
STATUTORY INSTRUMENTS

2008 No. 1085

The Standards Committee (England) Regulations 2008

PART 3

PROCEDURES RELATING TO ALLEGATIONS

Referral of matters to a monitoring officer for investigation

14.—(1) This regulation applies where a matter is referred to a monitoring officer under section 57A(2)(a), 57A(3), 60(2) or (3) of the Act otherwise than in accordance with regulation 13(1).

(2) The monitoring officer shall, unless otherwise directed by the ethical standards officer or standards committee—

(a) inform

- (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,

that the matter has been referred for investigation;

(b) subject to paragraph (5), conduct an investigation into the matters referred;

(c) give any member who is the subject of the investigation the opportunity to comment on the allegation made;

(3) The monitoring officer shall, in conducting an investigation, have regard to any relevant guidance issued, and shall comply with any relevant direction given, by the Standards Board.

(4) The monitoring officer may, in conducting an investigation—

- (a) make such inquiries of any person as the monitoring officer thinks necessary or expedient for the purpose of conducting that investigation;
- (b) require any person to give such information or explanation as the monitoring officer thinks necessary or expedient for the purpose of conducting that investigation;
- (c) require any of the authorities concerned to provide such advice and assistance as may reasonably be needed to assist in the investigation;
- (d) require any of the authorities concerned, other than a parish council, to meet the reasonable cost of any advice and assistance provided in accordance with sub-paragraph (c);
- (e) if any of the authorities concerned is a parish council, require the responsible authority to meet any reasonable costs incurred by that parish council in accordance with sub-paragraph (d); and
- (f) require any of the authorities concerned to afford reasonable access to such documents in the possession of that authority as appear to the monitoring officer to be necessary for the purpose of conducting the investigation.

(5) In the case of an investigation pursuant to a reference under section 60(2) or (3) of the Act, the monitoring officer of an authority may, at any stage prior to the completion of the investigation, by a request in writing to the ethical standards officer concerned, ask that the matter be referred back to that ethical standards officer for investigation; and any such request must set out the reasons for making it.

(6) The ethical standards officer must respond to a request under paragraph (5) within 21 days of its receipt and may—

- (a) direct that the matter be so referred for investigation, in which case the investigation by the monitoring officer concerned shall cease; or
- (b) direct the monitoring officer concerned to continue the investigation in accordance with these Regulations.

(7) Where a direction is given under paragraph (6)(b), the monitoring officer may not make a further request under paragraph (5) in respect of the same matter.

(8) On completion of an investigation under this regulation, the monitoring officer shall—

- (a) make a finding—
 - (i) that there has been a failure to comply with the code of conduct of the authority concerned or, as the case may be, of any other authority concerned (“a finding of failure”); or
 - (ii) that there has not been a failure to comply with the code of conduct of the authority concerned or, as the case may be, of any other authority concerned (“a finding of no failure”);
- (b) prepare a written report of the investigation which contains a statement as to the finding;
- (c) send a copy of that report to the member who was the subject of the investigation;
- (d) refer the report to—
 - (i) the standards committee of the authority; and
 - (ii) the standards committee of any other authority, other than a parish council, of which the person who was the subject of the investigation is a member, if that other authority so requests.