

## ALTERNATIVE ACTIONS SEMINAR

Report By: Assistant Chief Executive - Legal and Democratic

### Wards Affected

County Wide

### Purpose

1. To consider this report and any comments the Committee may wish to make in respect of alternative actions.

### Financial Implications

2. None.

### Background

3. The Standards Board for England arranged a Seminar on alternative action at the Standards Board Headquarters in Manchester on 16th June 2008. The Assistant Chief Executive – Legal and Democratic attended this seminar together with a number of Monitoring Officers from various parts of England. The Seminar was primarily looking at directions or alternative actions other than investigations and hearings, and experiences by other authorities.

### Considerations

4. The reason for undertaking other action is that it may not always be in the interests of good governance to undertake or complete an investigation into an allegation of misconduct. In some circumstances it may be more appropriate to deal with matters by taking other action. Under the new local assessment framework this decision may be made on receipt of the allegation, or may only become clear after some investigation has been conducted and decided by the assessment sub-committee. The Monitoring Officer in such cases should refer the case back to the assessment sub-committee to confirm what progress, if any, has been made on the alternative action recommended.
5. It is important for the Committee to be aware that once a programme of alternative action has been embarked upon the investigation cannot be reopened even if the alternative action fails. The decision to take alternative action closes the opportunity to investigate.

6. Under the local assessment framework Standards Committees (assessment sub-committees in practice) have very broad powers to direct the Monitoring Officer to deal with cases in the following alternatives:
- mediation or conciliation – either between parties or involving the community to a greater or lesser extent
  - training – review of lessons learnt from the case
  - peer mentoring – review all protocols, standing orders or registers of interests

Should the Committee recommend alternative action, parties should be informed that no conclusion has been reached on whether the subject member failed to comply with the Code of Conduct.

7. The kind of case that would be subject to alternative action is where the authority to which the subject member belongs appears to have a poor understanding of the Code of Conduct and authority procedures.
8. Some authorities' shared experiences of mediation directed by the Standards Board felt that it gave some clout and a way in with difficult Parish Councils. Another authority had mediation with a Parish Council which worked for the complainant and some of the Parish Councillors; but out of the six members against whom the allegations were made two members did not accept mediation and therefore, as alternative action had been directed, there could be no further investigation.
9. It was still felt appropriate that in certain exceptional cases the Standards Board should set out directions as alternative action and could give authority to the Monitoring Officer in such cases.
10. The most common issues appear to be in respect of Parish Councils, and in particular where the relationship between the Clerk and the Chairman of the Council is difficult or acrimonious, or and where there are a number of newly elected Parish Councillors.
11. The Monitoring Officer could at the assessment stage suggest alternative action to the Assessment Sub-Committee. An issue arose as to how that would be reported back, should the subject member not comply and the response to any complainant. The Standards Board view was that Standards Committees need to be robust and consider investigations having regard to the likelihood of cost, the seriousness of the allegation; and that alternative action was an appropriate solution in some cases.
12. The Standards Board hopes to involve the same group of authorities to meet up just prior to Christmas 2008 to review how things have gone and how alternative action has avoided unnecessary costs and investigations.

## **Recommendations**

**THAT**

- (i) the Report be noted; and**
- (ii) that in appropriate cases, the Monitoring Officer and the Assessment Sub-Committee will consider alternative action as one of the options.**

## **Background Papers**

None

## **Appendices**

Minutes of the Alternative Actions Seminar held on 16 June 2008