
STATUTORY INSTRUMENTS

2008 No. 1085

The Standards Committee (England) Regulations 2008

PART 3

PROCEDURES RELATING TO ALLEGATIONS

Referral of matters to monitoring officer for steps other than an investigation

13.—(1) This regulation applies—

- (a) where a standards committee refers a matter to a monitoring officer under section 57A(2) (a) or 57A(3) of the Act; or
- (b) an ethical standards officer refers a matter under section 60(2) or 60(3) of the Act,

with a direction to take steps other than carrying out an investigation.

(2) A standards committee may only make a referral under paragraph (1) after consultation with the monitoring officer.

(3) The steps referred to in paragraph (1) are—

- (a) arranging for the member who is the subject of an allegation to attend a training course;
- (b) arranging for that member and the complainant to engage in a process of conciliation;
- (c) such other steps (not including an investigation), as appear appropriate to the standards committee, or as the case may be, the ethical standards officer.

(4) Where a matter is referred to a monitoring officer under this regulation, the monitoring officer—

- (a) shall deal with the matter in accordance with the direction; and
- (b) shall give notice that the matter has been so referred to—
 - (i) the member who is the subject of the allegation,
 - (ii) any person who made the allegation which gave rise to the referral,
 - (iii) the standards committee of any other authority concerned; and
 - (iv) any parish council concerned; and
- (c) within the period of three months beginning on the day on which the direction was received, or as soon as is reasonably practicable thereafter, submit a written report giving details of the action taken or proposed, to comply with the direction—
 - (i) where the matter was referred to the monitoring officer under section 57A of the Act, to the standards committee; or
 - (ii) where the matter was referred to the monitoring officer under section 60 of the Act, to the ethical standards officer concerned.

(5) If the standards committee is not satisfied with the action specified in the report received under paragraph (4)(c)(i), it shall give a further direction to the monitoring officer.

(6) If the standards committee is satisfied with the action specified in the report received under paragraph (4)(c)(i), it shall give written notice to that effect to—

- (a) the member who is the subject of the report;
- (b) any person who made an allegation that gave rise to the referral;
- (c) the standards committee of any other authority concerned; and
- (d) any parish council concerned.

(7) If the ethical standards officer concerned is satisfied with the action specified in the report received under paragraph (4)(c)(ii), that officer shall give written notice to that effect to—

- (a) the member who is the subject of the report;
- (b) any person who made an allegation that gave rise to the referral;
- (c) the standards committee of any authority concerned; and
- (d) any parish council concerned.

(8) If the ethical standards officer concerned is not satisfied with the action specified in the report received under paragraph (4)(c)(ii), that officer may require the monitoring officer to arrange for a statement to be published in at least one newspaper circulating in the area of any authority concerned, giving—

- (a) details of the direction given by the ethical standards officer;
- (b) the ethical standards officer's reasons for being dissatisfied; and
- (c) the monitoring officer's response to the ethical standards officer's reasons for being dissatisfied.