

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

14 December 2011

AUTHOR/S: Executive Director (Corporate Services) / Legal and Democratic Services Manager

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 Review Panel, 14 September 2011): Update**
The Monitoring Officer received this allegation about a parish councillor on 18 March 2011. The Local Assessment Panel met on 4 April 2011 and decided 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. 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 could not accept a referral of a review request and asked the Local Review Panel to consider the matter. The Monitoring Officer wrote to Standards for England about the contradictory advice given, which introduced an additional delay, but to date no response has been received. The Review Panel met on 14 September 2011 and upheld the decision of the Assessment Panel not to take any further action.
- CORCOM 4523 and 4523a (Standards Committee Local Assessment Panel, 4 April 2011 and 15 April 2011): Update**
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 to investigate the third (CORCOM 4523). Following investigation, the Ethical Standards Officer concluded that there had not been a breach of the Code of Conduct and her final report is attached to this agenda as a confidential item for the Standards Committee to receive.

7. During the course of the investigation into CORCOM 4523, the Ethical Standards Officer became aware of a further potential breach of the Code of Conduct by the subject member, and under the provisions of Section 59(1)(b) of the Local Government Act 2000 (as amended by the Local Government and Public Involvement in Health Act 2007), informed the subject member, relevant parish council and Monitoring Officer that Standards for England would conduct a separate investigation into this matter. The Ethical Standards Officer concluded that, in this case, there had been a breach of the Code of Conduct, but that no further action need be taken. The final report, CORCOM 4523a, is attached to this agenda as a confidential item for the Standards Committee to receive and to note the finding.

CORCOM 4585a (Standards Committee Local Assessment Panels 29 June 2011, 12 August 2011 and 14 September 2011): Update

8. CORCOM 4585 was one of six related allegations received between 2 and 22 June 2011 about members of one parish council. The Local Assessment Panel referred all six cases to Standards for England for consideration. Standards for England decided to take no action in respect of CORCOM 4585. Although there is no right for complainants to request reviews of assessments made by Standards for England, the Monitoring Officer 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 had agreed to accept the referral if the Local Assessment Panel determined that the case should be referred. The Local Assessment Panel met on 14 September 2011 and considered the additional material supplied by the complainant (CORCOM 4585a), but decided to take no further action.
9. The Assessment Panel clarified that the onus is on the complainant and not the District Council to supply sufficient evidence in support of an allegation, regardless of any previous involvement the Standards Committee may have had in related matters.

CORCOM 4624 (Standards Committee Local Assessment Panel 14 September 2011): Update

10. An allegation about a parish councillor was received on 1 July 2011. The Local Assessment Panel met on 18 July 2011 and decided to take no action. The complainant appealed against the decision. The Review Panel met on 14 September 2011 and upheld the decision of the Assessment Panel not to take any further action.

CORCOM 4734, 4737 and 4738 (Standards Committee Local Assessment Panel 30 September 2011)

11. Three related allegations about two members of one parish council were received in mid-September. The Local Assessment Panel referred all three cases to the Monitoring Officer for investigation as one matter. 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, likely early in 2012.

CORCOM 4813 (Standards Committee Local Assessment Panel 18 November 2011)

12. An allegation about a parish councillor was received on 3 November 2011. The Local Assessment Panel decided to take no action. The complainant has until 18 December 2011 to request a review.

Conclusion

13. Since 1 April 2011, the Monitoring Officer has received twenty-six complaints about twenty-one parish councillors from six parish councils. Two complaints also referred to district councillors, but neither 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.
14. The number of complaints received this year 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

Contact Officer: Holly Adams – Democratic Services Team Leader
Telephone: (01954) 713030