

Standards Report



Analysis of Timescales and Cost of Standards Investigation Reports

Report author **Sharon Bridglalsingh**
 Director, Law and Governance
 01908 252095

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| Exempt / confidential / not for publication | No |
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1. Purpose

1.1 This report seeks to analyse the timescales and cost of standards cases that result in investigation.

2. Recommendations

That the Committee considers the report and makes recommendations on the instruction of Investigators in Standards Cases.

3. Background to the Process of Investigation

3.1 If it is decided that a standards complaint meets the criteria for investigation then the Monitoring Officer will procure an external person to carry out the investigation and at the conclusion of that investigation to write a report upon their findings.

3.2 The investigation process will usually include consideration of documentation, any recordings or videos and other information relating to the complaint. It will also involve interviewing the Councillor who has had a complaint made against them and, on a proportionate basis, interviewing other witnesses including the complainants.

3.3 Upon completion of any interviews and examination of the documentation the Investigator will typically send witness statements to anyone interviewed for their agreement. The Investigator will then write up a draft report and send that report to the Councillor and the Complainant for comment. After consideration of any comments the Investigator will then issue a final report to the Monitoring Officer.

3.4 If the matter proceeds to a Sub-Committee hearing the Investigator will be invited to attend and give evidence. A fee for such attendance is usually arranged separately.

4. Analysis of Annex

4.1 The Monitoring Officer has instructed external Investigators from both a neighbouring local authority and from a solicitors firm from a specialist local government legal framework. In respect of the latter three quotes were obtained from firms on the framework.

4.2 The attached **Annex** shows detail for the last five investigations in terms of time taken and cost. Also included to provide a fuller picture is the number of complainants in each case as well as an assessment of whether the amount of documentation in the case was large, medium or small.

4.3 It will be seen that using the private sector is much more expensive however the private sector were quicker in completing an investigation in two out of three cases. It should be noted that the Acting Monitoring Officer had instructed the private sector in the two cases cited as the neighbouring local authority did not have capacity to take on additional cases.

4.4 It should be further noted that neighbouring local authorities, as well as a number of other local authorities, have been contacted to undertake standard investigation work but the response has been that all but one (the one used) did not have the capacity to undertake this work.

5. Implications

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|--------------------|---|-------------------------------------|---|
| Financial | Y | Human rights, equalities, diversity | Y |
| Legal | Y | Policies or Council Plan | N |
| Communication | Y | Procurement | Y |
| Energy Sufficiency | N | Workforce | N |

(a) Financial Implications

The cost of investigations is paid from Council resources.

(b) Legal Implications

The Council has a duty under the Localism Act 2011 to have arrangements in place for investigating and making decisions on allegations that the Code of Conduct has been breached.

(c) Other Implications

Communication - following a hearing of a standards case by a Sub-Committee the decision notice and investigation report relating to the case will normally be published on the Council's website.

Human Rights - in particular Article 6 (The Right to a Fair Trial) will be applicable when determining a standards case.

Procurement - the Council either instructs officers from neighbouring Councils or private solicitor firms to conduct standards investigations. When instructing private solicitor firms the Council uses firms from the EM Lawshare framework and undertakes a competitive process by seeking quotes from three different solicitors firms.

6. Alternatives

This report sets out who the Council instructs to carry out standards investigations. The Council currently has a 'mixed economy' approach using both officers from other Councils and private solicitor firms. Currently it is unlikely neighbouring Councils would have capacity to undertake all standards investigations for the Council.

List of Annexes

Annex - Summary of Timescales and Cost of Standards Investigations 2018 and 2019