

# Southend-on-Sea Borough Council

Agenda  
Item No.

Report of Acting Chief Executive & Town Clerk  
to

## Standards Committee

on

13 December 2004

Report prepared by: Mr A Wallace

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### New Ethical Framework Regulations – Less Serious Misconduct Allegations

*A Part I Public Agenda Item*

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#### 1. Purpose of Report

- 1.1 To draw the Committee's attention to changes in legislation relating to the investigation of Member's Code of Conduct complaints.

#### 2. Recommendation

- 2.1 **That the report and its implications be noted.**  
2.2 **That a further report be submitted on consequential changes to the Council's "Constitution" to reflect the changes to legislation.**

#### 3. Background

- 3.1 The Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 and The Standards Board for England (Functions) Order 2004 came into force on the 4<sup>th</sup> November (copies attached as **Appendices 2 & 3** to this report). The principal effect of these statutory instruments is to empower Ethical Standards Officers appointed by the Standards Board for England to hand the job of investigating less serious breaches of the Code of Conduct to the Monitoring Officer of the relevant Council.
- 3.2 The Regulations provide for local Standards Committees to consider reports from their Monitoring Officers. Where a Monitoring Officer considers there has been no breach of the Code the Standards Committee can decide whether or not it agrees with the Monitoring Officer. Where the Monitoring Officer considers there has been a breach, the Standards Committee must hold a hearing. If during this process or in the Monitoring Officer's investigations further breaches of a potentially more serious nature come to light the case must be referred back to the Ethical Standards Officer.
- 3.3 The guidance on Local Investigations attached at **Appendix 1** sets out the procedure in some detail and provides a convenient reference point for use both in conducting investigations and holding hearings. It is very likely that we will receive referrals as it is anticipated that over 50% of cases will be dealt with by local referral. Training on the Hearing procedure is to be delivered by an external trainer at this meeting.

#### 4. Background Papers

- 4.1 There are no background papers.

#### 5. Appendices

Appendix 1 - Local Investigations Guidance for Monitoring Officers and Standards Committees.  
Appendix 2 - The Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004.  
Appendix 3 - The Standards Board for England (functions) Order 2004.