

STANDARDS COMMITTEE

STANDARDS COMMITTEE HEARINGS – PUBLIC NOTICE REQUIREMENTS 21st January 2010

Report of the Monitoring Officer

PURPOSE OF REPORT

To advise the Committee of correspondence from Wyre Borough Council setting out their Standards Committee's concerns about the requirement to publish a notice in a local newspaper following a hearing, and in particular the cost of such requirement.

This report is public

RECOMMENDATIONS

- (1) **That the Committee consider whether it supports the stance taken by Wyre Borough Council concerning the requirement to publish a notice in a local newspaper following a Standards Committee hearing, and if so, to determine what action, if any, it would wish to take in support of Wyre's stance.**

1.0 Introduction

- 1.1 Correspondence has been received from the Monitoring Officer of Wyre Borough Council, which is appended to this report.
- 1.2 The Standards Committee (England) Regulations 2008 set out requirements for a Standards Committee after making a finding at a hearing, to notify the finding to the member concerned, the complainant, the Standards Committee of any other authority concerned, the Standards Board and any parish council concerned. In addition, there is a requirement to publish a summary of the notice of the finding in at least one newspaper circulating in the area of every authority concerned, and, if considered appropriate by the Standards Committee, on the web page of any authority concerned, and, if considered appropriate by the Standards Committee, in any other publication. If the finding is that there has been no failure to comply with the Code of Conduct, the member complained of may request that the notice not be published in a newspaper, web page or other publication. Otherwise, the notice is a legal requirement.
- 1.3 A similar requirement applies where an investigating officer's finding of no failure to comply with the Code of Conduct is accepted by the Assessment Sub-Committee. However, again it is open to the member complained of to request that the notice not be published.

1.4 The correspondence from Wyre Borough Council indicates that it is their experience that the cost of a public notice in a newspaper is around £500, and they do not consider this to be value for money, given the other available means of publicising Standards Committee findings. The response from the Department for Communities and Local Government (DCLG) is to the effect that the benefit of advertising in a local newspaper is that it is an impartial publication and is available to and read by those who have an interest in their local community.

2.0 Proposal Details

2.1 The Committee is asked to consider the correspondence from Wyre Borough Council, which includes the responses from the DCLG, and to consider whether it supports the stance taken by Wyre Borough Council. If it does, the Committee may wish to consider how it would wish to demonstrate that report.

3.0 Details of Consultation

3.1 There has been no consultation. In effect this report has arisen from a consultation being undertaken by Wyre Borough Council with other Councils in Lancashire on the subject.

4.0 Options and Options Analysis (including risk assessment)

4.1 The Committee may take the view that it supports the stance of Wyre Borough Council on this issue, or that it does not. If it does support Wyre's stance, it may wish to consider how that support could be demonstrated, and this might include writing to the DCLG and/or the local Members of Parliament.

5.0 Conclusion

5.1 The views of the Committee are sought.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None arising from this report.

FINANCIAL IMPLICATIONS

To date, the Standards Committee has not had any hearings under the 2008 Regulations, and it has not therefore been necessary recently to meet the cost of a public notice. In a recent case where the investigating officer's finding of no breach of the Code of Conduct was accepted, the Member requested that the public notice not be given. There is no specific budget for the cost of such notices. Similar arrangements did however apply under the previous standards regime, and the Democratic Services advertising budget was used on the few occasions when it was necessary to publish a notice in a local newspaper.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

Legal Services have been consulted and have no further comments.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer in her capacity as adviser to the Standards Committee.

BACKGROUND PAPERS

None

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