



Leicester
City Council

WARDS AFFECTED
Type in Ward

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Standards Committee

25 January 2006

GOING LOCAL: INVESTIGATIONS AND HEARINGS

Report of the TOWN CLERK

1. Purpose of Report

To agree the Committee's strategy for preparing for the conduct of Local Hearings.

2. REPORT

Members will recall, from previous reports, that regulations are in place which provide for Standards Committees to make determinations following either a referral of a completed investigation by an Ethical Standards officer or the conduct of an investigation locally by the Council's Monitoring Officer.

As will be seen from copy of Standards Committee News, 04 (November 2005) contained elsewhere on this Committee agenda, as at the end of September 2005, Ethical Standards officers had referred 253 cases to monitoring officers for local investigation (equivalent to 32% of all cases referred for investigation since local referral began in November 2004). In recent months, over half of all cases have been referred locally, and this trend looks set to continue. The Standards Board further report that 74 reports have already been received from monitoring officers, and there have been 51 standards committee decisions on cases investigated locally.

Since the introduction of these regulations, as yet in Leicester no such complaints have been referred either for investigation by the monitoring officer or local determination by the Standards Committee. Whilst a welcome situation, this committee would, be the first to recognise that there is no room for complacency – a complaint could, of course, be received by referral at any time. The Standards Board for England, published, in July 2005, specific guidance on how to conduct an investigation. The board has now published a guidance DVD (33 minutes in length) which uses a fictional case to illustrate a local investigation and hearing and highlights some of the challenges that may arise. The purpose of this programme is not to examine the detail of the fictional complaint, but to identify how to carry out a fair and balanced local investigation and the procedure for a professional and effective hearing.

The DVD is, of course, of value. However of itself it would be insufficient to equip the Committee to conduct a local hearing. This is better achieved using a combination of

the skills, knowledge and experience already available through both the Members of the Committee and the monitoring officer, supplemented, as appropriate by additional material such as case studies and possible extracts from the DVD.

To ensure that the Committee is best equipped to deal with any complaint which may be referred for determination, rather than undertake training/a briefing in isolation. Members may wish instead to consider the benefits of a tailored briefing being prepared and then held ready for delivery at the point immediately prior to when a complaint requires to be addressed by the Committee

This would ensure that any such briefing is both fresh and current for Members at the required time, with the Committee's action then able to directly reflect the learning points from the Briefing. Members views are, therefore, requested.

In addition, Members will wish to note that the role of the Monitoring Officer in both conducting an investigation and supporting any consequent hearing is envisaged to be very resource demanding. In all but the most minor cases such additional resource is not available within the Council. Reciprocal arrangements with other Councils are possible, but it does, of course, also mean returning the service – not a viable option when such resource is not available within the Council. As a consequence, the resource with the necessary expertise to conduct any such investigation would need to be procured. Any increased costs arising would need to be funded either by an increase to the RAD Department's budget or offset by saving elsewhere in the department.

3. Recommendations

The Committee is requested to determine their preferred method for the conduct of training/briefing prior to the local determination of any complaint they made be required undertake.

4. Financial Implications

Financial implications are contained within the Report. (Andy Morley)

5. Legal Implications

The legal implications are covered in the report. (Peter Nicholls, Head of Legal Services).

6. Other Implications

Other Implications	YES/NO	Paragraph References within Supporting Information
Equal Opportunities	None	
Policy	None	
Sustainable & Environmental	None	
Crime and Disorder	None	
Human Rights Act	Yes	To be addressed within training/briefing
Elderly/People on low income	None	

7. Background Papers – Local Government Act 1972

None.

8. Consultations

None.

9. Report Author

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