

<i>COMMITTEE</i>	<b>STANDARDS COMMITTEE</b>
<i>DATE</i>	<b>TUESDAY, 21 JANUARY 2003</b>
<i>TITLE OF REPORT</i>	<b>GENERAL UPDATE ON CODE OF CONDUCT ISSUES</b>
<i>RESPONSIBLE OFFICER</i>	<b>Mark Bowen, Assistant Director, Legal and Contract Services</b>

## 1. INTRODUCTION

- 1.1 The last meeting of the committee was held in October, the November meeting being cancelled as, the regulations made under Section 66 of the Local Government Act dealing with investigation of complaints under the Code of Conduct by the Standards Committee had not been introduced. Those are not anticipated to be available before the March meeting at the earliest.
- 1.2 Notwithstanding the above, there are a number of issues, which it is appropriate to update the committee on and where the views of the committee are sought.

## 2. REFERRAL OF COMPLAINTS TO THE STANDARDS BOARD

- 2.1 At the previous meeting it was agreed to adapt information on the Standards Board website to produce forms which can be used by individuals to complain to the Standards Board for England on alleged breaches of the Code of Conduct.
- 2.2 Subsequently, the Standards Board have produced its own forms which it is recommended we should use until we are able to produce forms for our own purposes following the introduction of the Section 66 regulations. A copy of the Standards Board form will be circulated to all members of the committee separate from this report.
- 2.3 In addition, the Standards Board on 17 December 2002 wrote to all Monitoring Officers advising that the Board will now only consider allegations in writing from the person who wishes to make a complaint. The Board emphasises that they cannot accept allegations by proxy such as those made by a Monitoring Officer on behalf of an individual. Therefore, it will no longer be appropriate, for example, for a member of this authority to ask the Monitoring Officer to refer a complaint to the Standards Board. The complaint will need to be made by the member or other person making the complaint direct. The Monitoring Officer will be writing to all members advising of this and that complaint forms will be held by the Monitoring Officer and his PA, Di King.

- 2.4 In addition, the Standards Board have produced a brief summary document of key obligations under the Code of Conduct. This will be displayed at the meeting. It is recommended that a copy of this be circulated to all members of Medway Council and to parish clerks with a recommendation that they obtain copies for their membership.

### **3. THE STANDARDS BOARD FOR ENGLAND CONFERENCE 2003**

- 3.1 The Standards Board for England held its first conference in Birmingham last year. It was attended by over 1000 delegates, including the chair of this committee, the parish representative and the Monitoring Officer.
- 3.2 The 2003 conference will be held in Birmingham over two days – 9<sup>th</sup> and 10<sup>th</sup> June and as with last year it is envisaged that there will be no charge for the event and only travel and subsistence costs will need to be covered. Whilst the detailed programme is not yet available, the committee's guidance is requested on the level of participation it would wish to see in this year's event.
- 3.3 In addition, if representation is approved for independent or parish members then it is recommended that travel and subsistence be met from the same budget, as would have been the case if they were elected members.

### **4. REFERRAL OF AJUDICATIONS BY THE STANDARDS BOARD FOR ENGLAND**

- 4.1 One complaint concerning a member of this authority alleging breach of the Code has been considered by an Ethical Standards Officer at the request of the Standards Board for England. The Ethical Standards Officer's finding was that there was no evidence of any failure to comply with the council's Code of Conduct.
- 4.2 Members may wish to note that the Standards Board website now includes case summaries of investigations undertaken nationally.

### **5. GUIDANCE FOR CANDIDATES FOR THE MAY 2003 ELECTIONS**

- 5.1 Members of the committee have throughout wished to ensure that prospective candidates for Medway and parish councils are apprised of the requirements of the Code of Conduct.
- 5.2 The following proposals will assist in this:
- The Head of Council Office will appraise electoral agents at the Agents Meeting in February of the requirements of the Code of Conduct
  - A copy of the Code of Conduct, together with the guidance leaflet from the Standards Board will be included in the nomination packs

- Any requests for a presentations or further information from the Monitoring Officer on the impact of the Code for prospective candidates will be sympathetically received

## **6. RECOMMENDED DECISION**

6.1 The committee is recommended to

6.1.1 Endorse the proposed actions set out in paragraph 2.3, and 2.4 of this report.

6.1.2 Advise on its views on attendance at the Standards Board Conference for 2003

6.1.3 Note the contents of paragraph 4

6.1.4 Endorse the proposals in paragraph 5.

## **7. LEGAL IMPLICATIONS**

7.1 There are no direct legal implications arising from this report. However, the proposals are consistent with the committee's role in developing good practice at this council.

## **8. FINANCIAL IMPLICATIONS**

8.1 The Standards Board conference is anticipated to be free to attend. However, provision will need to be made for travel and other related payments and allowances for attendees.

### **Background Papers**

Letter from the Standards Board for England dated 17 December 2002

Guidance leaflet on complaints and code of conduct produced by the Standards Board for England