

Standards Committee - 14 July 2004

Report of the Monitoring Officer

Statutory Powers Part 3 Local Government Act 2000

Purpose

The purpose of this report is to refer members to

the letter dated 14 May 2004 sent to the Standards Board in connection with the Regulations under Section 66 of the Local Government Act 2000 at background document (1)

to advise members of a proposed procedure for the handling of investigations from the Standards Board in respect of breaches of the Local Government Code of Conduct.

Recommendation

That the Committee approves the adoption of a procedure set out in background document (2) to deal with referrals from the Standards Board.

Background

The Standards Board are about to issue further Guidance on the Code of Conduct for members relating to those members who sit as councillors on more than one local authority. This draft Guidance is referred to in the report to the Standards Committee for the meeting held on the 28 April 2004 at background document (1) item 1. paragraph 4.

It is now expected that the Guidance will not be as restrictive or as regulatory as was first anticipated. The Monitoring Officer will outline the issues that arise at the meeting on the 14 July 2004.

The response of the Council to the draft Regulations under Section 66 of the Local Government Act 2000 was sent to the Standards Board several weeks ago. There has been no reply and no indication of when the new regulations will be issued but are imminent.

It is now clear that the Standards Board does intend to refer to the Council's Standard Committee complaints which they consider can be dealt with at the "local level". It is anticipated we will shortly receive such a complaint for adjudication. These complaints can relate to a District Councillor or a Parish Councillor.

In the circumstances the Committee needs to adopt a procedure. There are various model procedures that are available for adoption. Wragge & Co, Solicitors, have drafted a lengthy procedure and North Devon DC have drafted a shorter procedure.

The Standards Board have produced a model Guidance and procedure and we are obliged to take into consideration their Guidance. Plymouth CC have adapted the Standards Board Guidance into their procedure.

A Solicitor in the Legal section has considered, with some care, all the various procedures and their respective advantages and disadvantages and has come to a reasoned view that the Standards Board procedure, as adapted by Plymouth CC, would appear to be the most comprehensive procedure.

This procedure is set out at background document (2) to the report, together with the Introductory Guidance at background document (3). Members of the Committee will be asked to adopt this procedure.

If members wish to receive copies of the other procedures they can be emailed to them by contacting Francesca Smith on 01803 861360. She will be happy to email the information over. They are omitted from this report because it would make the attachments somewhat lengthy.

It will be necessary to commence some training for members of the Standards Committee and others, which we can discuss at the meeting.

In addition we need to secure nominations for a further member of the Committee and nominations have been sent out.

Kevin Williams
Monitoring Officer

Standards Committee
14 July 2004

Background Documents:

Letter dated 14 May 2004 sent to the Standards Board
Procedure to be adopted by Plymouth CC
Standards Board for England – Guidance