

BROMSGROVE DISTRICT COUNCIL

CABINET

6 JANUARY 2010

INVESTIGATION COSTS

Responsible Portfolio Holder	Councillor Geoff Denaro
Responsible Head of Service	Claire Felton, Head of Legal, Equalities & Democratic Services
Non-Key Decision	

1. SUMMARY

- 1.1 This report seeks authority to transfer funds from balances to cover the costs relating to the investigation and hearings into complaints made to the Standards Committee arising from the full Council meeting on 29 July 2009.

2. RECOMMENDATION

That the Cabinet recommends to Council that £45,000 be transferred from balances to cover the costs relating to the investigation and hearings into the complaints.

3. BACKGROUND

- 3.1 As a result of events occurring at the full Council meeting on 29 July 2009 a number of complaints have been made to the Standards Committee alleging that a number of Members of Bromsgrove District Council might have failed to follow the Council's Code of Conduct. Those complaints have been assessed by the Standards Assessment Sub-Committee and 73 have been referred to the Monitoring Officer for local investigation.
- 3.2 The work involved in conducting an investigation of this magnitude is likely to be in excess of 280 hours. For this reason there are insufficient resources in-house to be able to absorb this quantity of additional work.
- 3.3 It is fair to say that the officer time that has already been expended on this matter is causing considerable strain within the Legal Team and that it is envisaged that this will continue throughout the period of investigation as the team will need to provide in house support to whoever is appointed to undertake the investigation.
- 3.4 A procurement exercise has been carried out and it is expected that an investigator will have been appointed by the date of this meeting. In addition to the investigator, costs will be expended on engaging an

independent legal advisor for the assessment, review and determination of the complaints.

- 3.5 It is estimated that the likely costs of the investigation and legal advice will be approximately £45,000 for which there is no provision in the Medium Term Financial Plan. It is therefore requested that this sum be made available from balances.

4. FINANCIAL IMPLICATIONS

- 4.1 These are set out in the report.

5. LEGAL IMPLICATIONS

- 5.1 The Local Government Act 2000 introduced primary legislation to enable the implementation of a Members' Code of Conduct, and this was amended by the Local Government and Public Involvement in Health Act 2007 insofar as it related to the application of the Members' Code of Conduct to their private lives. The local assessment regime was introduced by the LGPIHA 2007, and further expanded in the Standards Committee (England) Regulations 2008 which also set out the rules and procedures governing the investigation and determination of complaints.

6. COUNCIL OBJECTIVES

- 6.1 The Council must ensure that public confidence is maintained in the decision making process and all of its objectives are affected by this.

7. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 7.1 The main risk associated with the details included in this report is:
- *Inability to perform the statutory function of investigating and determining complaints due to lack of funding*
- 7.2 This risk is being managed as follows:
- Risk Register: *Legal, Equalities and Democratic Services*
Key Objective Ref No: 3
Key Objective: *Effective ethical governance*
- 7.3 There are no health and safety considerations

8. CUSTOMER IMPLICATIONS

- 8.1 N/a

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 N/a

10. VALUE FOR MONEY IMPLICATIONS

10.1 A procurement exercise has been undertaken to ensure that value for money considerations have been taken into account.

11. CLIMATE CHANGE AND CARBON IMPLICATIONS

11.1 N/a

12. OTHER IMPLICATIONS

Procurement Issues	
Personnel	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Biodiversity	None

13. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Joint Chief Executive	Yes
Executive Director - Partnerships and Projects	No
Executive Director - Services	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal, Equalities & Democratic Services	Yes

Head of Organisational Development & HR	No
Corporate Procurement Team	

14. WARDS AFFECTED

All wards

15. APPENDICES

None

16. BACKGROUND PAPERS

None

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