

NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

Your attendance is requested at a meeting to be held at the Jeffery Room,
Guildhall on Tuesday, 10 January 2006 at 5:00 pm.

M. McLean
Chief Executive

AGENDA

1. APOLOGIES
2. MINUTES
3. DEPUTATIONS / PUBLIC ADDRESSES
4. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
- 5. ANNUAL STANDARDS BOARD CONFERENCE 2005 Mrs
Roberts
Report of Chair (copy herewith)
- 6. STANDARDS BOARD UPDATE J. Inch
x 7335
Report of Solicitor to the Council (copy herewith)
- 7. ROLE OF STANDARDS COMMITTEE J. Inch
x 7335
Report of Solicitor to the Council (copy herewith)
8. SUB- COMMITTEE/ PANEL FOR LOCAL DETERMINATION J. Inch
x 7335
Solicitor to the Council to report
- 9. ETHICAL GOVERNANCE TOOLKIT J. Inch
x 7335
Report of Solicitor to the Council (copy herewith)
10. INDEPENDENT MEMBERS FORUMS Mrs
Roberts
Chair to report
11. TRAINING/ NEWSLETTER J. Inch
x 7335
Solicitor to the Council to report
- 12. PROPOSED ANNUAL REPORT J. Inch
x 7335
Report of Solicitor to the Council (copy herewith)
- 13. LOCAL DETERMINATION- COUNCILLOR STEWART J. Inch
x 7335
Report of Solicitor to the Council (copy herewith)

REPORT ON THE FOURTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

5-6 SEPTEMBER 2005

INTERNATIONAL CONVENTION CENTRE BIRMINGHAM

Three years ago I attended the first annual assembly of standards committees representing Northampton Borough Council. The assembly was organised by The Standards Board for England. The theme was 'Confidence in Local Democracy'.

Those were the early days. The Local Government Act 2000 had just introduced a Code of Conduct to be adhered to by the 100,000 or so people who give their time as members of local authorities, police and fire authorities as well as national park authorities throughout England and Wales. The aim of the first annual assembly was to bring together members of standards committees and those who support them to share their experiences of the new system.

A year later it was back to Birmingham again with the second annual assembly spreading over two days. The theme of the assembly was 'A Practical Approach'. The second annual assembly was billed as providing an opportunity for members and officers to come together to discuss the practical implementation of the Code of Conduct. The Regulations concerning local determination of complaints by standards committees were hot off the press. Referrals of cases from The Standards Board to standards committees for local determination were expected from September 2003. At that time we were told that the Regulations concerning local investigation of complaints were expected in Autumn 2003.

In September 2004 it was back to Birmingham again for the third annual assembly and we were still waiting for the Regulations concerning local investigation of complaints. As it transpired, those regulations were only days away. The theme of the conference was 'Cracking the Code'. At the 2004 conference, the Rt. Hon. Nick Raynsford MP, Minister for Local and Regional Government invited the Standards Board to begin its review of the Code of Conduct, investigating how the Code could be improved upon and Sir Alistair Graham, chair of the Committee on Standards in Public Life, set out the progress of the Tenth Inquiry into codes of conduct and standards in public life.

So on 5 and 6 September 2005 it was back to Birmingham for the fourth annual assembly and, as in previous years, the conference followed the format of keynote speeches, workshops, discussion forums and a debate.

Phil Woolas MP, the local government minister, explained to the conference that the government is now considering how best it can support authorities in increasing public trust and confidence in local democracy. The government is considering the recommendations from the Committee on Standards in Public Life alongside the recommendations of the Standards Board following the review of the Code of Conduct.

Sir Alistair Graham shared with the conference the findings of his committee's Tenth Inquiry, which called for greater local involvement and ownership of the ethical framework and liberalisation of some of the aspects of the Code of Conduct.

David Prince, the chief executive of the Standards Board, outlined to the conference the recommendations of the Standards Board for a new and improved Code of Conduct. The recommendations are designed to produce a Code which enables members to fully represent their communities without undue hindrance or red tape, whilst maintaining a commitment to the highest principles of public service.

This year, the workshop and discussion forums were split into three groups focusing on investigations, hearings and public confidence. The 'Investigation' sessions guided delegates through the theory and practice of carrying out investigations. There was also a session looking at the possible alternatives to an investigation, emphasising the important role that council leaders and chief executives play in ensuring that the culture within an authority encourages members to follow the Code. The 'Hearings' sessions guided delegates through the theory and practice of standards committee hearings whilst the 'Public Confidence' sessions shifted the focus away from the Code of Conduct towards promoting public confidence in the system and in local democracy more generally. The sessions looked at how to handle the press, how to measure progress on standards and ethical issues through the comprehensive performance assessment, and how to improve behaviour through the use of ethical diagnostics and toolkits.

As in previous years the conference provided an opportunity to concentrate for two days on the local government ethical framework as well as providing an opportunity to discuss experiences and views with colleagues from other authorities. The conference proved to be generally informative and worthwhile attending.

Margaret Roberts
Chair of Northampton Borough Council Standards Committee
3 October 2005



**NORTHAMPTON
BOROUGH COUNCIL**

STANDARDS COMMITTEE

10 January 2006

ITEM NO:

6

Report of Solicitor to the Council

Directorate: Finance Governance and
Citizens

Author/Contact Officer:
J Buckler (Ext 7341)
Procurement and Practice Team Leader

STANDARDS BOARD UPDATE

Recommendation(s)

1. That the Report be noted.
2. Bulletins 25, 26 and Standards Committee News 04 ("the Bulletins") published by the Standards Board of England are attached for the information of members of the Committee.
3. That the Bulletins in future will be circulated to Members as they are received.

1. GENERAL

The Bulletins provide an update on the current activities of the Standards Board of England, together with advice and referral statistics indicating the current workload of the Standards Board.

2. PUBLIC INTEREST DEFENCE

The Adjudication Panel for England, following a recent decision, have acknowledged that in certain circumstances a full public-interest defence can and should be read into the provision in the Code of Conduct regarding the prohibition of the disclosure of confidential information.

The decision in the case of a Westminster City Councillor, has provided the first fully reasoned decision on the impact of the European human rights legislation on an alleged failure to comply with paragraph 3(a) the Code of Conduct (the Council's paragraph 2.2.1). The Adjudication Panel stated the correct interpretation was to enable the disclosure of information of a confidential nature, where it is in the public interest to do so and all public interest issues need to be taken into account by Ethical Standards Officers when considering whether there has been a breach relating to this part of the code. Despite the case highlighting such an issue, it was found that in the circumstances of this case, this was no public-interest defence however taking into account the mitigating factors, no sanction was imposed.

3. REVIEW OF CODE OF CONDUCT

Following the consultation on the review of the Code of Conduct, where it was hoped clarification and simplification of the Code would be provided to ensure it properly promotes effective local governance, the following main recommendations were made:-

- The Code should be simpler, more enabling, and owned by the Members.
- The Code should empower Members as community advocates to take the lead on issues and speak out on behalf of their own communities where their expertise is greatest
- The rules around personal and prejudicial interests should be clearer, especially for Members who sit on more than one public body
- The Code needs to be clear on what information should be confidential, Members must be able to speak out when it is in the public interest
- Members are entitled to have a private life and the public only expect this to be regulated when behaviour outside official duties damages the reputation of local government
- Bullying cannot be tolerated and needs to be addressed more explicitly. Members have a right to challenge poor performance and criticise Officers fairly
- The current duty for members to report breaches should be removed.
- The Code should protect complainants and witnesses from intimidation.

The Standards Board, are positively endorsing the likely move by the Government to introduce legislation to enable the initial decision as to whether a complaint should be investigated to be made by local authority standards committees. Although this will be subject to further legislation, the Standards Board are already starting to consider how local authorities can do this in a way that is “visibly independent, timely and efficient”, the Standards Board believes by taking ownership this will promote and improve ethical standards and the public’s perception of them.

4. STATISTICS

The most up to date referral statistics at the time of writing this report are contained within Bulletin 26. The statistics are remaining fairly constant.

Since the implementation of the legislation (November 2004) allowing local investigations, the Standards Board’s Ethical Standards Officers have referred 32% of all cases to Monitoring Officers for local investigations. More recently over half of all cases have been referred locally and it is expected that this trend will continue.

5. ETHICS IN LOCAL AUTHORITIES

Research commissioned by the Standards Board for England is currently being carried out by a team (at Manchester University) into what factors contribute to an ethical local authority. It is the intention of the Standards Board to then draw on good practice, following investigation of mediation, communication, training, protocols, the role of Standards Committees, the importance of leadership and the role of ethics in corporate governance.

The first stage of the project has developed a model of the components that make up an ethical environment and how these components relate to each other. The model is to be tested and a summary of the findings will be available in the near future.

Other research carried out by MORI into the public’s perceptions of ethics and attitudes in local government has found that the public tend to have a higher opinion of local councillors than politicians generally, but trust is still low. The findings also found a mismatch between what the public regarded as important roles for Councillors and what Councillors actually do:-

Is it important to ensure public money is spent wisely?	54% thought it was
Do Councillors fulfill this in your area?	21% thought they did

Do you think Councillors should fulfill their election promises?	39% thought they should
Do Councillors fulfill their election promise?	15% thought they did

If the public do need to complain 46% wanted an independent body to deal with it, compared to 28% for the local Council and 13% for their MP. The three factors that emerged as being important in such circumstances was that there was a thorough investigation, it was independent and that the complainant was kept informed. A detailed summary of the findings is to be published in the near future.

6. REFERRAL DECISIONS

Monitoring Officers and Members named in an allegation will now be notified of the outcome of referral challenges along with the complainant – previously the parties above would only have been informed if the original decision was overturned and the matter was referred for investigation.

The Standards Board have also clarified that only the complainant may seek a review of a decision, unless of course there is new information to add to the allegation and be taken account of. This forms part of the new policy where the Chief Executive of the Standards Board now has powers to review a decision made by the referrals unit not to refer a complaint for investigation. The Chief Executive's role is to decide whether the decision on a complaint was procedurally sound and reasonable.

7. SUMMARY

Any further updates will be reported verbally to the Committee.

Consultation on the review of the Code of Conduct is now closed and the task of analysing the many responses is underway. Thank you to all who participated in this exercise. It has provided a key opportunity for us to work with local government to develop a stronger, better Code of Conduct, and the large number of responses we have received demonstrates that there is a healthy debate in progress.

The following months will be of particular interest, both to myself and The Standards Board for England as a whole, as the results of the consultation emerge. Some of our early findings are included here in an article on page 2, which should whet your appetite for the final report. We hope to bring you that in the next issue of the *Bulletin*.

Thanks also to everyone who attended our roadshows, which drew to a close last month. We spoke with approaching 1,000 monitoring officers and standards committee members and, in separate but related events, chief executives and leaders, across 11 regional venues. Your feedback and comments have been invaluable in supplementing the written submissions for the review of the Code of Conduct and in shaping our work in general.

David Prince, chief executive

1 Confidential information
What the Dimoldenberg case means for the Code.

2 Conference accredited
Law Society adds Annual Assembly to CPD courses.

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3 Referral statistics

3 Local investigations

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Contents

Code allows for public-interest defence

In certain circumstances, a full public-interest defence can and should be read into the provision in the Code of Conduct prohibiting the disclosure of confidential information, according to a recent decision by The Adjudication Panel for England.

The decision in the case of Paul Dimoldenberg, a Westminster City councillor, has provided the first fully argued and reasoned decision on the impact of the European human rights legislation on an alleged failure to comply with paragraph 3(a) of the Code of Conduct.

In a preliminary issue in the hearing of the case, The Adjudication Panel ruled that the paragraph failed to take proper account of the *European Convention on Human Rights*. It stated that the proper interpretation of that paragraph was to allow for the disclosure of information of a confidential nature where it is in the public interest to do so.

This means that, in the right circumstances, if publication were found to be justified in the public interest, the disclosure would not be a breach of paragraph 3(a) at all.

The decision made it clear that all public-interest issues need to be taken into account by an ethical standards officer and the case tribunal, when considering whether there has been a breach of paragraph 3(a). It was also made clear that these types of issues, and the sometimes-delicate balancing act they will entail, will often need to be decided by an independent tribunal.

On the particular facts of Councillor Dimoldenberg's case, there was no public-interest defence. There was clear evidence of unjustified disclosure of information which had previously been classified as highly confidential by a High Court judge. Therefore, it would not have been appropriate for the ethical standards officer to reach an 'a' or 'b' finding.

An 'a' finding — one of no evidence of a breach — was clearly not available to the ethical standards officer, and the nature of Councillor Dimoldenberg's defence and mitigation demanded the scrutiny afforded by an independent tribunal. In the circumstances of this particular case, and taking into account the mitigating factors, the case tribunal decided to impose no sanction.

The full decision of The Adjudication Panel for England in this case is available at:

www.adjudicationpanel.com/documents/aps_0241_final_decision_copy1.pdf

Annual Assembly gets Law Society accreditation

Solicitors attending this year's Annual Assembly of Standards Committees will earn credits towards their Continual Professional Development now that the conference is certified to count towards the Law Society scheme.

The addition of the conference to the list of recognised courses is acknowledgement of the level of expertise that the Board has developed concerning ethics in local government, and the considerable learning opportunities offered by the conference to local government solicitors — one of the key audiences, alongside standards committee members.

The conference will tackle issues of importance for monitoring officers such as the key components of conducting local investigations and standards committee hearings. The conference was assessed on a range of criteria, such as content, relevance, organisation and suitability.

In good company

Phil Woolas MP, the new minister for local government, was recently confirmed as a key speaker at the event. Mr Woolas joins other familiar names from the world of local government, including Sir Alistair Graham, Chair of the Committee on Standards in Public Life, Gifty Edila, President of the Association of Council Secretaries and Solicitors, and Kate Priestley, Chair of the Local Government Leadership Centre. The conference will be

the first opportunity to hear the minister following our extensive consultation on the review of the Code of Conduct, as well as being a great opportunity for standards committee members and monitoring officers to meet each other and discuss issues of mutual interest.

Booking has been very brisk for this year's conference. The two-day event, to be held on 5 and 6 September, will focus on local ownership of the Code of Conduct, local investigations and local hearings. With limited capacity, and workshop preferences being snapped up quickly, anyone who has not yet booked is being urged to do so now.

More details and an online booking form are available at:

www.standardsboard.org.uk/annualassembly

The ups and downs of case summaries

Summaries of cases where ethical standards officers consider there is no evidence of a breach of the Code of Conduct will be taken down off the website after only six months, following a recent review of the policy by the Board. Previously, these cases remained up for two years.

The policy for all other cases remains the same — the summary will remain on the site for two years, from either the closure of the case or, for cases referred to The Adjudication Panel or local standards committee, from the hearing date or completion of any sanction, such as a suspension or disqualification.

You may have noticed that some case summaries are taking a little longer to appear on our site than usual. We have been busy over the last few months clearing the backlog of 400 cases that built up while we were awaiting the local investigations regulations.

We are working hard to catch up with the workload and hope to be hitting or even beating our target for publishing case summaries by September, which is 90% within one month. In the meantime, please accept our apologies for any delays, which we know can be frustrating.

Local investigations DVD makes the cut

Work has started on the production of a DVD to promote best practice in local investigations and hearings.

The DVD, intended to be of particular value to monitoring officers and standards committee members, will include filmed scenarios illustrating some of the common areas of difficulty and our recommended solutions. There will also be a section on the importance of local ownership of the Code of Conduct and The Standards Board for England's role in supporting its implementation.

The DVD should be available by the end of September.

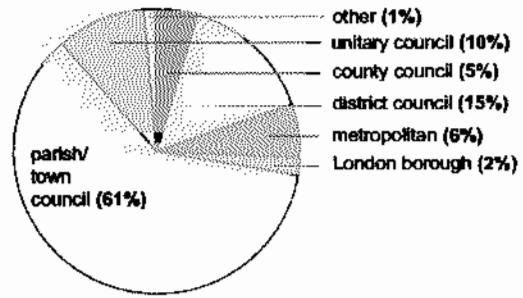
Thank you to everyone who responded to our request in the last Bulletin for feedback on the format. Respondents were unanimously in favour of DVD over video cassette.

Referral statistics

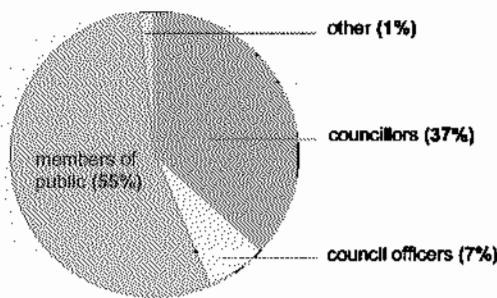
The Standards Board for England received 306 allegations in April and 328 allegations in May, giving a running total of 634 so far for the current financial year.

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

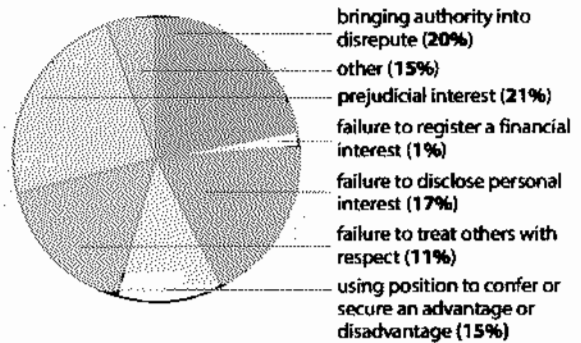
Authority of subject member in allegations referred for investigation



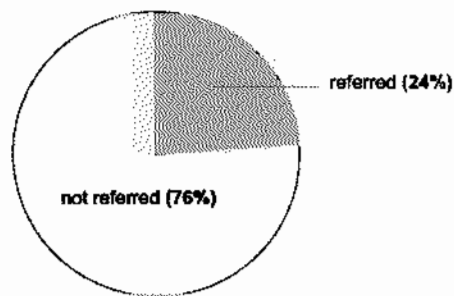
Source of allegations received



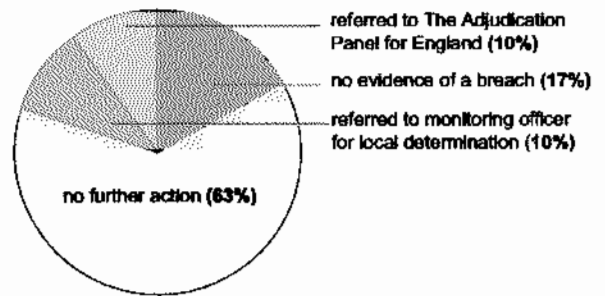
Nature of allegations referred for investigation



Allegations referred for investigation



Final findings



Local investigations statistics

- Ethical standards officers referred 142 cases to monitoring officers for local investigation between November 2004, when referrals began, and the end of May 2005 — equivalent to 30% of cases referred for investigation over that time.
- 25 reports have already been received from monitoring officers, and there have been six standards committee decisions on cases investigated locally.
- The average time taken to complete a case is three months, although the sample for this figure is currently quite small.

Three-month limit on hearings explained

The recent case of *Dawkins v Boisover* established the principle that authorities need to make every effort to hold a hearing within three months of receiving the case from an ethical standards officer (see *Bulletin 22*, page 4). But just how rigid is this limit, and are there any exceptions to the rule?

Paragraph 6(2)(b) of the *Local Authorities (Code of Conduct)(Local Determination) Regulations 2003* states that a hearing must be held within three months of the reference from the ethical standards officer. Authorities are encouraged to ensure that hearings are held as soon as possible and within this time limit imposed by legislation. The standards committee does have jurisdiction to delay the hearing if something unexpected or unforeseen occurs which

prevents it from meeting the time limit, but it is not sufficient that a subject member may not have any objections to the hearing being held outside of the three-month period.

The following list illustrates the type of events that may be considered unexpected or unforeseen, although it is by no means exhaustive:

- illness of the subject member or any of the standards committee members;
- bereavement suffered by the subject member or any of the standards committee members;
- other important engagements which cannot be altered, such as hospital appointments and jury service;
- the subject member being called to work out of the country for a long period of time.

Key issues emerge as Code consultation closes

Over 1,000 individuals, authorities and other organisations responded to our consultation on the review of the Code of Conduct, which formally closed on 17 June. We have been very pleased with the warm welcome the review has received. We believe it is important that any revisions to the Code reflect real experiences, and the constructive comments received will help us make recommendations for change that reflect the views of local government as a whole.

Early findings

Responses analysed so far indicate a general agreement with the principles behind many areas of the Code of Conduct, but respondents have highlighted a number of provisions that could be added, amended or dropped altogether. The majority of respondents, for example, believe the ten general principles of public life should be added as a preamble to the Code and the majority of respondents would also welcome a specific provision on bullying.

Although our analysis is ongoing, the following areas have emerged as leading issues. We hope to make our recommendations on the Code of Conduct to the Government in the Autumn, and will include a final report in a future issue of the *Bulletin*.

Private lives and public conduct

The contentious question of whether aspects of a member's private life should continue to be subject to the Code of Conduct has attracted a varied response. Those in favour of the status quo argue that public figures have a position of trust and responsibility that should be met with high standards of behaviour at all times. Those in favour of relaxing the provisions covering a member's private behaviour contend that private lives should not be brought into the political arena. A number of respondents took the view that private conduct should only be regulated where it has an impact on a member's ability to perform their official duties.

Whistleblowing

The majority of respondents are in favour of retaining the 'whistleblowing' clause requiring members to report suspected breaches of the Code of Conduct by fellow members. But a significant minority believe that the provision should be removed as it simply prompts petty and malicious complaints and that we should rely on the integrity of members to report any serious abuses they become aware of.

Confidentiality

The thorny issue of releasing confidential information has provoked a wide range of views. The majority of respondents agree with our view that disclosing information which is not legally classified as confidential should not be a breach of the Code of Conduct. There has also been broad support for considering the public-interest aspect of any disclosure.

Personal and prejudicial interests

Unsurprisingly, the issue of declaring interests has prompted a lot of comment. The majority of respondents believe that the personal interest test should be narrowed, so that members need not declare interests shared by a substantial number of other inhabitants in an authority's area. A majority of respondents also think that less stringent rules should apply to prejudicial interests which arise through public service and membership of charities and lobby groups.

First direction issued over parish with problem

A parish council with evidence of longstanding personal conflict and communication problems is to get mediation and training support from its principal authority as a result of directions issued by an ethical standards officer. This is the first time a direction has been issued, using powers which came into force as part of the local investigations regulations.

The powers derive from regulation 5 of the *Local Authorities (Code of Conduct) (Local Determination) Regulations 2003* as amended by the *Local Authorities (Code of Conduct) (Local determination) (Amendment) Regulations 2004*. The regulation enables ethical standards officers to direct monitoring officers to take action other than investigation to resolve local problems, such as reviewing procedures to make them more robust or, as in this case, getting councillors to sit down and work out their problems together.

Tackling problems at the root

Some allegations reveal longstanding problems or more deeply ingrained issues within an authority which investigations alone are not able to address. The directions power is an important tool because it allows us to tackle these problems at the root and make a lasting difference to the way an authority is run.

In this instance, 76 allegations had been received about council members since April 2002, suggesting a history

of conflict and communication problems. A number of these allegations were investigated, but it became apparent that the investigations were unable to resolve the underlying problems. Therefore, due to the overriding need to improve the functioning of the council, both in the public interest and in the interest of members themselves, the direction was issued.

The ethical standards officer directed the monitoring officer of Mendip District Council to arrange mediation between the members and organise training and guidance on conflict resolution and parish council procedure. The monitoring officer has to report back to The Standards Board for England within three months, setting out progress on both aspects of the direction. The ethical standards officer may then decide to issue a statement on the matter in a local newspaper.

Vivienne Pay, the monitoring officer of Mendip District Council, is happy to be contacted with any questions or for further information on this matter. Please telephone 01749 341538 or e-mail:

payv@mendip.gov.uk

Correction to Bulletin 24

The story *High Court considers prejudicial interests test*, featured on page 2 of *Bulletin 24*, contained a number of factual errors.

The first sentence of the article may have been misleading. It should have read: "Ignorance is not bliss, according to the High Court, which last month confirmed that councillors who wrongly believe that their interest in a matter is not prejudicial will still be subject to the rules of the Code of Conduct."

The point being made by the court was that the prejudicial interest test is objective. If a standards committee or case tribunal concludes that an interest is,

viewed objectively, prejudicial, then the member has a prejudicial interest. The member cannot argue that because he or she genuinely tried to apply the test but came to a 'wrong but reasonable' conclusion, he or she had no prejudicial interest.

The High Court ruling does not concern situations where members are genuinely unaware of any personal or prejudicial interest, and we have always taken the view that members cannot be expected to declare interests of which they have no knowledge.

In addition to this, the first sentence of the final paragraph should have stated "The High Court disagreed...", rather than the Court of Appeal. And the judge was Mr Justice Stanley Burnton, not Mr Justice Stanley.

We apologise for the errors contained in the story. The copy of the newsletter available on our website has been corrected and is available at:



Changes to the Bulletin schedule

The Bulletin will take a break from its normal schedule this September to make way for a special conference newsletter to coincide with the Fourth Annual Assembly of Standards Committees.

The special newsletter will focus on all the important issues arising from the conference, including developments in the review of the Code of Conduct. Even if you are unable to attend the event, we think you will find it interesting and informative. Anyone subscribed to receive the Bulletin will get a copy of the conference newsletter automatically. It will also be available from the events area on our website.

Normal service on the Bulletin will resume in November.

1. **Clearer Code on the cards**
Government considers Code recommendations.
3. **Referral statistics**
The latest case figures.
3. **Engaging with delegates**
Board staff meet and greet at political conferences.
4. **Annual Assembly roundup**
4. **Ethical research underway**
5. **MORI polls public opinion**
5. **Reviewing referral reviews**
5. **Local Investigations**
6. **Board changes**
6. **New Case Review**

A great deal has happened since the last *Bulletin*. We submitted our recommendations for a revised Code of Conduct to the government in September. Further details on our proposals can be found in this newsletter, and we eagerly await the government's response.

We expect at the same time the government's decisions on recommendations from the Committee on Standards in Public Life and the parliamentary select committee on the Office of the Deputy Prime Minister, covering the future direction of The Standards Board for England within the wider ethical framework. We hope to bring you a full report on all these issues in the next edition of the *Bulletin*, which will arrive early in the new year.

Also in September, we hosted our Fourth Annual Assembly of Standards Committees and followed this by attending the party conferences of the three main political parties (see stories on page 3 and 4 for details). The feedback we have received from all of these events has helped us to assess our performance, both over the past year and throughout our existence. We will use it to guide our future work programme as we continue to transform ourselves into a strategic regulator focusing on enabling authorities to take control of the ethical agenda.

David Prince, chief executive

Government considers Code review

The government is considering recommendations from The Standards Board for England for a clearer and more positive Code of Conduct, following consultation on the review of the Code earlier this year. An announcement is expected from the government towards the end of November — slightly later than originally anticipated.

We presented our key recommendations to local government minister Phil Woolas MP at the Fourth Annual Assembly of Standards Committees in September. The recommendations are the outcome of four months of consultation on the review of the Code conducted early this year, to which we received over 1,200 responses. We also talked to nearly 1,000 monitoring officers and standards committees during a series of 11 roadshows. Consultation closed in June and we reported the early findings in the last issue of the *Bulletin*.

We recommend that the government seeks ways to clarify the Code and simplify it wherever possible. There is a particular need to clarify and reframe the rules around declarations of interests. It is also important to ensure that the Code is seen in a more positive light as promoting effective local governance, rather than merely being a list of prohibitions on certain activities. We believe the Code should, where possible, be written as a positive, rather than negative, statement. Specifically, we recommend that the government includes the ten general principles as a preamble to the Code.

Declarations of interests

One of our key findings is that the framework for declaring interests needs to be addressed urgently. We believe the public has a right to expect decisions to be made for the public good and not simply to serve a vested interest. However, it is clear from consultation that councillors have too often felt excluded from discussing issues in which they have a legitimate interest and where the public would expect them to represent the views of their communities. We think the Code should exclude councillors from taking decisions only where they or their close associates gain an unfair advantage, allowing them to participate where they are acting in their role as representative or advocate.

Whistleblowing

Our other key concern is amending the Code to reduce the potential for politically-motivated and trivial complaints. We have already made great strides in this direction, and think the message that we will not entertain such complaints is now well understood. Nevertheless, we propose that, as a further strategy to address this issue, the current duty of members to report breaches of the Code by fellow members is removed.

We believe the existing provision, designed to protect members who blow the whistle on colleagues' behaviour from intimidation, has failed to achieve its aim. A specific provision making it an offence to seek to intimidate complainants and witnesses would provide the protection originally sought by the provision and allow members to come forward where they have serious concerns.

Disrepute and private conduct

We also recommend that certain aspects of a member's private life continue to be viewed as capable of bringing the authority into disrepute. The Committee on Standards in Public Life, in the report on their Tenth Inquiry, recommended that this provision be restricted solely to public life, but this view was not supported by the consultation. We believe there are certain unlawful activities which, although not carried out in an official capacity, would still damage the public's perception of that member's fitness for office. For this reason, we think that unlawful activities should continue to be within the jurisdiction of the Code of Conduct. This would also be consistent with the eighth general principle which states that a member should uphold the law at all times.

Confidential information

We believe that a greater balance needs to be struck between the proper need for an authority to protect confidential information and the member's right to make information available in the public interest. This is particularly important in the light of the *Freedom of Information Act*. The Code needs to be clearer that there are times when it is legitimate to raise concerns and release information which has been deemed confidential. We believe there should be an emphasis in local government on openness in order to ensure proper public accountability and the Code should reflect this.

Bullying

We think a specific provision is needed to address the rare but serious incidents of bullying. Councillors have a right to challenge and question advice and decisions but in certain cases the line between appropriate behaviour and intimidation and humiliation has been crossed. Such behaviour should not be tolerated and we are committed to working with all in local government to stamp it out.

We have been successful in dealing with cases of bullying to date but believe that such cases are particularly concerning because of the characteristics they share. While the Code already says that members should treat people with respect, we believe it could make a much clearer statement that bullying behaviour will not be tolerated in a modern workplace.

A Code for the future

The decision on what changes will be made to the Code is now in the government's hands. We have told the minister that we are keen to proceed with a revised Code of Conduct as soon as possible. We think it is particularly important to address the provisions relating to personal and prejudicial interests, which are currently seen as inhibiting members from carrying out their proper role as community advocates. This issue needs to be addressed urgently if the Code of Conduct is to better serve the government's vision for effective local democracy. We look forward to working with the Office of the Deputy Prime Minister on the revised Code.

Key recommendations

- The Code should be simpler, more enabling, and owned by members.
- The Code should empower members as community advocates.
- The rules around personal and prejudicial interests should be clearer.
- The Code needs to be clear on what information should be confidential.
- Private behaviour should be regulated only when it seriously damages the reputation of local government.
- Bullying cannot be tolerated and needs to be addressed more explicitly.
- The current duty for members to report breaches should be removed.
- The Code should protect complainants and witnesses from intimidation.

A full summary of our recommendations is available on our website, along with a report on the independent analysis of consultation responses carried out by Teesside Business School:

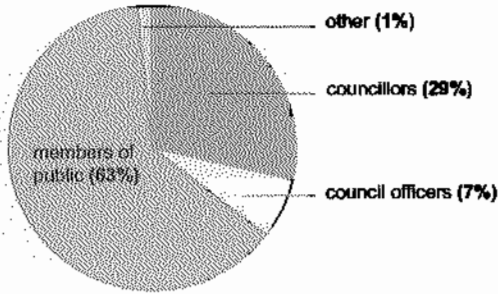
[www.teesside.ac.uk/standards](#)

Referral statistics

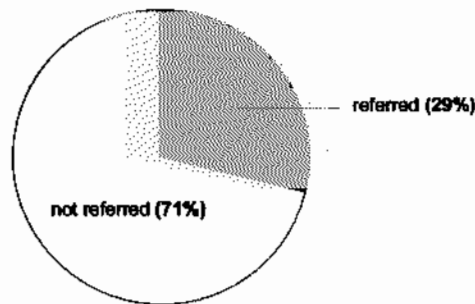
The Standards Board for England received 309 allegations in June, 321 in July, 374 in August, and 293 in September, giving a running total of 1931 for the current financial year.

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

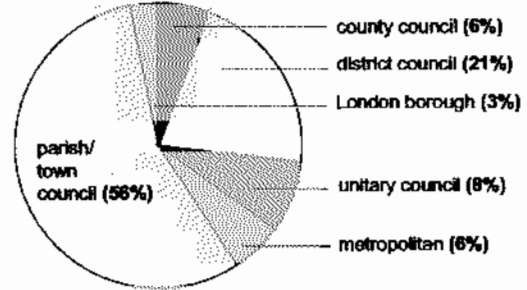
Source of allegations received



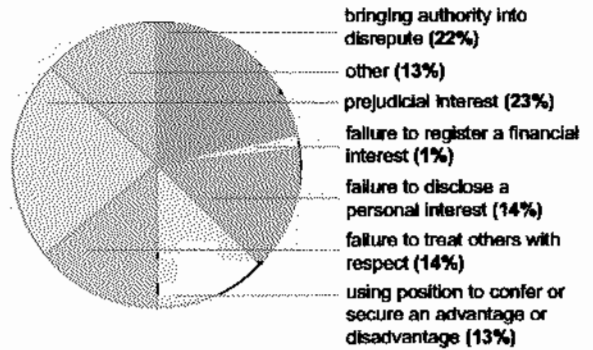
Allegations referred for investigation



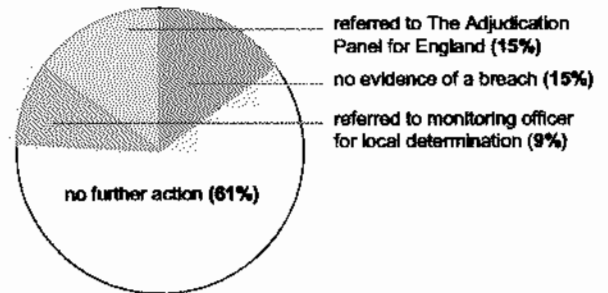
Authority of subject member in allegations referred for investigation



Nature of allegations referred for investigation



Final findings



Party conferences respond well to Code review

The Standards Board for England attended all three main political party conferences this autumn, taking the opportunity to talk to delegates — including many serving councillors — about the review of the Code of Conduct and the increasingly local focus for investigations and hearings. We were also keen to reiterate the message that we are not interested in being used as a weapon in political skirmishes between members. Feedback from delegates was largely positive, particularly in response to our recommendations for a clearer, more positive Code of Conduct.

Liberal Democrat focus

We were the subject of much debate during the Liberal Democrat conference. One of their main policy motions called for the abolition of the Board in its present form. The conference rejected overwhelmingly a motion to abolish the Board unconditionally, but approved the

policy which would see the Board replaced by a more strategic organisation overseeing a clearer Code of Conduct. This is, of course, broadly the direction in which we are already travelling. With local investigations taking root and the Code review almost complete, you will see us taking an increasingly more strategic approach to our work over the coming months and years.

Also at the Liberal Democrat conference, Roger Taylor, one of our Board members, took part in a fringe event hosted by the Association of Liberal Democrat Councillors. He told the audience that the reputation of local government has suffered, and continues to suffer, as the result of the behaviour of a minority. He argued that the need for the Code of Conduct and Standards Board is unquestionable, and the present reforms, including the review of the Code, are essential to ensure that authorities are able to take ownership and responsibility for improving standards.

Fifth Annual Assembly of Standards Committees

The Fifth Annual Assembly of Standards Committee will be held on 16 and 17 October 2006, and will once again be at the International Conference Centre, Birmingham. Marketing for the event will begin in the New Year. This year's conference was fully booked and we had to turn people away, so make sure you book early to avoid disappointment!

Standards conference a hit with delegates

A record 800 delegates travelled from across the country to attend this year's Annual Assembly of Standards Committees in Birmingham, and with 98% expressing their overall satisfaction with the event, it can safely be said to be another resounding success.

Delegates included around 200 monitoring officers, 200 independent members, and a range of other standards committee members (including councillors), chief executives and council leaders. The two-day conference included a wide variety of sessions covering local investigations, standards committee hearings, and some of the wider issues of the ethical framework.

A large proportion of conference materials is still available on our website, including the conference programme, several plenary speeches, session slides, handouts and newsletters. For those who were unable to attend the event, the third issue of the newsletter may be a good place to start as it includes an overview of the sessions and a roundup from our chief executive, David Prince.

Focussing on what's important

The Annual Assembly is the only event in the local government calendar that allows such a wide range of practitioners to come together to debate issues relating to the ethical agenda. It is evident from the feedback that delegates really value the opportunity to network and share experiences with colleagues from across the country.

However, looking forward, one of the key challenges delegates identified in their feedback was how the conference could evolve to continue to meet the learning and information needs of a diverse and discerning audience. With delegates ranging from experienced monitoring officers to newly appointed independent members, the audience for our conference is of a considerable size and variation, and delegates come to the event with varying degrees of knowledge and levels of interest in topics.

Of course, we would prefer not to exclude delegates from sessions, as experience has shown us that this can generate feelings of isolation and a sense of missing out among other groups. So, taking all this on board, next year we hope to build a programme of sessions designed around the different needs of our audience.

In practice, this will mean promoting individual conference sessions as 'primarily aimed at' certain types of delegate. We may describe a session as 'particularly relevant to independent members', for example, or 'most appropriate to those new to the Code and ethical framework'. This approach will enable delegates to make an informed choice about the sessions that are most likely to meet their needs and suit their level of knowledge and expertise without excluding others.

We continue to appreciate any feedback or comments on the Annual Assembly, particularly concerning how we can best meet the needs of our stakeholders. So if you have any thoughts for next year's event, please contact our conference organiser, Clare Stephenson, at clare_stephenson@standardsboard.co.uk.

Ethics in local authorities explored

A team at the University of Manchester is conducting research into what components contribute to an ethical local authority. The research, commissioned by The Standards Board for England, will draw on good practice both nationally and internationally and, importantly, on your experiences as practitioners in local authorities.

The report on the Tenth Inquiry of the Committee on Standards in Public Life placed a great deal of emphasis on the importance of embedding the principles of public life in public organisations. We want to know how this goal might be achieved. A number of factors will be investigated, including mediation, communication, training, the development of protocols, the role of standards committees, the importance of leadership, and the role of ethics in corporate governance.

The first stage of the project, now complete, involved a literature review to develop a model of the components that make up an ethical environment and how these components relate to each other. The model will then be tested and developed further via case studies, in the context of the challenges regularly faced by local public bodies today.

The research team has set up a special website where you can get more information on the project and take part in a brief survey:

Standards in Organisations

The research will be completed in December 2005. We will publish a summary of the findings on our website and report back in a future issue of the *Bulletin*.

Survey sets benchmark for public confidence

Research by MORI into the public's perceptions of ethics in local government has found that most people have a higher opinion of local councillors than politicians generally, but trust is still low. And while most people have never complained about a councillor, one in ten has wanted to.

The Standards Board for England commissioned MORI to investigate the public's perceptions of ethics and attitudes towards local government. The research will help us to establish benchmarks against which we can monitor the success of our work in increasing public confidence in local democracy.

Initial findings

MORI asked over 1,000 members of the public about their views on local government. It found a mismatch between what people regard as important roles for councillors and the perception of what councillors actually do. For example, 54% of those surveyed think it is important for councillors to make sure that public money is spent wisely, but only 21% think most or all councillors in their area do so. 39% think councillors should fulfil election promises, but only 15% think most or all councillors do.

The survey found that people are interested in local issues and want to engage with their local area but are not always certain what they can do in practice. It also revealed a lack of understanding about the work of councillors and low levels of contact with elected members — only one in seven people have met a local councillor within the last six months.

If people ever do need to complain, they are most likely to want an independent body to deal with it (46%), compared with their local council (28%) or an MP (13%). The three most important factors when making a complaint are knowing that it will be dealt with thoroughly, that the investigation will be independent, and that the complainant will be kept informed.

A summary of the findings will be published on our website in the near future.

Local investigations statistics

Ethical standards officers had referred 253 cases to monitoring officers for local investigation as of the end of September 2005 — equivalent to 32% of all cases referred for investigation since local referrals began in November 2004. In recent months, over half of all cases have been referred locally, and this trend looks set to continue.

74 reports have already been received from monitoring officers, and there have been 51 standards committee decisions on cases investigated locally. In

Monitoring officers to be notified of all referral review decisions

Monitoring officers and members named in an allegation will be notified of the outcome of referrals challenges, along with the complainant, following an amendment made to the Board's policy earlier this year. The relevant clerk will also be notified if the allegation concerns a parish councillor.

Complainants can request a review of a decision made by the Referrals Unit not to refer their complaint for investigation by writing to the chief executive of The Standards Board for England. The decision to inform monitoring officers, subject members and clerks of the outcome of the review is in response to feedback. Previously, these parties would have been informed only if the original decision was overturned and the complaint was referred for investigation.

The Board has also clarified that only the complainant may seek a review of a decision. Other parties who may also disagree with the decision cannot request a review but can lodge a fresh complaint if they believe they have anything new and material to add to the allegation.

Revised scheme

The new policy forms part of an amended Scheme of Delegation, which sets out the chief executive's powers to review a decision made by the Referrals Unit not to refer a complaint for investigation. The amended scheme makes it clear that the main purpose of the review process is to consider whether a decision not to refer a complaint should be changed and the complaint investigated. The chief executive (or delegated officer when the chief executive is unavailable) will consider whether the decision on a complaint was procedurally sound. For instance, was it based on a proper understanding of the allegation on the information available at the time, and did it go through the proper checking and sign-off procedures? They will also consider whether the decision reached was reasonable, regardless of whether they would have reached the same conclusion.

28 of those cases, it was decided that the member had not breached the Code of Conduct. In the other 23 cases:

- 12 members were censured;
- 1 was suspended for 1 month;
- 1 was suspended for 3 months;
- 3 were required to make an apology and undergo appropriate training;
- 6 had no sanction imposed.

Board changes

Professor Alan Doig and John Bowers have ended their terms of office as Board members with The Standards Board for England. Both have served since the organisation's formation in 2001. They contributed to our development during the difficult early years when we were dealing with untried and incomplete legislation, and have overseen the improvements in our performance in more recent times. Their expertise and considered contributions will be sorely missed.

The Office of the Deputy Prime Minister, which is responsible for board member appointments, has advertised the vacancies and we will let you know about their replacements as soon as they are announced.

New Case Review covers confidential ruling

The landmark ruling by The Adjudication Panel for England in the case against Councillor Dimoldenberg of Westminster City Council is examined in the latest volume of the *Case Review*, clarifying the Code's position on confidential information.

Other chapters explore The Standards Board for England's referrals process and criteria, national trends

emerging in local determinations, and the implications of several recent High Court challenges.

The *Case Review* is The Standards Board's annual review of case-related issues and developments, in which we investigate the key themes and topics in local government ethics. Each edition uses case examples drawn from our experience of conducting investigations and providing advice and guidance to pose questions, suggest some answers, and spark debate.

A copy of the publication was sent to all monitoring officers in September and was included in conference packs at the Fourth Annual Assembly of Standards Committees. Additional copies are available at a cost of £15 each. To place an order, call 0845 078 8181 or write to publications@standardsboard.co.uk.

Past issues at bargain prices

We also have limited copies of previous editions on special offer. Issue 1 includes a paragraph-by-paragraph analysis of the Code of Conduct, while issue 2 examines the role of the Code of Conduct in members' private lives, the boundaries of political debate, and prejudicial interests. These publications, normally priced at £20 and £15 respectively, can be purchased together for the total price of £20 while stocks last.



the
Standards Board
for England

Standards Committee News:04

email: scnews@standardsboard.co.uk

tel: 0845 073 9181

www: standardsboard.co.uk/publications/

November 2005

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 - 5 Local directions
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- ...and more!

Contents

You have probably been wondering what happened to *Standards Committee News* — this is, after all, our first issue for nearly a year. It has been a very busy time for us, reviewing and consulting on the Code of Conduct, embedding local investigations, and speeding up our referrals and investigations, not to mention organising the Fourth Annual Assembly of Standards Committees. We have also been scrutinised by two influential public bodies and await the government's response to their recommendations. You can read more about this work over the following pages, and we will write to all standards committee chairs detailing the government's official response to these issues in the near future.

In the meantime, we have been talking to standards committees and looking again at our newsletters to make sure they meet your needs. In future, we will produce two issues of *Standards Committee News* a year, in May and November, and we will be encouraging you to help shape them by submitting ideas and feedback. Our contact details are on the last page.

We believe standards committees have a critical role to play in improving standards of behaviour and increasing public trust and confidence, and I look forward to supporting you in your important work over the coming months and years. I also encourage you to send in any ideas for future articles in this newsletter — any examples of good practice and hot topics for discussion are welcome, and will help to keep this newsletter relevant to your needs.

David Prince, chief executive

Government considers committee findings

The government is considering its response to recommendations from two influential committees which scrutinised the role and effectiveness of The Standards Board for England last year. The Committee on Standards in Public Life and the parliamentary select committee on the Office of the Deputy Prime Minister both presented their findings to the government earlier this year. Local government minister Phil Woolas MP told the Fourth Annual Assembly of Standards Committees, meeting in Birmingham this September, that he intends to reach a decision in the next few months.

A strategic approach

The report of the Committee on Standards in Public Life, chaired by Sir Alistair Graham, called for more independent members on standards committees — a view we fully agree with. It also called for The Standards Board for England to take on a more strategic role in regulating ethical standards in local government, and with local investigations now in place, we are already moving in this direction.

The Committee on the Office of the Deputy Prime Minister, reporting a few months later, congratulated the Standards Board on the progress made in speeding up investigations and put past delays down to the absence of local investigations regulations. Recognising that we have often been criticised for these delays, the committee remarked that it was unreasonable to have expected us to function well within an incomplete statutory framework and without the necessary resources and powers.

Both reports also suggested improvements to the Code of Conduct which were reflected in our consultation on the review of the Code.

Considering complaints

The one issue on which the two committees disagreed was the question of who should consider complaints.

The Committee on Standards in Public Life proposed a local filter, where complaints would be received and assessed by each local authority. It believes this will enable greater local ownership of the process and discourage politically-motivated complaints. But the committee stressed that standards committees would need a majority of independent members and independent chairs if they were to maintain public confidence in the system, and this would require primary legislation.

Conversely, the Committee on the Office of the Deputy Prime Minister endorsed the current arrangements with The Standards Board for England as a central filter for complaints. According to the report, "central initial assessment of complaints by experienced officers applying a consistent set of criteria is one of its [the system's] unique strengths". The committee stated that it does not believe a local filtering system would enhance consistency in the process or increase efficiency.

The question of who should filter complaints is therefore clearly a key issue for ministers as they consider the way

forward. They will have to take into account a number of questions of both principle — will it lead to enhanced public confidence and greater responsibility for standards at a local level? — and practicality — will it be more cost-effective and efficient than at present and reduce politically-motivated complaints?

We look forward to their response and will keep you informed.

Resolving disputes through mediation

Councillors with disputes can be instructed by standards committees to undertake mediation and conciliation as part of a sanction, and ethical standards officers can make similar directions to be implemented by monitoring officers in specific cases. Mediation and conciliation may also be useful in resolving situations that have not yet given rise to complaints to The Standards Board for England. Some monitoring officers and standards committees already have mediation skills, but it may be useful for others to know how to acquire mediation skills and access third-party services.

That's where Mediation UK comes in. Mediation UK is a national voluntary organisation dedicated to developing constructive means of resolving conflicts in communities. It provides information on free and subsidised community mediation services throughout the UK, including training services for those who wish to provide mediation services themselves.

Authorities without specific mediation expertise may find these services useful. For more information and resources on mediation, visit the organisation's website at

www.mediationuk.org.uk

We are not able to endorse any particular mediation training providers.

Local investigations statistics

Ethical standards officers had referred 253 cases to monitoring officers for local investigation as of the end of September 2005 — equivalent to 32% of all cases referred for investigation since local referrals began in November 2004. In recent months, over half of all cases have been referred locally, and this trend looks set to continue.

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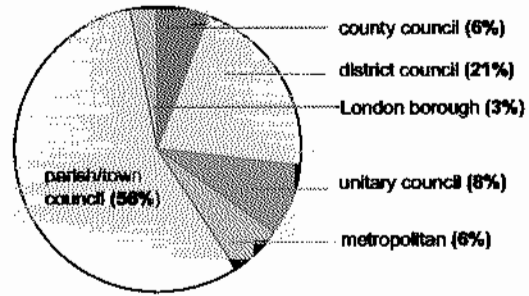
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Latest referral statistics

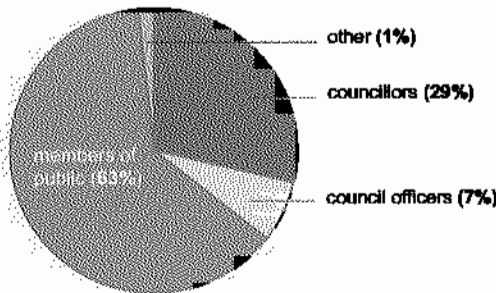
The Standards Board for England received 1931 allegations between 1 April and 30 September 2005 (the latest figure for the current financial year). The following charts show the breakdown for those allegations as they progressed through evaluation and investigation.

These figures are also available from our website, along with final figures for the previous financial years. The current statistics are updated monthly. To view them, go to: www.standardsboard.co.uk/casestatistics/

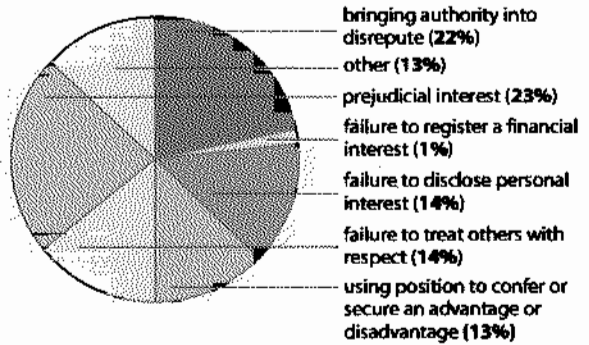
Authority of subject member in allegations referred for investigation



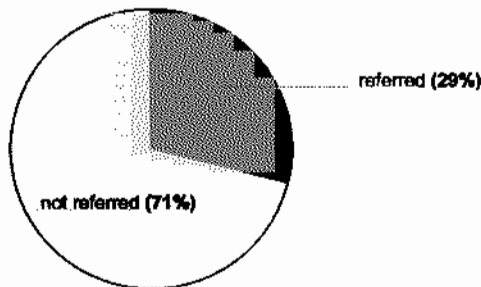
Source of allegations received



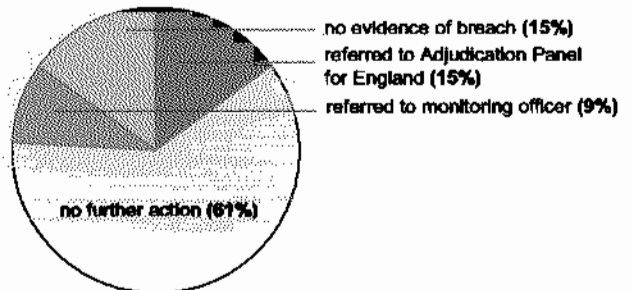
Nature of allegations referred for investigation



Allegations referred for investigation



Final findings



Key issues emerge as Code consultation closes

The Standards Board for England has presented Phil Woolas MP, the local government minister, with a series of recommendations for changes to the Code of Conduct, following our review of the Code earlier this year. We want to see a clearer Code which enables members to fully represent their communities without undue hindrance or red tape, while maintaining a commitment to the highest principles of public service.

The recommendations are the result of a four-month consultation exercise on the future of the Code of Conduct in which we asked members how they thought the Code could be improved. Over 1,200 individuals,

authorities and other organisations responded in writing, and we consulted nearly 1,000 additional members and officers during our series of regional roadshows held across the country.

We found wide support for a simpler Code, one that local government can take ownership of and adopt. These are the key changes we want to see made:

- The Code of Conduct should be simpler, more enabling, and owned by the members it applies to.
- The Code needs to empower members as community advocates, taking the lead on issues where their expertise is greatest and speaking out on behalf of their communities.

- The rules around personal and prejudicial interests should be clearer, especially for members who sit on more than one public body.
- Members must be able to disclose information when it is in the public interest. The Code needs to be clear on what information should be confidential.
- Members are entitled to private lives. The public only expects private behaviour to be regulated when it seriously damages the reputation of local government.
- Members have a right to challenge poor performance and criticise officers fairly, but bullying cannot be tolerated and needs to be addressed more explicitly in the Code.
- The current duty for members to report breaches is unnecessary and unhelpful, and should be removed.
- The Code should protect complainants and witnesses from intimidation.

The government is now considering its response and we expect a decision on possible revisions to the Code of Conduct later in the year, alongside any proposals arising from the recommendations of the Committee on Standards in Public Life and Committee on the Office of the Deputy Prime Minister (see Government considers committee findings on page 1).

Our full recommendations, along with an independent analysis of consultation responses by Teesside Business School, are available from our website at:

www.standardsboard.org.uk

Co-ordinators push for more member forums

Co-ordinators of independent members' forums discussed the possibility of setting up a national forum of independent members at their annual meeting in July. But after a lively debate, it was decided that this was a bit premature, as not all areas of the country are covered by forums yet. The gaps are in the area north of Yorkshire, a large part of the Midlands and Cambridgeshire, Norfolk and Essex.

The co-ordinators agreed instead to encourage as many people as possible to attend a fringe event for independent members at the Fourth Annual Assembly of Standards Committees, where they could learn about the benefits of joining forums and hear about members' experiences of setting them up. The fringe event was a rare chance for independent members from all over the country to get together and share experiences and ideas and, judging from the high attendance, was a welcome event.

The session focused on the benefits of independent members' forums, which are growing in popularity and strength across the country. The session heard first hand accounts of how existing forums had galvanized members to approach their authorities for things which were available to members in other authorities but not to them. It was clearly shown that the encouragement and support of forums can make a big difference to

independent members who, in some authorities, may feel isolated or marginalised.

About half the independent members at the conference attended the lively event and a number of members registered their interest in forming new groups. Anne Rehill, senior policy adviser at The Standards Board for England, is helping to facilitate the drive for forums and will put members who are interested in setting one up in touch with other members from the same area. If you are in one of the areas where there is no forum and you would like to set one up, you can contact Anne on 020 7378 5030, or e-mail: anne.rehill@standardsboard.co.uk.

The existing co-ordinators are also happy to be contacted if you would like to talk to them about setting up a forum in your area. They are also willing to attend meetings if you would find that helpful.

- Mr Richard Stephens (Gloucestershire)
e-mail: rstephens@dialogueuk.com
- Mr Andrew May (south west)
e-mail: andrewandsuemay@witterings.fsworld.co.uk
- Mr Mike Wilkinson (West Yorkshire and Humberside)
e-mail: mike.wilkinson100@ntlworld.com
- Mr Graham Wood (Greater Manchester)
telephone: 0161 295 3646
e-mail: gwoodatno1@aol.com
- Mr Bruce Claxton (south of England)
e-mail: bandjclaxton@btinternet.com
- Ms Sarah Lawrence (Berkshire, Oxfordshire and Wiltshire)
telephone: 01793 463603
e-mail: slawrence@swindon.gov.uk
- Mr Ray Haines (Kent)
e-mail: ray@doverchamber.co.uk
- Father Jim Kennedy (London)
e-mail: blesac@rcdow.org.uk

Upcoming meetings

The next meeting of the **London independent members' forum** will be on 28 December at 1pm (venue to be confirmed). If you are interested in attending and would like more information, please contact the forum co-ordinator, Jim Kennedy. Details above.

The next meeting of the **south of England independent members' forum** will be held at the Wealden District Council offices, Crowborough, East Sussex, on 3 April 2006.

If you are interested in attending and would like more information, contact the forum co-ordinator, Bruce Claxton. Details above.

Sharing terms of reference

The co-ordinators also emphasised the importance of sharing information, particularly around extended terms of reference for standards committees — an area where The Standards Board for England can help. Standards committees are required to provide their terms of reference to us and should forward a new copy every time they change. We will then be able to share information more widely about what terms of reference standards committees have.

We are also interested in hearing about your experiences of being on a standards committee, particularly if you have been involved in a local investigation or hearing, have any special responsibilities, or have been innovative in your approach to the statutory functions of training and promoting the Code of Conduct.

Please send any ideas or information to James Harrigan at james.harrigan@standardsboard.co.uk.

Survey sets benchmark for public confidence

Research by MORI into the public's perceptions of ethics in local government has found that most people have a higher opinion of local councillors than politicians generally, but trust is still low. And while most people have never complained about a councillor, one in ten has wanted to.

The Standards Board for England commissioned MORI to investigate the public's perceptions of ethics and attitudes towards local government. The research will help us to establish benchmarks against which we can monitor the success of our work in increasing public confidence in local democracy.

Initial findings

MORI asked over 1,000 members of the public about their views on local government. It found a mismatch between what people regard as important roles for councillors and the perception of what councillors actually do. For example, 54% of those surveyed think it is important for councillors to make sure that public money is spent wisely, but only 21% think most or all councillors in their area do so. 39% think councillors should fulfil election promises, but only 15% think most or all councillors do.

The survey found that people are interested in local issues and want to engage with their local area but are not always certain what they can do in practice. It also revealed a lack of understanding about the work of councillors and low levels of contact with elected members — only one in seven people have met a local councillor within the last six months.

If people ever do need to complain, they are most likely to want an independent body to deal with it (46%), compared with their local council (28%) or an MP (13%). The three most important factors when making a complaint are knowing that it will be dealt with thoroughly, that the investigation will be independent, and that you will be kept informed.

The full report will be available on our website in the near future.

Three-month limit on hearings explained

A case heard in the High Court regarding a local determination by the standards committee of Bolsover District Council established the principle that authorities need to make every effort to hold a hearing within three months of receiving the case from an ethical standards officer. But just how rigid is this limit, and are there any exceptions to the rule?

Paragraph 6(2)(b) of the *Local Authorities (Code of Conduct)(Local Determination) Regulations 2003* states that a hearing must be held within three months of the reference from the ethical standards officer. Authorities are encouraged to ensure that hearings are held as soon as possible and within this time limit imposed by legislation. The standards committee has the power to delay the hearing if something unexpected or unforeseen occurs which prevents it from meeting the time limit, but the court made it clear these must be genuine reasons — it is not sufficient that a subject member may have no objections to the hearing being held outside the three-month period.

Unexpected or unforeseen circumstances may include the following events, although it is by no means an exhaustive list:

- illness of the subject member or any of the standards committee members;
- bereavement suffered by the subject member or any of the standards committee members;
- other important engagements which cannot be altered, such as hospital appointments and jury service;
- the subject member being called to work out of the country for a long period of time.

Tackling parish problems at the root

A parish council with evidence of longstanding personal conflict and communication problems was given mediation and training support by its principal authority as a result of directions issued for the first time by The Standards Board for England.

The Standards Board for England issued the directions using powers that came into force as part of the local investigations regulations last year. The regulations enable ethical standards officers to direct monitoring officers to take action other than investigation to resolve local problems, such as reviewing procedures to make them more robust or, as in this case, getting councillors to sit down and work out their problems together.

Since this first direction was issued, ethical standards officers have used these powers in several further cases, and a number of other directions are expected to be issued in the near future.

Underlying problems

Some allegations reveal longstanding problems or more deeply ingrained issues within an authority which investigations alone are not able to address. There may be any number of underlying factors affecting the authority, such as:

- factionalism on the council, often resulting from a split over a controversial decision — possibly the clerk may even be thought to have taken sides;
- a dominant or destructive personality on the council antagonising other members;
- bullying of members or the clerk by other members;
- a lack of understanding by members of what is and is not acceptable behaviour;
- a lack of procedures in council, such as standing orders or procedures for dealing with disruptive behaviour;
- poor chairing skills, which can allow meetings to get out of control;
- poor resourcing and a lack of support for the clerk, who may be unable to ensure business is run correctly.

The directions power is an important tool because it allows us to tackle these problems at the root and make a lasting difference to the way an authority is run.

Beyond investigations

In this instance, 76 allegations had been received about council members since April 2002, suggesting a history of conflict and communication problems. A number of these allegations were investigated, but it became apparent that the investigations were unable to resolve the underlying problems.

The ethical standards officer directed the monitoring officer of Mendip District Council to arrange mediation between the members and organise training and guidance on conflict resolution and parish council procedure. The monitoring officer had to report back to The Standards Board for England within three months, setting out progress on both aspects of the direction.

Vivienne Pay, the monitoring officer of Mendip District Council, is happy to be contacted with any questions or for further information on this matter. Please telephone 01749 341538 or e-mail payv@mendip.gov.uk.

Supporting your parishes

Directions are not the only way we are working to address issues of this kind. At a national level, we are working with bodies such as the National Association of Local Councils and the Society of Local Council Clerks to develop support packages, and we are seeking funding from the Office of the Deputy Prime Minister to support some of the work.

Standards committees too have a role to play. Sometimes standards committees seem reluctant to support parishes in their area with these kinds of problems, but standards committees have a responsibility to promote and maintain high standards of conduct among members. We often find that independent members, in particular, can play an important role in working through some of the difficulties with parishes as they are seen as not having the political baggage that elected members may have.

If you think there may be issues with a particular parish in your area, we would urge you to talk to your local county association and the local branch of the Society of Local Council Clerks about how to work collectively with the parishes to address these problems and help them move forward to the benefit of all in the local community. You may also be interested in the article on providing mediation and conciliation support to members.

If any committees out there have stories of success in supporting a parish facing such difficulties, please tell us about it so we can share effective practice with other standards committees and see if there is anything we can try to replicate at a national level. Send your stories to James Harrigan at james.harrigan@standardsboard.co.uk.

Please also state if you would be happy for us to use your experience as a case study in future editions of the newsletter.

Toolkit helps authorities assess standards

Tools to help authorities take their ethical temperature and develop good ethical governance are being jointly developed by The Standards Board for England, the Audit Commission and the Improvement and Development Agency (IDeA).

The ethical governance toolkit provides diagnostic tools to help authorities strengthen their ethical governance arrangements. Authorities can choose from a range of options, recognising that councils differ in their needs and approaches to ethical governance issues.

There are four key elements to the toolkit, administered by the Audit Commission, the IDeA, or jointly by both organisations:

1. A self-assessment questionnaire for elected members and senior officers, designed to assess an authority's awareness of ethical issues.
2. A full audit, investigating all areas of an authority's arrangements in depth and assessing:
 - compliance with the Code of Conduct;
 - arrangements for local determinations and investigations;
 - the roles and responsibilities of standards committees;
 - the roles and responsibilities of monitoring officers;
 - the roles and responsibilities of chief executives;
 - protocols and constitution;
 - arrangements for promoting confidence in local democracy;
 - understanding and behaviours.
3. A light-touch health check, investigating the same areas covered by the full audit (listed above) but in less detail
4. Developmental workshops with officers and members tailored to the specific needs of the authority.

The first two services are available now and the other parts will be available in the new year.

For more information on the toolkit, visit the IDeA's website at:

www.idea.gov.uk/standards/audit/index.asp?lang=EN&id=11115350

Case summary policy reviewed

Summaries of cases where ethical standards officers consider there is no evidence of a breach of the Code of Conduct will be taken down off the website after only six months, following a recent review of the policy by the Board. Previously, these cases remained up for two years.

The policy for all other cases remains the same — the summaries remain on the site for two years from either the closure of the case or, for cases referred to The Adjudication Panel for England or local standards committee, from the hearing date or completion of any sanction, such as a suspension or disqualification.

Ethics in local authorities explored

The Standards Board for England has commissioned a team at the University of Manchester to conduct research into what components contribute to an ethical local authority. The research will draw on good practice both nationally and internationally and, importantly, upon your experiences as practitioners in local authorities.

The tenth report of the Committee on Standards in Public Life placed a great deal of emphasis on the importance of embedding the principles of public life in public organisations. This research project looks at how this

goal might be achieved. A number of factors will be investigated, including mediation, communication and training, the development of protocols, the role of standards committees, the importance of leadership, and the role of ethics in corporate governance.

The first stage of the project, which was recently completed, was to undertake a literature review, in order to develop a model of the components that make up an ethical environment and how these components relate to each other. The model will then be tested and developed further via case studies, in the context of the challenges regularly faced by local public bodies today.

More information on this project can be found at the following website, which has been set up by the research team:

www.spe.gov.uk/Standards.htm

The research will be completed in December 2005, and we will publish a summary of the findings on our website.

Help with local investigations and hearings

A DVD promoting best practice in local investigations and hearings is in the final stages of production.

The DVD, *Going local: investigations and hearings*, follows the fictional case of Councillor Jones, who has been accused of failing to declare an interest in a planning meeting considering an application submitted by his nephew. Viewers follow the drama as it develops, from the initial referral of the complaint through to the standards committee hearing. Learning points and commentary punctuating the film address some of the common areas of difficulty and our recommended solutions. It also includes a section on the importance of local ownership of the Code of Conduct and our role in supporting its implementation.

We hope to complete the DVD soon and should be in a position to distribute it by the end of this month. In the meantime, you may find some of our other guidance for standards committees of use — see *Information for new members* on page 8 for more information

Board changes

Professor Alan Doig and John Bowers have ended their terms of office as Board members with The Standards Board for England. Both have served since the organisation's formation in 2001. They contributed to our development during the difficult early years when we were dealing with untried and incomplete legislation, and have overseen the improvements in our performance in more recent times. Their expertise and considered contributions will be sorely missed.

The Office of the Deputy Prime Minister, which is responsible for board member appointments, has advertised the vacancies and we will let you know about their replacements as soon as they are announced.

Information for new members

As a result of the local elections in May, there are undoubtedly many new members of standards committees across the country. So, as an introduction to the new faces — and a reminder to the more established ones — here is a brief guide to the information available from our website, including publications aimed specifically at members of standards committees. Some of this information is also available in hard copy. For more information, please call 0845 078 8181 or write to publications@standardsboard.co.uk.

Guidance

- **Guidance on standards committees**

A guide to the role and make-up of standards committees.

- **Standards committee determinations**

Information for standards committees on how to hold a local determination hearing.

www.standardsboard.co.uk/localauthorityguidance/

Standards Committee News

The latest issue and past issues of the newsletter. You can also sign up to receive issues by e-mail or cancel your subscription [here](#).

www.standardsboard.co.uk/scnews/

FAQs

Frequently asked questions about the Code of Conduct, including a section on standards committees.

www.standardsboard.co.uk/faqs/

Case summaries

Summaries of recent investigations and hearings. The browse function enables you to find cases referred to standards committees — use the 'SBE outcome' box and select 'referred to the local standards committee'.

www.standardsboard.co.uk/cases/

Other publications

An extensive list of all our publications.

www.standardsboard.co.uk/publications/

Contacts

If you received this edition of Standard Committee News from a colleague but would like your own copies in future, write to scnews@standardsboard.co.uk or go to:

www.standardsboard.co.uk/scnews/

If you have any comments or questions about Standards Committee News or ideas for future items, drop us a line at scnews@standardsboard.co.uk.

For all other enquiries, telephone 0845 078 8181 or e-mail enquiries@standardsboard.co.uk.



NORTHAMPTON
BOROUGH COUNCIL

STANDARDS COMMITTEE

10 January 2006

Item No. 7

Report of Solicitor to the Council

**Directorate: Finance Governance
& Citizens**

Author/Contact Officer
J Inch (Ext 7335)
Senior Solicitor

ROLE OF STANDARDS COMMITTEE

Purpose of Report

To inform the Committee of the changes to the Council's political structures and how it is envisaged this will affect the role of Standards Committee.

Recommendations

- (1) That the report be noted and the enhanced role of the Standards Committee in supporting the Council's recovery programme be embraced.
- (2) That the Solicitor to Council sends a statement of the Standards Committee's revised terms of reference to the Standard Board for England.

BACKGROUND

At the meeting of the full Council on 29 September 2005 a number of changes were adopted to the Council's political structures and governance arrangements. These changes were undertaken as an essential step in the Council's recovery process.

The main changes were:-

The formation of the Improvement Board, (to drive forward the Council's improvement and recovery agenda);

Replacing the previous seven different Overview and Scrutiny Committees with a single Overview and Scrutiny Committee, with power to set up task and finish panels;

Setting up an Audit Committee;

Providing for the delegation of decision making to individual portfolio holders in the Cabinet;

Setting out the commitment of the Council to the work of the Improvement Board in a "contract".

A copy of the Report that went to the Council, setting out these changes is annexed.

The "Contract" and the Role of Standards Committee

The terms of the "contract" are set out in Appendix 7 of the Report to Council.

While it is not a contract in the legal sense it states the commitment of the Council in setting up the Improvement Board, and deals with the relationship between the Board and the Council's other governance bodies. It also includes a statement of the behaviours expected of Councillors.

It is intended that the Standards Committee will monitor compliance with the contract; and if necessary report to the Council on any breaches, or take other appropriate action. This is referred to in clause 13 of the contract; Appendix 8 of the Council Report contains the specific amendment of the Standards Committee's terms of reference to include this role.

Requirement to Notify the Standards Board

Section 53(9) of the Local Government Act 2000 requires that a statement of any revised terms of reference of an authority's Standards Committee must be notified to the Standards Board.

Background Papers

Report to Council on 29 September 2005.



**NORTHAMPTON
BOROUGH COUNCIL**

Council

Date: 29 September 2005

Item No:

Directorate: Finance, Governance and
Citizens

Author/Contact Officer:

Francis Fernandes
Solicitor to the Council
Ext. 7334

Title of the Report:

Review of Political Structures and
Governance Arrangements –
Constitutional Amendments and Other
Matters

Purpose of the Report

To seek Council's approval to amend the Constitution to bring into effect the
Political Structures and Governance Arrangements agreed by Council on
21 July 2005.

Recommendations

Council is recommended to:-

1. Adopt the changes to the Constitution contained in the Appendices to this report.
2. Delegate specific powers to Members of the Improvement Board, the Chief Executive and Cabinet Members sitting on the Improvement Board.
3. To set up an Audit Committee.
4. To constitute the Tree Panel as a Committee of the Council. (Appendix 13)
5. To authorise officers to advertise the Constitutional changes as required by the relevant regulations.

Summary

This report seeks specific changes to the Constitution to implement Council's decision on 21 July 2005, seeking a review of the Political Structures and Governance Arrangements for the Council. The more important aspects of the changes, include the formation of the Improvement Board which will have the main purpose of driving forward the Council's Improvement and Recovery Agenda. All the old Overview and Scrutiny Committees will cease and be replaced by one single Committee, which shall have the power to set up Task and Finish Panels. New structures include an Audit Committee and the constitution of the Tree Panel as a Committee of the Council. A contract between the Council, Improvement Board, Cabinet and Overview and Scrutiny, will set the standards and behaviours required by the bodies and Councillors in interactions between them and will be monitored by the Standards Committee.

Context

Council approved a report on 21 July 2005, which sought significant changes to the Council's Political Structures and Governance Arrangements. Agreement in principle was sought and granted but could not be implemented until formal changes to the Constitution were drafted. This report brings forward the technical aspects of the amendments to the Constitution and if adopted by Council, new political arrangements will be able to commence immediately.

Key Changes

Improvement Board

The Improvement Board is the most significant and innovative aspect of the Political Structures Review. The details of the Constitutional changes are contained in Appendix 1 to this report. By way of explanation, the Improvement Board will have wide powers delegated to it, some of its members and the Chief Executive by both Council and Cabinet and will be able to make decisions, individually or collectively on any matter related to the Council's recovery/improvement programme. The Improvement Board individually or collectively will make Executive and non-Executive decisions respectively. Membership of the Improvement Board is limited to Leader and Deputy-Leader of each group, with provision for substitute members in exceptional circumstances. It is anticipated that the Board will appoint co-opted members from relevant organisations, for example the trade unions, business community and the County Council.

The Improvement Board will however, be required to regularly report to Council and Cabinet on its decisions.

Given that there is a potential overlap of decisions made between the Improvement Board and Cabinet, there is proposed a dispute resolution procedure at Appendix 2.

Delegations to Cabinet Members

The changes to the Constitution will allow both Cabinet and individual Cabinet members, to exercise delegated powers. Both Cabinet as a body and individual members, will therefore be able to make Executive decisions.

The Constitution delegates powers to the Leader to specify a Scheme of Delegations for each Portfolio Holder within the Portfolios identified in Appendix 3. Once the delegations have been determined, copies will be sent to all Councillors for their information.

Connected to this, are the Procedural changes to the Constitution contained in Appendix 4 which allows individual Cabinet member decisions to be made in private, unless the Cabinet member determines otherwise. However, key decisions will need to be made in public. Although decisions may be made in private, there is a requirement for those decisions to be recorded and published and provided to Overview and Scrutiny Committee members as provided in the amendments to the Constitution in relation to Overview and Scrutiny Committee.

Audit Committee

Following Council's approval to the setting up of an Audit Committee, the membership and Terms of Reference of the Committee are contained in Appendix 5. Members should be aware that the role and Terms of Reference for the Committee follow very closely the advice on such Committees provided by CIPFA.

Overview and Scrutiny Committee

The amendments to the Constitution now provide for only one Overview and Scrutiny Committee. The Terms of Reference and the Overview and Scrutiny Procedure Rules are contained in Appendix 6. The Rules of Procedure differ very little from the old Rules except that the Committee will now have the power to appoint two Deputy-Chairs and the Committee will have the power to set up Task and Finish Panels to assist the Committee in carrying out reviews. Overview and Scrutiny Committee will also have the power to scrutinise Executive decisions made by the Improvement Board (through individual members or the Chief Executive).

The Contract

The amendments to the Constitution include a “Contract” which is to form part of the Code and Protocols contained in Part 5 of the Constitution. Although termed a Contract, in law, the Council cannot contract with itself. However, the Contract specifies the roles, responsibilities and behaviours expected by the main Council Governance bodies, the interaction between them, and their expected focus on improvement and recovery. Whilst the Contract cannot be enforced in the normal way, the Standards Committee will monitor members interaction vis a vis the Contract and if there are any concerns, the Standards Committee will use any powers available to it which could include making reports to full Council on the compliance with the Contract and issues arising. Accordingly, the Terms of Reference of the Standards Committee have been amended to enable the Committee to do this. The relevant amendment is contained in Appendix 8.

Rules of Procedure - Questions

The current Constitution allows questions to be asked on the day of the Council meeting. This causes practical and substantive problems in responding to the questions both for officers, administrators and members responding to the questions. Therefore, an amendment to the Constitution is proposed which requires a 12 calendar day notice period. This ties in with a notice period for normal motions.

Officer Delegations

The officer delegation amendments contained in Appendix 10 seek to regularise the position because the current delegations refer to officers who are no longer with the Council.

General Amendments

Appendix 11 proposes changes to the Constitution to implement the changes in the name of Executive to the Cabinet.

Appendix 12 inserts Council's Recovery Plan as part of the Council's Policy Framework Documents as agreed by Council in its July meeting.

It is likely that further minor changes to the Constitution will be sought, as the Political and Governance Structures settle in. Apart from these minor changes, Council at its July meeting authorised officers to commence a review of the whole Constitution. This work will be led and directed by the Political Structures and Working Practices Review Working Group and a new Constitution will be proposed to full Council after the group has considered and finalised proposals for a new Constitution.

APPENDIX 1

RULES OF GOVERNANCE AND TERMS OF REFERENCE OF THE IMPROVEMENT BOARD

Improvement Board

1.1 The Council meeting will establish an Improvement Board which shall be constituted as a committee of the Council

1. Membership

(i) Membership of the Improvement Board shall be composed as follows:

Leader of the Council
Deputy Leader
Leader of the Opposition
Deputy Leader of the Opposition
Leader of the Labour Group
Deputy Leader of the Labour Group.

(ii) In exceptional circumstances a substitute member (appointed by Council) may attend and vote on behalf of an absent members.
The following Individuals shall attend, advise and participate in the meetings but not take part in decisions of the Improvement Board:

The 3 Council Directors
The Improvement Board shall co-opt non-voting members to the committee as it thinks fit.

(iii) The Chief Executive shall attend, advise and participate in meetings and take decisions within the delegations provided in these rules.

2. Meetings

The Improvement Board shall meet at the start of each Municipal Year, and, thereafter fortnightly and if appropriate the frequency shall reduce to monthly. Extra meetings will be held as and when required.

The Chief Executive will be permitted to call a special meeting of the Improvement Board, as and when the need arises.

3. Quorum

The Quorum for the Improvement Board shall consist of 3 members
If executive decisions are to be taken then at least one cabinet member on the Improvement Board or the Chief Executive shall be present.

4. Rules of Procedure

- (i) The Council Procedure Rules contained in part 4 of this constitution shall apply insofar as they do not conflict with the rules herein
- (ii) The Chair shall preside over the meeting when voting is to take place. In his/her absence, then a person appointed to do so by those present shall preside.
- (iii) The meetings of the Improvement Board shall be managed by the Chief Executive.
- (iv) There will be a Standing Item on the agenda of each meeting of the Improvement Board for matters referred by the Overview and Scrutiny Committee.
- (v) The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of the Improvement Board and may require the Proper officer to call such a meeting in pursuance of their statutory duties. In other circumstance, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

5. Terms of Reference

- (i) Without prejudice to the generality of clause (i) above, the Improvement Board shall have the following specific objectives it shall:
 - Set priorities for the Council
 - Produce and recommend for approval by Council the Corporate Plan and Medium Term Financial Strategy
 - Deliver the Recovery Plan and commission specific reports to inform the monitoring process
 - Respond to Government Monitoring Board on progress of recovery
 - Set the forward plan for Cabinet
 - Set the Audit Committee work plan
 - Propose work plan for Overview and Scrutiny, ensuring alignment with recovery priorities and reflecting capacity of the committee
 - Propose reviews for Overview and Scrutiny, ensuring alignment with recovery priorities and reflecting capacity of the committee
 - Identify additional projects and work

6. Delegations

- (i) The Improvement Board shall have powers delegated by Council and Cabinet to make any decision in relation to any function of the Council in so far as the decision is related to the Council's recovery/improvement agenda, current or future

- (ii) Where Executive decisions are made, Cabinet members on The Improvement Board will have delegated powers from Cabinet and Council to make any decision in relation to any function of the Council insofar as the decision is related to the Council's recovery/improvement agenda current or future.
- (iii) The Chief Executive shall have the general authority to take any action or to do anything or procure the taking or doing thereof which is calculated to facilitate or is conducive or incidental to the discharge of any of the Council's functions insofar as they relate to the improvement/recovery agenda so far as such action may be within the Council's approved policies and procedures.
- (iii) The Improvement Board, the Cabinet member or the Chief Executive shall regularly report to Council and Cabinet on decisions taken.

APPENDIX 2

DISPUTE RESOLUTION PROCEDURE CABINET AND IMPROVEMENT BOARD

The Council is operating a new and very innovative new decision making structure. The most important new bodies responsible for formal decision making are Cabinet and the Improvement Board. There will be a settling in period and it is possible that the functions of the 2 bodies will sometimes overlap or there may be general disagreements about how or which of the 2 bodies should be making a decision. This procedure provides a mechanism to resolve such disputes.

Who Can Use the Procedure?

Only Members of Cabinet and members of the Improvement Board and the Chief Executive will be able to invoke the procedure.

Stage 1 (the Informal Stage)

Any complaint must be put in writing and addressed to the Corporate Manager Democratic Services. The complaint must specify in sufficient detail the matter complained about together with details of a preferred outcome.

The Corporate Manager (or person nominated by him or her) shall then take whatever steps he or she sees necessary or sensitive to resolve the complaint informally.

This can include setting up a meeting with whoever it is deemed necessary. However, the Monitoring Officer shall not be involved at this stage.

This stage of the procedure shall be completed (unless there are exceptional circumstances) within 5 working days.

If the matter cannot be resolved at this stage within the time limits outlined above, the Matter shall be referred to the next stage.

Stage 2 (the formal stage)

The corporate manager shall refer the complaint to the ¹Monitoring Officer, copying the complaint with a report of what steps were taken at the informal stage to resolve the issue and the required outcome.

The Monitoring Officer and the Section 151 Officer (or person nominated by him or her) shall then consider the issue and take whatever steps he or she sees necessary or sensible to resolve the complaint by negotiation between the parties/bodies. This can include setting up a meeting with whoever it is deemed necessary.

¹ If NBC's Monitoring Officer cannot be involved for whatever reason, for example because there is a conflict of interest a Monitoring Officer of another authority may be used.

If the complaint cannot be settled by negotiation the Monitoring Officer and the Section 151 Officer shall decide the issue by either upholding the whole complaint or part of it and directing how the matter is to be dealt with or rejecting the whole or part of complaint and directing any action as appropriate.

The Monitoring Officer's and the Section 151 Officer's views shall be final.

This stage of the procedure shall be completed (unless there are exceptional circumstances) within 10 working days.

APPENDIX 3

DELEGATIONS CABINET MEMBERS

- (i) The functions to be set out in a and b below have been delegated to the Leader and Deputy Leader.
- (ii) Each Cabinet member shall have delegated powers outlined in the Cabinets Scheme of Delegation.
- (iii) The Leader shall have delegated powers to specify the detail of the Cabinet's scheme of delegation but each Cabinet member shall have delegations in the following portfolios:
 - Community Engagement (Leader)
 - Financial Strategy; Democratic Services (Deputy Leader)
 - Business Intelligence; People Support; E- Government
 - Local Environment
 - Residential Operations
 - Economic and Infrastructure
- (iv) The Leader on specifying the Cabinets Scheme of Delegation shall notify the Solicitor to the Council of the scheme.

The latter will ensure that:

- 1. all Councillors are informed of the scheme;
- 2. the Constitution is amended accordingly;
- 3. the scheme is reported at the next available Council meeting;
- 4. the alterations are published.

General Delegations To the Leader and Deputy Leader

(a) Leader of the Council

- 1. To be responsible for the principal policy direction of the Council within its statutory functions.
- 2. To represent the Council in the community and in negotiations with regional, national and international organisations and others and reporting to Cabinet as necessary.
- 3. To identify the need for new strategies and policies for the better discharge of the Council's functions and to advise the Cabinet accordingly
- 4. To be responsible for the resolution of differences of opinion between portfolio holders acting within their delegated powers and reporting to Cabinet as necessary.

5. To take responsibility for or to assign responsibility to one or more Cabinet portfolio holders for issues not specifically allocated in these delegations or involving one or more portfolio holder.
6. To authorise another Cabinet member to deputise for any other Cabinet member in that person's absence.

(b) Deputy Leader

To assist the Leader in the exercise of his or her functions, and to deputise in his or her absence.

(c) Cabinet Delegations

To exercise all executive functions not otherwise delegated under the scheme of delegations.

APPENDIX 4

PART 4 AMENDMENTS – CABINET MEMBER DELEGATED DECISIONS

Cabinet Member delegated decisions shall not be taken in public unless they are Key Decisions or the Cabinet Member determines that they should be taken in public.

Clause 19 of Part 4 of the Access to Information Procedure Rules shall be construed accordingly.

All the other rules within the said Part shall apply insofar as they are relevant and do not conflict with the rules herein.

APPENDIX 5

AUDIT COMMITTEE

The Council will establish an Audit Committee:

Membership: The Audit Committee will be composed of:

6 Councillors, 2 from each political group excluding members of the Cabinet.

The Committee shall have delegated powers to appoint co-opted members, without voting rights, with expertise in relevant areas.

Improvement Board members and Cabinet members shall be excluded from sitting on the Audit Committee.

Role and terms of reference

- (a) Generally consider all relevant processes for risk, control and governance.
- (b) Approve (but not direct) internal audit's strategy, plan and performance.
- (c) Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
- (d) Consider the reports of external audit and inspection agencies.
- (e) Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti fraud and anti corruption arrangements. Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
- (f) Be satisfied that the authority's assurance statements, including the Statement on Internal Control, properly reflect the risk environment and any actions required to improve it.
- (g) Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
- (h) Review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.
- (i) Monitor the implementation of Key recommendations and actions arising from the Councils Recovery Plan and/or improvement agenda.

- (j) Consider key performance management reports and monitor the effectiveness of performance against the Best Value Performance Plan and key targets in the Councils recovery plan.
- (k) Promote relevant value for money studies following particular themes or service areas as appropriate.

Rules of Procedure

- (a) The Council Procedure Rules contained in part 4 of this constitution shall apply insofar as they do not conflict with the rules herein.

APPENDIX 6

ARTICLE 6 – OVERVIEW AND SCRUTINY COMMITTEE

6.1 Terms of Reference

The Council will appoint an Overview and Scrutiny Committee which will have the powers and perform the functions (and only those functions) that are conferred by Section 21 of the Local Government Act 2000.

6.2 General role

The Overview and Scrutiny committee will:

- 6.2.1 review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- 6.2.2 make reports and/or recommendations to the full Council and/or the Executive as the case may be in connection with the discharge of any functions;
- 6.2.3 consider any matter affecting the area or its inhabitants; and
- 6.2.4 exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive.

6.3 Specific functions

6.3.1 **Policy development and review.** The Overview and Scrutiny committee may:

- assist the Council and the Executive in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- assist the Improvement Board by taking on any issues referred to them by the Board
- conduct research, community and other consultation in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question members of the Executive and Directors about their views on issues and proposals affecting their functions; and
- liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

6.3.2 Scrutiny. The Overview and Scrutiny committee may:

- review and scrutinise the decisions made by and performance of the Executive, committees and Council Officers save that where the Overview and Scrutiny committee is reviewing the decisions of another committee of the Council it will not scrutinize individual decisions particularly in respect of development control, licensing, registration, consents and other particular matters other than within the general context of any wider policy review, and shall not act as an appeal forum in respect of such individual decisions.
- review and scrutinise the performance of the Council in relation to its Policy objectives, performance targets and/or particular service areas;
- question members of the Executive and/or committees and Directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- make recommendations to the Executive and/or appropriate committees and/or Council arising from the outcome of the overview and scrutiny process;
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny committee and local people about their activities and performance; and
- question and gather evidence from any person (with their consent).

6.3.3 Finance. The Overview and Scrutiny committee may exercise overall responsibility for the finances made available to them.

6.3.4 Annual report. Overview and Scrutiny committee may report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

6.3.5 Officers. The Overview and Scrutiny committee may exercise overall responsibility for the work programme of the officers employed to support their work.

6.4 Proceedings of Overview and Scrutiny Committees

The Overview and Scrutiny committee will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. What will be the number and arrangements for Overview and Scrutiny committees?

The Council will have a single Overview and Scrutiny committee as set out in Article 6.

2. Membership of the Overview and Scrutiny committee?

The Overview and Scrutiny Committee will be made up of 14 members. No member of the Executive or Improvement Board may sit on the Committee. A member may not be involved in scrutinising a decision in which he/she has been directly involved.

3. Meetings of Overview and Scrutiny committees

The Overview and Scrutiny committee shall meet normally six times in each year. In addition, other meetings may be called from time to time as and when appropriate. Such a meeting may be called by the chair of the Committee, by any 2 members of the committee or by the Proper Officer if he/she considers it necessary or appropriate.

4. Quorum

The quorum for the Overview and Scrutiny committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

5. Who chairs Overview and Scrutiny committee meetings?

The appointment of Chairs will comply with the general provisions as to Chairs set out in the Council Procedure Rules. However, the Committee will have delegated powers to appoint two Deputy Chairs.

6. Work programme

The Overview and Scrutiny committee will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on the committee who are not members of the largest political group on the Council, and the wishes of the Improvement Board and the Executive. Requests from Elected Members, Area Partnerships and the public will also be taken into account.

7. Agenda items and References from the Cabinet

Any member of the Overview and Scrutiny committee shall be entitled to give formal notice giving the reasons therefor to the Proper Officer that he/she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of such committee. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.

The Overview and Scrutiny committee shall also respond, as soon as their work programme permits, to requests from the Improvement Board or from the Council or the Cabinet. Any such request shall be directed to the Chair of the Overview and Scrutiny Committee. The committee shall report their findings and any recommendations back to the Improvement Board, the Executive and/or the Council as the case may be. The Council and/or the Executive and/or Improvement Board shall consider any report of the Overview and Scrutiny committee as soon as possible thereafter.

8. Policy review and development

8.1 The role of the Overview and Scrutiny committee in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules.

9.2 In relation to the development of other matters not forming part of the Council's Policy and Budget framework, the Overview and Scrutiny committee may make proposals to the Executive if they see fit.

9.3 Subject to the relevant budgetary constraints the Overview and Scrutiny committee may hold enquiries and investigate the available budgetary options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may, subject to such budgetary constraints, go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

9. Reports, Recommendations and Reviews from Overview and Scrutiny Committee

9.1 Once they have formed recommendations on proposals for review or development, the Overview and Scrutiny committee will prepare a formal report with any recommendations and it will be submitted through the Chair for consideration by the Executive (if the proposals are consistent with the existing Budgetary and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework). They may nominate one or two members to address the Executive thereon.

9.2 If the Overview and Scrutiny committee cannot agree on one single final report to the Council or Executive as appropriate, then one minority report may be prepared and submitted for consideration by the Council or Cabinet (as the case may be) with the majority report.

9.3 The Council or Cabinet, as the case may be, shall consider reviews and any recommendations or reports of the Overview and Scrutiny committee as soon as practicable thereafter and determine whether to accept some or all of them. Having considered them they should determine the effect of their decision(s); where recommendations are rejected reasons should be provided, and where accepted named officers (where appropriate) should be instructed to implement

them. The Executive should provide a written response from the Leader or relevant Portfolio Holder (who may instruct an appropriate officer to make the response on their behalf) to the Chair of the Overview and Scrutiny Committee explaining the outcome of the recommendations and any effect on their decisions.

10. Making sure that Scrutiny reports are considered by the Executive and the Improvement Board

10.1 The agenda for Executive meetings shall include an item entitled "Issues arising from Scrutiny". Any reports of the Overview and Scrutiny committee referred to the Executive shall be included at this point in the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda) within two months of the Overview and Scrutiny committee completing its report/recommendations.

10.2 Once the Overview and Scrutiny committee has completed its deliberations on any matter it will forward a copy of its report for consideration by the Executive or the Council depending upon whether the contents of the report would have implications for the Council's Budget and Policy Framework. If the report is referred to Council, a copy will also be served on the Leader with notice that the matter is to be referred to Council. The Executive will have 4 weeks in which to respond to such Scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from an Overview and Scrutiny committee on such a matter which would impact on the Budget and Policy framework, it shall also consider the response of the Executive to the proposals.

10.3 At the same time or prior to submitting the Report in the manner described in 10.2 above the Overview and Scrutiny Committee will also send the Report or a draft of it, to the Improvement Board for the Board's information or comment.

11. Rights of Overview and Scrutiny committee members to documents

11.1 In addition to their rights as Councillors, members of the Overview and Scrutiny committee have the additional rights to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

11.2 Nothing in these Rules prevents more detailed liaison between the Executive and Overview and Scrutiny committees as appropriate depending on the particular matter under consideration.

12. Councillors and officers giving account

12.1 The Overview and Scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions save that, as provided by Article 6, Overview and Scrutiny committees shall not scrutinize individual decisions of other committees of the Council, particularly in respect of development control, licensing, registration, consents and other particular matters other than within the general context of any wider reviews of policy and shall not act as an appeal forum in respect of any such individual decisions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, the Head of Paid Service and/or any senior officer to attend before it to explain:

12.1.1 any particular decision or series of decisions;

12.1.2 the extent to which the actions taken implement Council policy;

and it is the duty of those persons to attend if so required.

12.2 Where any Councillor or officer is required to attend the Overview and Scrutiny committee under this provision, the Chair of that committee will inform the Proper Officer. The Proper Officer shall inform the member or officer in writing giving reasonable notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

12.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny committee shall, in consultation with the member or officer, arrange an alternative date for attendance.

13. Attendance by others

The Overview and Scrutiny committee may invite people other than those people referred to in Rule 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

14. Call-in

14.1 When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or a Key Decision is made by an officer with delegated authority from the Executive, or an Area partnership (in the event of any delegation thereto) or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within three days of being made. The Chair of the Overview and Scrutiny committee will be sent a copy of the records of all such decisions within the same timescale.

- 14.2 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of three working days after the publication of the decision, unless the Overview and Scrutiny committee exercise the right to call-in within that period.
- 14.3 During that period, the Proper Officer shall call-in a decision for scrutiny by the committee if so requested by the chair or formally by any two members of the Council, and shall then notify the decision-taker of the call-in. The Proper Officer shall call a meeting of the committee on such date as he/she may determine, where possible after consultation with the chair or in the absence of the Chair the Deputy-Chair of the committee, and in any case such meeting shall be held within seven working days of the decision to call-in. The member or members requesting such call-in shall have the right to speak at such meeting, as shall the Leader and relevant portfolio holder or holders.
- 14.4 If, having considered the decision, the Overview and Scrutiny committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or, in the case of decisions outside the Council's Budget and Policy Framework, refer the matter to full Council as provided in the Budget and Policy Framework Procedure Rules. If referred to the decision making person or body they shall then reconsider as soon as reasonably practicable amending the decision or not, before adopting a final decision, which shall not then be subject to further call-in (provided that if such decision shall negate the previous decision or propose a significantly or entirely different final alternative course of action to that previously considered by the decision taker and Overview and Scrutiny Committee, such further action shall, notwithstanding the foregoing, be capable also of being called in.) In all cases of reference back, the Executive (or other decision taken), shall formally advise the Overview and Scrutiny Committee of their consideration of such referral and their final decision.
- 14.5 If following the call in of a decision, the Overview and Scrutiny committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Scrutiny meeting, or the expiry of the period in which the Overview and Scrutiny Committee should have met, whichever is the earlier.
- 14.6 If the matter was referred to full Council as provided herein and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it will have no power to alter the decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget.

Unless that is the case the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a committee of it, a meeting will be convened to reconsider as soon as possible thereafter. Where a decision was made by an individual, the individual will reconsider within three working days of the Council request.

14.7 If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

14.8 In the event that an Executive decision has been taken by an Area Partnership (having delegated power so to do) then the right of call-in shall extend to any other Area Partnership which resolves to refer a decision which has been made but not implemented to the Overview and Scrutiny committee for consideration in accordance with these provisions. An Area Partnership may only request the Proper Officer to call-in the decision of another Area Partnership if it is of the opinion that the decision will have an adverse effect on the area to which it relates. All other provisions relating to call-in shall apply as if the call-in had been exercised in accordance with paragraph 14.3.

14.9 **Exceptions**

In order to ensure that a call-in is not abused, nor causes unreasonable delay, a formal request from two members of the Council to the Proper Officer in writing giving the reasons for such request is required for a decision to be called in. (except in the case of a call in by the Chair of Overview and Scrutiny Committee or a call in under 14.8 above.

14.10 **Call-in and Urgency**

The call-in procedure set out above shall **not** apply where the decision being taken is **urgent**. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether, in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

14.11 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report may be submitted to Council, with any proposals for review if necessary.

15. The Party Whip

When considering any matter in respect of which a member of the Overview and Scrutiny committee is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

16. Procedure at Overview and Scrutiny committee meetings

16.1 The Overview and Scrutiny committee shall consider the following business:

16.1.1 minutes of the last meeting;

16.1.2 declarations of interest (including whipping declarations);

16.1.3 consideration of any matter referred to the committee by way of call-in;

16.1.4 responses of the Executive Improvement Board or Council to reports of the Overview and Scrutiny committee;
and

16.1.5 the business otherwise set out on the agenda for the meeting.

16.2 Where the Overview and Scrutiny committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to contribute at committee meetings which are to be conducted in accordance with the following principles:

16.2.1 that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;

16.2.2 that those assisting the committee by giving evidence or otherwise contributing be treated with respect and courtesy; and

16.2.3 that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

16.3 Following any investigation or review, the committee shall prepare a report of any recommendations or conclusions in the name of the Chair, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

17. Panels or "Task and Finish" Groups

- 17.1 The Overview and Scrutiny Committee may set up panels (which may be referred to as "task and finish" groups) to assist the Committee in carrying out reviews. Such panels will be given a brief for the work they are required to do, and will be wound up once the task is completed and they have reported back to the Committee.
- 17.2 Such panels will be Sub-Committees appointed by the Overview and Scrutiny Committee. Councillors who are not members of the Overview and Scrutiny Committee may and normally will be approached to sit on the panels. The Overview and Scrutiny Committee may specify who will chair a panel, or may leave the panel to select their own chair.
- 17.3 The provisions of paragraph 16.2 above shall apply with the necessary modifications to the meetings of such panels.

18. PRIVATE MATTERS

Where reports, documents or advice have been dealt with by the Executive or a Committee in private pursuant to Section 100 (1) of the Local Government Act 1972 they shall, in the absence of prior consent from the Executive or Committee concerned, be dealt with in like manner by any Overview and Scrutiny Committee considering the same.

APPENDIX 7

INCLUSION IN PART 5 OF THE CONSTITUTION

THIS IS THE "CONTRACT" between Northampton Borough Council ("the Council"), Cabinet, Overview and Scrutiny Committee and the Improvement Board ("the Board") which the Council has established

1. Background

- 1.1 A comprehensive Performance Assessment carried out by the Audit Commission and published in March 2004 accorded the Council a rating of poor; and a subsequent assessment by the Audit Commission published in June 2005 described the Council's progress in achieving improvement as slow.
- 1.2 The Council recognises the need to take urgent and decisive steps to improve its performance

2. Purpose of the Improvement Board

The purpose of the Improvement Board is to oversee and manage the implementation of all measures necessary to achieve improvement, meet targets and priorities and satisfy the Audit Commission and the Secretary of State that the Council is performing to an acceptable level

3. Commitment to the Improvement Board

The Council as a body together with its Leader and Cabinet, its Committees and all its members hereby states its commitment to supporting and facilitating the work of the Board in achieving the purpose above stated

4. Composition of the Improvement Board

4.1 The Board's membership will be as follows:-

4.1.1 *Council Members of the Board*

The Leader of the Council

Deputy Leader

The leader and deputy leader from each of the 2 main opposition parties

Substitute members (appointed by full Council).

4.1.2 *Co-opted Members of the Improvement Board*

Shall be appointed by the Board

4.2 Only the Council Members in 4.1.1 above will have a vote



NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

10 January 2006

ITEM NO: 9

Report of Solicitor to the Council

Directorate: Finance Governance and
Citizens

Author/Contact Officer:
J Buckler (Ext 7341)
Procurement and Practice Team Leader

ETHICAL GOVERNANCE TOOLKIT

Recommendation(s)

That the Committee consider the report and endorse the way forward detailed in paragraph 3.2.

1. BACKGROUND

1. The Audit Commission, the Standards Board for England and the Improvement and Development Agency have developed an Ethical Governance toolkit which is intended to show Councils how they are performing in maintaining high standards and it is also a tool to identify ways to improve performance in this area. The toolkit was developed because high standards are seen to be of significant benefit to Councils, they are seen as an integral part of good corporate governance arrangements and can lead to increased confidence in local democracy and services.

1.2 The toolkit covers areas such as the promotion of:-

- ethical standards and behaviour
- local protocols and procedures
- Monitoring Officer arrangements
- the role of the Chief Executive
- the Standards Committees

by:-

- reviewing arrangements for monitoring and regulating the standards of member conduct and member compliance with the Code of Conduct
- Assessing members and officers understanding of the requirement of the Code; and
- agreeing recommendations for further improvement

It addresses these elements by providing:-

- an audit of compliance with the Code of Conduct and how arrangements are developing (self assessment by Monitoring Officer)
- a survey of members and officers including awareness and understanding of ethical behaviour
- case studies for workshops (with both members and officers) exploring conflicts of interest, dilemmas, and equality issues and to develop their understanding and approach

The outcome of which is to self assess and determine the Councils strengths and weaknesses in this area and to enable in-house solutions as opposed to having them externally enforced.

2. FINANCIAL IMPLICATIONS

- 2.1 The diagnostic process is overseen by the regional office of the Audit Commission. Where risks have already been identified as part of the Audit plan, there would be no cost implications for the Council but any such audit is unlikely to embrace all the issues of the diagnostic.
- 2.2 There are three different audits available to local authorities with differing cost implications, these are as follows:-

PART 1 – Is an electronic survey with elected members and the first, second and third tier officers.

The Audit Commission would provide the results but the Council would be required to do a self-analysis of the data. This exercise would cost £1500 but no national data would be provided for comparison.

PART 2 - This is the Part 1 survey plus an analysis report of the data provided by the Audit Commission, there would be a reference to national comparators and it would also include an action plan. The cost would be in the region of £4500.

PART 3 - Is a full Audit as opposed to a report, this includes focus groups and workshops etc. The cost would be in the region of £13,500.

3. SUMMARY

- 3.1 The toolkit would appear to provide for a useful diagnostic of the Councils ethical standards and it also has an important role to play in the Comprehensive Performance Assessment ratings.
- 3.2 It is recommended that given the importance and emphasis on ethical governance that further consultation take place with other local authorities who are actively participating in the diagnostic to both assess the appropriateness of undertaking the exercise and also to enable a balanced view to be taken in the circumstances of the Committees future workplan.



NORTHAMPTON
BOROUGH COUNCIL

STANDARDS COMMITTEE
10 January 2006

Item No. 12

Report of Solicitor to the Council

**Directorate: Finance Governance
& Citizens**

Author/Contact Officer
J Buckler (Ext 7341)
**Procurement and Practice Team
Leader**

PROPOSED ANNUAL REPORT

Recommendations

That the Committee consider the report and approve the provision of an Annual Report as detailed in paragraphs 2.2 and 2.3.

1. BACKGROUND

At the end of the first period of operation of the Standards Committee, the Monitoring Officer reported a summary of the work that had been carried out by the Committee. This mainly comprised the completion of the initial procedural and statutory functions, training, (newsletters), the Section 66 Regulations regarding local determinations and local hearings, protocols for probity in planning, the member/officers protocol and the guidance for members on outside bodies.

2. PROPOSAL

- 2.1 It is suggested, subject to the views of the members of the Committee, that a Report is prepared on an Annual basis detailing the work carried out by the Standards Committee in the previous period, also detailing other relevant matters concerning ethical governance.
- 2.2 It is proposed that the Annual Report will broadly comprise of the work carried out by the Committee with reference to the workplan, and issues that will require addressing as part of the plan, ethical issues in connection with ombudsman complaints, reviews of the registers, protocols (as appropriate), complaints/hearings and any other ethical governance issues of the Monitoring Officer.

2.3 To raise the profile of the Standards Committee and the importance of ethical issues and confidence in democracy, it is proposed that following approval of the report by the Committee, that it be forwarded to the Council for noting.



NORTHAMPTON
BOROUGH COUNCIL

STANDARDS COMMITTEE

10 January 2006

Item No. 13

Report of Solicitor to the Council

**Directorate: Finance Governance
& Citizens**

Author/Contact Officer
J Inch (Ext 7335)
Senior Solicitor

**LOCAL DETERMINATION –
COUNCILLOR STEWART**

Recommendation

That report be noted.

The local determination hearing into a complaint against Councillor Stewart was held on 21 December 2005. A full written decision has been drafted and the final version will be available very shortly.