

REPORT FOR DECISION

Agenda Item	
----------------	--

MEETING: STANDARDS COMMITTEE

DATE: TUESDAY, 2 MARCH 2004

SUBJECT: CODE OF CONDUCT – LOCAL DETERMINATION OF ALLEGATIONS – RECIPROCAL MONITORING OFFICER ARRANGEMENTS

REPORT FROM: MONITORING OFFICER

CONTACT OFFICER: DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

TYPE OF DECISION: COUNCIL

REPORT STATUS: OPEN

PURPOSE/SUMMARY: To propose reciprocal arrangements with the other Greater Manchester Councils for the provision of Monitoring Officer support in appropriate cases.

OPTIONS AND RECOMMENDED OPTION (with reasons):

It is recommended that:–

The Committee -

- (a) Give approval for the Monitoring Officer and Deputy Monitoring Officer appointed from time to time by each of the other Greater Manchester Councils to investigate or advise the Standards Committee in relation to any allegation referred by the Standards Board or an Ethical Standards Officer for local investigation or determination, by arrangement with the Council's Monitoring Officer or Deputy Monitoring Officer, and that any Officer undertaking such duties for or on behalf of the Council be indemnified to the same extent as an Officer of the Council undertaking similar duties; and
- (b) Authorise the Council's Monitoring Officer and/or Deputy Monitoring Officer to undertake such duties for any of the other Greater Manchester Councils and/or their Standards Committees.

Reasons for Recommendation:-

There are some cases when it is appropriate for other Greater Manchester Councils to provide Monitoring Officer support.

Alternatives Considered:-

To enable the Council's Monitoring Officer or Deputy Monitoring Officer to advise the Council's Standards Committees in all allegations referred by the Standards Board or an Ethical Standards Officer for local investigation or determination, but this would not be appropriate in some cases.

IMPLICATIONS -**Financial Implications and Risk Considerations**

There are no such implications arising from this report.

Corporate Aims/Policy Framework:

Do the proposals accord with the Policy Framework? Yes No

Are there any legal implications? Yes No (see paragraph)

Considered by Monitoring Officer: Yes Comments (None)

Statement by Director of Finance and E-Government:

There are no financial implications arising from this report.

Staffing/ICT/Property:

N/A

Wards Affected:

N/A

Scrutiny Interest:

N/A

TRACKING/PROCESS**DIRECTOR:**

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
Chief Executive	NO	NO	Greater Manchester Councils
Scrutiny Panel	Executive	Committee	Council
NO	NO	YES	NO

1.0 BACKGROUND

- 1.1 As set out in a previous report to the Standards Committee, Regulations have been introduced which provide for certain cases, where a Member is alleged to have contravened the Code of Conduct, to be referred back by the Standards Board (Ethical Standards Officer) for determination by the Standards Committee.

It is also intended that further Regulations will be introduced to provide for certain cases to be referred to the Monitoring Officer for investigation locally.

- 1.2 When a case is determined locally by the Standards Committee, the Monitoring Officer will normally advise the Standards Committee on matters of procedure. However, if the Monitoring Officer is, for example, involved in the case as a witness, or has previously advised the Member or another person involved in the case on matters which are material to the case, it would not be appropriate for the Monitoring Officer also to advise the Committee.

There may also be circumstances where it will not be appropriate for the Deputy Monitoring Officer to advise.

If and when further Regulations are introduced which require the Monitoring Officer, or his or her Deputy or representative, to investigate an allegation and present a case to the Standards Committee for determination, it will clearly again not be appropriate for the Monitoring Officer (or Deputy) also to advise the Committee.

2.0 ISSUES

- 2.1 The Greater Manchester District Secretaries Group, which comprises the Monitoring Officers for the ten Greater Manchester Councils, has therefore agreed to recommend to each of the Greater Manchester Councils that reciprocal arrangements be entered into.

- 2.2 Under those arrangements, the Monitoring Officer or Deputy Monitoring Officer for any of the Greater Manchester Councils would, if required and subject to availability, undertake the advisory or investigative role for or on behalf of the Standards Committee of any of the other Greater Manchester Councils.

- 2.3 In practice, it is envisaged that Monitoring Officers would operate in groups within Greater Manchester. It may, in some cases, be necessary to involve one of the other Greater Manchester Monitoring Officers or Deputy Monitoring Officer, when other members of the group are not available to assist.

- 2.4 In order to enable the proposal to be implemented, it will be necessary for formal approval to be given by each of the Greater Manchester Councils for the Monitoring Officer and Deputy Monitoring Officer of any of the other Councils to be authorised to undertake the duties of Monitoring Officer in relation to the local investigation (as and when regulations come into force) or determination of any allegation, by arrangement with the Monitoring Officer for the Council concerned.

- 2.5 It is proposed that any such services be provided on a mutual basis without (unless specifically agreed in any particular case) any reimbursement for advice or services provided.

2.6 It will also be necessary for each of the Councils to provide the same degree of indemnity in the event of the Monitoring Officer or Deputy Monitoring Officer of one of the other Councils providing any such advice or service, as they would provide for their own Monitoring Officer or Deputy.

2.7 This is an agreed reciprocal arrangement with the other Greater Manchester Councils.

3.0 CONCLUSION

3.1 The Committee is requested to recommend to Council that the reciprocal arrangements set out in the report be adopted.

List of Background Papers:-

Contact Details:- Jayne Hammond, Director of Legal and Democratic Services.
