

## STANDARDS COMMITTEE – 2<sup>ND</sup> NOVEMBER 2006

### DEVOLUTION – ANNUAL REVIEW 2005/06 FROM THE STANDARDS BOARD FOR ENGLAND

Report of the: Monitoring Officer

Status: For information

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**Executive Summary:** The Standards Board for England's Annual Review sets out the vision for local authorities to take greater ownership of the ethical agenda. During 2005/06 the Board embarked on extensive consultation on the existing Code of Conduct and the Board is working with the government to get the details right. The Board have continued to hit key performance targets and complaints are turned around quickly and 90% of cases are now completed within six months.

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**This report supports the Key Aim of** advising Members on the annual review 2005/06 of the Standards Board for England.

**Portfolio Holder** Cllr. Loney

**Head of Service** Head of Legal and Committee Services – Christine Nuttall

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**Recommendation:** Members are requested to note the report.

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#### Background

- 1 The Standards Board for England's Annual Review 2005/06 was sent to Monitoring Officers in July 2006 a copy of which is contained within the Appendix to this Report.

#### Introduction

- 2 The Board this year has championed local authorities in taking greater ownership of the ethical agenda. The Board is moving towards becoming a strategic regulator with the proposals to move to a system of local assessment of complaints. The Board has 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.
- 3 The government supports the Board's recommendations for a new Code of Conduct with a move to a simpler, clearer and locally-owned Code.
- 4 The Board reports continued achievement in its performance indicators and the evidence clearly shows that, generally speaking, cases are being dealt with effectively at a local level.

## **Looking Ahead**

- 5 The Board states that increasing numbers of cases are being handled locally and this trend will continue as the Board works to introducing local assessment of complaints. Their focus will be to oversee a culture of consistently high ethical standards and enable responsibility to keep growing at a local level.
- 6 With this in mind the following will be introduced:
  - A new Code of Conduct
  - 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
- 7 The Board's role as a strategic regulator will be:
  - 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
- 8 The Board is promising to issue clear guidance on what is expected from standards committees and monitoring officers. They will provide the support needed to help us develop and maintain a consistent approach.
- 9 It is recognised that by devolving decision-making means increasing local capacity to deal with a higher caseload. To reflect the need to handle a wider

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variety of cases locally, the Board are recommending that standards committees are given new powers to impose higher penalties.

- 10 The Board recognises that supported standards committees will need more detailed guidance on their growing responsibilities and as a result they are already putting plans into place for initiatives such as a new training DVD.

**The Code of Conduct**

- 11 The Board have consulted widely on the Code of Conduct and have made recommendations to the government. The Board want the Code to be clearer, more enabling and owned by members.
- 12 A detailed consultation exercise was undertaken before beginning the review of the Code of Conduct, collecting opinions and views from over 1,200 individuals, local authorities and other organisations. They also spoke with nearly 1,000 members and officers during the series of 11 road shows at locations across England. The responses showed the need for change and highlighted specific issues that could be improved. The feedback has been used to propose a Code that responds to these needs.
- 13 The Government has accepted the Board's proposed changes and is planning to consult on the details. 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
- 14 To support these changes the basics will be covered in a new issue of the popular mini-guide on the main provisions of the Code. As already indicated there will be a new DVD later in the year and this will be in place when the new Code comes into force. They have already launched a new e-publication called *The Case Alert* which will analyse cases that set legal precedents or clarify existing case law.
- 15 The intention is also to publish a new *Case Review* and will be providing guidance to help standards committees decide on appropriate sanctions.
- 16 There will also be more help for authorities with their training needs including a training framework, information and guidance for trainers.

## **Performance**

- 17 The Board feels that it has made significant progress as it continues to build on its achievements in 2005 – streamlining its processes and focusing on the serious matters. Its 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.
- 18 However, the Board recognises that there are some cases that will need to be handled centrally. The Board states that 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.
- 19 Certain cases have set precedents that have affected how the Code is applied. An example of this is the Dimoldenberg case the details of which are set out in the annual review. This case has already been reported to the Standards Committee.
- 20 Other cases of interest are also set out in the annual review and the Monitoring Officer would recommend reference to such cases.

## **Key Implications**

### Financial Implications

- 21 There are no financial implications identified by this report.

### Legal Implications

- 22 It is important for Councillors and Independent Members to be aware of the legislative changes due to take place and to have an appreciation of how the Standards Board for England sees its future and its achievements within 2005/06.

**Sources of Information:** Devolution – Annual Review 2005-06 the Standards Board for England

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**Corporate Resources Director**

## **RISK ASSESSMENT STATEMENT**

Local authorities are taking greater ownership of the ethical agenda and as a result this needs to become embedded at a local level. The work undertaken by the District Council's Standards Committee is vital to ensure this continues.