

A NEW APPROACH – LOCAL INVESTIGATIONS
(Report by the Director of Central Services and Monitoring Officer)

1. INTRODUCTION

- 1.1 Members will recall that the discussion paper published by the Office of the Deputy Prime Minister last Autumn envisaged the evolution of the Standards Board for England into a strategic body which would continue to investigate only those cases which set important precedents and those, which for various reasons, could not be handled locally.
- 1.2 These themes have continued as the Board focuses on specific projects to support greater local ownership of the Code of Conduct and a move towards a system which would involve local assessment of complaints by 2008 and the conduct by local authorities of the vast majority of investigations.

2. MONITORING LOCAL INVESTIGATIONS

- 2.1 **“Our aim is to ensure that a culture of good conduct persists in Local Government and to put in place strategic support to enable Councillors and Local Standards Committees to manage and conduct issues effectively”. Phil Woolas, Minister for Local Government.**
- 2.2 The Committee will be aware that the Board has begun to refer, increasingly, cases to the Monitoring Officer for investigation locally. This trend has been underway now for approximately 18 months. As part of its new role as regulator, the Board has monitored the outcome of a number of local investigations to assess how the process is progressing.
- 2.3 Since the investigation of the new regime, 202 reports have been received from Monitoring Officers and the percentage of complaints being referred for local investigation continues to rise. 61% were referred for local investigation during May – July 2006. Of those 202 reports, the Board has selected 50 at random. Most (30) related to Members of Town and Parish Councils. In 40 cases, investigations were commissioned internally with Monitoring Officers conducting 17 of them, the Deputy Monitoring Officers handling 10, and various other Council Officers doing 13. In 4 linked cases, the investigation was dealt with by way of a reciprocal arrangement; external solicitors or barristers handled another 4 cases; and 2 cases were completed by independent consultants.
- 2.4 The vast majority of reports demonstrated a clear presentation of the complaint, investigation and interpretation of the Code of Conduct. Only 7 were not considered of an appropriate standard. These investigations had all been carried out by Officers other than the Monitoring Officer. The Standards Board recommend that careful thought be given to the appointment of Investigators and that Monitoring Officers satisfy themselves that the person appointed has

the necessary skills and resources needed to carry out the investigation thoroughly.

3. A NEW APPROACH TO MONITORING LOCAL INVESTIGATIONS

3.1 In the light of their recent experience, the Standards Board has devised a new approach to monitoring local investigations which they envisage should ensure that any concerns that may emerge during the investigation are dealt with at the right time in the most appropriate way. In future, the Board intends:-

- ◆ within 6 weeks of referral, to confirm with the Monitoring Officer that the investigation referred to them is under way, resolve any issues and enquire about the anticipated completion date. The Board will maintain contact with Monitoring Officers to ensure investigations are proceeding expeditiously;
- ◆ not to comment on draft reports so that they are not seen to be an integral part of what is regarded essentially as a local process;
- ◆ that if the Board see minor problems in a report, they will refrain from commenting before the Standards Committee has met. The Board may then raise the matter informally with the Monitoring Officer after the Standards Committee has reached its decision;
- ◆ to raise more serious matters with the Monitoring Officer before the Standards Committee has met to consider the report;
- ◆ to contact the Chief Executive if it thinks there is a serious problem with the outcome of the Standards Committee hearing – for example, if there is a flawed interpretation of the Code of Conduct; and
- ◆ to refer any complaints it receives about the process of an investigation or a Standards Committee hearing to the Council's Corporate Complaints Procedure. If this does not resolve the matter and it involves maladministration, the Local Government Ombudsman would be the appropriate forum for redress.

3.2 The Board has indicated that there has been a very positive start to the investigation of complaints locally and that they are generally being dealt with efficiently and effectively.

4. PARISH AND TOWN COUNCIL REFERRAL AND INVESTIGATION STATISTICS

4.1 For the Committee's information, the charts appended to this report compare the Parish experience with that of Local Government as a whole for the period 1st April 2005 to 31st March 2006.

5. CONCLUSION

5.1 The Committee is invited to note the content of the report and the new approach to monitoring local investigations adopted by the Standards Board for England.

BACKGROUND PAPERS

Standards Board for England – Annual Review 2005 – 2006 and Bulletin No. 30.

**Contact Officer: Christine Deller, Democratic Services Manager -
Tel: (01480) 388007.**