

# STANDARDS COMMITTEE

15 JUNE 2011

## WORK PROGRAMME

Report from: Deborah Upton, Monitoring Officer

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### Summary

This report sets out the proposed work programme previously agreed by the Committee for 2011/12. This is kept under review and presented to each meeting of the Standards Committee. In addition the position relating to complaints considered by the Referrals Sub Committee is summarised for information only.

#### 1. Budget and Policy Framework

1.1 The role of the Standards Committee is to promote and maintain high standards of conduct by all Councillors and co-opted members including church and parent governor representatives serving on the Children and Adults Overview and Scrutiny Committee. The committee has responsibility for setting its own work programme and this should be kept under regular review.

#### 2. Report

2.1 Appendix 1 to this report sets out the updated work programme for the committee.

2.2 Standards for England ("SfE") guidance on timescales for an investigation acknowledge there are many factors that can affect the time it takes to complete an investigation. There is an expectation that the Standards Committee will monitor the progress of investigations and the SfE guidance recommends that most investigations are carried out, and a report on the investigation completed, within six months of the original complaint being assessed by the Referrals Sub-Committee.

2.3 On 18 April 2011 a Hearings Sub-Committee, was held to consider the final investigation report relating to a complaint about Councillor Chitty (DU/MO/116).

2.4 At the meeting the Hearings Sub-Committee reached its decision after considering the written evidence and submissions of the parties and taking into account the following:

- That Councillor Chitty had not apologised for her conduct and did not appear to accept she was in fault.

- That the Sub-Committee did not consider the incident to be ‘de minimus’.
  - That the Sub-Committee did not consider it acceptable for Councillors to be rude towards staff or treat staff with disrespect.
- 2.5 The Hearings Sub-Committee therefore decided that Councillor Chitty should send a letter of apology to Miss Steward (the complainant) that apologised for her actions, that acknowledged the offence and distress that she had caused Miss Steward and that her behaviour was unacceptable. The Sub-Committee requested that this letter be sent within seven days and copied to the Chairman of the Standards Committee.
- 2.6 On 4 May 2011 a Hearings Sub-Committee, at its “consideration stage”, considered the final investigation reports relating to a complaint about ex-Councillor Reckless (DU/MO/113).
- 2.7 The Hearings Sub-Committee agreed with the finding of the Independent Investigator in respect of the part of the complaint forming complaint A that there had been no failure on the part of Councillor Reckless to comply with Paragraph 3 (1) of Medway Council’s Members’ Code of Conduct as there was no evidence to support the complaint.
- 2.8 The Hearings Sub-Committee, under Regulation 17 of the Standards Committee (England) Regulations 2008:
- accepted the Investigating Officer’s finding of no failure to comply with the Members’ Code of Conduct in respect of one of the allegations (complaint A) and;
  - found that two of the allegations (complaints B and C) should be considered at a hearing.
- 2.9 The following table provides indicative timescales for conclusion of investigations currently underway. The final column of the table explains the reasons for any slippage on dates previously reported. Upon completion of an investigation the Hearings Sub-Committee is responsible for determining whether it accepts a finding of no failure to observe the Code of Conduct, or that the matter should be referred for consideration at a hearing or to the Adjudication Panel for determination. The timescale for holding a hearing to consider the outcome of a local investigation is normally within three months from completion of that investigation.

<b>Complaint reference</b>	<b>Date complaint received</b>	<b>Indicative timescale for completion of investigation/Stage of investigation</b>
DU/MO/113: Complaint relating to ex-Councillor Reckless	20.11.2009	Has been referred for a full Hearing which is being set up for July 2011.
DU/MO/117: Complaint relating to Parish Councillor Forrest	27.01.2010	Investigation complete. To be referred to Hearing Sub Committee on 21 June 2011

DU/MO/123: Complaint relating to Councillor Mackinlay	07.09.2010	Interview with Complainant and Councillor Mackinlay completed. Investigation deferred pending outcome of related civil dispute.
DU/MO/124: Complaint relating to ex-Councillor Ruparel	13.09.2010	Due to be considered at a "consideration" Hearing Sub-Committee on 21 June 2011.
DU/MO/125: Complaint relating to ex-Councillor Sutton	13.09.2010	Due to be considered at a "consideration" Hearing Sub-Committee on 21 June 2011.
DU/MO/126: Complaint relating to Councillor Mackinlay	13.09.2010	See comment on DU/MO/123 above
DU/MO/132: Complaint relating to Councillor Stamp	26.01.11	Estimated completion date - 01.07.2011 Investigation referred on 10.03.2011
DU/MO/133: Complaint relating to ex-Councillor Ruparel	23.02.11	Due to be considered at a "consideration" Hearing Sub-Committee on 21 June 2011.
DU/MO/134: Complaint relating to Councillor Juby	25.02.11	Estimated completion date - 01.07.2011 Investigation referred on 10.03.2011
DU/MO/135: Complaint relating to Councillor Chitty	11.03.11	Estimated completion date – 01.08.2011. Investigation referred on 23.03.2011

*N.B Mr Milne, the Investigating Officer for all of the cases, with the exception of DU/MO/113 will be in attendance at the meeting in order to answer questions from the Committee.*

### **3. Financial and legal implications**

- 3.1 The cost of local investigations is met from within existing budgets.
- 3.2 The Standards Committee (England) Regulations 2008 and associated SfE guidance prescribe the procedures relating to allegations of member misconduct.

### **4. Recommendations**

- 4.1 To consider and comment on the work programme for 2010/11.
- 4.2 To note the position on complaints referred for investigation by the Referrals Sub-Committee.

### **Background papers**

Standards for England Guidance on "Local Assessment of Complaints" and "Determinations"

### **Lead officer contact**

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**Proposed Work Programme for 2011/12  
Standards Committee**

<b>Item</b>	<b>Lead Officer</b>	<b>Committee Date</b>
Guidance on representing the Council on outside bodies	DU/JK	15 June 2011
Work programme and progress on investigations	TR/DU	15 June 2011
Work programme and progress on investigations	TR/DU	26 July 2011
Work programme and progress on investigations	TR/DU	28 September 2011
Work programme and progress on investigations	TR/DU	30 November 2011
Work programme and progress on investigations	TR/DU	24 January 2012
Annual report of the Monitoring Officer	DU	20 March 2012
Work programme and progress on investigations	TR/DU	20 March 2012

**Items to be programmed:**

Update of Member's Planning Code of Good Practice