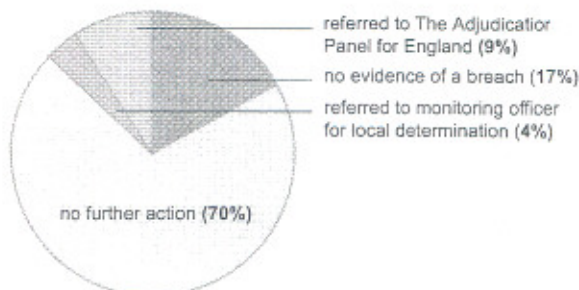
### Allegations referred for investigation



### Authority of subject member in allegations referred for investigation



### Final findings



responses received as we prepare our guidance to the regulations. The guidance will be available once the final regulations are in place.

You raised some concerns and made some suggestions, and these are summarised below. All your comments will be considered carefully as we finalise our guidance. Some of these comments can only be addressed through the regulations and we shall be discussing the detail with the Office of the Deputy Prime Minister in the coming weeks.

#### Referrals

Many responses centred on what factors ethical standards officers should consider when deciding to refer a case back for local investigation. A number of respondents suggested an apology — unreserved or otherwise — should be sufficient grounds for referring a case back. Others proposed that the factors of any remedial action and the giving of an apology should be considered separately by an ethical standards officer when deciding whether to refer a case back.

We were asked to consider other circumstances in which a monitoring officer can refer a case back to an ethical standards officer — for example, in the event that a case is too politically sensitive for a local investigation. It was also suggested that standards committees should have the power to send a case back to the ethical standards officer if, during its hearing, it uncovers evidence relating to a case that may merit the fuller sanctions unavailable at the local level.

#### Investigatory powers

A number of respondents called for monitoring officers to be given the same statutory powers as an ethical standards officer when investigating a case. Some also asked for guidance to cover situations where a member refuses to co-operate with a local investigation. And

some respondents suggested that monitoring officers should be given full access to all information obtained by an ethical standards officer prior to a local referral.

Some monitoring officers said that, in their opinion, the guidance fell short of recognising the powers and duties already held by them under the *Local Government and Housing Act 1989* and the *Local Government Act 2000*. In essence, they felt that they should not be restricted to carrying out investigations into matters that only relate to the allegation referred back, but should also be permitted to undertake investigations into matters that may spin-off from the main investigation.

#### Conducting investigations

Concern was raised that proper recognition was not given to the monitoring officer's role in advising members on the Code of Conduct. It was felt that such a role should not automatically prevent a monitoring officer from conducting an investigation, as a conflict of interest would not always arise.

The majority of respondents would welcome a non-statutory guide on how to conduct an investigation and we will produce a guide to compliment our final guidance.

#### MORI research finds stakeholder support for Board and Code of Conduct

Final research findings by MORI show that The Standards Board for England has made a positive start in promoting the Code of Conduct and that its guidance on the Code has been particularly well received.

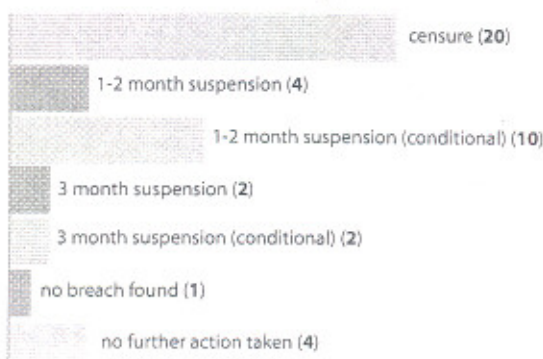
However, concerns were raised with our complaint and investigation procedures, particularly the length of time it takes for an investigation to be concluded. Concerns were also expressed about the absence of regulations enabling local investigations.

*Continued on page 4*

#### Standards committee findings

The Standards Board for England referred 58 cases for determination by standards committees in the 2003–04 financial year. Of these, 15 have yet to be heard. The following chart shows standards committee decisions in the cases that have been heard.

#### Standards committee findings



Thank you to everyone who took part in this research. It enables us to benchmark and monitor our performance and identify how we can target our resources most effectively in the future.

A summary of the research will be available from our website in the next few weeks. Please check the 'about us' section for a research page.

#### **Standards in Public Life chair to speak at Annual Assembly**

Sir Alistair Graham, newly-appointed chair of the Committee on Standards in Public Life, is to speak at the Third Annual Assembly of Standards Committees this September.

Sir Alistair's keynote address to delegates at The Standards Board for England's conference will be one of his first public commitments since his appointment to the committee in May 2004. He will reflect on evidence given to the committee as part of its current inquiry concerning the operation of the ethical framework, and consider the committee's role in ensuring high standards of conduct in the public sector more generally.

Speaking about the conference, Sir Alistair said:

"This is an excellent opportunity to review the progress made so far in embedding high standards of conduct in local democracy, and explore what improvements might be made to the operation of the ethical framework. My committee's current inquiry has received and heard a lot

of evidence about the framework and in particular about the operation of the Code of Conduct. I welcome the opportunity to share this with members and others within the local government family and to explore with them practical measures to help address concerns and ensure that the framework meets its stated aims."

Sir Anthony Holland, chair of The Standards Board for England, added:

"We are delighted that Sir Alistair will be speaking at our conference. The work of the committee, and in particular its current inquiry, is of central importance in ensuring high standards of conduct are maintained not only within the local government environment, but across the public sector as a whole. The committee has a fundamental role in reviewing the Board's progress and we look forward to strengthening our working partnership to meet a common goal of confidence in local democracy."

Other key speakers confirmed so far include Nick Raynsford MP, minister for local government and the regions and Sir Brian Briscoe, chief executive of the Local Government Association. The conference is set to receive a record number of bookings, with places filling up fast.

Details on all the Annual Assembly workshops and sessions running during the two-day event can be found in the advance programme, available from the events section of our website at:

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

- 2 Better care for witnesses  
Witnesses will be kept informed of investigations under a new scheme.
- 2 Referral statistics  
The latest case figures.
- 3 Sanction limitations  
The sanctions available to standards committees.
- 3 Registers of interest
- 3 Notification of hearings
- 3 Referrals review process
- 3 Notification of complaints
- 3 LGA conference report
- 4 Annual Assembly news

The ethical framework set out in the *Local Government Act 2000* is nearly complete. The final phase will enable a greater degree of local ownership through local investigations, complementing the existing processes for local determination of cases. This development is a vital step in the promotion of good conduct and in increasing public confidence in local representatives.

We are committed to the principle that local issues should be dealt with at a local level wherever appropriate, but we are aware of how this may increase your workload and impact on your authority's resources. The Standards Board for England will continue to offer its support and advice, starting with guidance on the regulations, which you should receive once the regulations have been laid.

On a separate issue, we are working with the Improvement and Development Agency (IDeA) and the Audit Commission to develop diagnostic tools for use by monitoring officers and standards committees to help raise the profile of ethics in local government. The tool developed with the Audit Commission will help assess how the role of the monitoring officer has developed since the introduction of the *Local Government Act 2000*, and will assist local authorities in looking at their processes and procedures. The other tool, developed with the IDeA, will focus on how members can be encouraged to consider their own behaviour under the Code of Conduct and to act appropriately. We will keep you updated on developments..

In the more immediate future, you have the opportunity to 'Crack the Code' at the Third Annual Assembly of Standards Committees in September, through a comprehensive programme of speeches, discussions and workshops. One of the key themes of this year's conference is investigating how the Code can be improved. I look forward to seeing you there.

David Prince, chief executive

## Witnesses to be handled with care

A witness care scheme is being developed by The Standards Board for England to ensure that witnesses are kept fully informed of developments in cases in which they are involved.

The scheme is a response to concerns that witnesses were not being kept fully up to speed, and is part our commitment to provide more customer care.

Under the scheme, letters will be sent to witnesses once they have been interviewed or contacted, explaining the anticipated length of the investigation and when they are likely to hear from us again. Witnesses will also be offered a contact at The Standards Board for England with whom they can discuss aspects of their case.

At the end of an investigation, witnesses will be notified of the outcome and informed if a case is referred to The Adjudication Panel

for England or a standards committee for determination, regardless of whether they are required to give evidence. And if they are asked to give evidence, they will be contacted by a legal advisor and talked through the hearing process. They will also be sent a case summary once the case is completed.

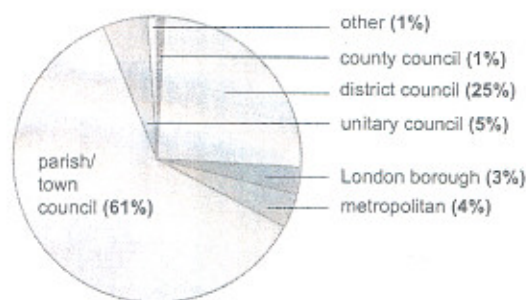
We hope this will keep witnesses better informed, and will be encouraging feedback to help us improve the service.

## Referral statistics

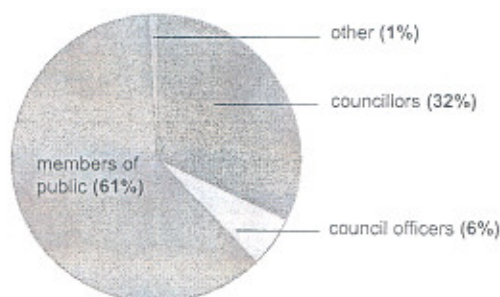
The Standards Board for England received 257 allegations in May 2004, bringing the total number of allegations between 1 April and 31 May 2004 to 587.

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

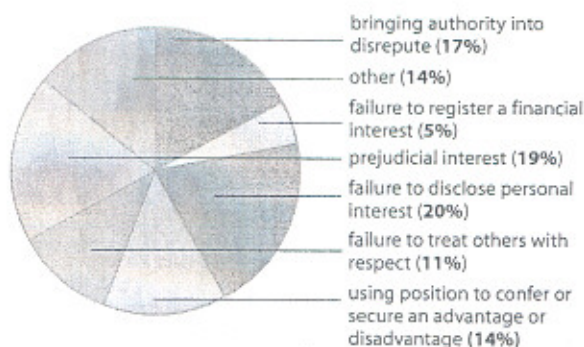
### Authority of subject member in allegations referred for investigation



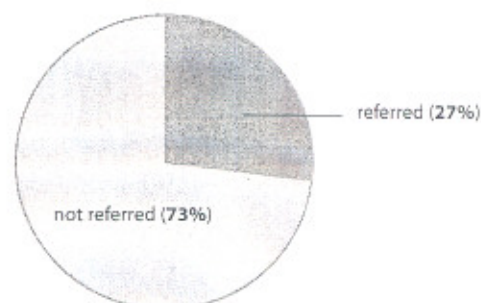
### Source of allegations received



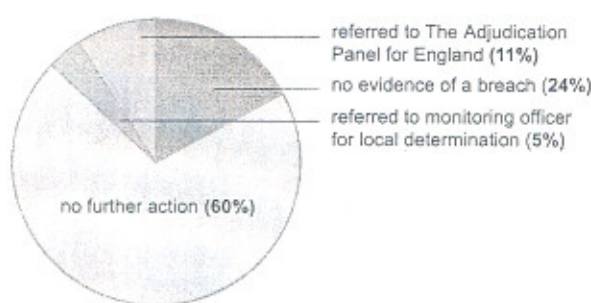
### Nature of allegations referred for investigation



### Allegations referred for investigation



### Final findings



### Standards committee sanction limits

In a recent hearing in the northwest, a standards committee imposed a sanction that was not within its power: it both censured the member and ordered them to undertake training on the Code of Conduct.

On appeal, The Adjudication Panel for England upheld the standards committee determination to censure but did not uphold the order to undertake training.

Standards committees are not permitted, when imposing sanctions, to exceed their statutory powers under the *Local Authorities (Code of Conduct) (Local Determination) Regulations 2003*. Under the regulations, standards committees can:

- censure the member;
- restrict the member's access to the resources of the relevant authority for up to three months;
- suspend or partly suspend the member for up to three months;
- suspend or partly suspend the member for up to three months on condition that the suspension or partial suspension will end if the member apologises in writing, receives training, or takes part in any conciliation ordered by the standards committee.

Standards committees are not allowed to vary from these sanctions. They cannot, for example, censure a member and order training, and they cannot create an entirely new sanction. However, standards committees can make recommendations to the council about member training separately from any sanctions imposed on an individual.

We believe the Office of the Deputy Prime Minister is considering allowing greater flexibility in future regulations.

### Registers can go online

Councils can publish their registers of members' interests online. Previously we had advised councils not to publish members' details

online without their consent, based on advice from the Information Commissioner. The Information Commissioner now advises that councils can publish information already in the public domain as they see fit.

Questions on this issue should be addressed to the Information Commissioner's Office. You can get contact details and more information from its website, at:

[www.informationcommissioner.gov.uk/](http://www.informationcommissioner.gov.uk/)

### Interested parties to be told about hearings

The Standards Board for England has started notifying interested parties when cases are referred to The Adjudication Panel for England or a standards committee for determination, helping to keep people better informed of a case's progress.

Letters detailing the date and location of the hearing will be sent to the complainant and the monitoring officer, complementing any information sent by monitoring officers or The Adjudication Panel for England on the subject.

### Complainants to be informed of right to review

Complainants will be informed of their right to request a review of a referrals decision when notice of that decision is sent to them.

All complainants have the right to ask the chief executive to review a decision taken by the head of referrals not to refer a matter for investigation. The review process was introduced earlier this year, and explained in issue 17 of the *Bulletin*.

### No news is good news

We do not tell members that allegations have been made against them until after we have decided whether or not to investigate the case. This is because we reject many more allegations than we investigate and aim to complete this initial assessment as quickly as

possible. Writing and telling the member would both slow the process down and cause unnecessary stress to the person concerned.

Under the legislation which determines how we work, we are not able to consider or respond to any evidence or information from the person concerned at this stage, so there is no advantage to be gained in terms of hearing both sides of an issue before deciding what to do about the allegation.

Once a decision is made we do, of course, write and tell all concerned.

### Making an exhibition of ourselves

Many thanks to all those who visited our exhibition stand at the recent Local Government Association conference in Bournemouth. We met and spoke to many members and officers who gave us their feedback and listened to the ways in which we are speeding up the throughput of our cases and focusing our resources on cases which have the potential to damage people's confidence in local democracy.

A good sized crowd also attended our fringe event, *Do ethics matter when you are emptying the bins?* Michael Frater, chief executive of Telford and Wrekin Borough Council, and John Haward, director of local government practice — South East, at the Office of the Deputy Prime Minister, argued for the link between service delivery and ethical standards as well as the overriding need for an ethical basis for the public sector. Once again, our thanks to all who contributed.

### Don't miss out on the Annual Assembly

If you were planning to wait until after a summer holiday to book your place at the Third Annual Assembly of Standards Committees, you might want to think again.

With less than two months to go, places at the Annual Assembly are booking up rapidly and delegates

are being urged to reserve their spot now to avoid disappointment. Even if you are not sure who will be attending the event from your organisation, you can simply book now and confirm the names of attendees later.

You can download a booking form from The Standards Board for England website, or even book online.

Extra sessions and guest speakers have been added to the second

issue of the advanced programme for the Annual Assembly, which is also available from the website. The programme also now includes a keynote speech by Sir Alistair Graham, chair of the Committee on Standards in Public Life, and details all the speakers confirmed so far for every session.

For more information, go to:

[www.standardsboard.co.uk/events/index.php#assembly3](http://www.standardsboard.co.uk/events/index.php#assembly3)