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Dear Mrs Morris

Code of Conduct case profile

In order to aid you with any code of conduct cases that your new unitary authority may become responsible for on 1 April, the Standards Board for England has put together the following profile with details about cases received and still open with your predecessor authorities, (including those under the old conduct regime). The profile also details any engagements with the Standards Board and an explanation of the Local Government (Structural Changes) (Further Transitional and Supplementary Provision and Miscellaneous Amendments) Regulations 2009.

As you are probably aware, the monitoring officer of any authorities that your unitary authority is replacing has certain obligations in terms of any ongoing cases which need to be handed over on the re-organisation date. The information on open cases which we have included in this profile is taken from our last complete set of monitoring returns, which cover the period up to the end of December 2008, and may also include any updates that authorities have made to their case information since then. Hopefully this will provide you with a guide as to what to expect and will be of use over the coming days.

If you have any general queries about this profile, please do not hesitate to contact Louisa Fyans on 0161 817 5411.

CODE OF CONDUCT CASES FOR NEW UNITARIES

This profile of Code of Conduct cases dealt with in the local area has been put together to help inform you of some background to local cases and to identify whether any cases may be ongoing on 1 April which you will then become responsible for. The information on cases is mainly taken from our last set of monitoring information which extends up to the end of **December 2008**.

The profile also contains a summary of the 3rd Transitional Regulations which came into force on 11 March 2009.

Code of conduct cases dealt with or still pending since 8 May 2008 for authorities which will be replaced by Central Bedfordshire Unitary Council

New authority name	Closed cases	Open cases total	Open cases awaiting referral decision	Open cases not referred but not yet closed	Open cases under alt action	Open cases under investigation	Open cases referred to SBE	Open cases referred to another authority
Central Bedfordshire Council	4	7	3	2	0	2	0	0

Open cases are currently being considered by:

Mid Bedfordshire District Council – 4 open cases
 South Bedfordshire District Council – 3 open cases

Ongoing cases under the old framework - Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (as amended)

There are currently no cases being dealt with under the old conduct framework.

Engagements

At the end of the last quarter for which monitoring information is available, (Quarter 3, October – December 2008), South Bedfordshire District Council still had two cases open, awaiting a decision, which had been received in Quarter 2. This information has not yet triggered any engagement with the authority, due to the change to unitary status, but it is something to be aware of if this is still the situation when the cases transfer across.

The Local Government (Structural Changes) (Further Transitional and Supplementary Provision and Miscellaneous Amendments) Regulations 2009

These Regulations came into effect on 11 March, 2009 and contain provisions relating to ongoing Code of Conduct allegations received under the current standards framework. By 'current framework' we mean cases which fall under the Standards Committee (England) Regulations 2008.

Regulation 5 deals with the possible suspension of a member. Where an investigation has taken place and the standards committee of the predecessor council is considering suspension or partial suspension of that member for an amount of time that would go beyond the reorganisation date, ie beyond 1 April 2009, the standards committee must refer that case to the Adjudication Panel for England rather than the standards committee of the successor council. Therefore, successor standards committees in single tier authorities should not receive any current cases where an investigation and subsequent hearing has led to suspension being considered.

Regulation 6 deals with ongoing allegations which are unlikely to be finished before the reorganisation. If, 14 days before 1 April, steps are still to be taken with regards an allegation of misconduct, the predecessor monitoring officer (PMO) must provide the successor monitoring officer (SMO) with a copy of the allegation, a summary of the steps already taken, any other relevant documents and any other information which may reasonably be required by the successor authority. This information must be presented to the first meeting of the standards committee by the SMO. If the PMO was dealing with the case under regulation 13 of the Standards Committee (England) Regulations 2008 (direction to take steps other than carrying out an investigation) the standards committee of the single tier council must continue to deal with the case as if it

had been received by that council, taking it on from the point reached by the previous authority. If the PMO was dealing with the case under regulation 14 of the Standards Committee (England) Regulations 2008 (investigation) and has not yet produced a report the single tier council must then treat the case as if it has been referred to them as a complaint for the first time. This allows the council to review the case and decide whether or not any useful purpose is served by continuing with the investigation. If the PMO has produced a report the single tier council's standards committee must treat the report as if it had been made by the SMO and deal with it accordingly. If a hearing following an investigation had already begun but there has been no finding yet reached, the successor standards committee must re-start the hearing.

Regulation 7 deals with the ability for potential complainants to continue to make complaints about members of predecessor councils. These allegations must be made in writing and addressed to the single tier authority at the address published by that authority. Requests for a review of a decision for no action, taken by the predecessor authority should also be made in writing to that address but must not be made more than 30 days after the decision notice was given by the predecessor council.