

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Scrutiny and Overview Committee

20th July 2006

AUTHOR/S: Chief Executive

COST OF STANDARDS COMMITTEE HEARING PANELS AND RELATED COSTS

Purpose

1. To report on the cost of Standards Committee Hearing Panels and related costs.
2. **In accordance with proper practice, Members should be aware that cases currently under investigation cannot be discussed.**

Effect on Corporate Objectives

3.

Quality, Accessible Services	As there is no budget for legal costs associated with the Members' Code of Conduct and hearing panels, their cost will have to be met by virement from other services and this may affect the achievement of corporate objectives associated with those services
Village Life	
Sustainability	
Partnership	

Background

4. This report was requested by the Chairman and Vice Chairman of Scrutiny and Overview Committee.

Considerations

5. The interpretation of and compliance with the Members' Code of Conduct is an important part of the ethical framework for local government introduced by the Local Government Act 2000. The Code includes provisions about general obligations, personal and prejudicial interests and the register of Members' interests.
6. Any allegation about a failure to comply with the Members' Code of Conduct received by the Standards Board for England is assessed to see if it falls within the remit of the Board and, if so, it is passed to an Ethical Standards Officer who will decide to:
 - oversee its investigation;
 - refer the matter to the local authority to be investigated locally; or
 - direct the monitoring officer of the local authority to take action other than investigation to resolve the situation.
7. On 15th May, a Hearing Panel was held to consider the final report of the Ethical Standards Officer who had overseen one investigation.
8. Current cases (in accordance with usual practice, neither names nor details can be given) which have been referred by the Ethical Standards Officer to the Monitoring Officer to be investigated locally were reported to the last Standards Committee as:
 - an existing local investigation into a complaint made against a district councillor had been returned to the Ethical Standards Officer following allegations of potential interference;

- one complaint regarding a district councillor was currently with the Ethical Standards Officer;
 - the Ethical Standards Officer's investigation about a parish councillor was on hold as the original information provided was insufficient to proceed; and
 - two local investigations into allegations made against parish councillors were underway; interviews had been conducted and a report to the Standards Committee was being prepared.
9. The Monitoring Officer employed by the District Council has to deal with cases concerning the District Council and with cases concerning any of the parish councils.
 10. The Standards Board for England are developing their role as a strategic regulator and the proportion of investigations which are carried out locally will increase in the future. In addition, when the required legislation is passed by Parliament, the responsibility for receiving complaints and deciding which to investigate will also devolve to local level.
 11. Local investigations involve planning, establishing the facts (including conducting and recording interviews), evaluating and reporting and are very time consuming for the Monitoring Officer and the Deputy Monitoring Officer. It is generally acknowledged that the weight of investigations falls disproportionately on those authorities like South Cambridgeshire which have a large number of parish councils within their boundaries.

Options

12. Options which have already been considered include:
 - a. training and making District and Parish Councillors more aware of the complexities of the Code of Conduct – training is a standing item on the agenda of the Standards Committee and
 - b. entering into reciprocal arrangements with other local authorities for assistance with the monitoring and legal advisor roles when Council officers were excluded due to conflicts of interest – for the Hearing Panel on 15th May, all other Cambridgeshire local authorities had been contacted with a request for assistance but only East Cambridgeshire responded with an offer.

Financial Implications

13. At the Hearing Panel on 15th May, external solicitors acted as the Council's monitoring officer and the Council's legal advisor because the Council's Monitoring Officer and the Deputy were ruled out by a conflict of interest. The nomination for Council's monitoring officer was the result of a tendering exercise and the cost for services relating to and for attending the Panel was £11,360. The legal advisor was the Head of Legal Services at East Cambridgeshire District Council who provided her services at nil cost but on a reciprocal basis. The only other cost to the Council, apart from incidental travelling costs, was the officer time of the Democratic Services Officer.
14. The investigation had been carried out by the Ethical Standards Officer and the Standards Board does not charge councils for the cost of these officers. The Standards Board is financed by the Government out of general taxation and it is currently developing a time recording system to establish the average costs of different types of cases.

15. The Council's Legal Division does not use a time recording system and, therefore, the cost of the substantial time involvement of the Monitoring Officer and the Deputy in locally investigating current cases cannot be quantified and costed.
16. In addition to the cost of the Hearing Panel, costs had previously been incurred on legal advice with regard to the interpretation of the Code of Conduct. The barrister's fees for this work totalled £16,800. There was also a solicitor's fee for £675 for advice on a decision by the Standards Board not to investigate. Again, it is not possible to quantify and cost the time of the Monitoring Officer/Head of Legal Services.

Legal Implications

17. Section 5 Local Government and Housing Act 1989 requires local authorities to provide monitoring officers with such staff, accommodation and other resources as are, in their opinion, sufficient to allow their duties to be performed.

Staffing Implications

18. As in paragraph 10.

Risk Management Implications

19. None

Consultations

20. None

Conclusions/Summary

21. None

Recommendations

22. The Committee is requested to consider the costs related to the Code of Conduct and Standards Committee Hearing Panels and to consider how the process can be made more cost effective.

Background Papers: the following background papers were used in the preparation of this report: <http://www.standardsboard.co.uk/>
Committee agendas and reports

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