

CURRENT ISSUES

(Report by the Director of Central Services and Monitoring Officer)

1. INTRODUCTION

1.1 In the light of the Committee's first determination hearing, the purpose of this report is to advise Members of –

- ◆ recent referral statistics – including those involving local investigations;
- ◆ further guidance relating to the conduct of local investigations; and
- ◆ to consider the requirements for training of town and parish councils in future and in particular for the clerk and Members of Oldhurst Parish Council.

2. REFERRAL STATISTICS

2.1 The Standards Board for England received 306 allegations in April and 328 allegations in May giving a running total of 634 so far for the current year. The referral statistics for that period are reflected pictorially in the Appendix.

2.2 Ethical Standards Officers referred 142 cases to Monitoring Officers for local investigation between November 2004, when referrals began and the end of May 2005 – equivalent to 30% of cases referred for investigation over that time. Twenty-five reports have already been received from Monitoring Officers and there have been six Standards Committee decisions on cases investigated locally. The average time taken to complete a case is three months, although it is accepted that the sample for this figure is currently quite small.

3. CONDUCTING LOCAL INVESTIGATIONS

3.1 At the meeting of the Committee in March, the Monitoring Officer reported the judgement issued in Dawkins vs Bolsover District Council whereby the Court quashed the decision of the District Council's Standards Committee because the delay of over seven months between receipt of the Ethical Standards Officer's report by the Monitoring Officer and the Standards Committee hearing represented a substantial failure to comply with Regulation 6(2) (b) of the Local Authorities (Code of Conduct) Local Determination) Regulations 2003, which set a three month deadline for hearings.

3.2 The case established the principle that authorities need to make every effort to hold a hearing within three months of receiving the case from an Ethical Standards Officer. However, the Committee may be interested to note recent guidance received from the Standards Board on possible exceptions to this rule.

3.3 Paragraph 6 (2) (b) of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 state that a hearing must be held within three months of the reference of the Ethical Standards Officer.

Authorities are encouraged to ensure that hearings are held as soon as possible and within this time limit imposed by legislation. The Standards Committee does have jurisdiction to delay the hearing if something unexpected or unforeseen occurs which prevents it from meeting the time limit, but it is not sufficient that a subject member may not have any objections to the hearing being held outside the three month period.

3.4 The Standards Board have indicated the type of events that may be considered unexpected or unforeseen, although it is by no means exhaustive –

- ◆ illness of the subject member or any of the Standards Committee Members;
- ◆ bereavement suffered by the subject member or any of the Standard Committee Members;
- ◆ other important engagements which cannot be altered, such as hospital appointments and jury service; and
- ◆ the subject member being called to work out of the country for a long period of time.

4. LOCAL INVESTIGATION DVD

4.1 The Committee might like to know that work has started on the production of a DVD to promote best practice in local investigations and hearings. This will be of particular value to Monitoring Officers and Standards Committee Members and will include film scenarios illustrating some of the common areas of difficulty and recommended solutions. The DVD should be available by the end of September and in which case could be presented to the next meeting of the Committee in December.

5. TRAINING

5.1 During the course of the recent Determination Hearing it became apparent that the Clerk and Members of the Parish Council in question would benefit from additional training on the Code of Conduct and Ethical Standards. Given the evidence presented to the Committee, Members may also wish to consider the wider issue of communications with Parish Councils specifically to improve understanding of the ethical standards regime. The Chairman might wish to comment.

6. CONCLUSION

6.1 The Committee is invited to note the information presented in paragraphs 2, 3 and 4 of this report and to consider the training issues arising from the Determination Hearing held recently.

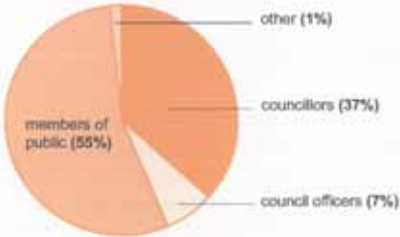
BACKGROUND PAPERS

Bulletin No. 25 – Standards Board for England

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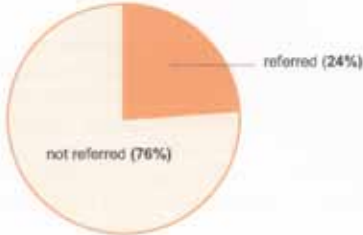
Source of allegations received



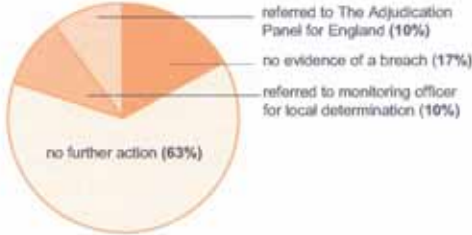
Nature of allegations referred for investigation



Allegations referred for investigation



Final findings



Authority of subject member in allegations referred for investigation

