

STANDARDS COMMITTEE

1 April 2004

LOCAL INVESTIGATION AND DETERMINATION OF COMPLAINTS

Purpose of Report

1. a. To advise the Standards Committee of the issue of draft regulations and guidance on the local investigation of complaints of member misconduct.
- b. To invite the Committee to consider whether it wishes to make any response to the consultation documents issued by the Office of the Deputy Prime Minister [ODPM] and the Standards Board of England [SBE].

Background

2. The ODPM and the SBE are consulting on proposed regulations and guidance which would enable the SBE to refer complaints of member misconduct down to the Council's Monitoring Officer for investigation and report to the Standards Committee for determination.
3. At present, matters can only be referred down for local determination after the SBE's Ethical Standards Officer has completed an investigation and concluded that there has been a breach of the Code of Conduct, and that the matter is of a level of gravity which can be dealt with appropriately within the Standards Committee's maximum sanction of 3 months' suspension.
4. Once the proposed regulations and guidance are in place, it is anticipated that the SBE will refer for local investigation the majority of cases which appear to be appropriate for local determination.

Consultation Papers

5. A copy of the ODPM's consultation paper on the proposed Local Authorities (Code of Conduct)(Local Determination)(Amendment) Regulations 2004 is attached at Appendix A.
6. Annex B of the consultation paper provides a convenient summary of the proposed amendments to the existing regulations.
7. The aim of the proposed amendments is to make provision for monitoring officers to investigate allegations referred to them by ethical standards officers that the code of conduct has been breached. They also provide for standards committees to consider reports made by monitoring officers following these investigations.
8. A copy of the SBE's draft guidance to Monitoring Officers on the local investigation of allegations of member misconduct is attached at Appendix B.
9. The consultation will end on 18th May 2004.

Key issues in the Consultation

10. Peter Keith-Lucas, Solicitor of Wragge & Co. (who delivered the training for standards committee members on the local determination of complaints in Devizes last September) has examined the proposed regulations and guidance in detail and has prepared a useful note of the key issues in the consultation together with suggested responses. A copy is attached at Appendix C.
11. The Committee may wish to use this document as the basis for discussion and any response to the ODPM and SBE.

Implementation

12. The likely date for implementation of the new regulations is not yet known.

Recommendations

13. The Committee is asked:
 - a. to note the proposed amendments to the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 and draft Guidance to Monitoring Officers;

- b. to consider whether it wishes to submit a response to the ODPM and the SBE and to instruct the Monitoring Officer accordingly;
- c. to note that a further report will be made to the Committee on the outcome of the consultation in due course.

STEPHEN GERRARD

MONITORING OFFICER

Unpublished documents relied upon in the preparation of this report: None

Financial implications of this report: None

Environmental implications of this report: None