

EAST HERTS COUNCIL

STANDARDS COMMITTEE – 11 AUGUST 2009

REPORT BY MONITORING OFFICER

6. OTHER ACTION GUIDANCE

WARD(S) AFFECTED: ALL

'D' RECOMMENDATION - that the Committee is asked to note the report.

1.0 Purpose/Summary of Report

1.1 The purpose of this report is to inform the Standards Committee about the new guidance issued by the Standards Board for England relating to other action. A copy of the guidance is attached at Appendix 'A6' (Pages 6.03 - 6.17).

2.0 Contribution to the Council's Corporate Priorities/Objectives

2.1 **Fit for purpose, services fit for you**

Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.

3.0 Background

3.1 The guidance on other action is aimed at members of Standards Committees. It is not mandatory but has been written to help describe what other action is, when it might be used, and how the process can be managed.

4.0 Report

4.1 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 Member's 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.

5.0 Consultation

5.1 None

6.0 Legal Implications

6.1 The legal implications are contained in the report.

7.0 Financial Implications

7.1 There are none.

8.0 Human Resource Implications

8.1 There are none.

9.0 Risk Management Implications

9.1 The Council needs to ensure that it has an effective Standards Committee and Sub-Committees to achieve good governance and ensure high standards of probity.

Background Papers

Standards Board for England Guidance on Other Action

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