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Dear Sirs,

FEEDBACK FROM THE ANNUAL SUFFOLK STANDARDS CONFERENCE

The Suffolk Monitoring Officers Group organises an annual conference for the standards committees of the eight local authorities in Suffolk.

This year's event was held on 4 November 2009. It was attended by committee members from all of the Suffolk authorities and included interactive discussion between the committee members and Monitoring Officers on current topics.

During the course of the conference, a number of significant points were identified by members. Some of these points are being investigated and addressed by the Monitoring Officers. However, there were specific issues on which there was strong feeling and consensus that the collective views of committee members should be communicated to Standards For England for appropriate action to be taken.

On behalf of those representatives at the Annual Conference, I have set out below the key points:-

(1) Investigations and other forms of action (e.g. mediations), are costly for authorities

Since local assessment, there has been an increase in complaints and members are concerned at the resource implications to their authorities of conducting investigations. Increasingly, investigations need to be out-sourced due to lack of in-house capacity giving rise to direct costs implications. Moreover, most Monitoring Officers are not mediators and a mediation almost inevitably needs to be out-sourced, usually at a minimum cost of £500.

The majority of complaints concern town/parish councillors and whilst it is recognised that authorities are currently prevented from seeking reimbursement of their costs from town/parish councils, the position ought to be changed to allow authorities discretion to charge.

(2) Provision is needed to allow investigation of complaints if 'other action' fails

There is widespread dissatisfaction among members and complainants that a complaint cannot subsequently be investigated if action other than investigation proves to be unsuccessful. The reasoning provided by SFE that the investigation of the complaint may have become prejudiced is understood, yet there is still no facility for an investigation even if it is clear that no prejudice has arisen through the 'other action'. For example, if a councillor agrees to mediate, but then fails to attend or abandons the process early on.

The solution appears to be for the complaint to be re-submitted, but this is time consuming, has resource implications and public confidence in the system is already diminished.

The position needs to be corrected by amendment to the 2008 regulations rather than continuing attempts to work around what appears to be a flaw in the process.

(3) Provision is required to enable the Monitoring Officer to facilitate a solution to a complaint

Whilst various sources have suggested that the Monitoring Officer should seek to informally resolve less serious complaints, the Suffolk Monitoring Officers consider this approach to be of dubious legality. It is clear from section 57A(2) of the Local Government Act 2000 that once a complaint is received by the standards committee it must be actioned by the committee. There is no authority for the Monitoring Officer to intervene.

Notwithstanding this, the Suffolk Monitoring Officers were all in agreement at our last meeting that there is an inherent duty upon the Monitoring Officer to attempt to secure a solution where appropriate. However, different methods are being applied to circumvent the difficulties presented by the legislation. It was noted by the Group that the well-publicised idea of providing a "window of resolution opportunity" before formalisation of the complaint against a councillor in a council's complaint system does not appear to have been officially refuted or approved by SFE.

Indeed standards committees would welcome the facility for the Monitoring Officer to seek to resolve a complaint informally in appropriate circumstances with the complaint being referred to the Assessment Sub-Committee if a solution cannot be found. This approach appears to have been supported by the Adjudication Panel for England (in APE 0456, dated 15.10.09), but clear statutory authority is needed.

I should be pleased to receive details of how the matters identified in (1)-(3) above will be addressed. It is the expectation of each of the standards committees that their Monitoring Officer will report on the response to their points and an early reply would therefore be appreciated.

Yours faithfully,

Kathryn Saward
Monitoring Officer