

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

14 September 2011

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LOCAL INVESTIGATIONS, HEARINGS AND REFERENCES MADE TO STANDARDS FOR ENGLAND

Purpose

1. To update members on local investigations and hearings.
2. On 10 December 2008 the Standards Committee resolved that cases in which no breach of the Code of Conduct has been found or no further action is to be taken should be anonymised for the purposes of reporting back to the Committee and that only in cases where a breach has been found should the relevant member be identified to the Committee.

Recommendations

3. That the Standards Committee notes the report.

Cases

4. **CORCOM 4496 (Standards Committee Local Assessment Panel, 4 April 2011)**
The Monitoring Officer received this allegation about a parish councillor on 18 March 2011. The Local Assessment Panel determined not to take any further action. The complainant appealed the decision on 21 April 2011. A Local Review Panel was scheduled to meet on 8 June 2011 following the Standards Committee meeting, but the meeting was cancelled when the committee became inquorate following the resignation of the only parish council member not previously involved in the matter. On the advice of Standards for England, the Monitoring Officer referred the case to Standards for England for review.
 5. Standards for England replied in late August to say that it cannot accept a referral of a review request and has asked the Local Review Panel to consider the matter. The Monitoring Officer will be writing to Standards for England about the contradictory advice being given, which has introduced an additional delay.
- CORCOM 4498, 4510 and 4523 (Standards Committee Local Assessment Panel, 4 April 2011 and 15 April 2011)**
6. Three related allegations about parish councillors at one authority were received between 25 March and 6 April 2011. Due to the complexities of the matter and the potential for apparent conflicts of interest if the District Council undertook any investigative role, the Local Assessment Panel referred all three to Standards for England. Standards for England determined to take no action on two of the allegations and investigated the third. The Monitoring Officer has received the Ethical Standards Officer's provisional report, and the parties involved have until Monday 12 September 2011 to submit any comments, after which time the Ethical Standards Officer will review any representations made and issue a final report. The final report will be presented to the Local Hearing Panel at a later date.

CORCOM 4578, 4583, 4584, 4585, 4610 and 4612 (Standards Committee Local Assessment Panel 29 June 2011 and 12 August 2011)

7. Six related allegations, each involving up to nine parish councillors at one authority, were received between 2 and 22 June 2011. As with the above cases, the Local Assessment Panel referred all six cases to Standards for England for consideration. Standards for England has decided to take no action on all but part of one allegation, which was referred back to the Local Assessment Panel for decision on the grounds that Standards for England felt that the matter could be determined objectively and efficiently by the local panel. The Local Assessment Panel considered this allegation and decided to take no further action. The complainant for this case only has until 12 September 2011 to request a review by the Local Review Panel. There is no right for complainants to request reviews of assessments made by Standards for England.
8. The Monitoring Officer has subsequently received a letter from the Society of Local Council Clerks requesting the Standards Committee to re-refer one of the cases to Standards for England on the grounds that the complainant did not feel it necessary to submit a detailed allegation as the complainant felt that the Standards Committee already had knowledge of the background to the matter. According to the letter, Standards for England has agreed to accept the referral, if the Local Assessment Panel determines that the case should be referred. The Monitoring Officer received a detailed complaint (CORCOM 4585a) on 5 September 2011 and the Local Assessment Panel will consider it at its 14 September 2011 meeting.

CORCOM 4601 and 4611 (Standards Committee Local Assessment Panel 29 June 2011)

9. Two related allegations were made on 15 June 2011 by the same two complainants about one parish councillor. The Local Assessment Panel determined that no further action need be taken in respect of CORCOM 4611, and referred CORCOM 4601 to the Monitoring Officer for an investigation. A member of the Council's Legal Team has been appointed as the Investigating Officer and the Hearing Panel will receive a report in due course.

CORCOM 4624 (Standards Committee Local Assessment Panel 18 July 2011)

10. An allegation about a parish councillor was received on 1 July 2011. The Local Assessment Panel decided to take no action. The complainant has appealed and the Local Review Panel will consider the same material at its meeting on 14 September 2011. The outcome will be reported to the Standards Committee at its 14 December 2011 meeting.

CORCOM 4630 (Standards Committee Local Assessment Panel 18 July 2011)

11. An allegation about a parish councillor was received on 6 July 2011. The Local Assessment Panel decided to take no action. The complainant had until 17 August 2011 to request a review, but did not do so.

CORCOM 4639 (Standards Committee Local Assessment Panel 12 August 2011)

12. An allegation about a parish councillor was received on 12 July 2011. The Local Assessment Panel decided to refer the matter to the Monitoring Officer for an investigation. A member of the Council's Legal Team has been appointed as the Investigating Officer and the Hearing Panel will receive a report in due course.

CORCOM 4652, 4653, 4653a and 4671 (Standards Committee Local Assessment Panel 12 August and 14 September 2011) and CORCOM 4719 (Standards Committee Local Assessment Panel 14 September 2011)

13. Four allegations about one parish councillor were received between 20 July and 11 August 2011. The Local Assessment Panel, having been informed by one of the

complainants that the subject member had resigned with effect from 1 September 2011, decided to adjourn these cases until its 14 September 2011 meeting, to allow additional time for officers to speak to the complainants individually and ask whether or not they wished their allegations to proceed following the subject member's resignation.

14. A fifth allegation about the same parish councillor was received on 16 August 2011 and will be considered by the Local Assessment Panel at its 14 September 2011 meeting along with the other four complaints.

CORCOM 4672 (Standards Committee Local Assessment Panel 12 August 2011)

15. An allegation about a parish councillor was received on 1 August 2011. The Local Assessment Panel decided to take no action. The complainant has until 12 September 2011 to request a review, but has written to say that a review request will not be forthcoming.

CORCOM 4689 (Standards Committee Local Assessment Panel 12 August 2011)

16. An allegation about a parish councillor was received on 5 August 2011. The Local Assessment Panel decided to take no action. The complainant has until 12 September 2011 to request a review, but has written to say that a review request will not be forthcoming.

Conclusion

17. Since 1 April 2011, the Monitoring Officer has received twenty-three complaints about a total of nineteen parish councillors. Two complaints also referred to district councillors, but none of the allegations related to the conduct these members in their District Council role, therefore the complaints have been categorised as allegations made about parish councillors.
18. As the Standards Committee nears the end of the second quarter of the 2011/12 financial year, the number of complaints already received has surpassed the highest annual total since the local process began in 2008. The number of standards complaints received, and the impact that this is having on the District Council, particularly in terms of finance and staffing, has been included on the District Council's Risk Register as a strategic risk facing the authority.

Background Papers: the following background papers were used in the preparation of this report:

Local Assessment Panel Decision Notices
Local Authorities (Code of Conduct) (Local Determination) Regulations 2003
Standards Committee (England) Regulations 2008
SCDC Constitution

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