

AGENDA ITEM No. 6.1

PEAK DISTRICT NATIONAL PARK AUTHORITY

STANDARDS COMMITTEE

21 JUNE 2006

CORPORATE RESOURCES

PART A

1. LOCAL INVESTIGATION OF COMPLAINTS PROCEDURE (A.1118/EWJ)

Proposal

1. To approve the procedure for the local investigation of complaints against a Member.

RECOMMENDATION:

2. **That the Local Investigation of Complaints procedure as set out in the Annex to the report be approved.**

Policy/Legal Background

3. New regulations now enable the Standards Board for England to refer complaints of a Member's misconduct under the Code of Conduct to the Authority's Monitoring Officer for local investigation, instead of investigation by the Standards Board's Ethical Standards Officers.
4. Under the regulations, where a complaint is referred by the Standards Board for investigation, it goes to an Ethical Standards Officer (ESO) who decides whether to allocate it to one of the Standards Board's own investigators or to refer it to the Authority's Monitoring Officer. The ESO will not refer matters for local investigation where the serious nature of the matter means that it is likely to require a sanction in excess of the Standards Committee's maximum sanction of 3 months' suspension.
5. The Standards Board has published guidance as to how local authorities should arrange for the conduct of such local investigations

Key Issues

6. The Procedure has been drafted taking into consideration, the regulations, statutory guidance from the Standards Boards and model documents produced by The Association of Council Secretaries and Solicitors.
7. The procedure also covers investigations into complaints that a Member has breached one of the Authority's Protocols.
8. The investigation procedure compliments the Local Determination procedure that was agreed by the Committee in 2004.
9. The government has stated it's intention to introduce amending legislation that will give local authorities the power to receive complaints in the first instance and decide whether these should be investigated and determined by the local authority or referred to the Standards Board.

10. It is not known what impact the new procedures will have on the work of the Monitoring Officer or the Standards Committee. Since the introduction of the Code of Conduct the Standards Board have investigated and made three determinations against a Member of the Authority. The allegations were about failing to declare personal interests, failing to withdraw from a meeting when a matter in which the Member had a prejudicial interest was discussed and improperly seeking to influence a decision on the matter. In two of the cases the Ethical Standards Officer found that the Member had not deliberately failed to comply with the Code of Conduct and had not improperly sought to influence a decision on the matter. In the circumstances he found that no action needed to be taken. In the other case the Ethical Standards Officer found that the Member had not failed to comply with the Code of Conduct.

APPENDIX

Background

1. No further background information is necessary.

Resources

2. Local investigations, if any arise, will place an additional burden on both the staff and the financial resources of the Authority which will be met out of existing budgets.

Risk Management

3. If the Authority maintains it's record of high ethical standards through Member training and readily available advice it is hoped that no complaints will arise and that there will be no need to carry out any investigations.

Human Rights, Equalities, Health & Safety

4. All investigations that are carried out will respect the Human rights and equalities issues.

Consultees

- 5.. The Head of Law has been consulted on the draft procedure.

Enclosures

6. Annex: Procedure for Local Investigation of Complaints of Misconduct by Members

List of Background Papers (not previously published)

7. None

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- 9.. 13 June 2006