

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 10th DECEMBER 2009

UPDATE TO LOCAL INVESTIGATIONS AND HEARINGS PROCEDURE

REPORT OF THE HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE

To provide the Standards Committee with an updated procedure for local investigation of code of conduct complaints and local hearings following local investigations for their consideration and approval.

2. RECOMMENDATIONS

2.1 That the Standards Committee approve the local investigations and hearings procedure attached at appendix 1 and 2 respectively, subject to any amendments that the Committee may consider to be necessary.

2.2 That the Standards Committee give delegated authority to the Monitoring Officer to amend or depart from the procedures when it is necessary to do so.

3. SUMMARY

The Standards Committee has previously approved a process for investigating and hearing code of conduct complaints. Changes in legislation and guidance from Standards for England require the previous procedures to be updated. Officers have prepared new draft procedures for the Standards Committee to consider and approve subject to any amendments which the Committee may consider appropriate.

4. PREVIOUS MINUTES

Standards Committee - 4th November 2003 (ST-16)
Standards Committee - 19th September 2005 (ST-13)
Standards Committee - 29th March 2007 (ST-51)
Standards Committee – 19th June 2007 (ST-9)

5. INFORMATION

5.1 Background

The Standards Committee has the authority to direct the Monitoring Officer to conduct an investigation of a complaint alleging that an elected member may have breached the members' code of conduct. The Standards Committee can also conduct a hearing following the completion of an investigation to decide whether there has been a breach of the code and (in the event that a breach is discovered) to determine a sanction against the member concerned.

5.2 This is not a new role for the Committee but the introduction of the new provisions contained in the Local Government and Public Involvement in Health Act 2007 coupled with the subsequent guidance from Standards for England meant that the existing procedures are out of date and in need of review.

5.3 The revised local investigation procedure is attached at appendix 1. It is more concise than the previous version.

5.4 The revised hearing procedure is set out at Appendix 2 and has also been revised in consideration of the aforementioned legislation and guidance referred to in paragraph 5.2 of this report.

5.5 Recommendation 2.2 of the report seeks a delegated authority for the Monitoring Officer to amend the procedure or depart from it when considered necessary to do so. This recommendation has been included in consideration of circumstances when there is either a scenario during an investigation or hearing which was not envisaged when the procedures were produced and/or when there has been a change brought about by statute, guidance or case law which requires amendments to the process to be made.

5.6 Equal Opportunities

The Monitoring Officer will ensure that the procedures set out at appendix 1 and 2 of this report comply with equality and diversity legislation and guidance.

5.7 Environmental Impact

No implications identified

5.8 Legal Comment

The Standards Committee undertakes functions in accordance with legislative requirements set out in the Local Government Act 2000, the Local Government and Public Involvement in Health Act 2007 and other associated legislation. In accordance with the new provisions in the 2007 Act the Committee also needs to take account of guidance issued by Standards for England (the operating name for the Standards Board

for England). Any procedures adopted by the Standards Committee must be compliant with the aforementioned (and any related) legislation and associated guidance.

5.9 Links with Corporate Priorities

Ensuring that the investigation and hearing procedures are up to date and compliant with legislative requirements assists the Council in meeting its objective of being “an Efficient, Effective and Customer-Focused Council”.

5.10 Opportunities and Risk

The opportunities and risk associated with updating the investigation and hearing procedures have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.

5.11 Financial Implications

The updated procedure has no direct financial implications. Costs associated with investigations and hearings are reviewed as part of the regular financial monitoring process and variances highlighted as appropriate.

6. WARD IMPLICATIONS

District wide implications

7. BACKGROUND PAPERS

Local Government Act 2000

Local Government and Public Involvement in Health Act 2007.

Standards Committee (England) Regulations 2008.

Standards Board for England Guidance – “Local Investigations and other action”, “How to conduct an investigation”, Local investigation toolkit, “Standards Committee Determinations”, Standards Committee determinations toolkit

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