

**STANDARDS COMMITTEE**

**5<sup>th</sup> SEPTEMBER 2006**

**STANDARDS BOARD BULLETIN**

**RICHARD LONG, DIRECTOR OF LEGAL & DEMOCRATIC SERVICES**

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**PURPOSE OF THE REPORT**

1. To update members in respect of the latest bulletin issued by the Standards Board dated July 2006.

**RECOMMENDATIONS**

2. That the report be noted.

**BACKGROUND**

3. The Standards Board for England regularly issues a bulletin to update people on the latest developments regarding ethical standards. The bulletin has been electronically distributed to members and this report highlights the more salient points of the bulletin.
4. **Annual Review**  
The Annual Review of the Standards Board highlights the shift in onus from the Board to local authorities. The majority of investigations are now being referred to local authorities. The cases referred so far to Middlesbrough Borough Council have been investigated by the Members' Office Manager. However, investigations can be time consuming and I will need to review, on a regular basis, the capacity to carry out such investigations internally. It is also proposed that by 2008 provision will be made for the local assessment of complaints. The Standards Board see their role as being one of strategic regulator, overseeing the ethical framework and encouraging responsibility to be exercised at a local level.

5. **Investigations**

One of the key decisions made by the Standards Board is to decide whether a written complaint should be referred to an Ethical Standards Officer for investigation. The Board have given guidance as to the types of cases they have recently refused to investigate. These include:-

- (i) complaints against the Council itself or officers,
- (ii) complaints which are effectively objections to decisions made by the Council,
- (iii) complaints that Councillors have not provided substantive responses to correspondence, and
- (iv) complaints that relate to incidents that occurred prior to Code of Conduct being adopted or before the Councillor was elected.

6. **Monitoring local investigations**

In the three months prior to July, 61% of complaints were referred for local investigation. In total 202 complaints have been referred. Out of a sample of 50 complaints, 80% were investigated internally by the authority, of which 43% were investigated by the Monitoring Officer, 25% by the Deputy Monitoring Officer and 32% by other Council officers. Only 7 reports (14%) were not considered by the Standards Board to be of an appropriate standard.

7. **Local Case Summaries**

Between April and June 2006 the Standards Board received 817 complaints (951 April – June 2005), of which 56% were made by members of the public, 36% by Councillors and 5% by Council officers. Of the 817 only 155 (19%) were referred for investigation. Bringing the Council into disrepute (26%) and having a prejudicial interest (23%) were the most popular complaints. Of the complaints investigated 24% resulted in a finding of no evidence of a breach, 67% no further action, 4% referred for local determination and 5% referred to the Adjudication Panel. Of the 202 reports prepared by the Monitoring Officers, 117 concluded that there had been a breach and 85 concluded there had been no breach. Of those 202 reports, 145 had been considered by Standards Committees, of which 69 found no breach and 76 have found a breach. On nine occasions did a Standards Committee disagree with the Monitoring Officer's initial recommendation of no breach, subsequently this resulted in three cases of a breach.

8. **University of Manchester Research**

One of the issues highlighted by the research carried out by the University of Manchester is that standards of conduct can sometimes "slip off the agenda" when an authority has not experienced problems. The research concluded that Standards Committees can help keep the ethical framework on the agenda by working to a programme, ensuring a training programme and periodically assessing ethical conduct in the authority.

9. **Dealing with Press**

The Standards Board have given details of their press policy, the salient points of which are:-

- (i) they neither confirm nor deny they have received a complaint prior to deciding whether to investigate.
- (ii) once a decision to investigate has been made they will disclose:-
  - Councillor's name
  - the authority's name
  - whether the complainant was a member of the public etc.
  - the areas of the code covered by the allegation
  - why the complaint is not being investigated
  - who is investigating the complaints (SBE/LA)
- (iii) information is only disclosed three days after the Board have written to the complainant and the Councillor.
- (iv) Once a case summary is prepared they do not comment any further.

10. **Self Assessment**

The Audit Commission, IDeA and the Standards Board have developed an ethical governance toolkit. The toolkit consists of 4 elements: -

- (a) self-assessment survey
- (b) full audit
- (c) light touch health check, and
- (d) developmental workshops

So far, 28 Councils and 2,000 members have used the self-assessment survey. More information can be obtained by visiting the IDeA website.

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**BACKGROUND PAPERS**

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