

### Chapter 3: The ethical standards framework for local government

RECOMMENDATION	MECHANISM	TIMEFRAME
<p><b>NORTHERN IRELAND</b></p> <p>R15. Following the review of public administration, and upon the restoration of the Assembly in Northern Ireland, a Statutory Code of Conduct for Councillors should be introduced with a proportionate and locally-based framework for enforcement, drawing upon experience of other parts of the UK.</p>	Legislation	Upon restoration of the Assembly
<p><b>ENGLAND</b></p> <p>R16. Parish councils should remain with the ethical framework for England: the same principles of conduct should apply to all locally-elected representatives, irrespective of the size of authority (or the powers of that authority) to which they were elected.</p>	N/A	N/A
<p>R17. The Government should announce its intention to amend Part III of the Local Government Act 2000 in the parliamentary session 2005/06 to enable the sifting of complaints to be undertaken by local Standards Committees.</p>	Government Response to this Report	Immediate
<p>R18. The amendment to Part III of the Local Government Act 2000 should:</p> <ul style="list-style-type: none"> <li>• Place a duty on the Standards Board for England to delegate the responsibility for initial sifting of complaints to individual local Standards Committees. The delegation should be subject to the operation within a national framework prescribed by the Standards Board (and based upon criteria used by the Standards Board in sifting and referrals) by which local Standards Committees can decide: <ul style="list-style-type: none"> <li>(i) whether to investigate a complaint or not (and if not whether mediation or conciliation between parties or general action in relation to awareness and understanding of the Code is appropriate);</li> <li>(ii) which complaints are of such potential seriousness they should be referred for national investigation;</li> <li>(iii) whether, following a local investigation, a complaint should be referred to the Adjudication Panel; or</li> <li>(iv) to hear and determine the case, with an appropriate penalty where necessary; or</li> <li>(v) accept that no breach has occurred; or</li> <li>(vi) to instruct the monitoring officer and/or Standards Committee chair to instigate mediation or conciliation between parties or general action in relation to awareness and understanding of the Code.</li> </ul> </li> <li>• Introduce a requirement for Standards Committees to report annually to the Standards Board and full Council on the operation of the ethical framework;</li> </ul>	Amendment to Part III of the Local Government Act 2000	During parliamentary session 2005/6 and implemented from January 2007

<ul style="list-style-type: none"> <li>• Introduce a requirement for each Standards Committee and the Standards Boards to determine and publish targets for the completion of each stage in the complaints-handling process they are responsible for and to report on these as part of their respective annual reports; and</li> <li>• Provide a power for the Standards Board to audit the operation of the framework by a local Standards Committee and, if necessary following the audit, to remove the delegation until satisfied that necessary remedial action has been undertaken.</li> </ul>		
<p>R19. The Government should introduce, as a matter of urgency, secondary legislation to require a majority of independent members and an independent chair for Standards Committees and sub-committees in England. This is a critical element of our proposals to improve the existing system and to lay the ground for the subsequent introduction of the locally-based system.</p>	<p>Secondary Legislation</p>	<p>Immediate</p>
<p>R20. Prior to the introduction of the locally-based system, all complaints assessed by the Standards Board as not requiring any investigation should also be sent to the local monitoring officer and Standards Committee so that they:</p> <ul style="list-style-type: none"> <li>(i) are fully aware of complaints made within their jurisdiction;</li> <li>(ii) can become familiar with the criteria used to decide whether an investigation is justified or not; and</li> <li>(iii) judge whether the complaints indicate that some informal mediation between members or parties might be required or general awareness raising or training.</li> </ul>	<p>Standards Board's Operations</p>	<p>Immediate</p>
<p>R21. That the Standards Board should take steps to communicate more robustly and publicly to complainants, members and the public more generally, those minor, trivial, vexatious and politically inspired complaints which are inappropriate to be dealt with under the ethical framework (following the example of the Local Government Ombudsman for Wales).</p>	<p>Standards Board's Operations</p>	<p>Immediate</p>
<p>R22. The Committee welcomes the steps taken by the Standards Board to resolve delays and backlogs in investigations. These measures should be further bolstered by taking full advantage of the new s66 regulations to refer to a local level a steadily increasing proportion of complaints judged worthy of investigation. In light of our recommendations to enable initial complaints-handling to be done at the local level, the experience of operating the s66 regulations over the next two years should be used by the Standards Board to develop the framework within which local Standards Committees will decide whether to refer a complaint for investigation by the Standards Board.</p>	<p>Standards Board's Operations</p>	<p>Immediate</p>



<p>R23. The Standards Board should review its Human Resource Management policies, including pay scales, to ensure that it puts a priority on secondments and transfers from local authorities to the referral and investigations units, thereby increasing and refreshing the level of local government experience.</p>	Standards Board's Operations	Immediate. Implemented before January 2007
<p>R24. The general principles, currently contained in a separate Order, should be incorporated into the Model Code. This will add clarity about the fundamental purpose of the Code and help provide a context for members behind some of the more detailed provisions in the Code. It will also make the Model Code more relevant to members of the public and assist in providing a route into the Code when considering making a complaint.</p>	Standards Board's review of the Model Code of Conduct	April 2005
<p>R25. The phrase "in any other circumstance" should be removed from the Model Code in England (paragraphs 4 and 5 of schedule 1) so as to add clarity to the distinction between private and official conduct.</p>	Standards Board's Review of the Model Code of Conduct	April 2005
<p>R26. Failure to register an interest (financial or other) should normally be treated as a matter for local investigation and determination. This should be reflected in the operation of the new s66 regulations, and in the new locally-based system.</p>	Standards Board's review of the Model Code of Conduct, Standards Board referral criteria	April 2005
<p>R27. The following principles should apply where members are appointed, or nominated, to an outside body by their local authority (or have their membership approved by their local authority); are a member of another relevant authority; or are a member of another public body in which they hold a position of general control or management. They should be free to speak but not vote, subject to:</p> <ul style="list-style-type: none"> <li>(i) the declaration of a personal interest;</li> <li>(ii) the matter before the Council/Committee does not relate to an application by the outside body for any licence, consent or an approval or any objection to such matters or to any statutory order or regulation to be made by the local authority; and</li> <li>(iii) any representations must be made in an open and transparent manner.</li> </ul>	Standards Board's review of the Model Code of Conduct and, if necessary, primary legislation	April 2005
<p>R28. In planning decisions the ability of elected members to represent constituents' interests where they have personal and prejudicial interests has been unnecessarily diminished. This should be changed to give any elected member the right to speak (but not vote) for their constituents at a planning committee meeting or at any other quasi-regulatory meeting, provided:</p> <ul style="list-style-type: none"> <li>(i) a declaration of personal interest is made, including the nature of the interest;</li> <li>(ii) the representations are made in an open and transparent manner; and</li> </ul>	Standards Board's review of the Model Code of Conduct and, if necessary, primary legislation	April 2005

(iii) the member making the representations (whether a member of the Committee or not) withdraws at the completion of their representations.		
R29. The three principal regulators (Standards Board for England, Local Government Ombudsman for Wales, and Standards Commission for Scotland) should put in place formal arrangements for the sharing of experiences and best practice. This should be extended to include the body with designated responsibility for enforcement of a new statutory framework in Northern Ireland.	The three principal regulators	Immediate
R30. Prior to the introduction of the locally-based system consideration should be given as part of the review of the Code of Conduct to amend the duty to report a possible breach of the Code so that it becomes a "duty to report a possible breach to the monitoring officer and Standards Committee chair" who would then be responsible for deciding whether a formal complaint to the Standards Board should be made.	Standards Board's review of the Model Code of Conduct	April 2005
R31. All local authorities should consider using the Audit Commission/Standards Board Ethical Governance Audit tool and facilitated workshop to self-assess their arrangements for ensuring ethical standards.	Local authorities and Audit Commission	Immediate
R32. The Standards Board should develop model training and development materials that can be used to provide monitoring officers and Standards Committee members with the key competencies required to sift, investigate and determine complaints under the ethical framework. All monitoring officers and Standards Committee members should have undertaken training using this material by January 2007.	Standards Board's Operations	Immediate
R33. The Standards Board should develop further the concept of regional forums to facilitate regional support networks for monitoring officers and Standards Committee members.	Standards Board's Operations	Ongoing