



**Standards Committee
Wednesday, 26 March 2008**

Report from the Borough Solicitor

For Action

Wards Affected:
ALL

Local Investigations Procedures

1. SUMMARY

- 1.2 This report provides members with a copy of the Council's Procedure for Local Investigations of Allegations of Misconduct Against Members of the Council.

2. RECOMMENDATIONS

- 2.1 That the Committee note the Procedure for Local Investigations of Allegations of Misconduct Against Members of the Council set out in **Appendix 1** to this report.

3. DETAIL

Local Investigations of Allegations of Misconduct

- 3.1 The Local Government Act 2003 introduced a new power so that the Standards Board for England could refer a complaint about a member's conduct to a Council's Monitoring Officer for investigation rather than appointing an Ethical Standards Officer to investigate the allegation.
- 3.2 As members know the Local Government and Public Involvement in Health Act 2007 has further amended the ethical standards framework so that from April 2008 the Standards Committee will receive all allegations of misconduct about members.
- 3.3 The Standards Committee must then refer an allegation to the Monitoring Officer for investigation or for other appropriate action, refer

the allegation to the Standards Board for investigation or decide not to investigate the allegation.

- 3.4 Officers consider that the Council should have formal procedures for the investigation of allegations of misconduct to ensure consistency and transparency in the conduct of local investigations.
- 3.5 The Procedure for Local Investigations of Allegations of Misconduct Against Members of the Council attached to this report as **Appendix 1** has been prepared in accordance with statutory requirements, guidance issued by the Standards Board for England and following discussions with the investigators in the Council's Audit and Investigation team. Members should note that the procedure is currently being followed in relation to recent referral and a review of the procedure will be undertaken following completion of the investigation and any subsequent hearing.

Procedures for Hearings

- 3.6 The Council already has Procedures for Conducting Local Hearings. The main features of the procedure were approved by the Standards Committee on 22 January 2004.
- 3.7 Officers will now update the procedure to take account of the changes introduced by the Local Government and Public Involvement in Health Act 2007.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from this report. However there may be a financial cost when the Monitoring Officer appoints an Investigating Officer if the Investigating Officer is from outside the Council.
- 4.2 The actual cost to the Council arising from an investigation is hard to quantify as the Council has not yet needed to appoint an external investigator.

5. STAFFING IMPLICATIONS

- 5.1 There are no direct staffing implications arising from this report but there will be implications for the Council where investigations are conducted by a Council Officer. Should there be an increase in the number of complaints being referred for investigation to the Monitoring Officer this will also impact on the Borough Solicitor and the Borough Solicitor's office.
- 5.2 Extra meetings and hearings of the Standards Committee will also impact directly on Democratic Services Officers who provide support to the Standards Committee.

6. DIVERSITY IMPLICATIONS

- 6.1 Officers believe that there are no specific diversity implications in this report.

7. LEGAL IMPLICATIONS

- 7.1 In preparing the Procedure for Local Investigations of Allegations of Misconduct Against Members of the Council officers have taken into account the relevant statutory provisions and the guidance issued by the Standards Board for England.
- 7.2 Members are advised that the Standards Committee is not required by law to adopt these procedures.

Background Information

Local Government Act 2000

Local Government and Public Involvement in Health Act

The Relevant Authorities (Code of Conduct) (Local Determination) Regulations 2003

The Relevant Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2003

Should any person require any further information about the issues addressed in this report, please contact Dan Bonifant on 0208 937 1368.

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