

**COMMITTEE: STANDARDS**

**DATE: 16 JUNE 2003**

**SUBJECT: UPDATE ON REGULATIONS TO BE MADE UNDER SECTION 66 OF THE LOCAL GOVERNMENT ACT 2000**

**REPORT BY: MONITORING OFFICER**

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**IMPLICATIONS:**

**LEGAL** ☒

**COMMUNITY SAFETY** ☐

**EQUALITIES** ☐

**ENVIRONMENT** ☐

**FINANCIAL** ☐

**OTHER** ☐

**STAFFING** ☐

**OTHER**

**WARDS AFFECTED: NONE**

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**PURPOSE**

1. The purpose of this report is to update the Committee with regard to the proposed Regulations that have been made under Section 66 of the Local Government Act 2000 ("the Section 66 Regulations").

**RECOMMENDATION(S)**

2. That the Committee note the report.

**REPORT**

3. I have reported to the Committee previously on the Section 66 Regulations to be made by the Secretary of State. The Committee will recall that the Section 66 Regulations will provide the framework under which cases will be referred back from the Standards Board for England ("the SBE") to local authorities for local determination.
4. The Section 66 Regulations have still to be made. Following responses to the consultation that was undertaken by the Office of the Deputy Prime Minister last year the Government have now come to the view that workable regulations cannot be made without changes to the primary legislation. The Government now intend to issue the Section 66 Regulations in 2 parts. The first set of regulations will set out the regime within which local authority Standards Committees will be able to consider cases referred to the local authority Monitoring Officer after investigation by an Ethical Standards Officer ("ESO"). These are cases which will be referred for the sanction to be determined rather than for investigation to be carried out

locally. The second set of regulations will provide for the conduct of investigations by local authority Monitoring Officers, or by investigators appointed by them, following a referral from an ESO. The Government's intention is not to issue these regulations until a change has been made to the Local Government Act 2000. The Government propose to change the primary legislation to allow a Monitoring Officer to appoint another person to conduct an investigation, especially in circumstances where the Monitoring Officer might have a conflict of interest. Members may recall that in responding to the consultation this Council proposed that rather than requiring Monitoring Officers to conduct investigations, the Section 66 Regulations should require Monitoring Officers to ensure that there was in place a system for the conduct of investigations. This would enable local authorities to have flexibility either to have investigations conducted by another person with the Monitoring Officer advising the Standards Committee, or for the Monitoring Officer to conduct investigations with an independent advisor to the Standards Committee. It does seem that the proposed change will go some way to meet the concerns which this Council raised. The Committee will be aware that our local investigation procedure currently provides for investigations to be carried out by someone appointed by the Chief Executive with the Monitoring Officer acting as adviser to the Standards Committee.

5. At the time of writing this report I have not seen a draft of the first set of the propose regulations, neither am I aware that they have been laid before Parliament. I hope to be in a position to update the Committee on this at the meeting.

#### **LIST OF BACKGROUND PAPERS**

#### **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

1. Report to Standard Committee: Local Government Act 2000 Section 66, New Ethical Framework Proposed Regulations: 4/11/02 - Ref: SC/11/02/6.5.
2. Standards Board for England Bulletin 10 2003.