



AGENDA

For a meeting of the
STANDARDS COMMITTEE
to be held on
FRIDAY, 3 FEBRUARY 2006
at
2.30P.M.
in
COMMITTEE ROOM 1, COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM
Duncan Kerr, Chief Executive

Panel Members:	Mr. C. Holtom (Chairman), Councillor Reg Lovelock M.B.E., Mr. F. Mann (Vice-Chairman), Councillor John Wilks and Councillor Mike Williams Parish representatives: Councillor M Exton (Stamford Town Council), Councillor R Rose (Thurlby Parish Council), Councillor T Holmes (Bourne Town Council) and Councillor P Dolby (Braceborough and Wilsthorpe Parish Council)
Committee Support Officer:	Rebecca Chadwick 01476 406297 r.chadwick@southkesteven.gov.uk

Members of the Committee are invited to attend the above meeting to consider the items of business listed below.

- 1. MEMBERSHIP**
A parish representative to be appointed.
- 2. APOLOGIES**
- 3. DECLARATIONS OF INTEREST**
Members are asked to declare interests in matters for consideration at the meeting.
- 4. MINUTES OF THE MEETINGS HELD ON 23RD SEPTEMBER 2005, 21ST NOVEMBER 2005 AND 20TH DECEMBER 2005**
(Enclosures)
- 5. APPLICATIONS FOR DISPENSATIONS BY THE STANDARDS COMMITTEE**
No applications had been received at the time of agenda preparation.

- 6. SITUATION REPORT - ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT**
Report DLS62 by the Monitoring Officer.
(Enclosure)
- 7. GOVERNMENT DISCUSSION PAPER - "STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT - THE FUTURE"**
Report number DLS61 by the Monitoring Officer.
(Enclosure)
- 8. GOING LOCAL: INVESTIGATIONS AND HEARINGS**
Guidance DVD by the Standards Board for England. A summary of the learning points is attached.
(Enclosure)
- 9. TRAINING EVENT: MEDIATION AND MEMBER STANDARDS**
An invitation from the Chairman of Lincolnshire County Council's Standards Committee to a training event on 20th March 2006 is attached.
(Enclosure)
- 10. DATES OF FUTURE MEETINGS**
The committee to set dates for the 2006/2007 municipal year.
- 11. ANY OTHER BUSINESS, which the Chairman, by reasons of special circumstances, decides is urgent**



MEETING OF THE STANDARDS COMMITTEE

FRIDAY, 23 SEPTEMBER 2005 2.30 PM

PANEL MEMBERS PRESENT

Mr. F. Mann (Vice-Chairman in the Chair)
Councillor Lovelock M.B.E.
Councillor Wilks
Councillor Dolby (Braceborough and Wilsthorpe)
Councillor Exton (Stamford)

OFFICERS

Monitoring Officer
Committee Support Officer

1. MEMBERSHIP

The Monitoring Officer appointed Councillor Dolby as the voting parish representative for this meeting.

2. APOLOGIES

Apologies for absence were received from Mr Holtom, Councillor M G Williams, Councillor T Holmes and Councillor R Rose.

3. DECLARATIONS OF INTEREST

There were none declared.

4. APPLICATIONS FOR DISPENSATIONS BY THE STANDARDS COMMITTEE

None received.

5. MINUTES OF THE MEETINGS HELD ON 19TH MAY 2005 AND 30TH AUGUST 2005

The minutes of the meeting held on 19th May 2005 and the special meeting held on 30th August 2005 were confirmed as a true record of the decisions taken.

6. SITUATION REPORT - ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT NOTIFIED BY THE STANDARDS BOARD FOR ENGLAND

Decision:

To note the report of the Monitoring Officer and expect to hold an additional meeting of the Committee before the end of the calendar year to hold hearings for the three allegations referred for determination by the Standards Board for England.

The Monitoring Officer presented report DLS47, which set out the outstanding notified decisions from the Standards Board for England on allegations of breaches of the Code of Conduct. These related to one member of Bourne Town Council and two members of the district council. All three had been referred to the Standards Committee for determination. The Monitoring Officer confirmed that the notified decision reported at the last scheduled meeting of the Committee on 19th May 2005 was that no action was to be taken. The case summary was now published on the Standards Board's website.

The Monitoring Officer commented that the three month deadline for local investigation was proving very difficult to meet. Illness and other leave amongst the parties involved had delayed progress with the investigations. The Committee also discussed and confirmed the quorum for the hearings and declarations of interest that may be required. The Vice-Chairman confirmed that, although all parish representatives were welcome to attend the hearings, in the interests of justice, only the voting parish representative may remain in the meeting during the committee's deliberations.

7. PROCEDURE FOR DETERMINING THE NUMBER OF PARISH COUNCILLORS FOR EACH PARISH COUNCIL

This issue has been raised at the previous meeting of 30th August 2005 following the consideration of the application for dispensation. The Monitoring Officer confirmed that powers relating to the size of parish councils were provided under the Local Government and Rating Act 1997. Government guidance followed by district councils included the following sliding scale for determining the number of parish councils according to the parish's electorate:

Electorate	Number of Councillors
Up to and including 249	5
Between 250 and 749	7
Between 750 and 999	9
Between 1,000 and 2,499	11
Between 2,500 and 4,999	13
Between 5,000 and 9,999	15
10,000 and above	21

It was understood that this scale was used throughout Lincolnshire. The Monitoring Officer added that the Electoral Commission was undertaking a

national review on the issue and a report was expected in two to three years' time.

8. ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

Decision:

To note the report.

The committee considered the report of the Chairman on his attendance at the Assembly, which had been circulated with the agenda. The Vice-Chairman commented that, like the Chairman, on his visit to a previous Assembly he had found the informal sessions of most benefit as they provided the opportunity to liaise with members of other authorities.

A brief discussion on CPA followed, as this had been raised in the Chairman's report. The Monitoring Officer circulated for information copy of the Standards Board for England's Annual Review.

9. DATE OF NEXT MEETING

Wednesday 23rd November 2005 2.30p.m.

[Should a Standards Committee hearing be required on that day, the meeting may be held at 2.00p.m.]

10. CLOSE OF MEETING

The meeting closed at 2.55p.m.



MINUTES

STANDARDS COMMITTEE
MONDAY, 21 NOVEMBER 2005
9.50 AM

PRESENT

Mr. F. Mann (Vice-Chairman in the Chair)
Councillor J. Wilks
Councillor P. Dolby (Braceborough & Wilsthorpe Parish Councillor)
Councillor M. Exton (Stamford Town Councillor)
Councillor R. Rose (Thurlby Parish Councillor)

OFFICERS

Deputy Monitoring Officer
Committee Support Officer

11. MEMBERSHIP

Councillor Exton was appointed the parish representative with voting rights for this meeting.

12. APOLOGIES

Apologies for absence had been received from Chris Holtom and Nick Goddard.

13. DECLARATIONS OF INTEREST

There were none declared.

14. APPLICATION FOR DISPENSATION BY THE STANDARDS COMMITTEE

Decision:

To grant an extension for a further six months to the dispensation granted to Bourne Town Council on 19th May 2005 to consider matters relating to the possible relocation of the Town Council Offices. This dispensation to allow the six district councillors, who are also members of the Town Council, to take part and decide matters relating to the relocation.

The Standards Committee considered a request from Bourne Town Council to extend its dispensation for a further six months to allow a decision to be made on the possible relocations of its offices, as the issues regarding

accommodations had not yet been resolved.

The Committee agreed on the facts before them and maintained that to grant the dispensation was in the overall public interest as it concerned a shared prejudicial interest between the said six councillors on a proper and genuine matters of business for the Town Council.

A few queries relating to dual-hatted members were raised, to which the Deputy Monitoring Officer responded accordingly.

15. CLOSE OF MEETING

The meeting closed at 10.05a.m.



MINUTES

STANDARDS COMMITTEE

TUESDAY, 20 DECEMBER 2005

COMMITTEE MEMBERS PRESENT

Mr C Holtom
Mr F Mann
Councillor Reg Lovelock M.B.E.
Councillor John Wilks
Councillor P Dolby
Councillor M Exton
Councillor T Holmes
Councillor R Rose

Chairman
Vice-Chairman
South Kesteven District Council
South Kesteven District Council
Braceborough & Wilsthorpe Parish Council
Stamford Town Council
Bourne Town Council
Thurlby Parish Council

OFFICERS

Corporate Manager Democratic & Legal Services (Monitoring Officer)
Solicitor to the Council (Deputy Monitoring Officer)
Member Services Manager (Second Deputy Monitoring Officer)
Committee Support Officer

16. MEMBERSHIP

Councillor Trevor Holmes was appointed parish representative for minute no. 19 and Councillor Peter Dolby for minute no. 20.

17. APOLOGIES

Apologies for absence had been received from Councillor Mike Williams.

18. DECLARATIONS OF INTEREST

Councillor Trevor Holmes declared a personal interest in minute no. 20. He therefore stood down from the panel for this item.

19. INVESTIGATION UNDER S.66 OF THE LOCAL GOVERNMENT ACT 2000 INTO AN ALLEGATION CONCERNING COUNCILLOR LINDA NEAL AND COUNCILLOR TERL BRYANT - MEMBERS OF SOUTH KESTEVEN DISTRICT COUNCIL

Decision:

This is a difficult area in respect of the Guidance given from the Standards Board for England. We believe that all parties, including the complainant, acted in good faith. Most importantly, the Monitoring Officer

gave appropriate advice to the members at the time. The events concluded in December 2004. Final clarification on the Guidance was received by the Monitoring Officer in March 2005. We are content that the advice he has now given to members and parish councils concerning dual-hatted members is correct and appropriate. There has been no breach of the Code of Conduct.

The Chairman introduced the investigation, the members of the panel and the officers present. He asked members to disclose any interests in the matter; none was declared. He confirmed that the quorum for a hearing was present and explained the procedure to follow. He reminded the Panel that the investigation was confined to matters relating to the Code of Conduct and the alleged breach. The Member Services Manager advised that the confidential reports relating to the investigation were now in the public domain.

The Deputy Monitoring Officer explained that this investigation had been referred for local determination under Section 66 of the Local Government Act 2000 and she had been appointed Investigator because the Monitoring Officer had provided advice to the two members under investigation.

The Investigator presented her report. She detailed the allegation, the relevant section of the Code of Conduct, the evidence obtained and her conclusions. Exhibits had been circulated. The allegation was that Councillors Neal and Bryant may have had a conflict of interest when dealing with matters concerning the South Kesteven Citizens' Advice Bureau (SKCAB). The Investigator's finding was that there had been no breach of the Code of Conduct.

The Panel was invited to ask questions of the Investigator. Further clarification was sought on the status of the members as trustees of the SKCAB. The Investigator confirmed that whilst there had been some initial confusion on the part of one member, the SKCAB had confirmed at their first meeting with the members that they were not trustees. This was supported in writing in the exhibits. The Investigator was asked about the accuracy of press coverage of the members' status and she acknowledged that the public, including the complainant, had not been in full knowledge of the facts of the situation.

Councillors Neal and Bryant were not present to respond.

The Monitoring Officer was called by the Investigator to give evidence. He was invited to explain to the Panel the advice he had provided to the two members on declaring an interest for matters relating to the SKCAB. This advice on compliance with the Code had been sought and acted upon by the two members. The Monitoring Officer explained in detail the background to the Council's approach to declaring interests when members were appointed as representatives on outside bodies. Prior to guidance on dual-hatted members published by the Standards Board, under rule 10(2) of the Code, if a member was appointed to body and a related matter was being discussed, providing that member was speaking at a Council meeting, they had to make it clear that they were the appointed representative; they were then fully able to speak and

vote and this was taken to be the equivalent of the declaration of a personal interest. This approach had been developed because it was found to be very useful for the Council as it was able to gain knowledge about that body and thereby come to an informed decision. A member on an outside body could not have had a prejudicial interest because they had been appointed to that body and could speak about that body from the council perspective. This was the advice provided to the two members.

It was estimated that the published guidance from the Standards Board for England was received in early November 2004. The Monitoring Officer considered that the guidance was clear in that if the Council is making a decision affecting the finances of an outside body, the member has a prejudicial interest. This, however, in his view was covering those members that have a controlling interest within the outside body, that is, a position of control: trustee, director, or member of the management committee. The Monitoring Officer considered that in those situations, members had the power to control that outside body. If a member was appointed in that capacity, they were bound by the rules of that organisation. There was a difference between that and a member who was only a representative on that outside body. In those circumstances, a member that was a mere representative would not be in a prejudicial position because they did not have power within that outside body.

Timing of the publication of the Standards Board's guidance was very important in this investigation. The Standards Committee, as per its normal practice, had considered the guidance at its meeting on 26th November 2004. Other Councillors were informed of the guidance in January 2005, following the conclusions of the Committee. The advice provided to the two members had been given prior to this. Only some time after these events had the Standards Board confirmed to the Monitoring Officer that the guidance related to members who were only representatives on outside bodies, irrespective of whether or not they had a power of control in relation to that outside body.

The Panel was invited to ask questions of the Monitoring Officer. Clarification on certain facts was sought and the Panel confirmed that it had sufficient evidence to determine the investigation.

The press, public, investigator and witness left the room. Considering the facts presented to them, the Panel concluded that there had been no breach of the Code of Conduct.

The press, public, investigator and witness returned to the meeting and were informed of the Panel's decision, as noted above.

20. INVESTIGATION UNDER S.66 OF THE LOCAL GOVERNMENT ACT 2000 INTO AN ALLEGATION CONCERNING COUNCILLOR GUY CUDMORE A MEMBER OF THE BOURNE TOWN COUNCIL

Decision:

(1) Matters regarding planning can be contentious and lead to strong

feelings. In this case, Councillor Cudmore took a very prominent role on behalf of the people of Bourne and displayed robust opposition for a proposal which was also roundly rejected by both the Town Council and the people of Bourne. However, his article on a public website did breach the Code of Conduct in that the words used were directly disrespectful to an officer of South Kesteven District Council in terms of inappropriate language, which in the judgement of the Standards Committee, would lead the public to question the impartiality and integrity of that officer. In our judgement, to accuse South Kesteven District Council Planning and Economic Regeneration Directorate of “treachery” in a public forum is to bring both South Kesteven District Council and Bourne Town Council into disrepute.

(2) The issue in this case is the use of words in a public forum by a Councillor who has signed the Code of Conduct. The Standards Committee recognises that Councillor Cudmore accepts that in retrospect his comments were over the top in terms of the precise use of words. We also want to make it very clear that the right of a Councillor to express the views of his Council and those he represents must not be constrained by rules and regulations – it is a matter of balance.

We apply the sanction of censure to Councillor Cudmore and offer him two pieces of advice:

- He may wish to apologise to those concerned.**
- He may feel it useful to arrange to see the Chairman or Vice-Chairman and Monitoring Officer to talk through the implications of the Code of Conduct informally.**

We are grateful for the open way Councillor Cudmore explained his actions today and that he accepts that in hindsight the language he used in the article may not have been best judged.

On a wider note, this committee is very well aware of the lack of understanding of the full implications of the Code of Conduct at Parish Council and Town Council level and the degree of strong feelings which surround planning issues and declarations of interest. However, it is the position of the Committee that the Code is a major contribution to transparency and accountability in those contentious matters, if used properly.

The Committee sympathises that this may have been a “sledge hammer to crack a nut” but we are in the early days of the Code and there are important messages to be conveyed with the intention of raising public confidence in local government.

The Chairman introduced the investigation, the members of the panel and the officers present. He asked members to disclose any interests in the matter; during the course of the meeting, Councillor Wilks, who might have been a

member of the Development Control Committee at the time the incidents relating to the investigation occurred, declared that he may have a personal interest. The Deputy Monitoring Officer advised that he would not have a prejudicial interest. The Chairman confirmed that the quorum for a hearing was present and reminded members on the procedure to follow. The Investigator and Councillor Cudmore were asked if there was any reason that they required the press and public to be excluded from the meeting. Both confirmed that they did not require the press or public to be excluded.

The Monitoring Officer explained that this investigation had been referred for local determination under Section 66 of the Local Government Act 2000 and he had been appointed Investigator. He then presented his report. He detailed the allegation, the relevant section of the Code of Conduct, the evidence obtained and his conclusions. Exhibits had been circulated. The allegation was that Councillor Cudmore had brought Bourne Town Council into disrepute and had treated with disrespect, an officer of South Kesteven District Council by the writing of an article posted on a local Internet forum. The article was included in the exhibits. The Investigator had concluded that there was a potential breach of rules 2(b) and 4 of the Code of Conduct.

In presenting his report, the Investigator asked that it be recorded that Councillor Cudmore had been unable to attend an interview with him due to an illness and the Investigator was satisfied that this had been genuine reason for not attending. The decision of the Planning Inquiry – the subject of Councillor Cudmore's article – had only recently been made by the Planning Inspectorate.

Councillor Cudmore was invited to ask the Investigator questions on matters of fact presented in his report. A spelling mistake which altered the meaning of the sentence at paragraph 6.6 was indicated by the Councillor. He then drew on a recent national case concerning the Mayor of London, suggesting that for himself in this investigation, the Code of Conduct did not apply because he had been acting as a private individual. He stated that there was no evidence that Bourne Town Council had been brought into disrepute and there was therefore no case against him.

The Chairman asked Councillor Cudmore if he was satisfied that the facts presented in the Investigator's report were accurate. He replied that he had no particular dispute about the facts. The panel asked Councillor Cudmore to confirm whether or not he had asked the district council before publication of the article about the facts of the public enquiry. He replied that the question was irrelevant because he was acting in his private capacity. He was asked if the officer mentioned in his article had been present at the Planning Inquiry. He replied that this was also irrelevant because he was the head of the department and therefore responsible.

Councillor Cudmore insisted that his language reflected the facts as presented to the Public Inquiry and he confirmed that in the article, he presented himself in his private capacity.

The panel asked Councillor Cudmore on specific use of his language in the

article. Councillor Cudmore did not agree that the words were inappropriate, inaccurate or disrespectful. He stated that when using the forum, he had only criticised the actions and policies of the Council, not an individual. He had not questioned the manner in which an officer has implemented a policy. The people who used the forum were informed of the facts of the Public Inquiry and it could not be construed from the article that the Inquiry had not been independent. The Councillor was asked specifically about the phrase: "...the treachery of SKDC...", It was suggested to him that it could easily be interpreted by a member of the public that the integrity of SKDC was being challenged. Councillor Cudmore stated that he had never questioned the professional integrity or expertise of SKDC officers and that nothing he had contributed on the forum could be interpreted in that way.

Councillor Cudmore, upon further questioning, confirmed that he had been a councillor for about five years and that few local people were unaware that he was an elected member. He was sure, however, that it was well known that his articles on the Internet forum were written in his private capacity. The intention in writing the article had been straight reporting in response to a query on the forum.

Councillor Cudmore called Councillor Trevor Holmes, another member of Bourne Town Council, as a witness. Councillor Holmes explained to the panel that some months prior to this article appearing on the website, Councillor Cudmore had on the same website, published an article which he considered to be objectionable in relation to comments about Jehovah's witnesses. Advice was sought from the Monitoring Officer, who had advised that the fact that the article had appeared as written by "Guy Cudmore", it was not possible to refer the author to the Standards Board.

The panel asked the Monitoring Officer to comment. He confirmed that the case concerning the Mayor of London did confirm that there are certain circumstances when a councillor can act in a private capacity in the previous situation relating to Councillor Cudmore, the situation was border line, but in the article relating to this investigation, it was clear that Bourne Town Council, and Councillor Cudmore as a member of that body, was involved in the subject of the article. He reserved the right to give further clarification later in the meeting.

There were no questions put to the witness.

Councillor Cudmore continued his case. He stated that the Code of Conduct did not impinge his freedom of speech and that the complaint should have used other methods to bring his objection to light as he considered this investigation a "sledge hammer to crack a nut." He then suggested that his wording may not have been appropriate and that it could have been dealt with in an informal manner.

Two emails had been received from members of the public concerning the investigation. These were circulated and noted. Councillor Cudmore was asked to clarify certain points raised in these emails and he responded accordingly.

The Monitoring Officer then explained in further detail the issues concerning a member's private life. He acknowledged it to be a difficult area. In his opinion, the subject of the article under investigation was a genuine matter of business for Bourne Town Council. The Town Council had made a formal submission and were represented at the Inquiry, to which the article relates. This was therefore distinct from private business. Furthermore, in terms of planning matters, the law now states that there are very few instances in which a member can act in a private capacity in relation to a planning matter.

In response, Councillor Cudmore suggested that this was not clear enough in the Code. He was aware of constraints when dealing with planning matters but not those suggested by the Monitoring Officer. He suggested that there be wider communication of the implications of the Code.

There were no further comments and the panel was satisfied that they had sufficient information to determine the investigation.

The press, public, investigator, witness and Councillor left the room. Considering the facts presented to them, the relevant sections of the code of conduct and Councillor Cudmore's comments, the Panel concluded that there had been a breach of rules 2(b) and 4 of the Code of Conduct.

The press, public, investigator, witness and Councillor returned to the meeting and were informed of the Panel's decision, as noted above.

21. CLOSE OF MEETING

The meeting closed at 2.15p.m.

REPORT TO STANDARDS COMMITTEE

REPORT OF: MONITORING OFFICER

REPORT NO. DLS62

DATE: 3rd FEBRUARY 2006

SUBJECT	SITUATION REPORT – ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT
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COUNCIL POLICIES	None directly involved.
CORPORATE OBJECTIVES	Not relevant
RELEVANT STATUTORY POWERS	Local Government Act 2000
DISCRETIONARY/ MANDATORY SERVICE	The Standards Committee is a statutory committee with mandatory duties in relation to Councillor conduct.
BUDGETARY IMPLICATIONS	None
CONSULTATIONS	N/A
BACKGROUND PAPERS	None, other than published works

INTRODUCTION

1. This report is now a standing item on the Standards Committee agenda.

PUBLISHED DECISIONS

2. The current position regarding allegations received by the Standards Board for England is summarised below.

Case no.	Council	Draft Report	Findings	Date
11395.05	Bourne Town Council	Referred for Local Investigation	Breach of Code of Conduct	20.12.05
11326.05	SKDC	Referred for Local Investigation	No evidence of failure to comply with the Code	20.12.05
11327.05	SKDC	Referred for Local Investigation	No evidence of failure to comply with the Code	20.12.05
13339.05	SKDC	Referred to Ethical Standards Officer for investigation	Summary not yet available	Complaint received 01.12.05.

N W Goddard
Corporate Manager, Democratic & Legal Services and Monitoring Officer

R D Chadwick
Committee Support Officer

REPORT TO STANDARDS COMMITTEE

REPORT OF: CORPORATE MANAGER – DEMOCRATIC AND LEGAL SERVICES

REPORT NO. DLS61

DATE: JANUARY 2006

TITLE:	GOVERNMENT DISCUSSION PAPER =- STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT: THE FUTURE
FORWARD PLAN ITEM:	N/A
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	N/A
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	N/A
CORPORATE PRIORITY:	CORPORATE GOVERNANCE
CRIME AND DISORDER IMPLICATIONS:	N/A
FREEDOM OF INFORMATION ACT IMPLICATIONS:	THIS REPORT IS PUBLICLY AVAILABLE VIA THE COUNCIL'S WEBSITE – WWW.SOUTHKESTEVEN.GOV.UK UNDER “LOCAL DEMOCRACY – AGENDA AND MINUTES”
BACKGROUND PAPERS:	GOVERNMENT DISCUSSION PAPER =- STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT: THE FUTURE

1. INTRODUCTION

- 1.1 The ODPM has recently published a discussion paper which sets out its vision for a future comprehensive conduct regime for local authority members and employees. A copy of the discussion paper is available in the members room and committee members are encouraged to read the document in entirety.

2. DETAILS OF THE REPORT

- 2.1 The report considers three main areas of activity. These are:-

- (1) The conduct of members
- (2) The conduct of local employees
- (3) The way forward

The discussion paper considers the recommendations made by the Committee on Standards in Public Life (The Graham Committee) which reported a few months previously. The discussion paper sets out the government's response to the recommendations made by the Graham Committee in relation to Standards in Public Life and also confirms the government's response to the recommendations of the ODPM Select Committee on the role in effectiveness of the Standards Board for England. Finally the paper considers the Standards Board's recommendations for changes to the code of conduct for members.

- 2.2 As regards the conduct of members the government confirms it welcomes the recommendations the Standards Board arising from its consultation on a review of the code of conduct. Essentially the ODPM agree that amendments to the code should be made along the lines suggested by the Standards Board which include:-

- Making the code clearer and simpler, but,
- Maintaining a vigorous approach to the identification of serious misconduct
- Amending the regime for declaring interests, speaking at council meetings, particularly for members who also serve on other public bodies (The Dual Hatted Guidance Issues)
- Making changes to the arrangements for determining whether conduct in private life should fall within the ambit of the code, and
- Amending the rules on reporting of allegations by members to reduce the number of vexatious complaints

- 2.3 Within this section of the report it is confirmed that consideration will be given as to whether amendments will be brought in to effect by primary or secondary legislation to make all chairs of Standard Committees independent and that

such Standard Committees should include independent members who reflect “a balance of experience”.

- 2.4 As regards the conduct of local government employees, a revised code for all employees is mooted covering the current rules relating to politically restricted posts. The government’s response is that it is committed to the principle of political neutrality of local government employees. To ensure that this principle is retained the government is currently minded to retain the existing framework which restricts political activities of certain senior staff. Amendments are however being considered to the existing rules to ensure that the restriction only applies to the most senior or the most sensitive posts.
- 2.5 In this connection the government is minded to pursue the amendment of primary and secondary legislation to issue a revised code of conduct for local government employees.
- 2.6 The way forward for the proposals is now a matter for consultation and the views of Standards Committees and Monitoring Officers are being sought. There is an acknowledgment that some of the provisions will require primary legislation therefore their eventual introduction may take some time.
- 2.7 Some of the proposals can, however, be put into effect through secondary legislation which would allow these to be implemented in a shorter time scale. The government therefore intends to work with the Standards Board and other stakeholders (such as local authority Standards Committees) and will attempt to agree a realistic timetable for implementing the changes that it decides to adopt.

3. SUMMARY OF THE MAIN PROPOSALS

- 3.1 As regard proposed changes to the conduct regime for local councillors, these can be summarised as follows:-
 - Initial assessment of all misconduct allegations to be undertaken by a Standards Committee rather than the Standards Board;
 - Local Standards Committees to be responsible for investigating and determining most cases;
 - The Standards Board to adopt a more strategic, advisory and monitoring role, but retaining responsibility for investigating the most serious allegations;
 - Improvements to the operation and composition of Local Standards Committees, with independent chairs and committees to include independent members with a balance of experience; and
 - A clearer, simpler code of conduct, including changes to the rules relating to personal and prejudicial interests.

3.2 In respect of the conduct regime for local government employees, the proposals are as follows:-

- The issue of a code of conduct for all local government employees;
- Retain the current principle that senior and sensitive posts should be politically restricted, but to ensure that only the most senior and sensitive posts are covered;
- Discontinue the posts of the Independent Adjudicator, and provide for Local Authorities Standards Committees to make decisions on posts exempt from restrictions;
- Up rate current rate of pay for Political Assistants by statutory instrument, and provide for future increases to be permanently linked to local government pay scales.

4. RECOMMENDATIONS

4.1 It is recommended that the Standards Committee consider the above proposals and, if they think it appropriate, instruct me to make representations to the ODPM regarding the proposed changes.

5. CONTACT OFFICER

N W Goddard -Corporate Manager Democratic and Legal Services
Tel: 01476 406104 Email: n.goddard@southkesteven.gov.uk

Agenda Item 8

GOING LOCAL: INVESTIGATIONS AND HEARINGS

GUIDANCE DVD BY THE STANDARDS BOARD FOR ENGLAND

SUMMARY OF LEARNING POINTS:

1. Avoid conflicts of interest
 - Delegate
 - Outsource
 - Make reciprocal arrangements
2. Plan the investigation
 - Allegation
 - Issues
 - Information sources
 - Resources and targets
3. Plan the interview
 - Questions
 - Documents needed
 - Introductory statement
4. During the interview
 - Explain the interview process
 - Respond to concerns
 - Establish a rapport
5. The right questions
 - Open or closed
 - Avoid ambiguous or hypothetical
 - Do not ask leading questions
6. Good interview practice
 - Give interviewees documents in advance
 - Summarise
 - Ask them to confirm
7. The Monitoring Officer's report
 - Code broken: committee holds hearing
 - Code not broken, and:
 - Committee agrees – matter closed
 - Committee disagrees – hold hearing

8. The pre-hearing process

- Ensures smooth running
- Informs all parties of details
- Helps determine length of hearing
- Deals with case management issues

9. The pre-hearing summary

- Date, time and venue
- Summary of allegation
- Witnesses
- Hearing procedures

10. The pre-hearing summary

- Subject matter/representative
- Disputed facts
- Requests for private hearing

11. The panel

- Three or five members
- Independent chair
- Parish representative

12. The chair of the hearing

- Introduce everyone
- Outline procedure
- Ask interests to be declared

13. The three stages of a hearing

- Establish facts
- Decide if the Code of Conduct has been breached
- Consider sanctions

14. The independent legal advisor

- Advise the Standards Committee
- Ensure fair procedure
- Ensure the subject member understands

15. The investigator or their representative

- Present findings
- Explain reasoning
- Answer questions

16. Was the Code of Conduct broken?

- Subject member and investigator both allowed to present their views
- Committee decides

17. Code of Conduct broken

- Investigator can comment on possible sanctions
- Subject member can comment on possible sanctions

18. Sanctions

- Censure
- Restrict access to resources
- Suspend or partly suspend for three months
- Training
- Conciliation
- Written apology

19. Decisions

- Short written decision on the day
- Full written decision within two weeks
- Send full decision to:
 - subject member
 - complainant
 - Monitoring Officer

20. Local paper

- Publish summary of findings
- If there is no breach and the member objects, don't publish

21. Appeal

- In writing
- The President of the Adjudication Panel for England
- Within 21 days



COUNTY OFFICES
NEWLAND • LINCOLN

LINCOLNSHIRE COUNTY COUNCIL

MEMBERS' ROOM

County Offices, Newland, Lincoln LN1 1YL
Telephone (01522) 552222

Agenda Item 9

13 January 2006

Dear Fellow Chairmen,

Re: Training Event -20 March 2006- "Mediation and Member Standards"

This is a personal invitation to you and members of your Committee, together with your Monitoring Officer, to attend a training event to be held at County Offices, Newland, Lincoln on Monday 20 March 2006 at 2pm-5pm. There will also be a buffet lunch from 12.30pm.

The subject of the training will be- "Mediation and Member Standards". The focus of the training will be on the role and importance of mediation for standards committees when handling complaints against both elected and co-opted members in the context of forthcoming significant changes to the standards regime. The event will also help members appreciate what mediation is and how it works. It is intended that part of the training will be a role play scenario based on a real case.

The training will be facilitated by Jonathan Goolden, Solicitor, who has wide experience of working with members of public authorities. Jonathan is also a trained mediator. In addition, it is hoped that Jonathan will be joined by Marilyn McCarron. Marilyn is another experienced mediator and, like Jonathan, is a former monitoring officer.

It is envisaged that this training session will last until around 4.30pm.

Following that session, I would also like to take the opportunity of discussing with you two other matters. Firstly, the question of joint training sessions (covering for example changes to the Member Code of Conduct, local determinations etc.). Secondly, the setting up of a local standards forum for Lincolnshire. The aim would be to meet perhaps twice a year to consider items of mutual interest relating to member standards and the ethical agenda in local government generally. Hopefully, such a forum would be a useful means of considering real cases and issues that have arisen in our own authorities, as well as the latest and best (or most useful!) practice and guidance, to the benefit of us all.

Please therefore let me know at your earliest convenience whether you, and your fellow Committee members and Monitoring Officer, are able to attend this event and also any initial views you may have on the proposals regarding training and a county-wide forum as set out above.

I look forward to hearing from you.

Yours Sincerely,

A handwritten signature in cursive script, appearing to read "David Ronald".

Col David Ronald,
Chairman of Lincolnshire County Council Standards Committee.