

STANDARDS COMMITTEE

28 SEPTEMBER 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. Update on business of the Standards Committee

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 21 June 2011 a Hearings Sub-Committee, at its "consideration stage", considered the final investigation reports relating to a complaint about ex-Councillor Sutton (DU/MO/125) and two complaints against ex-Councillor Ruparel (DU/MO/124 and DU/MO/133).

2.4 The Hearings Sub-Committee agreed with the findings of the Independent Investigator that there had been no failure on the part of ex-Councillors Ruparel and Sutton to comply with paragraphs 3(2)(d), 5 and 6(a) in respect of DU/MO/124 and 125 and that there had been no failure on the part of ex-Councillor Ruparel to comply with

paragraphs 3(2)(b) and 3(2)(c) in respect of complaint DU/MO/133 of Medway Council's Members' Code of Conduct.

- 2.5 On 27 July 2011 a Referrals Sub-Committee considered a complaint against Parish Councillors Mark and Noleen Skudder. In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Referrals Sub-Committee of the Standards Committee decided to refer the complaint in part to the Monitoring Officer for investigation as it appeared to raise new issues.
- 2.6 On 12 September 2011 a Hearings Sub-Committee, at its "consideration stage", considered the final investigation report relating to a complaint about Parish Councillor Forrest (DU/MO/117).
- 2.7 The Hearings Sub-Committee agreed with the findings of the Independent Investigator that there was no evidence to suggest on the balance of probabilities that there had been a breach of paragraphs 3(1) and 4(b) of the Code of Conduct.
- 2.8 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.

Complaint reference	Date complaint received	Indicative timescale for completion of investigation/Stage of investigation
DU/MO/113: Complaint relating to ex-Councillor Reckless	20.11.2009	Has been referred for a full Hearing which is being held in September/October 2011.
DU/MO/123: Complaint relating to Councillor Mackinlay	07.09.2010	Draft report distributed, and the Investigating Officer is currently considering comments received. A 'Consideration hearing' may take place in October 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	Draft report is due to be circulated. A "Consideration Hearing" is scheduled to take place in October/November 2011.
DU/MO/134: Complaint relating to Councillor Juby	25.02.11	Investigating Officer in the process of drafting the report.
DU/MO/135: Complaint relating to Councillor Chitty	11.03.11	Interviews have been concluded. Investigating Officer in process of drafting report. Estimated completion date – 01.10.2011.

DU/MO/136 Complaint against Parish Councillors Mark and Noleen Skudder	19.06.11	Case in part referred for investigation to the monitoring officer.
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N.B Mr Milne, the Investigating Officer for all of the cases, with the exception of DU/MO/113 and DU/MO/136 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 2011/12.
- 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”

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

Item	Lead Officer	Committee Date
Register of Members interests	JK/DU	28 September 2011
Future of the Standards regime	DU	28 September 2011
All Hallows Governance Review – final report	DU	28 September 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