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31 July 2006

To: Members of the Standards Committee:

Mr P Brindle	Independent Member
RF Bryant	District Council Member, Independent Group
EW Bullman	District Council Member, Conservative Group
NN Cathcart	District Council Member, Labour Group
Mrs GM Everson	Parish Member
Mr M Farrar	Parish Member
Mr D Gilbertson	Independent Member
Mrs CA Hunt	District Council Member, Conservative Group
Mr D Kelleway	Parish Member
A Riley	District Council Member, Independent Group
Mrs VM Trueman	District Council Member, Liberal Democrat Group
Dr SEK van de Ven	District Council Member, Liberal Democrat Group

and to Councillor NS Davies and Mr K Barrand (Cambridgeshire Association of Local Councils), for information.

Dear Sir or Madam

You are invited to attend the next meeting of **STANDARDS COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 9 AUGUST 2006** at **10.00 a.m.**

Yours faithfully
GJ HARLOCK
Chief Executive

AGENDA

PAGES

PROCEDURAL ITEMS

- 1. Introductions**
- 2. Election of Chairman**
The Committee is asked to note that forthcoming legislation will make it mandatory to have an independent member as Chairman. **For decision.**
- 3. Appointment of Vice-Chairman**
In light of the coming requirement for an independent Chairman, the Committee may wish to consider whether it is also necessary to have an independent Vice-Chairman, who can undertake the Chairman's responsibilities in the Chairman's absence. **For decision.**
- 4. Declarations of Interest**
The Chairman will comment upon procedural matters regarding declarations of interest.

5. **Minutes of Previous Meeting** 1 - 6
To authorise the Chairman to sign the Minutes of the meeting held on 10 May 2006 as a correct record.

DECISION ITEMS

6. **Feedback from Parish Councils and Parish Meetings** 7 - 8
To receive any feedback from parish councils / meetings on the Chairman's letter (attached).

The Committee is asked to consider whether to include a standing item on future agendas inviting the parish members to raise issues put to them by parish councils and meetings. **For decision.**

7. **Advice to, and training of, District and Parish Council Members in relation to the Members' Code** 9 - 12
Development of training action plan: Keith Barrand, General Secretary of the Cambridgeshire Association of Local Councils (CALC), and Simon Edwards, Resources, Staffing, Information & Customer Services Portfolio Holder, have been invited to attend the meeting. **For decision.**

8. **Bridging the Gap: Standards Board for England Fifth Annual Assembly, Birmingham, 16-17 October 2006** 13 - 16
The full advance programme is available for download from the Council's website. **For decision.**

9. **Dispensations** 17 - 22
A request for a dispensation has been received from members of the Histon & Impington Recreation Ground Sub-Committee. **For decision.**

10. **Whistleblowing Policy** 23 - 36
To recommend the draft Whistleblowing Policy to Cabinet for adoption.

11. **Standards Committee Webpage** 37 - 46
For decision.

12. **Procedure for Local Investigation of Referred Complaints** 47 - 56
For ratification.

13. **Procedure for Local Standards Hearings** 57 - 76
For ratification.

INFORMATION ITEMS

14. **Standards Board for England Annual Review 2005-06** 77 - 90
To note.

15. **Appointment of Independent Members**
To note the Chairman's appointment of the panel which will be conducting interviews with the shortlisted candidates.

STANDING ITEMS

- 16 (a) **Operation of Members' Code**

16 (b) Case Tribunal reports and references made to Ethical Standards Officers

16 (c) Operation of National Codes of Conduct and other statutory functions of the Monitoring Officer

16 (d) The handling of complaints and investigations by the Ombudsman

17. Dates of Future Meetings

On 21 November 2005 Standards Committee agreed to meet quarterly on the second Wednesday of the month at 10 am, except on occasions where this would conflict with other Council commitments. Members are asked **to note** the dates of future meetings, all to be held in the Council Chamber:

- Wednesday 8 November 2006
- Wednesday 14 February 2007
- Wednesday 16 May 2007 (third Wednesday of the month, due to Planning Committee meeting on 8 May)
- Wednesday 8 August 2007
- Wednesday 14 November 2007

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

At a meeting of the Standards Committee held on
Wednesday, 10 May 2006

PRESENT: D Gilbertson (Independent Member) – Chairman
Councillor Mrs VM Trueman (District Council Member) – Vice-Chairman

Members:	P Brindle	Independent Member
	RF Bryant	District Council Member
	EW Bullman	District Council Member
	NN Cathcart	District Council Member
	Mrs GM Everson	Parish Council Member
	M Farrar	Parish Council Member

Councillor Mrs DP Roberts and Mr K Barrand (Cambridgeshire Association of Local Councils) were in attendance, by invitation.

Apologies for absence were received from Mr CA Tucker, Monitoring Officer.

Procedural Items

1. DECLARATIONS OF INTEREST

None.

2. MINUTES OF PREVIOUS MEETINGS

The Chairman was authorised to sign as correct records the minutes of the meetings held on 24 January 2006 and 8 February 2006.

Standing Items

3 (a) Operation of Members' Code

There had been a lot of issues recently, with a number of investigations and reports underway. The amount of activity now formed a large part of the Chairman's, the Monitoring Officer's and the Deputy Monitoring Officer's work. The Deputy Monitoring Officer confirmed that the number of local cases had resulted in a dedicated Ethical Standards Officer at the Standards Board for England (SBE) being appointed just to work on South Cambridgeshire issues. The workload of the Standards Committee and officers was expected to increase as more powers were devolved to local authorities from the SBE.

The Chairman agreed that there were a number of quite serious inquiries being run, and that Counsel's advice was not to discuss any of the details with the Committee members to avoid any appearance of predetermination should any of the cases result in a local hearing panel. As the Monitoring Officer must consult the Chairman on any cases, Mr Gilbertson was therefore conflicted out of participation on any local hearing panels. This

issue was addressed in the latest Standards Board *Bulletin*.

Although district council members of the Standards Committee were expected to be objective if asked to consider a case involving a district councillor, there could be particular instances where it would be difficult for any district council member to participate in a hearing panel. The appointment of an additional parish council member and an additional independent member would increase the pool from which a panel could be drawn, once they had received the necessary training. It was difficult for the Monitoring Officer and Deputy Monitoring Officer to be involved in particular cases due to conflicts of interest, and all other Cambridgeshire local authorities had been contacted with a request for assistance. East Cambridgeshire District Council was the only authority to respond with an offer of assistance.

A hearing panel to consider the allegations made against District Councillor Alex Riley was scheduled for Monday 15 May 2006 at 10.00 am in the Swansley Room: Mr Brindle would be Chairman of the Panel, and the other members would be Mr John Jones of Luton Borough Council's Standards Committee and Councillor Eustace Bullman. East Cambridgeshire District Council's Head of Legal Services had been appointed the legal advisor to the hearing panel. An independent member of Luton Borough Council's Standards Committee had been appointed to the Standards Committee solely for the purposes of this hearing, and, following a procurement exercise, the Monitoring Officer role would be filled by a solicitor from Mills & Reeve. All were reminded that this was not a meeting of the Committee but, although there was not a general invitation to all Committee members and District Councillors, it was not a confidential hearing and anyone who attended would do so as a member of the public. Expenses could not be claimed.

3 (b) Advice to, and training of, District and Parish Council Members in relation to the Members' Code

Mr Barrand confirmed that the Cambridgeshire Association of Local Councils (CALC) would be holding training sessions in each of the three districts where elections had been held, and that the local Monitoring Officers would attend the relevant session. Training would be provided through exercises and scenarios, which had been found the most successful method of improving understanding of the Code. A record of attendees would be kept, although parish councillors could not be compelled to attend. CALC had also piloted a test scheme in Peterborough at which all newly-elected parish councillors were invited to the Town Hall to meet the Chief Executive and Leader, and to receive information about the role and responsibilities of a parish councillor.

The Committee commented on the role of the Parish Clerk as the conduit for delivery of advice on the Code of Conduct, for cascading information to councillors, and for policing the Code. The Parish Council training survey, as reported to Committee in February, had demonstrated that many Clerks saw a need for further training, but that some parish councillors did not. It was a fact of village life that parish councillors would know most residents to some extent and thus needed to be aware of the terms of the Code of Conduct, particularly with regards to declaring interests.

Members supported the need to work with CALC to go out to the villages to provide training sessions, to show support for parish councillors and to remind them of the existence of the Code of Conduct and the consequences of not following it, but noted the potential costs involved. Resources could be best focussed on training Clerks and Chairmen and it was important to counteract negative media publicity about the Code by showing it in a positive way and giving confidence to the parish councillors that they had support from the Standards Committee and from CALC.

The Standards Committee

AGREED that the Vice-Chairman, Deputy Monitoring Officer and General Secretary of CALC liaise to prepare a report for the 9 August 2006 Standards Committee meeting on how to deliver focussed training on the Code of Conduct to Parish Council Clerks and Chairmen.

The Deputy Monitoring Officer reported that the Standards Board for England (SBE) had just taken back a matter that had been referred to the Monitoring Officer for local investigation. The SBE had the powers to do this under Regulation 5(6)(a) of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (as amended). In this particular case the Ethical Standards Officer (ESO) decided to take back the case both in the light of concerns about the integrity of a local investigation and in view of the potential seriousness of the allegation against the member, should it be proven. The Chairman said he understood that it was comparatively rare, but not unheard of, for an ESO to take back a case.

A broader issue had arisen about the relationship between complainants, witnesses and Members who were the subject of allegations. District and parish members were to be reminded via a letter from the Standards Committee that, to preserve the integrity of an investigation, they should not, if they were involved in or had knowledge of a local investigation, speak to anyone else involved in the investigation about the matter until after that investigation had been completed. The member against whom an allegation had been made could seek advice about the investigation from the Monitoring Officer or the SBE, and was free to speak to the complainant or any witnesses on other matters *as long as the subject of the investigation, or the matter which led to an investigation, was not discussed*. It was a key part of the responsibility of the Standards Committee to ensure that all involved in an investigation were aware that the integrity of the investigation must be preserved.

The Standards Committee

AGREED that the Chairman write to all district and parish councillors, with a copy being sent to CALC, advising them that they should not, if they were involved in or had knowledge of a local investigation, speak to anyone else involved in the investigation *about the investigation* until after that investigation had been completed, so that the integrity of such investigations was not or did not appear to be compromised in any way.

3 (c) Dispensations

A request for a dispensation had been received from Eltisley Parish Council. Four of the five parish councillors live at Caxton End, Eltisley, and sought a general dispensation to allow them to discuss matters concerning Caxton End since, should all four have to declare a prejudicial interest and leave the meeting, the meeting would become inquorate. There were two vacancies on the council, which would be filled by co-option.

The request had been precipitated by a letter to all Parish Clerks from the Monitoring Officer, reminding members of their obligations under the Code of Conduct, and of the opportunity to apply to the Standards Committee for a dispensation.

The Standards Committee was advised that a dispensation could be granted to the three members who lived in Caxton End, but that the dispensation could be granted on the basis that it would fall automatically if the co-option of the new members altered the balance in the parish council so that more than fifty per cent of the members did not live in Caxton End. The dispensation would apply only in cases where more than fifty per cent of the members had a prejudicial interest in an item involving Caxton End, and if their withdrawal

from the meeting would render the meeting inquorate and prevent the council from carrying out its business. Alternatively, the dispensation could be for named members only and could be time-limited.

Mr Farrar arrived midway through discussion of this item and apologised for his late arrival due to his attendance at the Development and Conservation Control Committee meeting. He asked that his objection to the dispensation be recorded, as it was for individuals to decide whether or not they had a prejudicial interest to declare and that granting a dispensation in this instance would lead to further requests from other parish councils.

The Standards Committee, with six in favour and one against,

AGREED (a) that a dispensation be granted to Eltisley Parish Councillors:

- Michael Cropley;
- David Lee;
- Roger Pinner; and
- Daphne Spink

from any item concerning Caxton End, Eltisley, the dispensation to:

- i) be in place initially for twelve months and then reviewed by the Standards Committee;
 - ii) fall if the co-option of new members alters the balance of the parish council so that the meeting does not become inquorate if these members must declare an interest and withdraw from the meeting; and
- (b) that the above-named Parish Councillors be required still to declare an interest in matters in which they have been granted this dispensation and to declare the existence of this dispensation.

3 (d) Case Tribunal reports and references made to Ethical Standards Officers

The Deputy Monitoring Officer, conforming to the usual practice to give neither names nor details of local cases, reported that:

- An existing local investigation into a complaint made against a district councillor had been returned to the Ethical Standards Officer following allegations of potential interference;
- One complaint regarding a district councillor was currently with the Ethical Standards Officer;
- One new allegation about a district councillor had been received but the Standards Board had decided not to investigate and noted that, if the alleged incident had occurred, it was not a breach of the Code of Conduct;
- The Ethical Standards Officer's investigation into an allegation about a parish councillor was on hold as the original information provided was insufficient to proceed;
- The Ethical Standards Officer had decided not to investigate further following an allegation about a parish councillor; and
- Two local investigations into allegations made against parish councillors were underway: interviews had been conducted and a report to the Standards Committee was being prepared.

3 (e) Operation of National Codes of Conduct and other statutory functions of the Monitoring Officer

Nothing to report.

3 (f) Operation of the Council's "whistle-blowing" policy

The Finance and Resources Director's letter to the Chairman, providing a progress update on the whistleblowing policy, was circulated and the Committee was pleased that the new policy would be ready for consideration at the Committee's August meeting. Mr Brindle apologised for being unable to attend the February meeting with Councillor Bryant and officers to begin the policy revision, and Councillor Bryant stated that the meeting had highlighted how much work was required to bring the existing policy up-to-date. The Deputy Monitoring Officer was providing legal advice on the Public Interest Disclosure Act to the officer group.

The Chairman noted that the policy was key to the way officers and members behaved in terms of personal and professional probity, and was a standing item on the Standards Committee agenda.

3 (g) The handling of complaints and investigations by the Ombudsman

The Chief Executive had agreed to refer to the Monitoring Officer any perceived breaches of the Code of Conduct found in the Ombudsman's report. There was nothing to report at this meeting as the Ombudsman's annual report had not yet been received.

Information Items

4. APPOINTMENT OF A HEARING PANEL

The Standards Committee **NOTED** the appointment of the Hearing Panel for 15 May 2006.

5. APPOINTMENTS TO THE PARISH COUNCIL AND INDEPENDENT MEMBER VACANCIES

The Democratic Services Officer reported that two residents had applied for the parish member vacancy: one according to the agreed procedures as sent to all Parish Clerks, and the other by e-mail. The second had been advised of the correct procedure, but had not yet responded. One resident had applied for the independent member vacancy, but had not yet completed the application form, and an advertisement for independent members would be included in the summer edition of *South Cambs Magazine*.

The appointment of parish members was detailed in the SCDC Constitution, Part 2, Article 9.02(d) as follows:

- The Parish Members shall be nominated by Parish Councils at their annual Parish Council meeting, nominations to include a statement supporting the candidate, not exceeding one side of A4 paper. In the case of more than the requisite number being nominated by the deadline set, the candidates' statements will be sent with a voting paper to all parish councils in the District and the votes received by the deadline set will determine the candidates to be elected
- In the event of a tied vote, the position will be filled by the Monitoring Officer drawing lots
- A clear and strict deadline will be set for both receipt of nominations and, if a vote is required, voting slips. These deadlines will apply equally to all parish councils, including those of existing or retiring Parish Members.

A letter had been sent to all Parish Councils in February 2006 advising of the vacancy and

asking that all applications be received by the Monitoring Officer by Wednesday 31 May 2006. In the event that a vote were required, all parish councils would be asked to return their voting slips by Friday 30 June 2006.

The Standards Committee

AGREED that all interested parties, even if they were unsuccessful in being appointed to the Standards Committee vacancies at this time, be invited to attend Committee meetings.

6. STANDARDS BOARD BULLETIN

The Standards Committee remarked positively on the latest edition of the Standards Board *Bulletin*, particularly with regards to the lead article providing guidance on the Code of Conduct. The Chairman reminded members that the Standards Committee had an important role to play and that, if it were considering a case, it was paramount to remember that real people and their reputations were involved and must be dealt with sympathetically within the regulations. The Committee asked that the *Bulletin* be distributed to all District Councillors via the SCDC Weekly Bulletin.

Members noted the forthcoming Fifth Annual Assembly of Standards Committees in Birmingham fro 16-17 October, and those who had already attended the conference in previous years commended it as a useful and informative event, but budget cuts at SCDC and ever-increasing attendance costs at the conference meant that only one member would be able to attend this year. The Chairman agreed to write to the Information and Customer Services Portfolio Holder and Finance and Resources Director for an increase to the budget to allow two or more Committee members to attend, along with the Monitoring Officer and a member of Management Team to show the Council's commitment to the ethical standards agenda. He proposed that attendees plan to stay for the first day only, without overnight accommodation or the evening meal, to save costs, and it was noted that officer attendance would come from a separate budget.

The Deputy Monitoring Officer had signed up to the new *Case Alert* bulletin and a link was put in the SCDC Weekly Bulletin.

7. DATE OF NEXT MEETING

The date of the next meeting was **NOTED**. Agenda items would include a report on training of Parish Clerks and Chairmen, the whistleblowing policy, and the introduction of the new parish and independent members.

**Presentation and Mini-
Training Session**

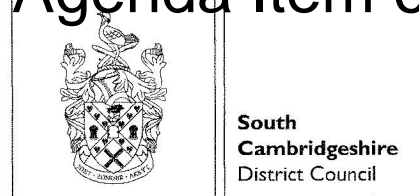
8. STANDARDS BOARD DVD: "GOING LOCAL: INVESTIGATIONS AND HEARINGS"

Following the meeting the Committee watched the new Standards Board DVD, a copy of which would be made available to all District Councillors and officers upon request. The DVD was loaned to the Chairman of Council to seek her opinion on whether it should be broadcast before a meeting of the full Council.

The Meeting ended at 12.40 p.m.

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STANDARDS COMMITTEE

To: All members of South Cambridgeshire District Council
All clerks of parish councils in South Cambridgeshire

28th June 2006

Dear Councillors and Clerks,

RE: Advice to District & Parish members in relation to the Code of Conduct

I am writing to you as Chairman of the Standards Committee of South Cambridgeshire to advise you on a matter that has arisen recently under the Code of Conduct. I would be grateful if the parish clerks could place this letter before their parish council at the earliest opportunity.

As you are all aware, from time to time it is necessary for matters arising under the Code to be investigated. This can be done either by an Ethical Standards Officer from the Standards Board for England or by the Monitoring Officer or someone appointed by him as a Local Investigation.

It is plainly desirable that the integrity of such investigations should not be compromised or appear to be compromised in any way. The Standards Board recently "took back" a matter that had been referred to the Monitoring Officer for Local Investigation. They have powers to do this under Regulation 5 (6) (a) of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (as amended). In this particular case the Ethical Standards Officer decided to take back the case both in the light of concerns about the integrity of a local investigation and in view of the potential seriousness of the allegation against the member, should it be proven.

Following this it appeared to myself and the Monitoring Officer that all members of the District and Parish Councils should now be reminded by the Standards Committee about the guidance on this issue. Anyone who is involved in, or who has knowledge of, any such investigation by the Ethical Standards Officer or Monitoring Officer should not speak to anyone else they know to be involved in that investigation about the investigation until after the investigation has been completed. This is so that the integrity of such investigations is not, or does not appear to be, compromised in any way.

I hope all District and Parish Members will all pay regard to this advice in the future.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'David Gilbertson', written over a horizontal line.

David Gilbertson
Chairman of Standards Committee

E-mail: david@dgilbertson.freemove.co.uk

cc: Keith Barrand, Cambridgeshire Association of Local Councils

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

9 August 2006

AUTHOR/S: Chief Executive / Deputy Monitoring Officer

PROPOSAL FOR TRAINING OF PARISH COUNCIL CHAIRMEN AND CLERKS

Purpose

1. Training of Parish Councillors is an important part of the remit of the Standards Committee. There are 101 Parish councils in South Cambridgeshire and all parish members need to be aware of the standards expected from local councillors under the Code of Conduct. A training needs survey was sent out to Parish Councils by the Deputy Monitoring Officer earlier this year and only 39 parish councils responded to the survey. The majority of parish clerks who responded stated that more training was essential for their members but also that there was some resistance among some parish councillors to any form of training on the Code of Conduct.

Training Plan

2. It is proposed that central training takes place at South Cambridgeshire Hall in Cambourne. Letters will be sent to all Parish Clerks noting that the event is being organised jointly by SCDC and CALC and partly sponsored by SCDC – fee for training for each attendee £20 a head.
3. There are three suggested options for providing. Training could be run as:
 - (a) A single one-off session
 - (b) Three sessions on the same day - morning (10 a.m.-12.30 p.m.), afternoon (2-4.30 p.m.) and evening (7-9.30p.m.)
 - (c) On two separate days with three sessions on each day. Those invited will be asked to tick a box giving their first and second preference for date and time and then places will be allocated accordingly.
4. Each session would consist of the following:
 - (a) A Welcome & Overview from the SCDC Monitoring Officer
 - (b) A talk by the Chairman of the SCDC Standards Committee on the Role of the Standards Committee and Local Investigations
 - (c) CALC – basics of the Code of Conduct and the Register of Interests
 - (d) Open session - "Experiences & Impressions of the Code of Conduct"
 - (e) Mock Scenarios – break into small groups with each group having a facilitator looking at two possible scenarios each
 - (f) Feedback Session – Spokesperson for each small group to feed back summary of discussions & general discussions
 - (g) Questions & Answers session with a Question Time panel of the Monitoring Officer, Chairman of Standards Committee & Keith Barrand from CALC
5. The dates of training events need to be agreed at the meeting of Standards Committee and members are asked to bring their diaries so that a date(s) can be fixed, in consultation with room availability. It is hoped that if Option C is adopted that all members of Standards Committee will be able to attend at least one session on each day to help facilitate the group discussions and show support.

Alternative means of training

- 6. Standards Committee Newsletter – Members may wish to consider the idea of sending out e-mail newsletters to parish clerks updating them with news and guidance on the Code of Conduct, which could then be circulated to parish members or discussed as a regular item on the agenda of a parish council meeting. This could be a valuable pro-active tool for reminding and updating parish members of their responsibilities under the Code. It could also be extended to District Council members.
- 7. It is also planned to investigate the production of a locally-focused training DVD in-house once the Review of the Code of Conduct has been announced. The DVD would look at 10/12 scenarios that may affect Parish Councils and a copy would be sent to every Parish Council so it could be played during a Parish Council meeting – this should ensure that as many parish councillors as possible across the district have received training.

Background Information

- 8. The Code of Conduct is in the process of being reviewed by Central Government and announcements are expected soon about the time frame for implementation of the review. It is expected that a further consultation process will take place on the detail of any proposed changes.
- 9. In its Annual Review the Standards Board has stated that it is looking for new ways to work with county associations and others to promote high standards at parish level and provide local training and support. It has made a joint bid for funding with NALC (The National Association of Local Councils) and SLCC (Society of Local Council Clerks) to the Department for Communities and Local Government and the Local Government Association’s capacity building programme.
- 10. Three pilots are being developed as part of the bid:
 - (a) A diagnostic toolkit
 - (b) A peer mentoring programme
 - (c) A model compact between County Associations of Local Councils (CALCs) and the standards committees of the principal authorities in the area.

Options

- 11.
 - (a) To host a single training event
 - (b) To host three sessions of training on the same day
 - (c) To host two days of training with three sessions in each day, held in two different weeks

Implications

12. Financial	The training will be self-funding
Legal	None
Staffing	Preparation and training time for Monitoring Officer/Deputy Monitoring Officer and Democratic Services Officer
Risk Management	None identified
Equal Opportunities	None

Consultations

13. CALC

Conclusions/Summary

14. Training of Parish Councils is an essential part of the remit of the Standards Committee.

15. There are a number of options available in terms of the scale of training we could offer. The Deputy Monitoring Officer recommends Option C as it offers training to the maximum number of parish councillors.

Recommendations

16. (a) To agree the general outline of training programme
(b) To adopt Option C as the method of training used
(c) To fix date/s for the training sessions
(d) To decide on the proposal to instigate a Standards Committee Newsletter

Background Papers: the following background papers were used in the preparation of this report:

Training Needs Survey of Parish Councils
Standards Board for England Annual Review 2005-06

Contact Officer: Fiona McMillan – Deputy Monitoring Officer
Telephone: (01954) 713027

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Annual Assembly

From Sir Anthony Holland, Chair of the Standards Board

“Welcome to the Fifth Annual Assembly of Standards Committees, the largest gathering of members and officers concerned with the local government Code of Conduct and raising ethical standards.

The conference comes at a time of change, with the revised Code and local arrangements for receiving complaints on the horizon. And for many of you, local investigations and hearings are still in the process of being fully embedded within your authority’s governance framework.

So as ever, in the current climate, there seem to be more unknowns facing standards committees and monitoring officers than certainties, plenty of challenges and no room for complacency. And that’s what this conference is all about: Where do we need to be? Where are we now? And how do we get there?

This year’s programme, therefore, is of practical relevance in helping you and your authority to bridge the gap between where you are now – in being able to deliver effectively on the revised standards framework – and where you need to be, while still providing plenty of opportunity for some valuable networking and sharing of experiences and solutions with local practitioners.

I wish you a successful and productive conference. It will provide you with many of the tools you need to carry you forward.”

Who Should Attend?

The Annual Assembly is a crucial event for anyone who works with the Code of Conduct and towards the effective delivery of the standards required by the ethical framework.

In the past, we’ve welcomed more than 800 delegates from across the local government community including:

- monitoring officers
- standards committee members
- chief executives of councils
- leaders of councils
- independent members
- county associations secretaries
- representatives from other local government organisations

If you haven’t attended one of our conferences before, or are new to the Code, this year’s conference features a special session dedicated to your needs.

For those solicitors and barristers attending this year’s conference, there is the added bonus of earning credits towards your continuing professional development (CPD), as the conference is now certified to count towards both the Law Society’s and the General Council of the Bar’s CPD schemes.

Last year’s conference sold out quickly – so book now to be sure of your place.

Programme

Monday 16 October: at a glance

08.30 – 10.15 Registration

09.15 – 10.00 Getting up to speed: An informal introductory welcome. Attendance optional.

AN EFFECTIVE ETHICAL ENVIRONMENT: WHERE ARE WE GOING?

- 10.15 – 10.25 Welcome
10.25 – 10.40 Setting the standard
10.40 – 10.55 Bridging the gap: towards strategic regulation
10.55 – 11.25 What will an effective ethical environment look like?
11.25 – 11.45 Question time
11.45 – 12.00 Comfort break
12.00 – 13.00 SESSION 1 Implications of the revised Code of Conduct and the future ethical environment. All delegates attend a pre-allocated workshop.
13.00 – 14.15 Lunch

WHERE ARE YOU NOW? LOCATING THE GAP

- 14.15 – 15.15 Standards committees: a national snapshot
15.15 – 15.45 Comfort break
15.45 – 16.45 SESSION 2 How do you measure up? All delegates attend a pre-allocated workshop.
16.45 – 17.00 Comfort break

TOOLS TO MAKE THE TRANSITION

- 17.00 – 18.15 SESSION 3 Bridging the gap: knowledge, techniques and skills
Delegates can choose between:
- Case review – lessons learnt so far
 - A robust filter
 - (standards committee focused session)
 - Conducting an effective investigation
 - Holding an effective hearing
 - Investigations – work through
 - Hearings – work through
 - The revised Code – declaring interests
 - Investigations – in-house or out-house?
 - General open house Q & A
- 18.15 Close of day one
18.30 – 19.30 Fringe events (optional)
19.30 – 20.00 Drinks reception
20.00 – late Conference dinner

Tuesday 17 October: at a glance

- 08.00 – 09.00 Refreshments

TOOLS TO MAKE THE TRANSITION (continued)

- 09.00 – 10.15 SESSION 4 Bridging the gap: knowledge, techniques and skills
Delegates can choose between:
- Case review – lessons learnt so far
 - A robust filter
 - (monitoring officer focused session)
 - Conducting an effective investigation
 - Holding an effective hearing
 - Investigations – work through
 - Hearings – work through
 - The revised Code – declaring interests
 - Investigations – in-house or out-house?
 - General open house Q & A
- 10.15 – 10.45 Comfort break
10.45 – 11.45 When politics becomes personal: is local level governance the panacea?
11.45 – 12.00 Comfort break

- 12.00 – 13.15 SESSION 5 Bridging the gap: awareness, development, wider debate
Delegates can choose between:
- Corporate governance – integrating the ethical agenda
 - Freedom of expression – drawing the line
 - An inclusive approach to towns and parishes
 - Towns and parishes – when things go wrong
 - Training the trainer
 - Working proactively – the role of standards committees
 - Standards committees – raising your profile
 - Issues of independence
 - Monitoring officer open house Q & A
- 13.15 – 14.30 Lunch
- 14.30 – 15.45 SESSION 6 Bridging the gap: awareness, development, wider debate
Delegates can choose between:
- Corporate governance – integrating the ethical agenda
 - Freedom of expression – drawing the line
 - An inclusive approach to towns and parishes
 - Towns and parishes – when things go wrong
 - Training the trainer
 - Working proactively – the role of standards committees
 - Standards committees – raising your profile
 - Issues of independence
 - Standards committee open house Q & A
- 15.45 – 16.00 Comfort break
- 16.00 – 16.20 Time to reflect
- 16.20 – 16.30 Moving forward
- 16.30 Close

Fringe events

Fringe events are run independently of the main conference programme, by a range of bodies from the local government family. These sessions are optional, but cover topics of key interest to delegates.

Fringe events will take place at 6.30pm on Monday 16 October, following the close of main conference sessions and before the evening drinks reception begins. Please click on the relevant link for more information on each event.

Achieving excellence in local filtering: monitoring officers' perspective

Hosted by the Association of Council Secretaries and Solicitors (ACSeS)

Perspectives from a monitoring officer in favour of local filtering and a monitoring officer against local filtering. The session will be interactive and discuss the practical and legal implications of the new ethical governance arrangements.

Independent members gaining a voice

Hosted by the Association of Independent members of Standards Committees in England (AIMSce)

AIMSce is being established as a professional body to provide peer group support, champion the role of independent members and represent their interests. The government is proposing that chairs of standards committees are independent members. The need for collective representation and a powerful voice is therefore evident. This fringe event is intended for independent members. Please give support.

The ethical governance toolkit – how does your authority measure up?

Hosted by the Improvement and Development Agency (IDeA)

The ethical governance toolkit helps determine:

- how councils are meeting the ethical agenda
- where it can make improvements

This session will address:

- what the toolkit is
- what are the benefits?
- how does it work?
- materials available on the website
- deciding what tools to use
- costs
- contacts
- future developments
- questions

The future of local community governance and standards

Hosted by the National Association of Local Councils (NALC)

A discussion around the ethical framework of different models of community governance, chaired by John Findlay, Chief Executive, NALC.

Speakers: Dr Alan Lawton, Reader in Public Policy and Management,
School of Public Policy, Birmingham University
Tony Smith, Policy Development Team, Birmingham City Council

Ethical frameworks and the culture of organisations

Hosted by the Society of Local Authority Chief Executives and Senior Managers (SOLACE)

Further details on this fringe event will be added shortly, please check the Standards Board for England website for more information.

HISTON & IMPINGTON RECREATION GROUND

The Parish Councils Office
Histon & Impington Recreation Ground
New Road
Impington
Cambridge. CB4 9LU
Tel no 01223 235906

Mr C Tucker
Head of Legal Services
South Cambs District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge. CB3 6EA

20th July 2006

Dear Mr Tucker

HISTON & IMPINGTON RECREATION GROUND SUB COMMITTEE

We would refer to your letter of 23rd February 2006 (please see copy attached).

We the undersigned;

Mark Lawton, Steve Unwin, and Phil Gooden (members of Impington Parish Council), and Neil Davies (member of Histon Parish Council) and all members of Histon & Impington Recreation Ground Sub Committee, wish to apply for dispensation in accordance with Regulation 3 in the ' Relevant Authorities' (Standards Committee; Dispensation Regulations 2002).in the following circumstances ;

Transaction of business of Histon & Impington Recreation Ground Sub Committee would on each occasion on which the dispensation would apply, otherwise be impeded by or as a result of the mandatory provisions because:-

The number of Members of Histon & Impington Recreation Ground Sub Committee that are prohibited from participating in the business of the Committee exceeds 50% of those Members that are entitled to and required to so participate.

For information Histon & Impington Recreation Ground is operated jointly by Histon and Impington Parish Councils (they are separate councils) through a joint body Histon & Impington Recreation Ground Management Committee. All Histon & Impington Parish Councillors are members of this Committee which meets half yearly and when necessary. This Committee formally agree charges for the use of the facilities of the Recreation Ground, and the Sports Clubs which use the Ground.

The day to day management of the Recreation Ground is delegated to a Recreation Ground Sub Committee to which the two separate Paris Councils appoint Parish Councillor Representatives (Histon 4 and Impington 3). The request for dispensation is being made for our membership of this Sub Committee only.

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With the current membership of the Committee of seven - four of us are coded out through declarations of prejudicial interest because of our direct involvement with Histon Hornets Football Club which is a football club which runs sides for boys and girls aged under 16. Mark Lawton is an Executive Committee member of Histon Hornets FC, and the remaining three of us manage three sides for which our children play. The granting of the dispensation will allow the Sub Committee to run more efficiently with routine operational decisions being able to be made by the Sub Committee without delays waiting for the Management Committee to meet on a six monthly basis.

The Management Committee would continue to make decisions on Recreation Ground charges, and dispensation is not being requested for this Committee

We would be grateful if our request for dispensation could be submitted to the Standards Committee at their meeting on Thursday 10th August 2006.

Yours sincerely



(MARK LAWTON ON HOLIDAY TO 7TH AUGUST)

Steve Unwin, Mark Lawton, Phil Gooden and Neil Davies.

PS IF YOU WOULD NEED TO SPEAK TO THE LETTER WRITER PLEASE CONTACT NEIL DAVIES ON 01223 545529

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South Cambridgeshire Hall
 Cambourne Business Park
 Cambourne
 Cambridge
 CB3 6EA

dx: 729500 Cambridge 15
 minicom: 01480 376743
 www.scambs.gov.uk



South
 Cambridgeshire
 District Council

Legal Office
 Contact: Colin Tucker
 Direct Dial: 01954 713060
 Direct Fax: 01954 713305
 Direct email: colin.tucker@scambs.gov.uk

Our Ref: CT/SCA
 Your Ref:

23rd February 2006

Mrs L. Marsh, Recreation Ground Clerk
 The Parish Council's Office
 Histon & Impington Recreation Ground
 New Road
 Impington
 Cambridge
 CB4 9LU

Dear Mrs Marsh

Histon & Impington Recreation Ground Management Committee

Thank you for your letter of the 8th February, but not received here until the 16th, together with the enclosures as therein mentioned.

It is difficult for me to add anything very useful to what my predecessor Chris Taylor set out in his letter to you of the 14th March. The regulations in this matter are the "Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002. In accordance with Regulation 3 the District Council's Standards Committee may grant a dispensation to a Member in the following circumstances:-

- (A) Transaction of business of the Authority (ie the Parish Council) would on each occasion on which the dispensation would apply, otherwise be impeded by or as a result of the mandatory provisions because:-
- (i) The number of Members of the Authority (the Parish Council) that are prohibited from participating in the business of the Authority exceeds 50% of those Members that are entitled or required to so participate; or
 - (ii) The Authority is not able to comply with any duty which applies to it under Section 15 (4) of the Local Government and Housing Act 1989 (this second circumstance does not apply).

The relevant Member has to submit a written request for dispensation explaining why it is desirable and must submit it to the Standards Committee of the District Council who will determine the matter.

I can only suggest therefore that if your Members wish to apply for a dispensation pursuant to these Regulations they submit their case to me in writing in accordance with the Regulation 3 and that I then take the matter to Committee for determination.

If it assists, the next meeting of the Standards Committee is scheduled for 10th May 2006.

Yours sincerely

Colin Tucker
 Head of Legal Services

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee 9 August 2006
AUTHOR/S: Chief Executive / Assistant Solicitor, HR Manager, Finance Project Officer

WHISTLEBLOWING POLICY

Purpose

1. The purpose of this report is to request Members to recommend to Cabinet that the Council's Whistleblowing Policy be updated.

Effect on Corporate Objectives

2.

Quality, Accessible Services	South Cambridgeshire District Council is committed to the highest possible standards of openness, honesty and accountability. The Whistleblowing Policy encourages Council employees, contractors or Members with concerns about any aspect of the Council's work, to report such matters without fear of intimidation or reprisal.
Village Life	
Sustainability	
Partnership	

Background

3. The Council's Whistleblowing Policy ("the Policy") was previously approved by the Finance, Resources and Staffing Committee in April 2000 and updated in 2002. The Council has instigated several significant changes since then and it had been considered an appropriate time to review the Policy and update it as necessary.
4. The Standards Committee considered the Policy at its meeting on 21 November 2005 and, following correspondence between the Chairman and the then Finance and Resources Director, appointed Mr P Brindle and Councillor RF Bryant as the Standards Committee's representatives to assist with re-drafting and re-launching the Policy. The authors of this report wish to record their thanks for the assistance given by Councillor Bryant and Mr Brindle.
5. Research was carried out on other councils' whistleblowing policies in order to identify best practice and the following guidance documents from Unison and Public Concern at Work were reviewed and have been incorporated as appropriate into the proposed revised Policy:
 - "Speaking out without fear" - this guide from Unison provides advice on whistleblowing procedures;
 - "Whistleblowing Best Practice" - this guide from Public Concern at Work summarises the most up to date best practice, drawing on recommendations from the UK Committee on Standards in Public Life and the Code of Corporate Governance.

Considerations

6. The review has suggested that, while the structure of the Policy was basically sound, some amendments were required in order to bring it up to date and comply with best practice. The amendments made can be summarised as:
 - taking into account the provisions of the Public Interest Disclosure Act 1998;
 - extra clarification to individuals considering invoking the Policy;
 - giving examples of the types of concerns people may wish to raise;
 - mentioning the availability of confidential advice;
 - identifying the Council's Monitoring Officer as the first point of contact;
 - specifying what the whistleblower must not do;
 - expanding previous guidance on:
 - how to raise a concern;
 - how the Council will respond; and
 - how the matter can be taken further, if necessary;
 - streamlining the process for monitoring and review and incorporating the Standards Committee in this.
7. The full text of the proposed revised Policy is provided with the agenda papers for Members' information.
8. The revised Policy would be re-launched to existing staff and Members, through briefing sessions, promotion on In-Site, the Council's intranet, and a series of posters and handouts. The Policy would be brought to the attention of new staff and Members through the Council's induction processes. Periodic reminders would be issued, regarding this and other associated policies. The annual monitoring report would be made available to staff and Members.

Options

9. Members could decide not to change the current Policy; however, this would mean that the Policy would not be entirely up to date nor fully compliant with best practice.
10. Members could decide to approve the proposed revised Policy and recommend to Cabinet that it be adopted.
11. Members could decide to make other changes to the Policy.

Financial Implications

12. There are no direct financial implications resulting from this report. However, although the advice Public Concern at Work gives is free of charge to those who seek it, they do ask those organisations that refer their staff directly to them to consider a subscription which helps to meet the costs of providing the helpline service. Their "Starter Package" comprises a copy of their compliance toolkit and revised editions, a helpline subscription with posters to help promote our Policy and internal contacts and a newsletter with updates on developments in whistleblowing. This package would be for a minimum of three years, at an annual cost of £250 plus 10p per employee (i.e. approximately £310 per annum). There is no current budget for this, but it could be incorporated in the revised estimates for 2006/07 and in the budget for 2007/08.

Legal Implications

13. There are no direct legal implications resulting from this report. Any matters brought to the Council's attention under this Policy would be dealt with by the procedures outlined in it.

Staffing Implications

14. There are no direct staffing implications resulting from this report. Some of the amendments reflect responsibilities attributable to particular posts and offices. Staff raising concerns under this Policy will be aware of the safeguards available to them.

Risk Management Implications

15. The Policy is part of the Council's arrangements for ensuring that proper standards of financial conduct are maintained, and that fraud and corruption are prevented and detected. By revising the Policy as recommended, the Council will be complying with best practice.

Consultations

16. At the outset of the review, officers met with Councillor Bryant to receive the suggestions made by the Standards Committee and also sought comments from Mr Brindle. The draft revised Policy was provided to Councillor Bryant and Mr Brindle for their consideration and further comments were incorporated into the final document.
17. The proposed revised Policy has been provided to Unison and GMB for their consideration. Any comments received will be reported verbally to the meeting.

Conclusions/Summary

18. Some amendments are required in order to bring the Policy up to date and comply with best practice

Recommendation

19. The Standards Committee is requested to recommend to Cabinet that the revised Policy be adopted.

Background Papers: the following background papers were used in the preparation of this report: The Council's current Whistleblowing Policy

Whistleblowing policies from a range of other councils

"Speaking out without fear", Unison's guide to whistleblowing

"Whistleblowing Best Practice", Guidance from Public Concern at Work

Contact Officers: Fiona McMillan – Assistant Solicitor
Telephone: (01954) 713027
Susan Gardner Craig – HR Manager
Telephone: (01954) 713285
John Garnham – Finance Project Officer
Telephone: (01954) 713101

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Whistleblowing Policy

August 2006

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- 2. Aims and scope of the policy**
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- 7. Support to staff**
- 8. Confidential advice**
- 9. How to raise a concern**
- 10. How the Council will respond**
- 11. How the matter can be taken further**
- 12. Monitoring and review**

1. Introduction

1.1 Council staff, contractors or Council Members are often the first to realise that there may be something seriously wrong within South Cambridgeshire District Council or its activities. However, they may not express their concerns because:

- they may feel that speaking up would be disloyal to their colleagues or to the Council; or
- they may fear that they or someone else might be harassed or victimised.

In these circumstances it may be easier for them to ignore the concern rather than to report what to them may just be a suspicion of malpractice.

1.2 South Cambridgeshire District Council is committed to the highest possible standards of openness, honesty and accountability and therefore wishes to be alerted to any problems at the earliest opportunity. The Council therefore encourages staff, contractors or elected Members who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns.

1.3 This policy makes it clear that they may do so, irrespective of seniority or status, and without fear of intimidation, victimisation, subsequent discrimination or disadvantage, or other reprisal. The Council recognises that most cases will have to proceed on a confidential basis.

1.4 The policy has been written to take account of the provisions of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern. The Act is incorporated into the Employments Rights Act 1996, which also already protects employees who take action over, or raise concerns about health and safety at work.

1.5 The policy encourages and enables staff and others to raise concerns within the Council, rather than either overlooking a problem or reporting the matter externally. This will enable the Council to take action, as appropriate to:

- pre-empt crime or other wrongdoings, where possible;
- where a crime or something suspicious has taken place, to instigate an appropriate investigation;
- bring the perpetrators to account;
- minimise and contain any adverse impact;
- take corrective action to eliminate or significantly reduce the scope for repeat occurrences.

1.6 The word "whistleblowing" in this Policy refers to the disclosure by staff and others, either internally or externally, of malpractice, as well as illegal acts or omissions at work. The policy outlines the procedures to be followed if or when such matters arise.

1.6 The word "whistleblower" in this Policy refers to the person raising a concern, whether that person is a member of staff, a contractor, a Council Member, or someone else.

2. Aims and scope of the policy

2.1 This policy aims to:

- encourage staff and others to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues for people to raise concerns and to receive feedback on any action taken;
- ensure that any matter reported is taken seriously and dealt with quickly and appropriately;
- ensure that any matters raised are treated as confidential as far as practicable;
- reassure people that they will be protected from possible disadvantage, reprisals or victimisation if they have a reasonable belief that they have raised their concerns in good faith;
- ensure that people receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- allow people to take the matter further if they are dissatisfied with the Council's response.

2.2 The Council has a range of policies and procedures which deal with employment policies, standards of behaviour at work and other issues or matters of concern, including:

- Anti Theft, Fraud and Corruption Policy;
- Disciplinary Policy and Procedure;
- Financial Regulations;
- Contract Standing Orders;
- Grievance Policy and Procedure (e.g. to enable Council staff to lodge a grievance relating to their own employment);
- Harassment and Bullying at Work Policy and Procedure;
- Recruitment and Selection;
- Members' and Officers' Codes of Conduct.

(This list is not exhaustive; a full list of the Council's current policies and procedures can be found on In-Site, the Council's intranet, at [Policies, strategies and procedures.](#))

2.3 Where appropriate, therefore, issues of concern should be raised under the provisions of the relevant policy and procedure, in preference to the Whistleblowing Policy, which is not intended to cover these matters.

2.4 There may be times, however, when the matter either does not relate to one of these policies or needs to be handled in a different way. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other policies and procedures. Those concerns may be about something that:

- is unlawful; or
- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- is contrary to the Council's Constitution and policies; or
- falls below established standards or practices; or
- amounts to improper conduct.

2.5 Examples may be:

- malpractice or ill treatment or abuse of a client/customer by a senior member of staff;

- repeated ill treatment of a client/customer, despite a complaint being made;
- a criminal offence has been, is being, or is likely to be committed;
- disregard for legislation, particularly in relation to health and safety at work;
- showing undue favour over a contractual matter or to a job applicant;
- a breach of any code of conduct or protocol;
- miscarriage of justice;
- information on any of the above has been, is being, or is likely to be concealed.

(This list is not exhaustive.)

2.6 All staff have some responsibility to express concerns about unacceptable practice or behaviour. Although it can be difficult to raise such concerns, particularly about a colleague, staff are encouraged to act to prevent an escalation of the problem, or even to avoid being potentially implicated themselves.

3. Safeguards: Harassment or victimisation

3.1 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from the person(s) who are the subject of the issue raised. The Council will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) and will treat this as a serious disciplinary offence, which will be dealt with under the Disciplinary Policy and Procedure.

4. Confidentiality

4.1 All concerns raised will be treated in confidence and the Council will do its best to protect a whistleblower's identity when they do not want their name to be disclosed. It may be possible to establish the truth about allegations from an independent source and the Council will seek to do this where possible. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by the whistleblower may be required as part of the evidence.

4.2 If the situation arises where the Council is unable to resolve the concern without revealing a whistleblower's identity, the matter will be discussed with the whistleblower to determine how the matter is to proceed.

5. Anonymous allegations

5.1 The Council encourages whistleblowers to put their name to their allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the person to whom they are made.

5.2 In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issue(s) raised;
- the credibility of the concern(s); and
- the likelihood of confirming the allegation(s) from attributable sources.

5.3 Anonymous whistleblowers should also bear in mind that it may be more difficult to maintain confidentiality – and to provide feedback on the progress and outcome of any investigations – if the name of the person raising the concern is not known.

6. Untrue or unfounded allegations

- 6.1 If a member of staff makes an allegation in good faith and has a reasonable belief in the truth of the allegation, but it is not confirmed by the investigation, no action will be taken against them. If, however, there is clear evidence that a member of staff has made a malicious or vexatious allegation, then disciplinary action may be taken against them.
- 6.2 Where it is established, after investigation, that the allegations are unfounded, then the whistleblower will be notified. The Council will deem the matter “closed” and will not expect the issue to be raised again unless new evidence becomes available.

7. Support to staff and Members

- 7.1 It is recognised that raising concerns can be difficult and stressful. Accordingly, where requested, advice and support is available to staff from the HR Team, a trade union representative, the member of staff's line manager, or the [Employee Assistance Programme](#).
- 7.2 Staff who are subject to investigation following concerns being raised will also be entitled to similar support, although ideally not from the same individuals.
- 7.3 Advice and support to Members is available, where requested, from the Monitoring Officer.

8. Independent advice

- 8.1 If you are unsure whether or how to raise a concern or you want confidential advice, you can contact the independent charity Public Concern at Work on 020 7404 6609 or at helpline@pcaw.co.uk). Their legal advisers can give you free confidential advice on raising a concern about serious malpractice at work.
- 8.2 You can also contact Unison or GMB for independent advice.

9. How to raise a concern

- 9.1 Before initiating the whistleblowing procedure, staff should normally raise concerns with their immediate manager or supervisor. However, this depends on the seriousness and sensitivity of the issues and who is thought to be involved.
- 9.2 The Council's Monitoring Officer has overall responsibility for the maintenance and operation of this policy and procedure and maintains a record of concerns raised and the outcomes (in a form which does not endanger confidentiality).
- 9.3 Staff should therefore raise concerns with the Monitoring Officer, telephone number 01954 713060.

If staff feel that they would prefer to talk to another senior officer, they should approach the HR Manager, telephone number 01954 713285.

- 9.4 If staff do not feel able to approach either of the above, they should contact the Internal Audit Manager, Deloitte, email address internal.audit@scams.gov.uk.
- 9.5 In some circumstances, it may be appropriate for staff to ask their trade union or professional association to raise a matter on their behalf.

- 9.6 Contractors or Members should raise their concerns with the Monitoring Officer.
- 9.7 The earlier concerns are expressed, the easier it is to take action. Concerns are better raised in writing and whistleblowers are encouraged to do so, setting out, in as much detail as possible:
- the background and history of their concern (giving names, dates and places where possible); and
 - the reason(s) why they are particularly concerned about the situation.
- 9.8 If a whistleblower does not feel able to put their concern in writing, they can report it verbally, either by telephone or by meeting the appropriate officer.
- 9.9 Whistleblowers may invite a trade union or professional association representative, friend or colleague who is not involved in the area of work to which the concern relates, to be present during any meetings or interviews in connection with the concerns they have raised. Such meetings can be held off-site if desired.
- 9.10 Although whistleblowers are not expected to prove the truth of their allegation to the person they have contacted, that person will need to be satisfied there is sufficient evidence in support of the allegation before proceeding.
- 9.11 Once the whistleblower has raised their concern, they must not:
- contact the suspected perpetrator in an effort to determine facts or demand restitution;
 - discuss the case facts, suspicions, or allegations with anyone else within or outside the Council (including the press);
 - attempt to personally conduct investigations or interviews or question anyone.

10. How the Council will respond

- 10.1 The Council will take whistleblowers' concerns seriously. Whistleblowers are asked to bear in mind that investigating concerns is not the same as either accepting or rejecting the validity of the allegation.
- 10.2 In order to protect both the whistleblower, the Council and those accused of misdeeds or possible malpractice, initial enquiries (usually involving a meeting with the whistleblower) will be made to decide whether an investigation is appropriate and, if so, what form it should take.
- 10.3 The overriding principles that the Council will follow are to establish the facts and to protect both the whistleblower and the public interest.
- 10.4 Concerns or allegations that raise issues which fall within the scope of other specific policies and procedures (for example, discrimination issues), will normally be referred for consideration under those policies and procedures.
- 10.5 Following this, the Monitoring Officer will, within ten working days, write to the whistleblower:
- acknowledging that the concern has been received;
 - where initial enquiries have been undertaken and further investigation of the

matter is considered unnecessary, advising them of the reasons for this decision; or

- informing them that an investigation will be carried out;
- indicating how he/she proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- confirming that any investigation will be carried out in the strictest confidence.

The Monitoring Officer can decide to take no further action if a complaint appears to be trivial or vexatious.

- 10.6 If an investigation is required, the Monitoring Officer will consult as necessary and designate an appropriate person to investigate the concern. The action taken by the Council will depend on the nature of the concern and, where appropriate, the matters raised may:
- be investigated by management, internal audit, or through the disciplinary process;
 - be referred to the police;
 - be referred to the external auditor;
 - form the subject of an independent inquiry;
 - in certain circumstances, necessitate a report on the outcome of the investigation to be made to the Council;
 - be referred to the Monitoring Officer or to the Standards Board for England if in respect of breaches of the Members' Code of Conduct;
 - be dealt with under the Council's Complaints Procedure.
- 10.7 Some concerns may be resolved through discussion or agreed action without the need for investigation. However, if urgent action is required, this may be taken before any investigation is conducted.
- 10.8 Where possible and subject to legal constraints, the Council will also keep the whistleblower informed about how the matter is progressing. The amount of contact between the whistleblower and the officer(s) considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from whistleblowers.
- 10.9 The Council will take steps to minimise any difficulties that staff or Members may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Council will advise them about the procedure. The Council cannot provide legal representation for staff or Members, but, where appropriate, counselling may be provided by the Council.
- 10.10 The Council accepts that the whistleblower needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will be informed, in confidence, about the outcomes of any investigation, or any action taken to correct working practices that have been found to be at fault by the investigation.
- 10.11 In the event that the whistleblower is unhappy with the outcome and/or response received at the conclusion of the investigation, they will be provided with details of who to contact should they wish to raise the matter externally.
- 10.12 All matters will be referred to the Monitoring Officer for record keeping purposes.

11. How the matter can be taken further

11.1 This policy is intended to provide a whistleblower with a procedure to raise concerns within the Council. The Council hopes the whistleblower will be satisfied with any action taken. If they are not, and feel that it is right to take the matter outside the Council, the following are possible contact points:

- the local Council Member (if the staff member lives in the area of the Council) – if unsure who it is, contact Democratic Services (tel: 01954 713016; email: [Democratic Services](#)), or look on In-Site, the Council's intranet (web address: [Council Members](#)), or website (web address: [Councillors, Wards and Parishes](#));
- the Chairman or any member of the Standards Committee – for details of current membership please contact Democratic Services (tel: 01954 713016; email: [Democratic Services](#)), or look on In-Site, the Council's intranet (web address: [Standards Committee contact details](#)), or website (web address: [Standards Committee contact details](#));
- the external auditor, RSM Robson Rhodes, Daedalus House, Station Road, Cambridge, CB1 2RE, telephone number 01223 368020;
- relevant professional bodies or regulatory organisations;
- a solicitor;
- the Police;
- an independent person or organisation nominated for the purpose by the Council;
- Public Concern at Work (tel: 020 7404 6609; web address: www.pcaw.co.uk);
- a recognised trades union;
- the Local Government Ombudsman.

11.2 If the whistleblower does take the matter outside the Council, they need to ensure that they do not disclose confidential or legally restricted information or that disclosure would be privileged. The whistleblower should check with the person they initially contacted about that.

12. Monitoring and review

12.1 The Monitoring Officer will monitor the implementation and effectiveness of the policy and procedure and will submit an annual monitoring report to Management Team and to the Chairman of the Standards Committee on any matters raised under this Policy and the subsequent outcome in each case. The Standards Committee will monitor the implementation of the recommendation(s) of the investigation.

12.2 Management Team and the Standards Committee will each review the policy and procedure and evaluate its effectiveness in the light of issues raised or identified as part of the monitoring process. Revisions to the policy or procedure will be made, where necessary, following endorsement from Management Team and the Standards Committee.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

9 August 2006

AUTHOR/S: Chief Executive / Democratic Services Officer

STANDARDS COMMITTEE WEBPAGE**Purpose**

1. To inform members of the options available for a Standards Committee webpage.

Background

2. The Chairman will be preparing an article on the Standards Committee for the winter edition of *South Cambs Magazine* and the article could refer interested parties to the Committee's website for further information.

Considerations

3. The modern.gov meeting and forward plan enquiry system on the Council's website already contains details of the Standards Committee (see **Appendix A**), such as:
 - (a) Links to agendas and minutes (from the committee's first meeting in January 2002 to the present)
 - (b) Contact details for committee members and links to district members' webpages
 - (c) Attendance statistics
 - (d) Meeting statistics
 - (e) Declarations of interest made at meetings
 - (f) Purpose of the committee
 - (g) Links to the Constitution for further details about the committee's responsibilities
 - (h) Democratic services officer and contact information
4. The scamb.gov.uk website is being linked to the modern.gov website to enable searching of the latter from the Council's main page, reducing the amount of time it can take for information to be located.

Options

5. The majority of the information about the committee already is held within the modern.gov site, and all officers in the Democratic Services Section have access to amend, update or otherwise alter the pages as required. A link to this webpage could be added to the Council's main website under the Council and Democracy menu. Other features on this Committee page could include photographs and links to external websites such as the Standards Board for England.
6. The modern.gov site also offers a searchable Library feature in which are stored documents relating to the democratic process but not part of agendas or minutes, such as the Constitution, the Members' Allowance Scheme, and guides for members of the public wishing to ask questions at meetings. A separate header could be created here for "Standards Committee" and any relevant documents uploaded, such as SBE publications (The Code Review or the Standards Bulletin), or local protocols

such as procedures for local investigations and hearings. Links could be created to these documents from the main committee information webpage.

Implications

7. Financial	None. The Council already owns all the necessary software and storage space.
Legal	All information on the website must comply with the Constitution (Access to Information Procedure Rules) and various legislation (Freedom of Information, Data Protection). The website may not be used for party political or electioneering purposes.
Staffing	All Democratic Services Officers have access to amend the modern.gov committee pages as required, and three have had additional training as editors of the Council's website.
Risk Management	Neither the modern.gov nor the scams.gov.uk server is situated locally. Regular back-ups of each server are created to allow rapid restoration of information in the event of a system failure.
Equal Opportunities	The Council's website contains tips to increase the default text size of all its pages to assist residents with visual impairments. During the 2006/07 year, the Web Services Officer will be investigating accessibility issues such as having the Council's website tested for compliancy with the Disability Discrimination Act, and providing assistive technologies such as a screen reader to convert text into audio so webpages can be "read" to the viewer. Webpages and all documents linked to them can be printed and posted to residents without internet access.

Consultations

- 8. Web Services Officer and other Cambridgeshire authority websites (of which Huntingdonshire District Council and Peterborough City Council have Standards Committee webpages; see **Appendices B and C**).

Conclusions/Summary

- 9. Much of the basic information about the Standards Committee is available already via modern.gov, and through this system is updated automatically with links to new minutes and agendas, and changes in membership. This system has the ability to add relevant documents, links to external websites, photographs and on-line public consultation. There is much focus for expanding the amount of information available to the public on the work of the Standards Committee, and possibly with linking or amalgamating this page with the Parish Council Guidance page, which includes advice and forms for parish councils regarding the Code of Conduct, register of interests and dispensations.

Recommendations

- 10. It is recommended that the Standards Committee:
 - (a) decide (or delegate to the Chairman in conjunction with the Monitoring Officer to decide) what information should be included and a mechanism for keeping this under review to ensure that all relevant information is added promptly and any outdated information is archived electronically;
 - (b) nominate a member or members to liaise with Democratic Services for creation and on-going maintenance of the webpage; and

- (c) promote the new website via the winter 2006 edition of *South Cambs Magazine* as part of the proposed article about the Committee.

Effect on Annual Priorities and Corporate Objectives

11.	Affordable Homes	None.
	Customer Service	A website would promote the work of the Standards Committee, giving the public opportunities to understand its role, opportunities to attend meetings, and the responsibilities held by district and parish council members.
	Northstowe and other growth areas	None.
	Quality, Accessible Services	A website is available to anyone with internet access, whether at home, at work or at a public library or internet café, and can be viewed at any time of the day or night at the user's convenience. The website and any documents stored there can be printed and posted to anyone without internet access. See also Equal Opportunities Implications above.
	Village Life	The Standards Committee has a role in promoting ethical standards in all levels of local government, including parish councils.
	Sustainability	The information will be held electronically and updated automatically, reducing reliance upon paper copies, which must be reprinted and replaced after each change.
	Partnership	The website could be linked to other authorities and partner organisations such as the Cambridgeshire Association of Local Councils (CALC) to help the public direct their queries to the appropriate body, if issues are raised which do not relate to the Standards Committee's responsibilities.

Background Papers: the following background papers were used in the preparation of this report: None

Contact Officer: Holly Adams – Democratic Services Officer
Telephone: (01954) 713030

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Information on South Cambridgeshire District Council's "Standards Committee" and "Parish Council Guidance" webpages:

Standards Committee

(<http://scambs.moderngov.co.uk/mgCommitteeDetails.asp?ID=415>)

- [Browse meetings and agendas for this committee](#)
- [View contact details for the members of this committee](#)
- [View attendance statistics](#)
- [View meeting statistics](#)
- [View declarations of interest](#)

Purpose of Committee

The Standards Committee is one of the Council's five Regulatory Committees, which are bodies which have decision-making powers and report to full Council. Any elected member can request to sit on this committee and membership is decided at Annual Council. Further details about the responsibilities of each Regulatory Committee are available in Part 2: [Article 8](#) and [Part 3](#) of the Constitution.

This body comprises 4 District Councillors, 2 (3 from April 2006) persons independent of the Council (selected following advertisement) and 2 (3 from April 2006) Parish Councillors from parishes within the district. It promotes and maintains high standards of conduct within the District Council and Parish Councils, through the Members' Code of Conduct. Standards Committee meetings are open to the public, although deliberations may be held in private session. Further information about the Standards Committee and Parish Standards Sub-Committee is available on the [Information for Parish Councils](#) page and in Part 2: [Article 9](#) of the Constitution

Committee Members

- David Gilbertson (Chairman)
- [Cllr Mrs Valerie Trueman](#) (Vice-Chairman)
- Peter Brindle
- [Cllr Eustace Bullman](#)
- [Cllr Nigel Cathcart](#)
- Mrs Grace Everson
- Michael Farrar
- Dave Kelleway
- Independent / Labour Vacancy
- Keith Barrand

Contact Information

Support Officer: Holly Adams. 01954 713030

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Cambourne
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CB3 6EA

Phone: 08450 450 500

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Email: holly.adams@scambs.gov.uk

Website: <http://www.scambs.gov.uk>

Parish council guidance

<http://www.scambsgov.uk/CouncilAndDemocracy/ParishCouncilGuidance/>

All of the files on this page are available in Adobe Acrobat (pdf) and Microsoft Word / Powerpoint format. Large files may take several minutes to download. You will need Adobe Acrobat Reader or Microsoft Office (or compatible) to view these documents. [Adobe Acrobat Reader](#) and [Microsoft Office Viewer](#) can be downloaded free.

[Schedule of Parish and District Elections](#)
[Parish Council Chairmen & Clerks](#)
[Standards Committee](#)

Parish Council Code of Conduct

For further information and guidance on the code of conduct including FAQs please look at the information on the [Standards Board for England](#) website.

[CODE OF CONDUCT 17.1.02 Parish.pdf](#) (83 KB)
[CODE OF CONDUCT 17.1.02 Parish.doc](#) (27 KB)

[PARISH COUNCIL MODEL CODE OF CONDUCT.pdf](#) (87 KB)
[PARISH COUNCIL MODEL CODE OF CONDUCT.doc](#) (30 KB)

Members' Interests

[Register of Members' Interests - Parish Council.pdf](#) (58 KB)
[Register of Members' Interests - Parish Council.doc](#) (30 KB)

[FAQ 8March02.pdf](#) (107 KB)
[FAQ 8March02.doc](#) (35 KB)

[Interests Flowchart - Parish Councils.pdf](#) (87 KB)
[Interests Flowchart - Parish Councils.ppt](#) (33 KB)

Forms

[Declaration of Acceptance of Office - Parish Council.pdf](#) (46 KB)
[Declaration of Acceptance of Office - Parish Council.doc](#) (21 KB)

Dispensations

[Dispensations Flowchart.pdf](#) (67 KB)
[Dispensations Flowchart.doc](#) (33 KB)

Information on Huntingdonshire District Council's "Standards Committee" website:

Standards And Conduct

[photograph]

Mr Derek Bristow - Chairman of the Standards Committee

The new ethical framework has been a central part of the Government's plan to modernise local government. Based on the recommendations of the Nolan Report on "Standards of Conduct in Public Life" - much of which was incorporated into Part III of the Local Government Act 2000.

The Act requires all District (Town and Parish) Councillors to comply with a Code of Conduct and to register their interests. The Register of Interests is maintained by the District Council's Monitoring Officer. The Act also requires gifts or hospitality received in connection with a person's role as a Councillor with a value of £25 or over to be registered. Forms for this purpose are available via links on the right.

The Codes of Conduct for Members and Employees and other protocols to guide Members and employee conduct are reproduced in Part 5 of the Constitution (please see linked document on the right).

The Council also has a duty to appoint a Standards Committee to promote high standards of conduct amongst District as well as Town and Parish Councillors. In addition to District Councillors, the Committee comprises two representatives of Town and Parish Councils as well as three independent Members appointed following public advertisement. (Use Standards Committee link on the right of this page.)

The Standards Board for England is the Regulatory Body and complaints about a Councillor's conduct should be submitted in writing to the Board. (Please see external link on the right.)

Related Information










- [Standards Committee](#) [directs to Huntingdonshire District Council's modern.gov website with links to meetings and agendas, contact details, attendance and meeting statistics]

External Links

- [Standards Board](#)

Huntingdonshire District Council is not responsible for the content of external sites

Linked Documents

-  [Changes to register of Member interests.doc](#)
-  [Declaration of Acceptance of Office](#)
-  [Financial and other interests.doc](#)
-  [Town/Parish Model Code of Conduct.pdf](#)
-  [Notification of Membership of Council](#)
-  [Notification of Changes in Membership of Council](#)
-  [Registration of gifts and hospitality](#)
-  [HDC Constitution](#)
-  [Declaration of 'No Changes' registration of Financial and other Interests](#)

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Information on Peterborough Council's "Standards Committee" website:

Standards Committee

The Council has established a standards committee under Part iii of the Local Government Act 2000. It comprises three councillors and three independent members of the public who were recruited by open competition. In addition, there is a parish council representative since the City Council is responsible for standards issues relating to parish councils. There is also a Standards (Parishes) Sub-Committee.

The Council adopted the national model code of conduct on 30th January 2002. A Copy of the National Model Code is appended. Meetings of the Standards Committee and the Parishes Sub-Committee are open to the public, but the working groups are not.

The documents below appear in Adobe® Acrobat® (PDF) format. In order to view them you will need to have Acrobat Reader installed. (Those with visual impairments may wish to investigate Access Adobe, which provides tools and information to help make PDF files more accessible.)

- Model Code of Conduct (23 KB, 5 pages)
- Terms of Reference (5 KB, 1 page)

Feedback

For further details please contact:-

Heather Darwin, Senior Cabinet Officer

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Fax: (01733) 452537

Email: heather.darwin@peterborough.gov.uk

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Procedure for Local Investigation of Referred Complaints

Introduction and Summary

This note sets out the procedure which will be followed in the local investigation of allegations of misconduct by Councillors¹. No departure will be made from this procedure unless and until the Monitoring Officer² has first notified the Councillor against whom the allegation has been made of the proposed variation to the procedure and the reasons for that variation.

This procedure applies to breaches of the authority's Code of Conduct for Members. The authority has also resolved that the same procedure shall apply to the investigation of allegations of breaches of the authority's local protocols³, in so far as they apply to Councillors.

Where the Standards Board for England receives an allegation that a Councillor has breached the authority's Code of Conduct for Members, the Board refers the allegation to an Ethical Standards Officer for investigation⁴. At any point in that investigation the Ethical Standards Officer may determine that the allegation should be referred to the authority's Monitoring Officer (or in the case of a Parish Council, to the Monitoring Officer of the local District or Unitary Authority⁵). If the matter is referred before the Ethical Standards Officer has completed his investigation, the Monitoring Officer is then required to arrange for an Investigating Officer to investigate the allegation and to report the matter to the authority's Standards Committee⁶ (or to a Sub-Committee of the Standards Committee convened for that purpose⁷). Similarly, when the Monitoring Officer receives an allegation of a failure by a Councillor to comply with a local protocol, and he is of the opinion that the allegation merits investigation, he shall arrange for an Investigating Officer to investigate the allegation and to report the matter to the authority's Standards Committee. Where the Investigating Officer has found, after investigation, that the Councillor has not acted in breach of the authority's Code of Conduct for Members or a local protocol, the Standards Committee must meet to decide whether to accept that finding or to proceed to a formal hearing. Where the Investigating Officer has found that there has been a failure to comply with the Code of Conduct for Members or a local protocol, or where the Standards Committee decides to hold a full hearing, there will then be a formal hearing to

¹ This procedure will apply to allegations of breach of the authority's Code of Conduct by elected and co-opted members of the authority and by the directly elected mayor of the authority (if any), and the word "Councillor" is to be taken to refer all such persons.

² The "Monitoring Officer" is an officer of the Council who has been designated as the authority's Monitoring Officer under section 5 of the Local Government and Housing Act 1989.

³ Authorities may supplement their Code of Conduct for Members with local protocols which do not form part of the Code of Conduct. Allegations of a breach of a local protocol may also constitute breaches of the Code of Conduct, and so fall within the jurisdiction of the Standards Board. Where a particular allegation of breach of protocol does not form a breach of the Code of Conduct, it would fall to be investigated and determined by the authority concerned. Accordingly this procedure will apply equally to allegations of breach of a local protocol, but by virtue of a delegation from Council rather than by virtue of the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 – SI 2004 No. 2617.

⁴ Section 58(2), Local Government Act 2000.

⁵ Where this procedure relates to a District or Unitary Authority's responsibilities in respect of a Parish Council, it refers to the District or Unitary Authority as the Principal Authority.

⁶ Section 59(4)(c), Local Government Act 2000.

⁷ Where an authority determines that individual allegations shall be considered by a Sub-Committee, or Regulations require that a complaint be considered by a Sub-Committee, references in this procedure to the Standards Committee should be read as being references to such a Sub-Committee.

determine whether a breach of the authority's Code of Conduct has occurred and whether any action should be taken in consequence.

In this process, the function of the Investigating Officer is to ensure, as far as possible, that all the information which is relevant to the allegation is identified and presented to the Standards Committee, to enable the Standards Committee to come to an informed decision as to whether the Councillor has failed to comply with the authority's Code of Conduct for Members or a local protocol, and upon any consequent action. The Standards Committee acts in an inquisitorial manner, rather than an adversarial manner, seeking the truth in relation to the conduct of the Councillor on the balance of the information available to it, and may commission further investigation or information if it needs to do so in order to come to a decision.

1. Interpretation

- (a) 'Councillor' means the member of the authority who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the Councillor's representative.
- (b) 'Investigating Officer' means the Ethical Standards Officer (ESO) who referred the report to the authority (and his or her nominated representative) or, in the case of matters that have been referred for local investigation, references to the Investigating Officer mean the person appointed by the Monitoring Officer to undertake that investigation (which may include the Monitoring Officer, and his or her nominated representative).⁸
- (c) 'The Matter' is the subject matter of the Investigating Officer's report.
- (d) 'The Standards Committee' refers to the Standards Committee or to any Standards Sub-Committee to which it has delegated the conduct of the hearing, unless the context indicates that it refers only to the Standards Committee itself.

2. Notification of Reference of Allegation to the Monitoring Officer

- (a) Appointment of Investigating Officer

Upon receipt of the allegation from an Ethical Standards Officer, the Monitoring Officer will appoint an Investigating Officer in respect of the allegation and instruct him to conduct an investigation of the allegation and to report thereon to the authority's Standards Committee. The Investigating Officer may be an officer of the authority⁹, an officer of another local authority, or an external Investigating Officer.

The Investigating Officer may appoint persons to assist him in the conduct of his functions and may obtain such professional advice as may be necessary for the conduct of the investigation.

- (b) Notification to the Councillor

⁸ This definition has been amended to make it clear that, when the Monitoring Officer arranges for someone else to undertake the investigation, the definition of the 'Investigating Officer' no longer includes the Monitoring Officer.

⁹ There are two distinct roles, that of the Investigating Officer and that of legal advisor to the Standards Committee. The Monitoring Officer may him/herself take on the role of the Investigating Officer. Where he / she does so, he / she must also arrange for a separate legal advisor to the Standards Committee in respect of the allegation.

The Monitoring Officer will then notify¹⁰ in writing the Councillor against whom the allegation is made:

- (i) That the allegation has been referred to him for local investigation and determination;
- (ii) The identity of the person making the allegation (unless identification of the complainant might prejudice the investigation or put the complainant at risk);
- (iii) Of the conduct which is the subject of the allegation;
- (iv) Of the section(s) of the Code of Conduct or local protocol which appear to him to be relevant to the allegation;
- (v) Of the procedure which will be followed in respect of the allegation; and
- (vi) Of the identity of the Investigating Officer.

The Monitoring Officer shall provide the Councillor with a copy of any report received from the Ethical Standards Officer.

(c) Notification to the Standards Committee

At the same time as notifying the Councillor, the Monitoring Officer will notify each member of the Standards Committee in writing of the matters set out in paragraphs 2(b) (i) – (iv) and (vi) above.

(d) Notification to the Parish Council Clerk

Where the allegation relates to the conduct of a member of a Parish Council in his capacity as such, at the same time as notifying the Councillor, the Monitoring Officer will notify the Clerk of the Parish Council concerned in writing of the matters set out in paragraphs 2(b) (i) – (iv) and (vi) above.

(e) Notification to the Person who made the Allegation

At the same time as notifying the Councillor, the Monitoring Officer will notify the person who made the allegation in writing of the matters set out in paragraphs 2(b) (i) – (iv) and (vi) above.

(f) Initial response of the Councillor

In notifying the Councillor of receipt of the allegation, the Monitoring Officer shall request the Councillor to respond to the Investigating Officer in writing within 14 days of notification as follows:

- (i) Advising the Investigating Officer whether the Councillor admits or denies the breach of the Code of Conduct or local protocol which is the subject of the allegation;

¹⁰ In very exceptional cases, where the Monitoring Officer has reason to believe that there is a serious risk of intimidation of witnesses or destruction of evidence, the Monitoring Officer may initiate an investigation before notifying the Councillor.

- (ii) Listing any documents which the Councillor would wish the Investigating Officer to take into account in any investigation of the allegation, where possible providing copies of these documents, and informing the Investigating Officer of where the original documents may be inspected;
 - (iii) Providing the Investigating Officer with the name, address and telephone number (or other appropriate contact details) of any person or organisation whom the Councillor would wish the Investigating Officer to interview in the course of any investigation of the allegation; and
 - (iv) Providing the Investigating Officer with any information which the Councillor would wish the Investigating Officer to seek from any person or organisation.
- (g) Supporting information from the person who made the allegation

In notifying the person who made the allegation as above, the Monitoring Officer will request the person to respond to the Investigating Officer within 14 days:

- (i) Listing any documents which the person would wish the Investigating Officer to take into account in any investigation of the allegation, where possible providing copies of these documents, and informing the Investigating Officer of where the original documents may be inspected;
- (ii) Providing the Investigating Officer with the name, address and telephone number (or other appropriate contact details) of any person or organisation whom the person would wish the Investigating Officer to interview in the course of any investigation of the allegation; and
- (iii) Providing the Investigating Officer with any information which the person would wish the Investigating Officer to seek from any person or organisation.

3. Conduct of Investigation

(a) Purpose of the Investigation

The purpose of the Investigating Officer's investigation is to enable him to prepare and present to the Standards Committee a report which, together with any report provided by the Ethical Standards Officer, would provide the Standards Committee with sufficient information to determine whether the Councillor has acted in breach of the Code of Conduct or local protocol and, where there has been a breach of the Code of Conduct or local protocol, whether any action should be taken in respect of the Councillor or in consequence of the breach, and what any such action should be.

(b) Termination of the Investigation

The Investigating Officer may terminate his investigation at any point where he is satisfied that he has sufficient information to enable him to report to the Standards Committee and to enable the Standards Committee to come to a considered decision on the allegation.

(c) Additional Matters

Where, in the course of his investigation, the Investigating Officer becomes aware of any other matter which appears to him to indicate a breach of the Code of Conduct or local protocol by the Councillor other than the breach which he is currently investigating, the Investigating Officer shall either:

- (i) *(where the additional matter relates to an apparent breach of the authority's Code of Conduct by a member of the principal authority)* report the matter to the Monitoring Officer who will provide the Councillor with details of the matter in the form set out in paragraphs 2(b) (iii) and (iv) above and invite the Councillor to provide a statement as to why the additional matter does not constitute a breach of the Code of Conduct. The Monitoring Officer will then determine whether to report the additional matter to the Standards Board;
- (ii) *(where the additional matter constitutes an apparent breach of the authority's local protocols but not a breach of the Code of Conduct by a member of the principal authority)* report the matter to the Monitoring Officer who will provide the Councillor with details of the matter in the form set out in paragraphs 2(b) (iii) and (iv) above and invite the Councillor to provide a statement as to why the additional matter does not constitute a breach of the authority's local protocols. The Monitoring Officer will then take a decision whether to refer the matter to an Investigating Officer for local investigation and report to the Standards Committee as appropriate. Where the original matter relates to an allegation of breach of a local protocol, and the additional matter relates to a further breach of a local protocol of the same authority, the Monitoring Officer may, with the consent of the Councillor, request the original Investigating Officer to extend his investigation to include the additional matter;
- (iii) *(where the additional matter relates to an apparent breach of the Code of Conduct or a local protocol by a Parish Councillor)* notify the Clerk to the Town or Parish Council of the additional matters and take no further action in respect thereof¹¹.
- (d) Following notification to the Councillor, the Investigating Officer will identify an initial list of persons to be interviewed, organisations from whom information is to be sought and documents to be inspected as part of the investigation. Where the Councillor has provided the Investigating Officer with the information requested in accordance with Paragraphs 2(e) (ii) and (iii) above, the Investigating Officer shall include in this list each document, person and organisation referred to in that response, unless he is of the opinion that the inclusion of that document, person or organisation would unreasonably delay the completion of the investigation rather than to contribute to the accuracy of the Investigating Officer's final report. The Investigating Officer may supplement or amend this list at any stage of the investigation.
- (e) Production of documents, information and explanations:
 - (i) In the course of the investigation, the Investigating Officer and any person authorised on his behalf may make such enquiries of any person or organisation, and request any person or organisation to provide any document or information

¹¹ As set out above, District Council Standards Committees would have no jurisdiction in respect of breaches of local protocols by parish and Town Councillors, which would have to be dealt with by the Parish Council itself unless the Parish Council has delegated the resolution of such matters to the District Council.

which is in his / its possession or control, or provide any explanation, as he thinks necessary for the purposes of carrying out the investigation.

- (ii) In the course of the investigation, the Investigating Officer and any person authorised on his behalf may require any authority of which the Councillor is a member to provide any document which is in his / its possession or control which he thinks necessary for the purposes of carrying out this investigation.

(f) Interviews

- (i) Requesting attendance

In the course of the investigation the Investigating Officer may request any person to attend and appear before him or otherwise provide any information, document or explanation for the purpose of Paragraph 3(e) as he thinks necessary for the purposes of carrying out the investigation.

- (ii) Representation

Any person who appears before the Investigating Officer arranges to be accompanied at their own expense by a solicitor or friend.

- (iii) Notes of interviews

Where practicable, following the interview the Investigating Officer shall produce a written note of the material points of the interview, provide two copies of that note to the person interviewed and ask them to return one copy signed as a correct record of the interview, with such corrections or amendments as they may feel necessary for that purpose.

(g) Costs

The Investigating Officer may, where he considers that it is appropriate in order to facilitate the conduct of the investigation, pay to any person who provides any document, information, advice or explanation in response to his request, such fees or allowances as he considers to be appropriate subject to the maxima set by the authority.

(h) Reference back to the Standards Board (allegations of breach of the Code of Conduct for Members only)

At any point in the course of the investigation, if the Investigating Officer is of the opinion

- (i) that the seriousness of the matters which he is investigating, including any additional matters identified under Paragraph 3(c) above, is such that they may merit the application of a sanction beyond the powers of the Standards Committee, or
- (ii) that the nature of the allegations is such that it would be inappropriate for the Standards Committee to determine the matter,

he may, after consulting the Monitoring Officer, suspend his investigation and the Monitoring Officer shall then request the Ethical Standards Officer to resume his investigation of the matter.

Where the Ethical Standards Officer does resume his investigation, the Monitoring Officer shall ensure that the Councillor concerned, the person who made the complaint, the members of the Standards Committee and any Parish Council is informed of such resumption. Where the Ethical Standards Officer declines to resume his investigation, the Monitoring Officer shall instruct the Investigating Officer to resume his investigation.

4. The Draft Report

- (a) When the Investigating Officer is satisfied that he has sufficient information to meet the requirement set out in Paragraph 3(a), or has obtained as much information as is likely to be reasonably capable of being obtained, he shall prepare a draft report setting out:
- (i) The details of the allegation;
 - (ii) The relevant provisions of the statute, of the Code of Conduct and any relevant local protocols;
 - (iii) The Councillor's initial response to notification of the allegation (if any);
 - (iv) The relevant information, advice and explanations which he has obtained in the course of the investigation;
 - (v) A list of any documents relevant to the matter;
 - (vi) A list of those persons whom he has interviewed and those organisations from whom he has sought information;
 - (vii) A note of any person or organisation who has failed to co-operate with the investigation and the manner in which they have failed to co-operated;
 - (viii) A statement of his draft findings of fact;
 - (ix) His conclusion as to whether the Councillor has or has not failed to comply with the Code of Conduct for Members of any authority or a local protocol; and
 - (x) Any recommendations which the Investigating Officer is minded to make to any authority concerned for reviewing or reconsidering any decision which was the subject of the breach of the Code of Conduct or local protocol or to remedy the position of any person who may have suffered detriment or injustice as a result of the breach. Where the allegation relates to a Parish Councillor, such recommendations would be recommendations which the Investigating Officer would recommend that the Standards Committee make to the Parish Council.
- (b) The draft report should also state that the report does not necessarily represent the Investigating Officer's final finding, and that the Investigating Officer will present a final report to the Standards Committee once he has considered any comments received on the draft report.
- (c) The Investigating Officer shall then send a copy of his draft report in confidence to the Councillor and the person making the allegation, and request that they send any comments thereon to him within 14 days.

- (d) The Investigating Officer may send a copy of, or relevant extracts from his draft report in confidence to any person on whose evidence he has relied in compiling the draft report, and request that they send any comments thereon to him within 14 days.

5. The Final Report

- (a) After the expiry of that period (or such extended period as the Investigating Officer may allow), the Investigating Officer shall reconsider and amend his draft report in the light of any comments received, and produce and send to the Monitoring Officer his final report. The final report should state that the report represents the Investigating Officer's final findings and will be presented to the Standards Committee, and should have appended to it copies of any documents which the Investigating Officer has relied on in reaching his conclusions, such as background documents of telephone conversations, letters, and notes of interviews with witnesses;
- (b) The Monitoring Officer shall then send a copy of the final report to the Councillor, advising that:
 - (i) Where the final report concludes that there has not been a failure to comply with the Code of Conduct for Members or a local protocol, he will refer the report to the Standards Committee for their consideration; and
 - (ii) Where the final report concludes that there has been a failure by the Councillor to comply with the Code of Conduct for Members or with a local protocol, he will refer the report to the Standards Committee for a formal hearing.
- (c) The Monitoring Officer shall ensure that, when the agenda for the Standards Committee is sent out to members of the Standards Committee, including the final report, the agenda and the report are also sent to:
 - (i) The person who made the complaint;
 - (ii) The Clerk to the Parish Council (if any); and
 - (iii) The Ethical Standards Officertogether with a note explaining the circumstances under which the Standards Committee may conduct a hearing into the allegations, and the procedure for these events.
- (d) Where the Standards Committee considers the report in accordance with Paragraph 5(a)(ii) above, it shall make one of the following findings:
 - (i) That it accepts the Investigating Officer's finding that the Councillor has not failed to comply with the Code of Conduct for Members as set out in the allegation;
 - (ii) That it accepts the Investigating Officer's finding that, on the facts as set out in the report, the Councillor has not failed to comply with a local protocol; or

- (iii) That the matter should be considered at a hearing of the Standards Committee, conducted in accordance with the authority's adopted Procedure for Local Determination Hearings¹².
- (e) Where the Standards Committee finds as set out in Paragraph 5(b)(i) or (ii) above (no failure to comply with the Code of Conduct or with a local protocol), the Monitoring Officer shall, as soon as practicable thereafter, send a written notice of that finding and the reasons on which it was based, together with a copy of the Investigating Officer's report to:
 - (i) The Councillor;
 - (ii) The Ethical Standards Officer;
 - (iii) The Standards Committee, if the finding was made by a Sub-Committee of the Standards Committee;
 - (iv) The Standards Committee of any other local authority (other than a Parish Council) of which the Councillor is also a member;
 - (v) The Parish Council, if the Councillor was also a member of a Parish Council; and
 - (vi) The person who made the allegation.

and shall ask the Councillor whether he objects to the publication of a notice of the finding in at least one local newspaper, and arrange for the publication of such a notice unless the Councillor so objects.

- (f) Where the Standards Committee finds as set out in paragraph 5(2)(iii) above (that the matter should be considered at a full hearing) or the Investigating Officer's report contains a finding that the Councillor did fail to comply with the Code of Conduct or a local protocol, the Monitoring Officer shall arrange for the matter to be considered at such a hearing in accordance with the authority's adopted Procedure for Local Determination Hearings, subject to the following variations:
 - (i) The hearing shall be conducted no sooner than 14 days from, and no later than 3 months from, the date on which the Monitoring Officer received the report of the Investigating Officer;
 - (ii) The report of the Investigating Officer shall be treated as if it constituted the report of the Ethical Standards Officer;
 - (iii) The Monitoring Officer will not conduct Pre-Hearing enquiries of the Councillor; and
 - (iv) The Investigating Officer shall be responsible for presenting the report to the Standards Committee and introducing any witnesses whom he considers that the Standards Committee should hear in order to be able to give the matter proper consideration.

¹² Note that this is not a finding that there has been a failure to comply with the Code of Conduct for Members or with a local protocol, but simply that, on the basis of the Investigating Officer's report, the Standards Committee is not at this stage prepared to come to a final conclusion that there has been no such failure to comply, and that the matter merits consideration at a full hearing.

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Procedure for Local Standards Hearings

1. Interpretation

- (a) 'Councillor' means the member of the authority who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the Councillor's representative.
- (b) 'Investigating Officer' means the Ethical Standards Officer (ESO) who referred the report to the authority, and includes his or her nominated representative. In the case of matters that have been referred for local investigation, references to the Investigating Officer mean the person appointed by the Monitoring Officer to undertake that investigation (which may include the Monitoring Officer, and his or her nominated representative).¹
- (c) 'The Matter' is the subject matter of the Investigating Officer's report.
- (d) 'The Standards Committee' refers to the Standards Committee or to any Standards Sub-Committee to which it has delegated the conduct of the hearing.
- (e) 'The Democratic Services Officer' means an officer of the authority responsible for supporting the Standards Committee's discharge of its functions and recording the decisions of the Standards Committee.
- (f) 'Legal Advisor' means the officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority².
- (g) 'The Chairman' refers to the person presiding at the hearing.

2. Modification of Procedure

The Chairman may agree to vary this procedure in any particular instance where he is of the opinion that such a variation is necessary in the interests of fairness.

3. Representation

The Councillor may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the committee, another person. Note that the cost of such

¹ This definition has been amended to make it clear that, when the Monitoring Officer arranges for someone else to undertake the investigation, the definition of the 'Investigating Officer' no longer includes the Monitoring Officer.

² In practice, the matter is referred by the ESO to the Monitoring Officer, who is then responsible for reporting the matter to the Standards Committee. It is therefore convenient for the Monitoring Officer to conduct the pre-hearing process, except in so far as the member requires it to be conducted at a meeting of the Standards Committee, and to present the introductory report to the Standards Committee at the commencement of the hearing. Where the Monitoring Officer is not legally qualified, he will need to ensure that a suitably qualified person is available to provide legal advice to the Standards Committee. It is obviously preferable that any such separate legal advisor be present throughout the hearing, in order to be able to provide such advice against an understanding of the context in which the advice is given.

representation must be met by the member, unless the Standards Committee has expressly agreed to meet all or any part of that cost³.

4. Pre-Hearing Procedure (ESO's Report)

Upon reference of a matter from an Ethical Standards Officer for local determination following completion of the Ethical Standards Officer's report, the Monitoring Officer shall:

- (a) Arrange a date for the Standards Committee's hearing;
- (b) Send a copy of the report to the Councillor and advise him of the date, time and place for the hearing;
- (c) Send a copy of the report to the person who made the allegation and advise him of the date, time and place for the hearing;
- (d) Notify the Parish Council of the matter and of the date, time and place of the hearing (where the allegation relates to the conduct of a member of a Parish Council in his capacity as such);
- (e) Request the Councillor to complete and return the model Pre-Hearing Forms A, B, D and E (attached), as recommended by the Standards Board for England within 14 days of receipt;
- (f) In the light of any Pre-Hearing Forms returned by the Councillor, determine whether the Standards Committee will require the attendance of the Ethical Standards Officer and any additional witnesses at the hearing to enable it to come to a properly considered conclusion at the hearing, and arrange for their attendance;
- (g) Prepare a Pre-Hearing Summary Report setting out the course of the allegation, investigation and Pre-Hearing Process and highlighting the issues which the Standards Committee will need to address; and
- (h) Arrange that the agenda for the hearing, together with the Pre-Hearing Summary Report and copies of any relevant documents are sent to:
 - (i) All members of the Standards Committee who will conduct the hearing;
 - (ii) The Councillor;
 - (iii) The person who made the allegation; and
 - (iv) The Investigating Officer.

³ Regulations under Section 101 of the Local Government Act 2000 grant authorities a discretion to provide an indemnity or to provide insurance to Councillors to meet the costs which they may incur in "Part 3 proceedings" (investigations, hearings or other proceedings under Part III of the 2000 Act), any such indemnity or insurance is required to be subject to a requirement to repay any sums received in the event that the member is found to have failed to comply with the Code of Conduct.

5. Pre-Hearing Process (Local Investigation)

Upon receipt of the final report of the Investigating Officer including a finding that the Councillor failed to comply with the Code of Conduct for Members or the Standards Committee finds that the matter should be considered at a formal hearing, the Monitoring Officer shall:

- (a) Arrange a date for the Standards Committee's hearing⁴;
- (b) Send a copy of the report to the Councillor and advise him of the date, time and place for the hearing;
- (c) Send a copy of the report to the person who made the allegation and advise him of the date, time and place for the hearing;
- (d) Notify the Parish Council of the matter and of the date, time and place of the hearing (where the allegation relates to the conduct of a member of a Parish Council in his capacity as such);
- (e) Request the Councillor to complete and return the model Pre-Hearing Forms A, B, D and E, as recommended by the Standards Board for England within 14 days of receipt;
- (f) In the light of any Pre-Hearing Forms returned by the Councillor, determine whether the Standards Committee will require the attendance of the Investigating Officer and any additional witnesses at the hearing to enable it to come to a properly considered conclusion at the hearing, and arrange for their attendance;
- (g) Prepare a Pre-Hearing Summary Report setting out the course of the allegation, investigation and Pre-Hearing Process and highlighting the issues which the Standards Committee will need to address; and
- (h) Arrange that the agenda for the hearing, together with the Pre-Hearing Summary Report and copies of any relevant documents are sent to:
 - (i) All members of the Standards Committee who will conduct the hearing;
 - (ii) The Councillor;
 - (iii) The person who made the allegation; and
 - (iv) The Investigating Officer.

6. Legal Advice

The Standards Committee may take legal advice from its legal advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to

⁴ The hearing must be conducted no earlier than 14 days after, and within 3 months of the date when the matter is referred by the Ethical Standards Officer to the Monitoring Officer (in the case of an Ethical Standards Officer investigation) or the date when the Investigating Officer delivers his final report to the Monitoring Officer (in the case of local investigations).

the Standards Committee should be shared with the member and the Investigating Officer if they are present⁵.

7. Setting the Scene

At the start of the hearing, the Chairman shall introduce each of the members of the Standards Committee, the member (if present), the Investigating Officer (if present) and any other officers present, and shall then explain the procedure which the Standards Committee will follow in the conduct of the hearing.

8. Preliminary Procedural Issues

The Standards Committee shall then deal with the following preliminary procedural matters in the following order:

(a) Disclosures of Interest

The Chairman shall ask members of the Standards Committee to disclose the existence and nature of any personal or prejudicial interests which they have in the matter, and to withdraw from consideration of the matter if so required.

(b) Quorum

The Chairman shall confirm that the Standards Committee is quorate⁶.

(c) Hearing Procedure

The Chairman shall confirm that all present know the procedure which the Standards Committee will follow in determining the matter.

(d) Proceeding in the absence of the member

If the Councillor is not present at the start of the hearing:

- (i) The Chairman shall ask the Monitoring Officer whether the Councillor has indicated his intention not to attend the hearing;
- (ii) The Standards Committee shall then consider any reasons which the Councillor has provided for not attending the hearing and shall decide whether it is satisfied that there is sufficient reason for such failure to attend;

⁵ In the interests of openness, the Standards Committee may prefer to receive any such advice in the main hearing room in the presence of the Investigating Officer and the member. Where this is not practicable, the legal advisor should repeat in the presence of the Investigating Officer and the member the advice which he has tendered.

⁶ A meeting of the Standards Committee is not quorate unless at least three members of the Standards Committee are present for the duration of the meeting. The three members must include at least one Independent member, unless an Independent member would have been present but was precluded from participating in any of the business of the Standards Committee in consequence of a prejudicial interest under the Council's Code of Conduct. If the Standards Committee is responsible for Parish Council matters, it must include at least one Parish Council representative amongst its members. However it is only a requirement that the parish representative is actually present when the Standards Committee is dealing with a parish matter. Parish Sub-Committees, convened to deal with a parish matter, must have a parish representative of the Sub-Committee, but there is not a requirement for him actually to attend the meeting for it to be quorate.

[The Relevant Authorities (Standards Committee) Regulations 2001, Regulations 3 and 6. SI 2001 No. 2812.]

- (iii) If the Standards Committee is satisfied with such reasons, it shall adjourn the hearing to another date;
- (iv) If the Standards Committee is not satisfied with such reasons, or if the Councillor has not given any such reasons, the Standards Committee shall decide whether to consider the matter and make a determination in the absence of the Councillor or to adjourn the hearing to another date.

(e) Exclusion of Press and Public

The Standards Committee may exclude the press and public from its consideration of this matter where it appears likely that confidential or exempt information will be disclosed in the course of this consideration.

The Chairman shall ask the Councillor, the Investigating Officer and the legal advisor to the Standards Committee whether they wish to ask the Standards Committee to exclude the press or public from all or any part of the hearing. If any of them so request, the Chairman shall ask them to put forward reasons for so doing and ask for responses from the others and the Standards Committee shall then determine whether to exclude the press and public from all or any part of the hearing.

Where the Standards Committee does not resolve to exclude press and public, the agenda and any documents which have been withheld from the press and public in advance of the meeting shall then be made available to the press and public.

9. A failure to comply with the Code of Conduct⁷?

The Standards Committee will then address the issue of whether the Councillor failed to comply with the Code of Conduct in the manner set out in the Investigating Officer's report⁸.

- (a) The Chairman shall ask the Councillor to confirm that he maintains the position as set out in the pre-hearing summary.
- (b) The Pre-Hearing Process Summary

The Chairman will ask the legal advisor or the Democratic Services Officer⁹ to present his report, highlighting any points of difference in respect of which the Councillor has

⁷ The model procedure recommended by the Standards Board suggests that the Standards Committee should first determine findings of fact and then determine whether there has been a failure to comply with the Code of Conduct. These two are so closely connected that the Standards Committee may find that it can conveniently determine the two together without any loss of fairness.

⁸ Note that the Standards Committee's consideration is limited to a possible failure to comply with the Code of Conduct in the terms set out in the Investigating Officer's report. It is possible that, in the course of their consideration, the Standards Committee apprehend that the member may have failed to comply with the Code of Conduct in some other manner (for example that the member's alleged failure to treat a person with respect appears also, or in the alternative, to be conduct likely to bring the member's office or authority into disrepute). Note that such a possible additional or alternative failure will not be within the remit of the Standards Committee as, at that stage, the member will not have had notice of the Standards Committee's consideration of the possible additional or alternative failure and that it would therefore be unfair to proceed to consider that second matter at the hearing into the first alleged failure. Where the Standards Committee do apprehend a possible additional or alternative failure, a failure by a different member, or a failure in respect of the Code of Conduct of another authority, they should refer the second matter to the Monitoring Officer with a view to a separate allegation being made to the Standards Board for England.

⁹ As set out above, unless conflicted out, it is likely that the Monitoring Officer will:

- (i) Take on the conduct of the pre-hearing process;
- (ii) Present an introductory report to the Standards Committee at the commencement of the hearing setting out the outcomes of the pre-hearing process;

stated that he disagrees with any finding of fact in the Investigating Officer's report. The Chairman will then ask the Councillor to confirm that this is an accurate summary of the issues and ask the Councillor to identify any additional points upon which he disagrees with any finding of fact in the Investigating Officer's report.

- (i) If the Councillor admits that he failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report, the Standards Committee may then make a determination that the Councillor has failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report and proceed directly to consider whether any action should be taken (Paragraph 8);
 - (ii) If the Councillor identifies additional points of difference, the Chairman shall ask the Councillor to explain why he did not identify these points as part of the pre-hearing process. He shall then ask the Investigating Officer (if present) whether he is in a position to deal with those additional points of difference directly or through any witnesses who are in attendance or whose attendance at the hearing can conveniently be arranged. Where the Standards Committee is not satisfied with the Councillor's reasons for failing to identify each additional point of difference as part of the pre-hearing process, it may decide that it will continue the hearing but without allowing the Councillor to challenge the veracity of those findings of fact which are set out in the Investigating Officer's report but in respect of which the Councillor did not identify a point of difference as part of the pre-hearing process, or it may decide to adjourn the hearing to allow the Investigating Officer and / or any additional witnesses to attend the hearing.
- (c) Presenting the Investigating Officer's report
- (i) If the Investigating Officer is present, the Chairman will then ask the Investigating Officer to present his report, having particular regard to any points of difference identified by the Councillor and why he concluded, on the basis of his findings of fact, that the Councillor had failed to comply with the Code of Conduct. The Investigating Officer may call witnesses as necessary to address any points of difference.
 - (ii) If the Investigating Officer is not present, the Standards Committee shall only conduct a hearing if they are satisfied that there are no substantial points of difference or that any points of difference can be satisfactorily resolved in the absence of the Investigating Officer. In the absence of the Investigating Officer, the Standards Committee shall determine on the advice of the Monitoring Officer which witnesses, of any, to call. Where such witnesses are called, the Chairman shall draw the witnesses' attention to any relevant section of the Investigating Officer's report and ask the witness to confirm or correct the report and to provide any relevant evidence.
 - (iii) No cross-examination shall be permitted but, at the conclusion of the Investigating Officer's report and / or the evidence of each witness, the Chairman shall ask the Councillor if there are any matters upon which the Standards Committee shall seek the advice of the Investigating Officer or the witness.

(iii) Will (if legally qualified) act as the legal advisor to the Standards Committee; and

(iv) Will distribute and publish any required notices of the Standards Committee's determination.

However, there may be reasons in particular cases for the Monitoring Officer to arrange for any or all of these functions to be carried out on his behalf.

(d) The Councillor's response

- (i) The Chairman shall then invite the Councillor to respond to the Investigating Officer's report and to call any witnesses as necessary to address any points of difference.
- (ii) No cross-examination shall be permitted but, at the conclusion of the Councillor's evidence and / or of the evidence of each witness, the Chairman shall ask the Investigating Officer if there are any matters upon which the Standards Committee should seek the advice of the Councillor or the witness.

(e) Witnesses

- (i) The Standards Committee shall be entitled to refuse to hear evidence from the Investigating Officer, the Councillor or a witness unless they are satisfied that the witness is likely to give evidence which they need to hear in order to be able to determine whether there has been a failure to comply with the Code of Conduct.
- (ii) Any member of the Standards Committee may address questions to the Investigating Officer, to the Councillor or to any witness.

(f) Additional Evidence

At the conclusion of the evidence, the Chairman shall check with the members of the Standards Committee that they are satisfied that they have sufficient evidence to come to a considered conclusion on the matter.

- (g) If the Standards Committee at any stage prior to determining whether there was a failure to comply with the Code of Conduct are of the opinion that they require additional evidence on any point in order to be able to come to a considered conclusion on the matter, the Standards Committee may (on not more than one occasion) adjourn the hearing and make a request to the Investigating Officer to seek and provide such additional evidence and to undertake further investigation on any point specified by the Standards Committee.

(h) Determination as to whether there was a failure to comply with the Code of Conduct

- (i) At the conclusion of the Councillor's response, the Chairman shall ensure that each member of the Standards Committee is satisfied that he has sufficient information to enable him to determine whether there has been a failure to comply with the Code of Conduct as set out in the Investigating Officer's report.
- (ii) Unless the determination merely confirms the Councillor's admission of a failure to comply with the Code of Conduct (as set out in Paragraph 6(a)(i) above), the Standards Committee shall then retire to another room to consider in private whether the Councillor did fail to comply with the Code of Conduct as set out in the Investigating Officer's report.
- (iii) The Standards Committee shall take its decision on the balance of probability based on the evidence which it has received at the hearing.

- (iv) The Standards Committee's function is to make a determination on the matter. It may, at any time, return to the main hearing room in order to seek additional evidence from the Investigating Officer, the Councillor or a witness, or to seek the legal advice from or on behalf of the Monitoring Officer. If it requires any further information, it may adjourn and instruct an officer or request the Councillor to produce such further evidence to the Standards Committee.
- (v) At the conclusion of the Standards Committee's consideration, the Standards Committee shall consider whether it is minded to make an recommendations to the authority with a view to promoting high standards of conduct among Councillors.
- (vi) The Standards Committee shall then return to the main hearing room and the Chairman will state the Standards Committee's principal findings of fact and their determination as to whether the Councillor failed to comply with the Code of Conduct as set out in the Investigating Officer's report.

10. If the Councillor has not failed to follow the Code of Conduct

If the Standards Committee determines that the Councillor has not failed to follow the Code of Conduct in the manner set out in the Investigating Officer's report.

- (a) If the Standards Committee apprehends, from the evidence which they have received during the hearing, that a Councillor has failed to comply with the Code of Conduct (other than the matter which the Standards Committee has just determined), the Chairman shall outline the Standards Committee's concerns and state that the Standards Committee has referred this additional or alternative failure to the Monitoring Officer with a view to a further allegation being made to the Standards Board for England.
- (b) The Chairman should then set out any recommendations which the Standards Committee is minded to make to the authority with a view to promoting high standards of conduct among Councillors and seek the views of the Councillor, the Investigating Officer and the legal advisor before the Standards Committee finalises any such recommendations.
- (c) Finally, the Chairman should ask the Councillor whether he wishes the authority not to publish a statement of its findings in a local newspaper.

11. Action consequent upon a failure to comply with the Code of Conduct

- (a) The Chairman shall ask the Investigating Officer (if present, or otherwise the legal advisor) whether, in his opinion, the Councillor's failure to comply with the Code of Conduct is such that the Standards Committee should impose a sanction and, if so, what would be the appropriate sanction¹⁰.

¹⁰ The sanctions which are available to the Standards Committee under the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, Regulation 7, as amended by the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 are any of the following:

- (i) Censure of that member;
- (ii) Restriction for a maximum period of three months of that member's access to the premises of the authority and that member's use of the resources of the authority, provided that such restrictions imposed upon the member –
 - (aa) are reasonable and proportionate to the nature of the breach; and

- (b) The Chairman will then ask the Councillor to respond to the Investigating Officer's advice.
- (c) The Chairman will then ensure that each member of the Standards Committee is satisfied that he has sufficient information to enable him to take an informed decision as to whether to impose a sanction and (if appropriate) as to the form of the sanction.
- (d) Any member of the Standards Committee may address questions to the Investigating Officer or to the Councillor as necessary to enable him to take such an informed decision.
- (e) The Chairman should then set out any recommendations which the Standards Committee is minded to make to the authority with a view to promoting high standards of conduct among Councillors and seek the views of the Councillor, the Investigating Officer and the legal advisor;
- (f) The Standards Committee shall then retire to another room to consider in private whether to impose a sanction (where a sanction is to be imposed), what sanction to impose and when that sanction should take effect, and any recommendations which the Standards Committee will make to the authority.
- (g) At the completion of their consideration, the Standards Committee shall return to the main hearing room and the Chairman shall state the Standards Committee's decisions as to whether to impose a sanction and (where a sanction is to be imposed) the nature of that sanction, and when it should take effect, together with the principal reasons for those decisions, and any recommendations which the Standards Committee will make to the authority.

12. Reference back to the Ethical Standards Officer

If, at any time before the Standards Committee has determined upon any appropriate sanction, the Standards Committee considers that the nature of the failure to comply with the Code of

-
- (bb) do not unreasonably restrict the member's ability to perform his functions and duties as a member;
 - (iii) Partial suspension of that member for a period up to a maximum of three months;
 - (iv) Suspension of that member for a period of partial suspension of that member for a period up to a maximum of three months;
 - (v) A requirement that the member submit a written apology in a form specified by the Standards Committee;
 - (vi) A requirement that the member undergo training as specified by the Standards Committee;
 - (vii) A requirement that the member undergo conciliation as specified by the Standards Committee;
 - (viii) Partial suspension of that member for a period up to a maximum of three months or until such time as he submits a written apology in a form specified by the Standards Committee;
 - (ix) Partial suspension of that member for a period up to a maximum of three months or until such time as he undergoes such training or conciliation as the Standards Committee may specify;
 - (x) Suspension of that member for a period up to a maximum of three months or until such time as he submits a written apology in a form specified by the Standards Committee;
 - (xi) Suspension of that member for a period up to a maximum of three months or until such time as he undergoes such training or conciliation as the Standards Committee may specify.

Any sanction imposed shall commence immediately unless the Standards Committee direct (for any sanction other than censure) that it shall commence on any date specified by the Standards Committee within six months of the date of the hearing.

A literal interpretation of these powers to aggregate sanctions would indicate that the Standards Committee could impose a combination of suspension and partial suspension, conditional and unconditional, adding up in any one case to some 12 months suspension in total. However, it was clearly not the intention of the legislature to enable the total combination of sanctions to extend beyond a single period of three months, and any sanctions which apply over a longer period might prove vulnerable on appeal.

Conduct for Members is such that the appropriate sanction would exceed the powers of the Standards Committee, the Standards Committee may instruct the Monitoring Officer to request the Ethical Standards Officer to resume responsibility for the conduct of the matter, and may adjourn the hearing until the Monitoring Officer advises the Standards Committee of the Ethical Standards Officer's response to such a request.

13. The close of the hearing

- (a) The Standards Committee will announce its decision on the day of the hearing and provide the Democratic Services Officer with a short written statement of their decision, which the Democratic Services Officer will deliver to the Councillor as soon as practicable after the close of the hearing;
- (b) The Chairman will thank all those present who have contributed to the conduct of the hearing and formally close the hearing;
- (c) Following the close of the hearing, the Democratic Services Officer will agree a formal written notice of the Standards Committee's determination and the Monitoring Officer shall arrange for the distribution and publication of that notice (or a summary of that notice, where required) in accordance with Regulation 8 of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003.

14. Appeals

The Councillor may appeal against the decision of the Standards Committee by writing to the President of the Adjudication Panel for England, ensuring that his letter sets out the grounds for such an appeal, including a statement as to whether or not he consents to the appeal being heard by way of written representations, and is received by the President within 21 days of the date of the written notice of decision under Paragraph 9(c).

FORM A

Please enter the number of any paragraph where you disagree with the findings of fact in the ESO's report, and give your reasons and your suggested alternative.

Member's response to the evidence set out in the ESO's report

Paragraph number from the ESO's report	Reasons for disagreeing with the findings of fact provided in that paragraph	Suggestion as to how that paragraph should read

Please attach separate sheets if necessary.

FORM B
Other evidence relevant to the allegation

Please set out below, using the numbered paragraphs, any other evidence you feel is relevant to the allegation made about you.

Paragraph number	Details of the evidence
1	
2	
3	
4	
5	

Please attach separate sheets if necessary.

FORM C

Please set out below, using the numbered paragraphs, any factors that the Standards Committee should take into account if it finds that a member has failed to follow the Code of Conduct.

Representations to be taken into account if a member is found to have failed to follow the Code of Conduct

Please note that no such finding has been made yet.

Paragraph number	Factors for the Standards Committee to take into account when deciding whether or not to order any censure, restriction of resources or allowances, suspension or partial suspension
1	
2	
3	
4	
5	

Please attach separate sheets if necessary.

FORM D

Arrangements for the Standards Committee hearing

Please tick the relevant boxes.

<p>1</p>	<p>The proposed date for the Standards Committee hearing is given in the accompanying letter. Are you planning to go to the hearing?</p> <p>If 'No', please explain why.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Reason:</p>
<p>2</p>	<p>Are you going to present your own case?</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	
<p>3</p>	<p>If you are not presenting your own case, will a representative present it for you?</p> <p>If 'Yes', please state the name of your representative.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Name:</p>
<p>4</p>	<p>Is your representative a practising solicitor or barrister?</p> <p>If 'Yes', please give his or her legal qualifications. Then go to question 6.</p> <p>If 'No', please go to question 5.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Qualifications:</p>
<p>5</p>	<p>Does your representative have any connection with the case?</p> <p>If 'Yes', please give details.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Details:</p>
<p>6</p>	<p>Are you going to call any witnesses?</p> <p>If 'Yes', please fill in Form E.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	
<p>7</p>	<p>Do you, your representative or your witnesses have any access difficulties (for example, is wheelchair access needed)?</p> <p>If 'Yes', please give details.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Details:</p>

Please attach separate sheets if necessary.

<p>8</p>	<p>Do you, your representative or witnesses have any special needs (for example, is an interpreter needed)?</p> <p>If 'Yes', please give details.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Details:</p>
<p>9</p>	<p>Do you want any part of the hearing to be held in private?</p> <p>If 'Yes', please give reasons.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Reasons:</p>
<p>10</p>	<p>Do you want any part of the relevant documents to be withheld from public inspection?</p> <p>If 'Yes', please give reasons.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Details:</p>

FORM E

Details of proposed witnesses to be called

Please tick the relevant boxes.

Name of witness or witnesses	1	
	2	
	3	
WITNESS 1		
<p>a Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Outline of evidence:</p>
	<p>b Will the witness give evidence about what action the Standards Committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>
WITNESS 2		
<p>a Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Outline of evidence:</p>
	<p>b Will the witness give evidence about what action the Standards Committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>

Please attach separate sheets if necessary.

WITNESS 3		
a	<p>Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>Outline of evidence:</p>
b	<p>Will the witness give evidence about what action the Standards Committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>Outline of evidence:</p>

FORM F

Checklist for the pre-hearing process summary

After the Standards Committee has received responses from the member who the allegation has been made about and the ESO, it should prepare a summary of the main aspects of the case that will be heard.

The pre-hearing process summary should include:

- The name of the authority;
- The name of the member who the allegation has been made about;
- The name of the person who made the original allegation (unless there are good reasons to keep his or her identity confidential);
- Case reference numbers of the principal authority and The Standards Board for England;
- The name of the Standards Committee member who will chair the hearing;
- The name of the Monitoring Officer;
- The name of the ESO who referred the matter;
- The name of the clerk of the hearing or other administrative officer;
- The date the pre-hearing process summary was produced;
- The date, time and place of the hearing;
- A summary of the allegation;
- The relevant section or sections of the Code of Conduct;
- The findings of fact in the ESO's report that are agreed;
- The findings of fact in the ESO's report that are not agreed;
- Whether or not the member or the ESO will attend or be represented;
- The names of any witnesses who will be asked to give evidence; and
- An outline of the proposed procedure for the hearing.

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB3 6EA

t: 08450 450 500
f: 01954 713149
dx: DX 729500 Cambridge 15
minicom: 01480 376743
www.scambs.gov.uk



Date
Case Reference SBE...

To the Panel members, Subject Member and all interested parties:

Pre-Hearing Process Summary

Date, Time and Place:

Subject Member:

Complainant:

Panel Members:

Clerk:

Panel's Legal Advisor:

Monitoring Officer:

**Ethical Standards
Officer:**

Allegation:

The Code of Conduct:

**Findings of Fact in the
ESO's report that are
*agreed:***

**Findings of Fact in the
ESO's report that are
*not agreed:***

**Names of witnesses
who will be attending:**

Procedure:

South Cambridgeshire Hall
Cambourne Business Park
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Cambridge
CB3 6EA

t: 08450 450 500
f: 01954 713149
dx: DX 729500 Cambridge 15
minicom: 01480 376743
www.scambs.gov.uk



Final Decision by the Standards Committee

Subject Member:

Complainant:

Case Reference:

Chairman of Standards Hearing Panel:

Standards Hearing Panel Members:

Monitoring Officer:

Ethical Standards Officer:

Clerk of the Hearing:

Date of Hearing:

Date of Report:

SUMMARY OF THE ALLEGATION:

RELEVANT SECTION(S) OF THE CODE OF CONDUCT:

SUMMARY OF THE EVIDENCE CONSIDERED AND REPRESENTATIONS MADE:

FINDINGS OF FACT, INCLUDING THE REASONS FOR THEM:

FINDING AS TO WHETHER OR NOT THE MEMBER FAILED TO FOLLOW THE CODE OF CONDUCT, INCLUDING THE REASONS FOR THAT FINDING:

PENALTIES APPLIED, IF ANY, INCLUDING THE REASONS FOR ANY PENALTIES:

RIGHT TO APPEAL:

Summary of the Standards Board annual review

Full text can be found at:

<http://www.standardsboard.co.uk/Publications/AnnualReviewandReport/filedownload,4670,en.pdf>

Overview

The devolution of the responsibility for the ethical agenda, increased local ownership and the changing role of the Standards Board for England are the key themes addressed in the Standards Board's Annual Review 2005-06, available this week. The review focuses on the shift in ownership of the conduct regime to a local level.

Changes:

- A new Code of Conduct will be introduced
- Local authorities will conduct the vast majority of investigations
- Legislation will be introduced to require standards committees to assess complaints and for standards committee chairs to be independent
- The Standards Board for England will continue to develop its strategic role at the heart of the conduct regime, overseeing a national framework and local ownership

Framework

Local authorities:

- Support, training and guidance for officers.
- The revised conduct regime encourages local authorities to conduct the majority of investigations.
- A recommendation has been made for standards committees to be given powers to impose higher penalties in order to be able to investigate a wider variety of cases.
- Increasing local capacity to deal with a higher caseload.

Standards committees to assess complaints:

- This allows local knowledge to be applied in individual cases
- This change is anticipated to be part of the future local government bill.

Working with standards committees:

- **Independent:** Standards committees to be independent so they are seen as being politically neutral. It is proposed that all chairs are to be independent.
- **Locally owned:** A balance of elected and independent members should ensure public confidence in its independence.
- **Accountable:** The Standards Board will oversee the framework to ensure high standards in decision-making. The Standards Board will have the power to remove responsibilities from standards committees in extreme cases.
- **Supported:** More guidance for standards committees on their growing responsibilities. This may include a new training DVD.

Code of conduct

Changes:

- Clarifying the rules around personal and prejudicial interests to encourage greater participation, while ensuring that decisions are made in the public interest.
- Making the Code clearer on what information should, and should not, be confidential
- Regulating conduct in private life only when it concerns unlawful activities

- Addressing bullying more explicitly, but acknowledging that members have the right to call officers to account
- Removing the current duty for members to report breaches.

Research

- Creation of the “Ethical governance toolkit” which offers a range of ways to assess their ethical ‘temperature’.
- A training DVD was released in 2006 along with guidance for local authorities on how to conduct an investigation.
- The Standards Board is looking for new ways to work with county associations to promote high standards at parish level and provide local training.

contacts

For more information on the Standards Board for England, please go to

www.standardsboard.co.uk

If you would like a copy of our Annual Report and Accounts 2005–06, please contact us at:

The Standards Board for England
First floor, Cottons Centre
Cottons Lane, London SE1 2QG

Telephone: 0845 078 8181

Fax: 020 7378 5001

Minicom: 020 7378 5199

Email: enquiries@standardsboard.co.uk

devolution

annual review 2005–06

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2	change and devolution	letter from our chair and chief executive
	PART ONE	
4	direction	becoming a strategic regulator
6	framework	supporting local ownership
8	explain	improving the Code of Conduct
	PART TWO	
10	improving	our performance figures
14	opportunity	achieving more through partnerships
17	proactive	about us

a year of progress and achievement

- The government supported our proposals for a new Code of Conduct
- We enabled local authorities to handle the majority of investigations and supported their work
- Initial assessment of complaints turned around in nine working days, beating our target
- We are now achieving our target of completing 90% of cases within 6 months
- The Fourth Annual Assembly of Standards Committees held in September marked local authorities taking greater ownership of the ethical agenda

Letter from our chair and chief executive This is not a new direction – we have always championed local ownership of the drive towards high standards.

changeanddevolution

This year has seen continuing change and devolution as we welcomed the government's positive response in December to the recommendations by the Committee on Standards in Public Life and the Committee on the Office of the Deputy Prime Minister. The minister's paper, which included proposals to move to a system of local assessment of complaints, has underlined and consolidated our move towards becoming a strategic regulator. This is not a new direction – we have always championed local ownership of the drive towards high standards. The new system is growing from the existing trend for local authorities to take on more responsibility, using local knowledge to deal with issues effectively and fairly. We have a number of projects underway to support the changes and ensure that local authorities have the systems and expertise in place to succeed in their changing roles.

We will continue to adjust the focus of our work away from the investigation of cases and towards the provision and maintenance of a national framework of support that will help local authorities to ensure high standards locally. We will define what people should expect the standards regime to deliver, including the roles expected of monitoring officers and standards committees and how we will oversee the effectiveness of their performance.

The government supports our recommendations for a new Code of Conduct. The existing Code has provided a framework for promoting high ethical standards and is generally accepted and embedded locally. This experience, together with the move to greater local ownership, calls for a simpler, clearer and locally-owned Code. You can read more about the proposed changes to the Code of Conduct on page 9. We are keen to see these implemented as soon as possible, and are working with the government to get the details right.

We are pleased to report **continued achievement in our key performance indicators** including those for cases handled centrally. 14 out of 15 measures have been fully met. Evidence clearly shows that, generally speaking, cases are also being dealt with effectively at a local level. We have provided guidance and support to help this happen, and this programme will intensify over the coming months as we make sure that standards committees and the monitoring officers who support them are fully equipped for the cases that they will be handling.

We continue to work closely with standards committees, monitoring officers and partnership organisations across the country to ensure that high standards are at the heart of each authority's culture. You can read more about this on page 14.

Closer to home, the terms of office for our Board members Louise Bloom, John Bowers, Celia Cameron, Peter Chalke, Alan Doig and Margaret Pratt came to an end and we thank them for their contributions to our work. We are delighted to **welcome three new members**. Paul Gott, Elizabeth Hall and Judy Simons have already brought valuable expertise on law, regulation and education respectively and we look forward to working with them over the coming years. There will be a geographical change too, as we begin our **move to Manchester** as part of the Lyons proposals for relocating London and south east-based public sector organisations.

We would like to thank everyone on our team who has worked so hard to make this important year such a success in terms of achievement. As we move forward with the changes, there is a lot to do.



Sir Anthony Holland, Chair



David Prince, Chief Executive

Increasing numbers of cases are being handled locally and this trend will continue as we work to introduce local assessment of complaints. Our focus is to oversee a culture of consistently high ethical standards – and enable responsibility to keep growing at a local level.

Looking ahead

1. A new Code of Conduct will be introduced
2. Local authorities will conduct the vast majority of investigations
3. Legislation will be introduced to require standards committees to assess complaints and for standards committee chairs to be independent
4. The Standards Board for England will continue to develop its strategic role at the heart of the conduct regime, overseeing a national framework and local ownership

direction

Our role as a strategic regulator is:

- championing and promoting high standards
- being the authoritative body on ethical issues in local government
- issuing statutory and non-statutory guidance
- monitoring how relevant authorities integrate standards and conduct issues into their wider corporate governance responsibilities
- giving advice and support about following the Code of Conduct, handling cases and broader governance issues
- providing support to authorities wherever appropriate
- monitoring and publishing an overview of cases
- dealing with allegations that the Code or the system is not working and monitoring the quality of local decisions
- taking responsibility for the Code and keeping it up-to-date.

Making change effective

We have begun a range of specific projects to look at how we will support greater local ownership of the Code of Conduct and high ethical standards. These include:

- advising the government on the changes to primary and secondary legislation that will be needed to introduce the new proposals for further devolution of responsibility
- focusing on the role of standards committees and how they will deal with complaints
- developing and supporting the changing role and responsibility of monitoring officers
- defining the Standards Board's role in monitoring the performance of standards committees – including the government's proposal that we should have the power to remove the initial consideration of complaints from a local authority.

“Our aim is to ensure that a culture of good conduct persists in local government and to put in place strategic support to enable councillors and local standards committees to manage and conduct issues effectively.”

Phil Woolas, Minister for Local Government

A champion of high standards

The Standards Board for England has a central position in the local government ethical framework. Our aim is to prevent misconduct from happening in the first place by making sure that members are aware of their responsibilities and that local authorities have systems and values in place to reduce the potential for failings.

Guidance and support for the changing system

We are responsible for making sure that local authorities are ready to take on their new roles and can carry them out effectively in the future. So we will issue clear guidance on what is expected from standards committees and monitoring officers. We will also provide the support needed to help them develop and maintain a consistent approach.

Investigating cases centrally

We will continue to investigate cases centrally, for example those that set important precedents and cases which cannot be handled locally. Some of the key cases we have looked at this year are covered on pages 10–12.

To build **trust at a local level**, ethics have to become everyone's business. We believe that, as ownership of the Code passes into local hands, it is becoming **more effective** and is providing the accountability that **local communities expect and deserve**.

6_7

"We consider that the standards committees should be at the heart of decision-making within the conduct regime. Standards committees are in the lead in ensuring high standards of conduct at the local level, and are increasingly taking on a greater role in the determination of cases." Standards of Conduct in English Local Government: The Future December 2005 (chapter 2)

The future for local authorities

Credible standards committees and confident, well supported monitoring officers are crucial to the success of the ethical framework. We will provide support, training and guidance to help them carry out their work consistently and effectively – and will also build awareness that the responsibility for making it happen lies with them.

Local authorities to conduct the majority of investigations

We are seeing even more cases handled locally. The government supports our view that this trend should continue so that the revised conduct regime builds on developments that are already well underway. Devolving decision-making means increasing local capacity to deal with a higher caseload. To reflect the need to handle a wider variety of cases locally, we are also recommending that standards committees are given new powers to impose higher penalties.

Standards committees to assess complaints

This proposed change is anticipated as part of the future local government bill. It will build on local ownership of standards and allow local knowledge and sensitivities to be reflected more easily in each case.

Working with standards committees

As their responsibilities increase, it's more important than ever for standards committees to be recognised as fair and effective. Some of the proposed changes are to ensure that they are even more:

- **Independent** So that standards committees are seen to be politically neutral and at arm's length from the executive, it is proposed that their chairs will all be independent.
- **Locally owned** An appropriate balance of elected and independent members on standards committees will ensure local ownership of standards by all members together with public confidence in its independence.
- **Accountable** The Standards Board will oversee the framework to ensure high standards of decision-making in the way that cases are dealt with. In extreme cases, the Standards Board will have the power to remove responsibilities from standards committees.
- **Supported** Standards committees will need more detailed guidance on their growing responsibilities. We are already putting plans into place for initiatives such as a new training DVD. Read more about this on page 9.

"We accept the principle that the initial assessment of allegations against local authority members should be undertaken by local authorities... within a framework operated by the Standards Board..."

Standards of Conduct in English Local Government: The Future December 2005 (Annex A)

In your hands...

The Fourth Annual Assembly of Standards Committees in Birmingham highlighted local responsibility for high standards of behaviour.

Read more about the Assembly on page 14.

framework

We consulted widely on the Code of Conduct and have made recommendations to the government. We want the Code to be clearer, more enabling and owned by members.

This year we collected opinions and views from over 1,200 individuals, local authorities and other organisations

1,200

improve

8_9

The groundwork

We carried out a detailed consultation exercise before beginning the review of the Code of Conduct, collecting opinions and views from over 1,200 individuals, local authorities and other organisations. We also spoke with nearly 1,000 members and officers during our series of 11 roadshows at locations across England. Their responses showed the need for change and highlighted specific issues that could be improved. We have used this feedback to propose a Code that responds to these needs.

What will be changing?

The government has accepted our proposed changes and is planning to consult on the details. We believe that the most important updates should include:

- clarifying the rules around personal and prejudicial interests to encourage greater participation, while ensuring that decisions are made in the public interest
- making the Code clearer on what information should, and should not, be confidential
- regulating conduct in private life only when it concerns unlawful activities
- addressing bullying more explicitly, but acknowledging that members have the right to call officers to account
- removing the current duty for members to report breaches.

Supporting the introduction of the new Code

To underpin the success of a revised Code of Conduct, we will be producing updated guidance to explain what has changed and help standards committees, monitoring officers and members to understand their responsibilities. The basics will be covered in a new issue of the popular mini-guide on the main provisions of the Code. There will be a new DVD too – this will go into production later this year and will be in place when the Code comes into force. We have also launched a new e-publication called *The Case Alert* which will analyse cases that set legal precedents or clarify existing case law.

As part of our ongoing approach to guidance, we also intend to publish a new *Case Review* later this year and will be providing guidance to help standards committees decide on appropriate sanctions. And there will be more help for authorities with their training needs – including a training framework, information and guidance for trainers.

“The Board will deploy increasing resources to meet the growing demand for support. The importance of this will be underlined as a result of our intention to give standards committees powers to make initial assessments of allegations, which will mean that local authorities will need to be provided with support and guidance for their new role in advance of the new provisions coming into effect.”

We made significant progress as we continued to build on our achievements in 2005 – streamlining our processes and focusing on the serious matters. Our performance is the result of learning and constant improvement. With the systems for local investigation now firmly embedded, the number of cases referred back to local authorities is increasing steadily.

“The Government appreciates... the impressive improvements in case handling which the Board has achieved over the last year and a half, which are recognised in the progress made towards achieving its performance indicators recorded in its annual report for 2004–05.”

The Role and Effectiveness of the Standards Board for England: Government Response, Committee’s 7th Report of Session 2004–05

Here we look at five other cases that highlight important issues. You can read more about them, and other investigations, on our website.

Undermining a chief executive leads to 15 month ban for council leader
Councillor Ian Croft, former leader of Lincolnshire County Council, was disqualified for 15 months from being or becoming a councillor at an independent hearing of the Adjudication Panel for England on 31 March 2006. It was alleged that Councillor Croft actively sought to remove the chief executive from office through undermining, demeaning and demoralising behaviour. The case tribunal found that Councillor Croft had failed to treat the chief executive with respect and brought his office into disrepute. The case tribunal considered that Councillor Croft’s failure of leadership and inability to disentangle his personal opinions from his public duty had very serious consequences.

Precedent changes the Code

A recent decision by the Adjudication Panel for England on the case of Councillor Paul Dimoldenberg gave us the first fully argued decision on how European human rights legislation affects the Code’s requirement for confidentiality. While the case tribunal decided that Councillor Dimoldenberg failed to comply with the Code of Conduct by disclosing confidential information, it imposed no sanction and found that the Code should be read to allow members to disclose confidential information where it is in the public interest. The decision confirmed that the relevant paragraph needs to be applied proportionately.

Four-year ban for councillor who ran up huge parish debts

Former councillor Christine Roderick of Ravenfield Parish Council was disqualified for four years at an Adjudication Panel for England hearing on 13 September 2005. It was alleged that, as the council’s chairperson, Mrs Roderick made various payments of over £50,000 without council authorisation and was involved in improperly securing a loan for the council, which resulted in the authority being left in debt. The case tribunal concluded that Mrs Roderick prevented other members from accessing information about the council’s financial dealings and brought her office into disrepute through her actions.

improving

Standards committees and independent tribunals found that the Code of Conduct had been broken in 87% of cases we referred to them.

87%

Handling cases centrally

There are some cases that will need to be handled centrally. The high profile nature of some of these cases will help us to build consistency. They will also support learning and highlight ways that we can continue to improve.

Since our first days of working in an untested statutory framework, we have continuously improved the resourcing and investigative approach in complex cases. Some further changes, including in the legislative framework, were proposed following the conclusion of the long-running investigation into five Islington councillors where, in January 2006, the Adjudication Panel for England found no breaches of the Code and expressed reservations about this case – one of the earliest we received.

performing

3,836

allegations received

64%

of allegations from members of the public

22%

of allegations referred for investigation

9 days

to decide whether to refer a complaint for investigation

‘Racially abusive’ councillor banned from office

We investigated allegations that Councillor Raymond Miles of Welton Borough Council brought his office into disrepute. At an Adjudication Panel for England hearing on 8 February 2006, a case tribunal concluded that Councillor Miles had used racially abusive and insulting language towards two members of the public, resulting in a police conviction for a racially motivated crime. The case tribunal considered that common standards of decency had been breached. They considered that Councillor Miles’ conduct would make it very difficult for him to gain and sustain the confidence of the community and disqualified him from being or becoming a councillor for 18 months.

‘Systematic’ bullying leads to three-year ban for former councillor

Former councillor Mabon Dane of Haverhill Town Council was disqualified for three years from being or becoming a councillor at an Adjudication Panel for England hearing on 20 December 2005. Mr Dane had allegedly failed to treat others with respect and brought his office into disrepute through a sustained, disruptive and deliberate pattern of bullying behaviour. The case tribunal concluded that Mr Dane had attempted to systematically destroy the reputation of opposition members through an obsessive campaign of verbal and written abuse. Mr Dane had also posted false statements about fellow members and the council on several websites and orchestrated improper criticism of the town clerk at a council meeting.

Final findings in investigations



Adjudication Panel for England determinations 2005–06

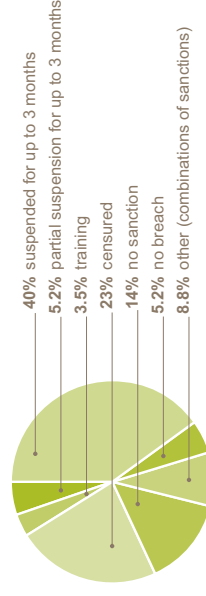
Outcomes of the 89 cases heard by the Panel



Percentages approximate to the nearest decimal point.
 Number of cases yet to be heard but which were referred to the Panel in 2005–06: 15
 One case closed with no decision.

Standards committee determinations 2005–06

Outcomes of the 57 cases heard by standards committees



Percentages approximate to the nearest decimal point.
 Number of cases yet to be heard but which were referred to standards committees in 2005–06: 7

Our continuing dialogue with standards committees and monitoring officers helps us understand and respond to local needs. Their feedback and insights were invaluable in helping to determine how best to increase local ownership and the effectiveness of the Code of Conduct. Our partnerships with other regulators, local government central bodies and the Department for Communities and Local Government have continued to support and add value to our work.

“I cannot recall one amongst dozens of conversations which was not in some way profitable or instructive.”

Delegate comment after the Fourth Annual Assembly of Standards Committees

In your hands...

A record 800 delegates attended this two-day event, and 98% expressed their overall satisfaction. Bridging the gap – the Fifth Annual Assembly of Standards Committees – will be held on 16 and 17 October 2006.

As the name suggests, it aims to help authorities identify their strengths and weaknesses and will focus on bridging the gap in the learning, knowledge and resources needed to deliver effective results at a local level.

98%

Working with others

One outcome of our partnership work is the ethical governance toolkit, which was sponsored by the government's capacity building fund and developed in partnership with the Audit Commission and the Improvement and Development Agency (IDeA). The toolkit offers a range of ways to help authorities take their ethical 'temperature' with diagnostic tools and develop good governance in a way that suits their needs.

Talking to political parties

We attended all three major party conferences, taking the opportunity to talk to delegates – many serving councillors – about the review of the Code and the increasingly local focus for investigations and hearings. Delegates largely responded well to changes, particularly the updates to the Code.

Responding to local authorities' needs for guidance

A training DVD – *Going Local: Investigations and hearings* – was released in January 2006. Aimed at helping monitoring officers and standards committee members with their increasing responsibilities, it illustrates some common areas of difficulty and our recommended solutions. Feedback on the DVD, which won a Silver Screen award for training and education at the International Film and Video Festival 2006, has been positive and we plan to build on this format in the future. We also published guidance for local authorities on how to conduct an investigation and issued a model template for standards committee determinations.

Research expands our understanding

We continue to assess our effectiveness through research. This year we worked with MORI to understand more about public perception of our work and of standards in local government. We also commissioned the University of Manchester to carry out a research project identifying the components of an ethical environment. In addition, BMG Research is studying stakeholder satisfaction with the Standards Board, stakeholder perceptions of our culture and values and the roles of standards committees. Once completed, results of these projects will be available on our website.

opportunities

Capacity building in parishes

We are looking for new ways to work with county associations and others to promote high standards at parish level and provide local training and support. To help take this forward, we have made a joint bid for funding with NALC (National Association of Local Councils) and SLCC (Society of Local Council Clerks) to the Department for Communities and Local Government and the Local Government Association's capacity building programme. Three pilots are being developed as part of the bid: a diagnostic toolkit; a peer mentoring programme; and a model compact between County Associations of Local Councils (CALCs) and the standards committees of the principal authorities in the area.

From local to international

We are also contributing to the work of the government and agencies to promote ethical governance internationally. Last year we made presentations to visiting international delegations from Albania, the Sudan, Ghana and Russia through our association with organisations such as the British Association for Central and Eastern Europe (BACEE), the Centre for Political and Diplomatic Studies and the Centre for Business and Public Sector Ethics. Our work with the Westminster Foundation for Democracy has resulted in a pilot project for Serbian monitoring boards – similar to our standards committees.

On the road...

In roadshows across 11 regional venues, we spoke with almost 1,000 monitoring officers, standards committee members, chief executives and leaders. Their feedback has been vital in supplementing the written submissions for the review of the Code and in shaping our work in general.

1,000

opportunity

The Standards Board for England was established under the Local Government Act 2000. We are responsible for the local conduct regime, and provide support and guidance to enable responsibility and ownership at a local level.

proactive

what we do

We oversee the Code of Conduct – a set of rules that all members of local authorities must follow when elected or appointed. We give guidance to standards committees and monitoring officers to help them to carry out their work effectively and fairly. We actively promote high standards of behaviour and the Code of Conduct. We receive and consider complaints of misconduct, referring cases locally wherever possible.

about the Code of Conduct

The Code of Conduct is a set of rules, agreed by parliament, which members of local authorities must sign up to. It sets out how members should behave and what the public has a right to expect.

who we cover

Over 100,000 elected and co-opted members of:

- 8,500 parish councils
- 386 district, borough, unitary, metropolitan, county and London borough councils
- 47 fire and civil defence authorities
- 43 police authorities
- 7 national park authorities
- 6 passenger transport authorities
- the Broads Authority
- the Greater London Authority
- the Council of the Isles of Scilly
- the Common Council of the City of London

the Board – April 2006

Chair: Sir Anthony Holland
 Deputy: Patricia Hughes CBE
 Councillor Louise Bloom
 Celia Cameron CBE
 Peter Chalke CBE
 Paul Gott
 Elizabeth Hall
 Paul Sabapathy CBE
 Judy Simons
 Roger Taylor

The terms of office for John Bowers, Alan Doig and Margaret Pratt ended during 2005-06. Since April, the terms of office for Louise Bloom, Celia Cameron and Peter Chalke have also ended.

our board

Sir Anthony Holland, Chair

Commitment, fairness and balance, plus a background in law and a practical approach to resolving disputes all help Sir Anthony to champion our core values. Admitted with honours as a solicitor to the Supreme Court in 1962, his career has taken in positions as noteworthy as President of the Law Society from 1990 to 1991, Chair of the BBC South Western Regional Advisory Council from 1984 to 1987, Chair of the Executive Board of JUSTICE from 1996 to 1999. He was also a member of the Council of the Howard League for Penal Reform from 1992 to 2002, Chair of the Securities and Futures Authority from 1993 to 2001 and Principal Ombudsman to the Personal Investment Authority Ombudsman Bureau from 1997 to 2000. Recent appointments include Chair of the Northern Ireland Parades Commission, and Independent Complaints Commissioner to the Financial Services Authority.



Patricia Hughes CBE, Deputy Chair

Patricia's experience of working at a high level in local government – she was awarded the CBE in 2001 for her services – plus her legal expertise, give her important insights into the council system. She worked as a secondary school teacher before qualifying as a solicitor in 1978 and holding legal posts in the Inner London Education Authority and the London Borough of Lambeth. She was also Chief Executive of the London Borough of Sutton from 1990 to 2001, Deputy Chief Executive and Borough Solicitor to the London Borough of Islington from 1987 to 1990 and a member of the Board of the National Disability Council from 1998 to 2000.



Councillor Louise Bloom

Louise has a well-rounded knowledge of the needs of our biggest stakeholder group through her significant experience as a parish councillor and her service in other tiers of local government. Cabinet Member for the Environment on Eastleigh Borough Council and a member of Hedge End Town Council, she is also an executive member of the South East England Regional Assembly and a member of the Local Government Association Regeneration Executive. Between May 2000 and February 2002 she was a Greater London Assembly member, Vice Chair of the Environment Scrutiny Committee and a member of the London Fire and Emergency Planning Authority. Professionally, she manages an advocacy project for Solent Mind.



John Bowers QC

Expertise in employment law and human rights, and extensive experience of mediation made John a valued member of our Board. Practising from Littleton Chambers, he is expert in a range of relevant legal issues. Author of Bowers on Employment Law, he has also written books on whistleblowing and human rights, lectured on human rights for the Judicial Studies Board and is an accredited Centre for Dispute Resolution mediator. A former Chair of the Employment Law Bar Association, John is a Recorder on the Midlands Circuit and a member of the Bar Disciplinary Tribunal. He is also currently a member of the SOLACE Commission on Managing in a Political Environment.



Celia Cameron CBE

A long-standing career in local government gives Celia a thorough knowledge of the issues facing councillors and local authorities. She was leader of the Labour Group on Norfolk County Council from 1990 to 2005, a county councillor for 24 years and a member of her local health authority for eight years. She chaired Norfolk County Council's Policy and Resources Committee from 1993 to 1999, the Cabinet from 1999 to 2001 and the Scrutiny Committee from 2001 to 2005. A member of the East of England Regional Assembly from 1998 to 2005, she is now a member of their Development Agency where her special interests include social inclusion and broad participation in the regional economy. She also has a background in the Women's Aid Movement, and her wider interests include the environment and sustainability.



Peter Chalke CBE

With experience of the commercial, political, educational and local authority environments, Peter brings extensive knowledge and expertise to our work. He was a county councillor from 1982 to 2005, Leader of the Conservative Group in Wiltshire from 1996 to 2003, Leader of the Local Government Association Conservative Group from 2003 to 2005 and is a past Leader of Wiltshire County Council. He was also a Board member of the South West Regional Development Agency and Wiltshire and Swindon Learning and Skills Council.



Professor Alan Doig

Alan's academic and professional career reflects many of the core ethical issues that face our Board. Professor of Public Services Management and Head of the Fraud Management Studies Unit at Teesside Business School, University of Teesside, he is also the author of numerous publications on the relevant subjects of ethics, conflict of interest, fraud and corruption. He has worked with a number of bodies involved with ethics and public office – both in the UK and overseas – including the Council of Europe.

**Paul Gott**

Paul, who joined the Board in February 2006, is a barrister and a member of Fountain Court Chambers and brings notable legal expertise to complement our mix of skills. He was appointed as junior counsel to the Crown in 1999 and appointed to the Treasury Counsel 'A' Panel in 2005. He practises in commercial and employment law, with employment law specialisations in the areas of strike action, discrimination and equal pay on which he regularly advises government departments and private clients. Commercial law specialisations include civil fraud, banking and accountants' negligence.

**Elizabeth Hall**

Elizabeth joined the Board in February 2006 and contributes important knowledge of the current regulatory regime. She has worked for the past ten years in the Financial Services Authority – the single regulator for the financial services industry – where she was mainly involved with consumer protection, complaints, and financial capability. She was appointed to London Travelwatch last year and is a member of the Queen Mary University of London Research Ethics Committee and of the London Borough of Tower Hamlets Schools Forum. Elizabeth has several lay responsibilities in the Church of England, including chair of the Tower Hamlets Synod and an examining chaplain for the Stepney area.

**Margaret Pratt**

Margaret's government credentials encompass regulation of professional conduct and management consultancy, both key in helping us to fulfil our aims of fairness and thoroughness. She is a Non-Executive Director of the Mental Health Committee of the South Warwickshire Primary Care Trust and also sits on the organisation's assurance and audit committees. A current Governor of the University of Northampton, she is Vice-Chair of the university's Audit Committee and is on its Equality and Diversity Committee. Margaret has worked as director of finance in health authorities and trusts and was also President Governor of the Chartered Institute of Public Finance and Accountancy, where she was involved with developing self-regulation in accountancy.

**Paul Sabapathy CBE**

Paul's wide experience of governance, including service as an independent member, gives him a valuable insight into the needs of some of our most important stakeholders. Currently Pro-Chancellor and Chair of the University of Central England, he is also Deputy Chair of the Committee of University Chairmen and serves on the Leadership, Governance and Management Committee for the Higher Education Funding Council. After holding senior management positions at the multinational engineering company IMI plc, he was appointed Chief Executive of North Birmingham Community Trust and currently serves as Chairman of Eastern Birmingham Primary Care Trust and as a Non-Executive Director of the National Blood Authority. Until recently he served as an independent member of the Standards Committee of Birmingham City Council. He was awarded the OBE in 1995 for his contribution to urban regeneration, and the CBE in 2004 for services to education and business in the West Midlands. He is a member of the Chartered Institute of Management Accountants.

**Judy Simons**

Judy, who joined the Board in February 2006, is Professor of English and Pro Vice Chancellor at De Montfort University, where she has responsibility for Quality and Standards and chairs the University Human Research Ethics Committee. A Board member of the Higher Education Academy and Chair of Council, she is also on the Strategic Committee for Leadership, Governance and Management at the Higher Education Funding Council for England. She has chaired a number of national academic bodies, including the Council of University Deans of Arts and Humanities, has published widely on literary studies and is a Fellow of the Royal Society of Arts and a Fellow of the English Association.

**Roger Taylor**

Roger's understanding of local government, his extensive knowledge of the sector both as a lawyer and a top executive, and his experience of working within the private sector on local government issues support our work in many ways. He was Chief Executive of Manchester City Council from 1984 to 1988 and Chief Executive of Birmingham City Council from 1988 to 1994. After this, he joined public sector management consultants Newchurch and Company before establishing Pinnacle Consulting – a subsidiary of the Pinnacle Public Service Group. He is an Honorary Fellow of the Institute of Local Government Studies.

