

TO HIGHER STANDARDS



Annual Review



In terms of selfless public service and ethical conduct, local government has a lot to be proud of. But, in the modern world, the high standards on which the future well-being of local government depends can't be left to maintain themselves. They need to be consciously upheld. They need to be jealously guarded. And sometimes they need to be fought for.

In this review of 2006-07, we report on the changes to the ethical system which are putting responsibility for upholding standards firmly where it belongs; at the heart of every local authority's culture. And we explain how, at the Standards Board for England, we've continued to develop our new role as a strategic regulator, in order to support and guide those in local government on their journey to achieving even higher standards.

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Moving to our new role

Foreword from the Chair and Chief Executive

In last year's review, we talked about change and devolution, as the process got underway to put ownership of the standards agenda in the hands of local government. 12 months on, we can report good progress on all fronts. The changes in the ethical framework, and the role of the Standards Board within it, started to gather pace during 2006-07, as we began our relocation to Manchester.

At the heart of developing the new system

As we write, at the end of an eventful year, new arrangements for local government are rapidly taking shape. The revised Code of Conduct has come into effect – providing greater clarity about the role of councillors and removing many of the restrictions that have sometimes made it difficult for them to speak up for their communities effectively. And the Local Government and Public Involvement in Health Bill, which will allow local standards committees to take charge of ensuring that the Code is upheld, is on course to become law by autumn 2007.

We welcome these developments, having always believed that standards can most effectively be championed by those most closely involved, at a local level; and that the main role of the Standards Board should be that of a light touch strategic regulator. We believe that a locally based approach will help embed high standards of ethical conduct in each authority, and increase the public's trust in their locally elected representatives.

So we're pleased that we've remained right at the heart of the process involved in developing the new system, working closely with the Department for Communities and Local Government and local government itself to ensure that the new lighter touch Code will be as clear and workable as possible. We have also been developing the materials and resources that will enable us to provide local authorities with the help and guidance they need to fulfil their own increased responsibilities.



07 TOWARDS Manchester

Case Study >

Drunken abuse referred for local investigation

In August 2006, we received a complaint from Councillor Diane Curran that Councillor Derek Southworth of Torpoint Council had been very drunk and abusive towards her at the Torpoint civic parade.

From our initial investigation, it appeared there was a personal difference between the two councillors. But, given that Councillor Southworth's comments were made in his official capacity at a civic function, we believed there was a potential breach of the Code of Conduct. We referred the matter for local investigation.

With our support and guidance, Caradon District Council's standards committee successfully completed the investigation in January 2007, finding that Councillor Southworth had failed to treat Councillor Curran with respect and had brought his office into disrepute. He was banned for two months and required to apologise to the complainant in writing.

06 Moving to our new role

Getting it right locally

While the new locally based ethical system is not yet completely in place, it's important to stress that a great deal of progress has already been made.

The move to local investigation of complaints is continuing, with over half of all cases that needed to be investigated handled by local authorities in 2006-07. And, from research we carried out during the year, a generally positive picture emerges of how local authorities are responding to the changes taking place.

Overall, there is a wide consensus that standards of conduct have improved since the Standards Board was established. Most encouragingly, we see strong evidence that local authorities – from chief executives and political leaders to standards committees and monitoring officers – are embracing their new role as champions of high standards, and gaining confidence in their ability to play it effectively.

But there's still a long way to go. As you will see later in the review, our research also highlighted the fact that many local authorities are very conscious that their workload will increase under the new system; and, more generally, our findings strongly underlined the need for the Standards Board to continue to provide guidance and support, as well as dealing with the most complicated cases or those that raise special issues. (You'll find details of some of the cases we investigated in the last year throughout this review.)



More local investigations



Moving north

Heading north to higher standards

We're pleased to say that, as was the case last year, the facts and figures show that the Standards Board has been doing its job effectively. Despite a challenging and eventful year, we have met our most important targets, including:


- 100% of telephone enquiries having received a substantive response within two working days (excluding case-related issues).
- 91% of correspondence having received a substantive response within five working days of receipt (excluding case-related issues).
- An average of nine days from receipt of allegation to notification.
- 90% of cases referred for investigation completed within six months.

From our research, we also have evidence that the increasing number of cases investigated at local level are being dealt with effectively.

As the journey towards local ownership of the standards agenda has continued, we have been on the move: in June 2006, we completed the first phase of our relocation to Manchester. Our policy and guidance department led the way, and were followed northwards by

the rest of our team over the course of the year. The relocation was completed in April 2007 – with a minimum of disruption to the work of the Standards Board. We support the government's policy of relocating national bodies from London, and have achieved positive benefits for the organisation in terms of high quality recruitment and lower property costs. You'll find our new contact details on the back cover of this review.

During the year, Board members John Bowers QC, Professor Alan Doig, Margaret Pratt and Paul Sabapathy CBE came to the end of their terms of office. All had served since the Standards Board's formation in 2001, and made a very valuable contribution to our gradually improving performance over the last six years. We thank them warmly, and will miss their considered expertise. In their place, we welcome four new members: Councillors Shirley Flint, Beatrice Fraenkel, Mehboob Khan and Sir Ron Watson. Between them, they bring us a wealth of new expertise across a range of important issues for local government, including health, housing, urban regeneration and the environment.

 **“My own role as Chair should also have finished this year, six years having elapsed since my appointment. I have been asked by the minister to stay on until 30 June 2008 in order to see fully in place the new Code, the new legislation and our move to Manchester. And this I have agreed to.” Sir Anthony Holland**

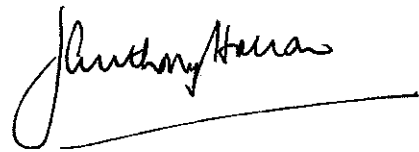
Moving forward together

In summary, it's been a year of real progress, as the vision of a truly local approach to upholding ethical standards has started to become reality.


But, of course, there's no room for complacency; and we believe the continued success of this devolutionary process will depend on the quality of the partnership between local authorities and the Standards Board, and the willingness of both sides to play their complementary roles with energy and enthusiasm. We need a culture of high standards in every authority in the country; accepted as the norm, and as a part of our political culture.

If they really embrace the new system, local authorities have the opportunity to reinforce their position as leaders in standards of conduct, setting an example to other bodies they work with and to the community at large. Meanwhile, as we evolve into a strategic regulator, we will be better able to provide the independent monitoring and oversight that are essential for the public to feel confident that the highest possible standards are being maintained.

Sir Anthony Holland, Chair



David Prince, Chief Executive



Our Year in Brief

- **Majority of our recommendations implemented by government leading to introduction of improved, less restrictive Code of Conduct in May 2007.**
- **Role of the Standards Board as light touch regulator clearly defined by new local government bill.**
- **Over half of all investigations dealt with by local authorities, with improved support available from the Standards Board.**
- **Continued improvement in speed and efficiency of our service, with major key performance indicators achieved.**
- **Annual Assembly of Standards Committees sold out, with 797 delegates in attendance, and an overall satisfaction rate of 91%.**
- **The Standards Board move to Manchester successfully completed.**

Our Strategic Role

Within the new more locally driven conduct framework, the Standards Board will continue to:

- Oversee the Code of Conduct and make recommendations for change to government where necessary.

- Issue guidance.

- Carry out investigations that cannot be undertaken locally.

- Give advice and support on case handling and broader governance issues.

But there are two key ways in which we will develop our role as a light touch, strategic regulator.

Defining the Framework

As well as continuing to champion and promote high standards, we will take responsibility for defining what people can expect the standards regime to deliver, including the roles of monitoring officers and standards committees.

Encouraging Local Self-Regulation

Under the new standards framework, the emphasis will be on self-regulation, with local government being encouraged to resolve their own problems, with support from the Standards Board. We will be putting monitoring arrangements in place to ensure that the local system is operating effectively, and we will only consider withdrawing local case handling where there is clear evidence of local failure. It's important to stress that we will be light touch – and that in our new role, we will not be adding significantly to the burden of regulation on authorities.

A strong ethical environment is a key component of good governance, which is widely perceived as being essential in ensuring sustainable and effective performance in local authorities.

Faster, more effective, more local

So how, in terms of hard facts and figures, did the Standards Board perform last year? Pretty well, as you can see. Most notably we provided a significantly faster response to allegations received and referred many more cases for local investigation. The process of devolution we talked about last year is rapidly becoming reality.

New readers start here

The Standards Board for England was established by the Local Government Act 2000, to help build confidence in local democracy by overseeing the Code of Conduct – a set of rules that all members of local authorities must follow when elected or appointed.

As you have read, this Code has recently been revised, and our role in overseeing it is evolving. But, in the broadest terms, the job we were originally set up to do remains unchanged. The Standards Board exists to promote high standards of ethical behaviour; to give guidance to local standards committees and monitoring officers, to help them carry out their work fairly and effectively; and to receive and investigate complaints of misconduct, referring cases locally whenever possible.

In total, 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
- seven national park authorities
- six 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

To find out more about who we are, please turn to page 26, where you'll find information about our Chair, Deputy Chair and Board members.

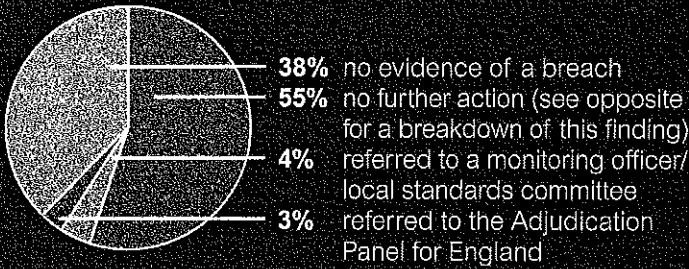
3,549 allegations received

62% of allegations from members of the public

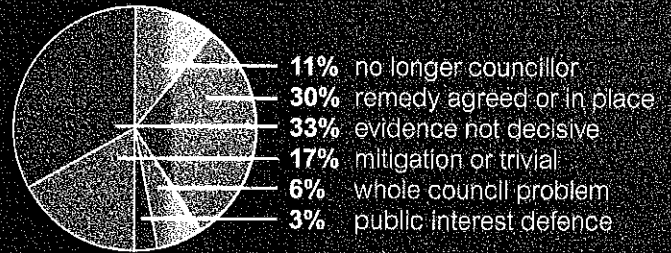
19% of allegations referred for investigation

Nine days to decide whether to refer a complaint for investigation

Final findings in investigations by the Standards Board's ethical standards officers



Breakdown of findings of 'no further action'



When no further action is the right action

When we complete an investigation, one of the options we have is to decide that no action is required in relation to the subject of the complaint. This may appear to be a negative outcome; but, on the contrary, it can often be seen as a tribute to the effectiveness of the Code of Conduct and its enforcement. Because, in many cases, the reason why we decide to take no further action is that the necessary remedial steps have already been taken; for example, apologies have been made or registration of interests completed.

Adjudication Panel for England determinations 2006-07

37 cases went to the independent Adjudication Panel for England in 2006-07. We believe that the significant drop in cases in which the Adjudication Panel needed to impose substantial sanctions against councillors is a sign of increased certainty about, and acceptance of, what constitutes high ethical standards. There are three cases that were referred to the Adjudication Panel in 2006-07 that are yet to be heard.

- 26% no sanction
- 26% no breach
- 11% disqualified for 15 months to five years
- 16% suspended for up to a year
- 21% disqualified for up to a year

Standards Committee determinations 2006-07 following investigations by the Standards Board's ethical standards officers

- 39% suspension (including training and/or apology)
- 8% no breach
- 8% training
- 15% partial suspension (including training and/or apology and/or censure)
- 15% censure and training
- 15% apology and training

Cases referred for local investigation 2006-07

Out of a total of 636 complaints referred to the Standards Board's ethical standards officers.

- 38% cases retained by ethical standards officers
- 55% cases referred for local investigation
- 7% directions issued (see page 14 to find out more about directions)

Our full audited accounts will be included in our Annual Report which will be laid before Parliament in autumn 2007, and available from our website shortly afterwards.



A framework for local champions

By the time you read this, the revised Code of Conduct will have come into effect, following a period of extensive consultation. And the Local Government and Public Involvement in Health Bill is on course to become law by autumn 2007. Together, these developments will create the framework for local authorities to take the major responsibility for upholding ethical standards into their own hands, and for the Standards Board to play the role of strategic regulator that we have always believed should be our main function.

A Code for more effective representation

Since its introduction in 2001, the Code of Conduct has played a valuable role in raising ethical standards. But, at the same time, it has been criticised on a number of grounds, notably for lacking clarity in certain respects and restricting councillors' ability to represent their communities.

The Standards Board was charged with leading a major review of the Code, which started in 2005 with our own extensive consultation process. Our recommendations, drawn from the consultation, were nearly all accepted by the government. In January 2007, the government released a draft revised Code of Conduct for public consultation, which finished in March 2007.

Broadly speaking, the new lighter and less restrictive Code is what we asked for, offering greater scope for councillors as community advocates, acting on behalf of the people who elected them and representing local concerns, while avoiding the pitfalls of confusion or excessive caution.

More specifically, it clarifies and liberalises rules about declaring interests; deals with the right to reveal confidential information in the public interest; and directly addresses bullying.

For all these reasons, we believe that the revised Code will enable councillors to represent their communities more effectively, and be good for local democracy.

For a more detailed account of how it has changed, please see our guidance 'The Code of Conduct: Guide for members', available from our website at www.standardsboard.gov.uk

A bill for local government

The Local Government and Public Involvement in Health Bill will make standards a truly local issue, reversing the centralism of the original Local Government Act 2000.

The key provision, from our point of view, is that local standards committees will be handed responsibility for receiving complaints and deciding whether they should be investigated.

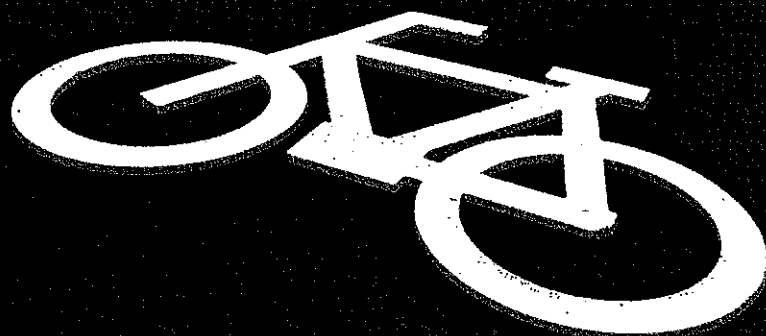
This, in turn, will clarify the Standards Board's new role as a strategic regulator, with the responsibility to monitor and promote standards, and to support and oversee local authorities in their application of the Code. Only cases that can't be handled locally, because of conflicts of interest or because they raise issues of particular importance, will be dealt with by us. This builds on the trend which, in 2006-07, saw over half of all cases investigated locally.

The bill in brief

Main provisions of the Local Government and Public Involvement in Health Bill that relate to our work include:

- Standards committees to be responsible for receiving allegations and deciding whether any action needs to be taken.
- Standards committees must be chaired by an independent member.
- Standards committees to report periodically to the Standards Board.
- The Code of Conduct to cover private conduct where it constitutes a criminal offence for which the member has been convicted.
- Standards committees to be allowed to enter into joint working arrangements with other standards committees.
- The Standards Board to be responsible for monitoring and ensuring the effectiveness of local arrangements, including supporting authorities which are experiencing difficulties and driving up their performance.

To find out more about the bill, please visit the Bills & Legislation section at www.parliament.uk/business



14 A framework for local champions

Alternatives to ordering an investigation

We're very keen to ensure that our response to the complaints we receive is appropriate and not wasteful of public money. And sometimes, we take the view that a complaint does not need to be investigated, either by the Standards Board or at local level.

In such cases, our ethical standards officers have the option of issuing monitoring officers with directions to take action to solve local problems. This might, for example, involve training for the whole council; guidance on proper procedures; or mediation between opposing factions. The aim, whatever the specific circumstances, is to help the council improve its own effectiveness and conduct, at a far lower cost in time and money than an investigation.

Usually, as in the following example, we issue directions in situations where we believe a case has broad relevance for the governance of an authority, and is not just about the misconduct of a particular member.

Issuing directions: A case in point

Last year, we received a complaint alleging that a number of councillors on Bath and North East Somerset Council had failed to complete the section in the members' register of interests that relates to any house, other property or land that they owned within the council's area.

One of our ethical standards officers looked into the complaint and concluded that there was a possible breach of the Code of Conduct's provisions on the declaration of beneficial interests. She then wrote to the council's monitoring officer, directing that all the councillors should be required to complete the relevant register of financial and other interests, fully and accurately. The matter was resolved and no investigation was necessary.

Increasing confidence, together

So, with the revised Code in place and the bill soon to become law, members will have the platform on which to prove themselves leaders in ethical standards, further increasing confidence in local democracy.

But we're well aware that this is not just an opportunity, but also a challenge: to fulfil their new, wider and more demanding responsibilities successfully, standards committees will need access to high quality support and guidance.

The Standards Board will be on hand to provide this support. Currently, we're putting the finishing touches to a programme of training and guidance materials and activities for standards committees and monitoring officers. This includes:

- **A guide for members to the revised Code:** now available on our website and in booklet form.
- **A summer series of roadshows:** hosted across the country, in 11 cities, during June 2007 – a chance to focus on the implementation of the new Code, and discuss any concerns about dealing with complaints.
- **A new DVD:** bringing to life revisions to the Code, using dramatised scenarios; available in July 2007.

There is also our Annual Assembly on 15-16 October 2007 at the International Convention Centre in Birmingham. We've titled it 'Down to Detail: Making local regulation work' – which will give you a pretty clear idea of the agenda. We'll be putting the entire process of dealing with complaints locally under the microscope, from looking at the local filter process to discussing how best to engage senior executives and political leaders.

This is an unmissable event for standards committees determined to make local regulation work. We expect to fill every place, as last year's assembly sold out two months in advance; to find out more visit www.annualassembly.co.uk

For more information on any aspect of our commitment to helping local authorities maintain the highest standards, please visit our website www.standardsboard.gov.uk or contact our enquiries line on 0845 078 8181.

Case Study >

Former mayor disqualified for improper conduct

Councillor Anthony Prior, the former Mayor of Chard Town Council and a member of South Somerset District Council, was disqualified for nine months in June 2006, for improper conduct towards the town clerk.

The Adjudication Panel for England tribunal heard that Councillor Prior had inappropriately asked the clerk to go on holiday with him, offering her £500 as a present if she declined. He later issued her with a written warning when he found out that she had written a grievance letter to the Standards Board, and also issued a press release in which he made an unjustified attack on her and published her home phone number.

The tribunal found that Councillor Prior's behaviour was disrespectful to the clerk, and brought his office into disrepute. But not all the complaints against him were upheld, as the tribunal accepted that on some occasions he was motivated by genuine concerns over the clerk's performance.

The decision helps to clarify the distinction between legitimate criticism of council officers and inappropriate conduct. Members should, of course, have the right to challenge officers, within the Code; but performance issues should always be addressed in accordance with the authority's procedures, in an appropriate way, and in the proper forum.

VIEW POINT

Case Study >

Councillor banned twice over

Councillor Christopher Jarvis of Hull City Council received two separate disqualifications, of 15 months and 12 months, after being investigated by the Standards Board for allegedly failing to comply with the Code of Conduct. In the first case, the Adjudication Panel for England found that Mr Jarvis had brought his office into disrepute by failing to declare a personal and prejudicial interest when funding of a community centre, of which he was the leaseholder, was discussed. In the second, he was found to have broken the Code by repeatedly behaving in an aggressively disruptive, vindictive and abusive manner in dealings with other councillors.

Ethics in action: Finding out what works

Over the last two years, we've commissioned a number of research projects. These have given us a greatly increased understanding of the ethical environment as it is today, in local government – and of the challenges we face, in terms of raising standards, under the new framework. We now have a much clearer picture of what works; and of what the Standards Board can do to help local authorities make things work better.

One year, four completed research projects

During 2006-07, four major research studies were completed, from which the findings we discuss in the following pages are drawn. The first looked at components of an ethical environment; that's to say, the conditions that need to be created locally in order for high ethical standards to be maintained. The second focused on the role of the Standards Board; how it is perceived by members, and what they want from us. The third provided us with a national snapshot of how local standards committees and monitoring officers are performing, and how they are adapting to their changing roles. The fourth was an investigation of stakeholders' perceptions of the culture and values of the Standards Board.

Standards committees: Lapdog, watchdog or guide dog?

Generally, standards committees around the country say they are adapting well to their new role, and feel confident that, with the right support, they will be able to cope with their increased workload. There is widespread belief in local government that standards committees are effective in promoting an ethical environment, and confidence in their impartiality.

A useful analogy drawn from one of our studies suggests there are three broad types of standards committees. A lapdog committee is ineffective, often due to lack of resources or political interference. A watchdog committee fulfils the statutory role, keeping an eye on member conduct and overseeing operation of the Code. But a guide dog committee goes further, seeing itself not just as a regulatory body, but as a champion of ethical conduct, responsible for helping and supporting members in raising standards.

Encouragingly, there's evidence of an increasing number of guide dogs out there, as more committees show a willingness to tackle the more demanding role. A key factor in achieving the highest standards of conduct will be the creation of mature and constructive relationships, in which elected and independent members genuinely work together to achieve the common goal of putting in place and monitoring a robust local ethical framework.

Monitoring the views of monitoring officers

Monitoring officers, too, seem generally positive about their changing role. From our national snapshot study, we hear that the vast majority feel that they have good working relationships with their standards committees, and are well supported by their chief executives.

But here again, a theme that emerges very clearly is the need for support and guidance from the Standards Board, as the new system comes into operation. Less than half of all monitoring officers agree that they are confident they are fully prepared for the changes in their role. We urge leaders and chief executives to ensure that monitoring officers are properly resourced and supported in carrying out these difficult and demanding responsibilities – and so have confidence in the quality and robustness of the advice that they give to underpin effective democracy.

Finding out what members need from us

And, broadly, the same applies at every level: council leaders and standards committees, as well as monitoring officers, all expressed some concern about the greater responsibility and increased workload that they will face under the new regime.

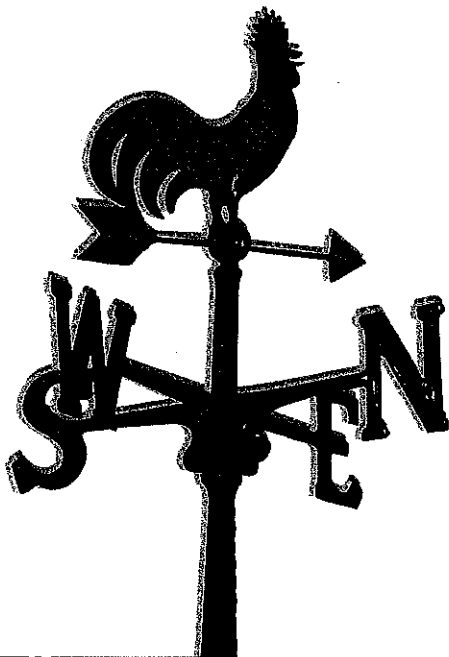
From our research during the last year, we're also aware of a number of more specific issues that will need to be addressed; for example, the potential difficulty of recruiting independent members capable of chairing standards committees, as will be required by the changes to the framework; and the potentially negative impact of local investigations on the relationships between standards committees, monitoring officers and elected members. The challenge here is to learn from experience, and to put in place preventative measures for the future.

In areas such as these, the Standards Board will clearly have a lot of work to do. But, generally, we're very pleased that members are adapting well to the new locally based system; that the value of championing high standards is increasingly recognised; and that the role of the Standards Board, in providing support and guidance, is widely understood.

You can be confident that we'll continue to play that role with energy and commitment.

Leadership is important, too

One further general point strongly underlined by our research concerns the importance of leadership in creating and maintaining a healthy ethical climate. There's a broad consensus that political leaders in particular, along with chief executives, have a vital role to play in this respect; and the majority of interviewees in leadership positions were happy to take responsibility for setting standards.



A generally positive picture: Key findings

The following are some of the key findings from research studies completed in 2006-07. For more details, please see our website.

→ Importance of high standards of conduct

80% of respondents (including members and officers) believe that high standards of behaviour for members is one of the most important issues facing local government.

→ A high level of support for the Code of Conduct

93% of respondents (members and officers) support the requirement for members to sign a Code of Conduct.

→ Improved ethical behaviour

44% of respondents (members and officers) believe that standards of ethical conduct in local authorities have improved over the last few years, compared to 27% in 2004. 81% of monitoring officers and 63% of standards committee members believe that they have had a positive impact on the behaviour of members.

→ Positive impacts of local investigations

In authorities where a local investigation has taken place, 69% of monitoring officers report positive impacts of local investigations, including raised awareness of the standards committee and Code within the authority, raised public awareness of the Code, and making the authority more transparent and open.

→ Positive impacts of local hearings

In authorities where a local hearing has taken place, 89% of standards committee members report a positive impact of local hearings, including raised awareness of the standards committee and Code of Conduct, a reinforcement of the Code and improved ethical behaviour.

→ High levels of support for monitoring officers

Monitoring officers think they are generally supported by people at a senior level in the authority: 97% of monitoring officers reported a good working relationship with the standards committee; 89% that the chief executive is supportive of them, and 89% that the chief finance officer is supportive of them. 87% of monitoring officers feel their authority values the work they do as a monitoring officer.

→ Good relationships between standards committees and monitoring officers

Standards committee members generally believe that they have a good relationship with their monitoring officer with 91% indicating a good working relationship, and 89% that they receive sufficient support from the monitoring officer.

Partners in raising standards

Since the Standards Board was set up, it has become even clearer that the responsibility for setting and upholding ethical standards needs to be shared as widely as possible. In this review, we've focused on how we are working with local authorities to ensure the success of the new framework; but, over the last year, we have also continued to work in close partnership with other government bodies and external organisations, combining our understanding and expertise with theirs, in pursuit of higher standards.



A new focus on parish councils

If devolution of the system for upholding standards is to be completely successful, we believe it's essential to develop good governance at all levels. That's why during 2006 we submitted a joint bid – with the National Association of Local Councils (NALC), the Society for Local Council Clerks (SLCC), and the Improvement and Development Agency (IDeA) – for funding for two projects aimed at supporting the work of parish and town councils and encouraging high standards.



The first is a peer-mentoring programme, which will match trained councillor mentors with parish and town councils, to share their knowledge and understanding of good practice. We're also developing a model agreement to encourage closer relationships between local councils and the standards committees of their principal local authorities.



Case Study >

Mayor Livingstone, the reporter and the High Court judge

Undoubtedly the highest profile case handled by the Standards Board in 2006-07 concerned Ken Livingstone's brush with an Evening Standard journalist, on leaving a reception at City Hall in February 2005. Confronted by the journalist, who was Jewish, Mr Livingstone made remarks which compared him to a Nazi concentration camp guard.

Normally, we would have referred this case to the Greater London Authority's standards committee, but we believed this wasn't appropriate since the London Assembly had already taken a view on this matter, criticising the mayor. So we took the case to the Adjudication Panel for England, which decided that Mr Livingstone had, contrary to the Code of Conduct, brought his office as Mayor into disrepute and suspended him for four weeks.

Mr Livingstone appealed to the High Court, and Mr Justice Collins, the presiding judge, allowed the appeal and quashed the suspension, on the grounds that Mr Livingstone had not been acting in his official capacity when he spoke to the journalist and that therefore the Code did not apply.

This judgment has significant implications for the interpretation of the Code, and the Standards Board has been working to clarify precisely what these are, issuing guidance to members on how cases should be handled, in view of Judge Collins' decision "between the man and the office".

In the light of the Mayor Livingstone case, the new local government bill includes proposals which will make clear that application of the Code of Conduct is not limited to actions taken in an official capacity, where it involves criminal behaviour which has resulted in a conviction.



Local Authorities

The Standards Board

Partnerships

22 Partners in raising standards

Giving councils the tools to check their ethical health

During 2006-07, we've continued to work in partnership with the Audit Commission and the IDeA on our ethical governance toolkit. This will provide authorities with the diagnostic tools they need to take their ethical temperature and identify where improvements can be made.

We have worked this year to ensure the toolkit reflects the new Code of Conduct, as well as findings from our research into the components of an ethical environment. It is consistent with the new Framework for Good Governance in Local Government from the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE) which we have endorsed, particularly its emphasis on upholding standards of conduct and behaviour as an integrated part of good governance.

Already, a number of authorities have used the toolkit to undertake an ethical governance health check with the support of the IDeA, and more than 4,000 members and officers have completed the Audit Commission's ethical governance survey.

Building the Code into the planning process

The Planning Advisory Service (PAS) is part of the IDeA and aims to promote good practice in the local authority planning sector – working with elected members, chief executives and professional planners.

We've been working closely with the PAS to ensure that the guidance it provides on probity and planning is consistent with the revised Code of Conduct. We've also contributed to the Planning Leadership Academy events run by the PAS for elected members with strategic planning responsibilities.



Making a success of partnerships

One of the key messages in our submission to the Lyons Inquiry into local government concerned a potential pitfall of increased partnership working. We warned of an accountability gap, which could be damaging to public confidence, unless individuals and bodies involved in joint decision-making are seen to operate to a consistent standard of conduct.

The Standards Board will be working to address this issue. We are developing a project with Manchester City Council to explore what appropriate behaviour in partnership working should look like. We aim to arrive at a definition of standards that is both robust and flexible enough to be applied to a wide variety of partnership arrangements.

Initially, the success of the project will be tested regionally, as organisations working with Manchester City Council will be invited to sign up to our draft agreement. Subsequently however, we hope that it will form the basis on which the Standards Board can provide national guidance on shared standards in partnership working.

Case Study >

Councillor accused of predetermined view on planning application

We received a complaint that Councillor Brian Woodrow brought his office or authority into disrepute by taking part in decisions on the development of the King's Cross Central site in Camden, despite having a predetermined view on the issue.

It was alleged that he spoke to The Architects' Journal, expressing concerns about outline planning applications for the site, before they were considered by the council; and that, after the Journal published his comments, he failed to write to the publication explaining that he did not have a predetermined view of the applications. It was also alleged that he improperly discussed the proposed planning applications with a member of staff at English Heritage, which was a statutory consultee on the applications.

The Adjudication Panel for England found that Councillor Woodrow's comments indicated a strong predisposition against the applications, and that he had attempted to win over English Heritage to his way of thinking. The tribunal also found that whilst Councillor Woodrow had a strong disposition against the applications, he could ultimately have been persuadable to an alternative view and therefore did not hold a predetermined view on the applications. This established a clear difference between being predisposed and being predetermined towards a particular view.

The tribunal decided that he had failed to comply with paragraph four of the Code of Conduct in relation to his telephone calls to English Heritage. But he was found not to have contravened the Code in his discussions with The Architects' Journal or by his failure to write to the Journal.

Taking a number of factors into account, including Councillor Woodrow's many years of distinguished service on the Council, the tribunal decided that no sanction should be imposed on him.

Guiding the way to higher standards

We hope that this review has given you a clear and accurate picture of the progress that's been made during 2006-07 in developing a locally based ethical system, and of the part the Standards Board has played in moving this process forward.



We hope, in particular, that we have struck the right balance between welcoming the positive changes that have continued to take place over the last 12 months, and recognising the scale of the challenge that local authorities still face. As we started by saying, rigorously upholding high standards is not a task for the faint-hearted.

Most of all, we hope that we have clearly communicated our determination to continue providing members with all the support and guidance they need, as they adapt to their new role as local champions of ethical standards in 2007-08 and beyond.

HIGHER STANDARDS