

TOWN AND PARISH STANDARD

ISSUE 4

FEBRUARY 2009



Welcome

I am pleased to introduce this special edition of our *Town and Parish Standard* newsletter, which is also

being distributed to those attending the National Association of Local Councils (NALC) regional conferences.

At the Standards Board, we aim to champion and promote high standards of member conduct across local government, including town and parish councils. As our regular readers will know, in 2008 we oversaw the introduction of a revised standards framework, which led to the local assessment of complaints. This means that local authority standards committees now assess, refer, investigate and hear allegations of member misconduct. We assist authorities in this work by providing support and guidance. We also investigate cases that are inappropriate for authorities to deal with themselves.

We are sponsoring a number of NALC conferences being held across the country that give us the opportunity to talk about our work. If you are attending these, please do not hesitate to speak with one of our representatives. You can also go to one of our workshop sessions which will introduce you to the local assessment process. We hope you find these sessions informative and useful.

In this edition, we take the opportunity to examine in detail changes to legislation that affect notification requirements. The revised standards framework means that standards committees must now notify parish councils of certain information at various stages of the case handling process. We look at the purpose of these notifications, the legal obligations they carry and the procedures that parish councils should adopt with regards to them.

We also provide an update on a consultation held by the department for Communities and Local Government on the

Code of Conduct, which sets out rules for governing the behaviour of members. There are three main areas for consultation.

Finally, Kirsty Cole, Strategic Director (Corporate Services) Newark and Sherwood District Council, contributes her thoughts on governance issues that have occurred as a result of growth in the parish sector.

Whether you are a regular reader or you are attending one of the NALC conferences and meeting us for the first time, please visit our website to find out more about the revised standards framework.

Alternatively, if you would like any information on these issues or on the Code of Conduct, please call our enquiries line to speak to one of our advisers.

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Notifications to parish councils concerning complaints

Background

When a standards committee is considering a parish complaint, it is required to notify the parish council of certain information at various stages of the case handling process. This is as a result of changes to the standards framework in 2008. Each complaint will raise different issues and some will be of a more sensitive, confidential or private nature than others.

Purpose of notifications

The notifications serve a number of important and useful purposes. For instance, if your council is provided with a notice at the early stages of a complaint, you will then know if you need to provide further evidence or preserve evidence in relation to a particular complaint.

Parish councils will also know if they need to make appropriate arrangements, between a member and an employee, where the complaint has been made by the employee.

Legal issues

Your council needs to consider what it can lawfully do with any notifications it receives. There will be various legal obligations, both statutory and non-statutory, which will determine how you can deal with them. These range from obligations under the general law, such as confidentiality, to statutory obligations under the Human Rights Act 2000, Data Protection Act 1998 and Freedom of Information Act 2000. You also have to comply with statutory provisions regarding public access to information in agendas, minutes and meetings.

Notification procedures and liaison

We recommend that you adopt procedures for notifications as part of your rules, constitution or scheme of delegation. This will make it clear from the onset how you will deal with notifications. Any procedures should take into account the nature of the complaint and content of the notification.

The following information should be set out in the procedures:

- Who should deal with and be informed of such notifications when they are received.
- Whether they should be included on a meeting agenda.
- If the notification is included as an agenda item, whether this should be dealt with in the public or private part of the meeting.
- The procedures should take into account who will deal with providing further evidence or information needed by standards committees in respect of a complaint.

The clerk should notify monitoring officers of the notification procedures which have been implemented by your council. This will set out the limits imposed on the clerk or the chair on the kind of information they are able to receive in relation to a complaint.

We additionally recommend that parish councils and standards committees consider putting protocols or arrangements in place which deal with:

- access to information
- sharing of information
- how various legal obligations are met including those under the Freedom of Information Act or Data Protection Act

Parish council representatives on standards committees could play a key role in developing such procedures.

Having appropriate arrangements in place will ensure that the rights of all concerned in a complaint will be considered. They will also ensure that complaints are dealt with lawfully, effectively and fairly, and will identify only those who need to know or are entitled to know certain information at the various stages of a complaint.

Getting governance right

by Kirsty Cole, Strategic Director (Corporate Services),
Newark & Sherwood District Council.

In November 2008, Communities and Local Government Secretary of State Hazel Blears outlined plans to encourage the creation of new town and parish councils.

NALC was allocated £750,000 to support the parish sector, highlighting the sector's growing reputation.

This is all good. However, if town and parish councils are to embrace new opportunities, they must ensure that they have robust governance arrangements in place.

While the majority of parish councils operate effectively, there are still those who are experiencing problems. In the six months since the introduction of the local regime, a number of common issues affecting such councils have emerged:

- There is a limited understanding of governance issues and the provisions around declaration of interests.
- Allegations of bullying are an issue.
- Basic governance documents such as grievance and disciplinary procedures and even standing orders may not be in place.

So what measures can be introduced to address these issues? You may wish to consider the following:

- The parish council should begin with getting the basics right with up-to-date standing orders and financial regulations.
- A clear complaints procedure will give citizens the opportunity for redress, thus avoiding the opportunity for the Code complaints process to be used inappropriately.

- Training of the clerk and parish councillors on the Code and governance issues will help them follow and understand the system better.
- Capacity can be enhanced by clustering of parishes and sharing an experienced parish clerk could help identify good practice.
- The monitoring officer plays a key role in the local regime. It is possible for the monitoring officer to advise the clerk informally on sensitive issues and issues relating to declarations of interest.
- Early intervention can avoid a matter becoming more formal.
- If a formal complaint is made and an investigation undertaken, the town or parish council needs to consider how it will deal with media enquiries.
- While there may be a detrimental impact on the council's reputation, it is also an ideal opportunity to identify training needs.

In conclusion, town and parish councils are very much in the spotlight. If they rise to the challenge, the future of town and parish councils as the fundamental building blocks of local governance seems assured.



Code of Conduct consultation

Communities and Local Government's consultation on the Code of Conduct closed on 24 December 2008.

The consultation invited opinions on amendments to the current members' Code, as well as exploring the possibility of introducing a code for officers.

The three main areas consulted on were:

- the inclusion of a criminal offence and how this should be defined
- applying the Code when a member is acting in a non-official capacity
- the introduction of an officers' code

The Standards Board supports the principles behind the proposals. In our response, we have suggested some considerations that we believe need to be made in practice before any changes should be carried out.

We strongly support the introduction of a mandatory code of conduct for local government employees, including those that work for parish councils. We believe that parish officers are a key component of local democracy and should be covered by similar requirements as their members.

Our full response can be viewed on our website at:
www.standardsboard.gov.uk/Aboutus/Consultationresponses

Statistics from monitoring returns

Statistics about local case handling and the composition of standards committees are gathered from monitoring officers of principal authorities on a quarterly basis.

These figures cover the period May to December 2008:

Standards committees

- all parish authorities have parish representatives on their standards committee
- the average number of parish representatives is three
- the largest number of parish representatives on one standards committee is eight
- the smallest number of parish representatives on one standards committee is one

- the largest percentage of parish representatives on one standards committee is 75%
- a typical standards committee in a parish authority has 11 members in total

Local case handling

- 2,030 complaints have been recorded on quarterly returns in total, and 1,665 of these relate to authorities with parishes
- 1,028 complaints were in relation to town and parish councillors, although we do not collect information about whether the subject of the complaint was acting in their town or parish capacity
- 3% of the complaints received are from town or parish clerks

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