

REPORT TO: Standards Committee
DATE: 9th September 2009
REPORTING OFFICER: Strategic Director Corporate and Policy
SUBJECT: Other Action Guidance
WARDS: N/A

1.0 PURPOSE OF THE REPORT

1.1 To advise Members of the contents of the recent Standards for England Publication "Other Action Guidance".

2.0 RECOMMENDATION

2.1 That the report be noted

3.0 SUPPORTING INFORMATION

3.1 Members may recall that at the last meeting of the Committee on 3rd June 2009, the Monitoring Officer reported that Standards for England had just issued guidance on Other Action in terms of the assessment of complaints.

3.2 He indicated that a report would be brought to the next Meeting.

Members will also recall having received the Standards Board's guidance on local investigations and other action last year.

Since then, there has been some uncertainty on the circumstances in when "Other Action" can be taken in the context of assessment.

Members are aware that in considering a complaint, the assessment sub committee may take one of three options in dealing with a complaint that a Member has failed or may have failed to comply with the Code of Conduct. It can decide to refer the complaint to the Monitoring Officer, refer it to the Standards Board, or take no action.

If the assessment sub committee decides to refer the complaint to the Monitoring Officer, it can direct him or her to investigate the matter or, alternatively, it can direct him or her to take steps other than carrying out an investigation. This is known as Other Action.

The Standards Board's key messages on Other Action are:

- Complaints should not be referred for Other Action when an investigation is in the public interest, when an

allegation challenges the members honesty or integrity, or where if proven to be true, the alleged conduct would undoubtedly warrant a sanction.

- A referral for Other Action closes the opportunity to investigate.
- A decision to refer a complaint for Other Action makes no finding of fact, and the action decided on must not imply that the subject of the complaint has breached the Code of Conduct.
- Assessment sub committees cannot direct the subject member or any other party to take action. The direction is to the Monitoring Officer.
- Although there is no formal route for dealing with a Member who refuses to comply with Other Action, failure to cooperate may amount to bringing the Authority into disrepute.
- Generally, there are two indicators for Other Action. The first is when there is evidence of poor understanding of the Code of Conduct and / or the Authority's procedures. The second is when relationships within the Authority as a whole have broken down to such an extent it becomes very difficult to conduct the business of the Council.

The Standards Committee (England) Regulations 2008 explain that the steps a Standards Committee can direct a Monitoring Officer to take are:

- Arranging for the Member to attend a training course.
- Arranging for the Member and Complainant to engage in a process of conciliation.
- Any other steps (not including an investigation) which appear appropriate.

The attention of Members is drawn to detailed guidance from the Standards Board which appears at Appendix one of this Report.

4.0 POLICY IMPLICATIONS

4.1 None

5.0 OTHE IMPLICATION

5.1 None

6.0 IMPLIATIONS FOR THE COUNCIL'S PRIORITIES

6.1 **Children and Young People in Halton** – None

6.2 **Employment and Learning Skills in Halton** – None

6.3 **A Healthy Halton** – None

6.4 **A Safer Halton** – None

6.5 **Halton's Urban Renewal** – None

7.0 RISK ANALYSIS

7.1 No key issues have been identified which require control measures

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 There are no such issues arising directly from this Report

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 There are no documents under the meaning of the Act.

