

STANDARDS COMMITTEE

20 MARCH 2012

WORK PROGRAMME

Report from: Perry Holmes, Monitoring Officer

Author: Teri Reynolds, Democratic Services Officer

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 acknowledged 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 7 November a Hearings Sub-Committee, at its "consideration stage", considered the final investigation report relating to two complaints about Councillor Mackinlay (DU/MO/123) and DU/MO/126). The meeting was adjourned to allow the Monitoring Officer to obtain Counsel opinion on the matter. The Hearings Sub-Committee reconvened on 5 December 2011, following receipt of Counsel's opinion, and agreed with the findings of the Monitoring Officer, in line with Counsel's opinion, that there had been no failure on the part of Councillor Mackinlay to comply with the Members' Code of Conduct as it considered that he had been acting in his private capacity.

- 2.4 On 7 November 2011 a Referrals Sub-Committee considered a number of complaints against various Parish Councillors of Allhallows Parish Council. The Sub-Committee determined that no action was necessary in respect of the complaints. The Monitoring Officer then received a request for a review of the referrals decisions relating to some of the complaints. A Review Sub-Committee reconsidered these on 22 February 2012 and the decisions of the Referrals Sub-Committee were upheld in all cases.
- 2.5 On 14 February 2012 a Hearings Sub-Committee, at its "consideration stage", considered the final investigation report relating to a complaint about Councillor Chitty (DU/MO/135). The Hearings Sub-Committee agreed with the findings of the Independent Investigator and the opinion of Counsel, that there was no breach of the Members' Code of Conduct as Councillor Chitty had been acting in her private capacity.
- 2.6 On 22 February 2012 a Referrals Sub-Committee considered a complaint relating to Parish Councillor Mark Skudder. The Referrals Sub-Committee decided not to refer the matter for further investigation as it considered that the complaint, if proven, would not be a breach of the Members' Code of Conduct.
- 2.7 On 28 February 2012 a Hearings Sub-Committee met to consider the first stage of a hearing relating to ex-Councillor Reckless (DU/MO/113). The Hearings Sub-Committee considered the time elapse since the complaint was originally made, that the subject member was no longer a member of the Council and that there were limited sanctions available should the sub-committee proceed to hear all evidence and find there to be a breach of the Code. It considered whether this was disproportionate to the nature and extent of the complaint and the Independent Investigator's findings and agreed that there had been no breach of the Members' Code of Conduct.
- 2.8 On 28 February 2012 a Referrals Sub-Committee considered a complaint made against Councillors Maple and Osborne. Members will receive an oral update on these matters at the meeting.
- 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.

Complaint reference	Date complaint received	Indicative timescale for completion of investigation/Stage of investigation
DU/MO/132: Complaint relating to Councillor Stamp	26.01.11	Due to be considered at a 'full' Hearings Sub-Committee at the end of March 2012.
DU/MO/134: Complaint relating to Councillor Juby	25.02.11	Due to be considered at a 'consideration stage' Hearings Sub-Committee on 20 March 2012.
DU/MO/136 Complaint against Parish Councillors Mark and Noleen Skudder	19.06.11	The Former Monitoring Officer will provide an update at the meeting.

N.B Mr Milne, the Investigating Officer for all of the cases, with the exception of 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"

Lead officer contact

Perry Holmes, Monitoring Officer
Telephone: 01634 332133 Email: perry.holmes@medway.gov.uk

Teri Reynolds, Democratic Services Officer
Telephone: 01634 332104 Email: teri.reynolds@medway.gov.uk

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

Item	Lead Officer	Committee Date
Future of the Standards regime and Standards procedures	PH (DU)	20 March 2012
Annual report of the Monitoring Officer	PH	20 March 2012
Work programme and progress on investigations	PH/TR	20 March 2012