

<b>TITLE</b>	: <b>PROCEDURES FOR LOCAL INVESTIGATION AND DETERMINATION OF ALLEGATIONS AGAINST COUNCILLORS</b>		
<b>TO / ON</b>	: <b>STANDARDS COMMITTEE</b>	<b>16<sup>TH</sup> JANUARY 2003</b>	
<b>REPORT FROM</b>	: <b>MONITORING OFFICER</b>		
<b>STATUS</b>	: <b>FOR PUBLICATION</b>		

**1.0 TYPE OF DECISION**

1.1 What type of decision is to be taken:-

EXECUTIVE DECISION		COUNCIL DECISION	
Key		Non Key	

1.2 If a key decision, has it been included in the Forward Plan

Inclusion in Forward Plan	N/A	Date of Plan	
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**2.0 SUMMARY**

Standards Committees and Monitoring Officers will soon have new responsibilities for dealing with misconduct allegations when they are made against Council members. This report provides examples of procedures which have been drafted as a means of dealing with allegations against Councillors which have been referred for local determination.

**3.0 OPTIONS AND RECOMMENDED OPTIONS (with reasons)**

1. To note the contents of the report and comment on the approach taken in the examples of the procedures provided.
2. To request the Monitoring Officer to present to a future meeting of the Committee a procedure for dealing with allegations referred for determination by this Authority, once the Regulations referred to under Section 66 of the Local Government Act 2000 have been produced by the Standards Board.

**4.0 THIS REPORT HAS THE FOLLOWING IMPLICATIONS**

<b>Corporate Aims</b>	The establishment of procedures for dealing with allegations against Members referred for determination locally will assist in maintaining and improving public confidence in Council Services ( thus improving the quality of such ).
<b>Policy Framework</b>	The procedure will support the Council’s Code of Conduct which will help support the development and implementation of the Policy Framework.
<b>Statement by Monitoring Officer</b>	The Local Government Act 2000 makes provision for allegations against Councillors to be referred for local investigation by Monitoring Officers and local determination by Standards Committees.
<b>Statement by Director of Finance and E-Government</b>	There are no direct additional staffing costs arising from this report. However, the Monitoring Officer may require the Council to provide such staff and other resources as are in his/her opinion sufficient to allow him/her to perform the duties of their post.
<b>Human Resource IT/Land and Property Implications</b>	There may be a requirement to appoint additional staff. There will also be training requirements.
<b>Wards/Area Boards affected</b>	None
<b>Scrutiny Panel's Interest</b>	None

<b>Consultations</b>	None		
<b>Call-in</b>	N/A		
<b>Briefings</b>	Executive Members/ Chair		Chief Executive

## 5.0 INTRODUCTION

- 5.1 Section 66 of Local Government Act 2000 makes provision for Monitoring Officers of local authorities to carry out investigations into alleged breaches of the Code of Conduct when these are referred on by the Standards Board; and for Standards Committees to consider reports and recommendations by the Monitoring Officer and make determinations and take appropriate action. Regulations made under Section 66 are expected to be laid before Parliament in the Spring ( 2003 ).
- 5.2 This report includes examples of procedures which have been drafted in response to that provision.

## 6.0 BACKGROUND

- 6.1 At its meeting on 3<sup>rd</sup> July 2002, the Committee considered a Consultation Paper from the Office of the Deputy Prime Minister entitled “Conduct of Councils and Local Investigations and determination of Misconduct Allegations.” Comments were invited and regulations are now awaited on the way in which monitoring officers should deal with any matter referred to them by an Ethical Standards Officer.
- 6.2 Although regulations will be forthcoming shortly, it is anticipated that councils will have some flexibility in terms of how monitoring officers carry out investigations and in terms of how Standards Committees carry out hearings into particular cases. To assist in this process, it is advisable for local procedures to be put in place and attached for consideration are two examples. The first is a document based on the Welsh ( Section 73 ) Regulations and the second is a procedure produced by the London Borough of Hackney.
- 6.3 Both procedures provide guidance on how an investigation should be carried out by the Monitoring Officer and how hearings should be conducted and the matter determined and reported. Each seeks to establish an approach that is inquisitorial rather than adversarial.

## 7.0 CONCLUSIONS

- 7.1 It is recommended that a local procedure for investigation and determination of allegations against Councillors is drafted and submitted to a future meeting of the Committee at such time as the Regulations to be drafted by the Standards Board under Section 66 of the Local Government Act 2000 are available.

**J HAMMOND**

## **Monitoring Officer**

### ***Background documents:***

Report to the Standards Committee held on 3<sup>rd</sup> July 2002 entitled “Consultation Paper from the Office of the Deputy Prime Minister – Conduct of Councils and Local Investigation and Determination of Misconduct Allegations.”

### ***For further information on the details of this report, please contact:***

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