

# Bulletin

Bulletin 13 2003



In welcoming you to this issue of the Bulletin, I want to take the opportunity to introduce myself. Having played a significant role in the inauguration of The Standards Board for England and seen it through its first full year of operation, Allan Cairns has decided to step down as Chief Executive. The Board is starting the search for a replacement, but in the meantime I am standing in. My background is very much in local government, and I believe it is important that The Standards Board for England provides a service that benefits everyone. To this end, I will be working with colleagues to find ways in which we can continuously consider and improve what we do and how we do it. I am looking forward to telling you about the progress and results of these initiatives over the coming months.

John Edwards, Interim Chief Executive

## **Time-limit for Standards Committee hearings**

Some Monitoring Officers have raised concerns about the three-month period within which Standards Committees must hear a case that has been referred for determination by an Ethical Standards Officer.

Our interpretation of the regulations is that hearings should be completed within three months. However, there may be occasions when delays beyond this time-limit are unavoidable – for instance, if the member who is the subject of the allegation suddenly falls ill. In such cases, the Standards Committee may arrange for the hearing to be held at a later date. The Standards Committee does not lose jurisdiction after three months, and there would only be scope for a legal challenge or judicial review in the case of an unreasonable delay.

## **Research update**

Many thanks to all those who completed the questionnaire for our research project 'Satisfaction with support and guidance'. This research should be completed in December 2003.

The University of Teesside will be sending a questionnaire to all Monitoring Officers in October as part of our further research project 'Supporting Monitoring Officers'. This year-long project will analyse the role of Monitoring Officers in the ethical framework. It should improve our understanding of Monitoring Officers' responsibilities, resources and status within their authorities and help to ensure that our future guidance meets their needs.

We will be including some of the interim findings of these projects in future bulletins.

Further information on the research projects can be obtained from Gary Hickey at The Standards Board for England on 020 7378 5087 or at [gary.hickey@standardsboard.co.uk](mailto:gary.hickey@standardsboard.co.uk)

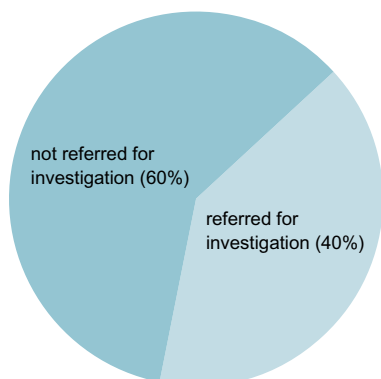
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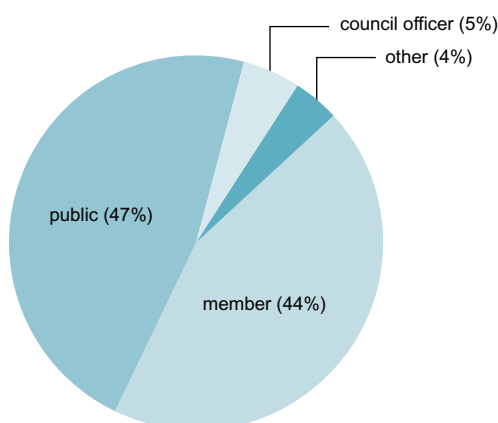
## Referral statistics

The Standards Board for England received 273 allegations in August 2003, bringing the total number of allegations between 1 April 2003 and 31 August 2003 to 1419.

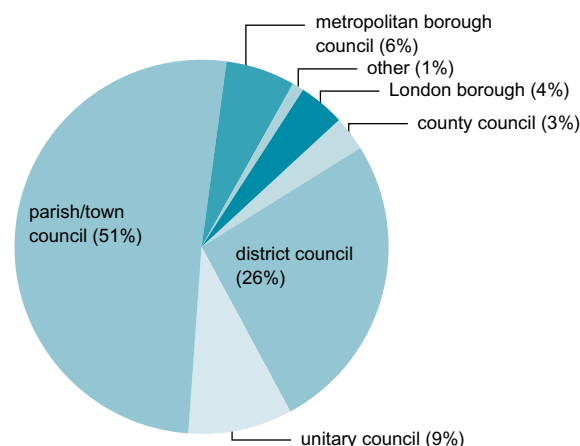
### Allegations referred for investigation between 1 April 2003 and 31 August 2003



### Source of allegations between 1 April 2003 and 31 August 2003



### Allegations received by type of authority between 1 April 2003 and 31 August 2003



## FAQ

### Do members who serve at both district and county level have an interest in debates over recommendations or referendums for regional reorganisation?

All county councillors who also sit as district councillors will have a personal interest in a matter relating to proposals for potential regional reorganisation, as it relates to a registrable interest (i.e. their membership of another relevant authority).

Each of these members will have to consider whether that interest is also prejudicial. Where members have prejudicial interests it is likely that, in most cases, they will be able to rely on the provisions of Paragraph 10(2) of the Code of Conduct.

However, Paragraph 10(2) of the Code only states that a member "may regard himself as not having a prejudicial interest" (our emphasis) in these cases. Members need to consider the specific circumstances

to decide whether there are additional factors beyond their membership of the district council that may make it inappropriate for them to rely on this Paragraph.

**When a member is disqualified by a case tribunal of the Adjudication Panel for England, should the authority immediately fill the vacancy?**

Section 87 of the *Local Government Act 1972* provides that no vacancy arises until the member concerned has had an opportunity to exercise their right of appeal.

In practical terms, an authority should not take any steps to fill the vacancy created by the councillor's disqualification until:

- 28 days have elapsed from the date of the tribunal's decision and no appeal has been made to the High Court; or
- if a councillor does appeal to the High Court within 28 days of the tribunal's decision, that appeal is disposed of, abandoned or fails by reason of non-prosecution.