

Ethical standards Clinic

Every month in our Local Government newsletter, we answer ethical standards questions. These questions are generated by our readers or from the experience of our people. We are sure you will find them informative and useful. Extracts of some questions asked are below. For complete answers or to raise your own questions visit www.weightmans.com

Q. I have carried out several interviews with potential witnesses about the conduct of a member alleged to have breached the code of conduct. There is one witness I wish to interview who refuses to co-operate with me. What powers do I have to compel the witness to be interviewed?

A. Under the current Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (as amended), an investigator does not have any powers to compel a witness to give evidence or to attend for an interview... but Regulations under the Local Government and Public Involvement in Health Act 2007 may allow the powers of an ethical standards officer to be applied to Monitoring Officer investigations.

Q. I'm setting up arrangements for the standards committee hearing and the chair of the Committee has asked whether the Committee needs to be politically balanced when holding hearings. What advice should I give him?

A. There is no legislative requirement that Standards Committees at ordinary meetings or hearings are to be politically balanced... considered by the Adjudication Panel for England in APE 0366 at an appeal hearing...

Q. At the hearing, the subject member challenges the jurisdiction of the Committee in being able to hear the case because she considers that the document supporting the complaint was stolen from her. How should the Committee respond?

A. It is not the role of the Committee to determine any such evidence or allegation about the complainant... the Committee is considering the Investigator's report which is likely to be based on and supported with evidence that has been properly and lawfully obtained. Therefore the Committee has proper jurisdiction to consider that report...

Our people

Claire Lefort
Associate

Prior to joining Weightmans LLP in March 2007, Claire was Principal Legal Adviser at the Standards Board for England, a position she held for almost 5 years. Claire's experience includes advising the Board on all aspects of its functions in assessing complaints, advising Ethical Standards Officers on their investigations and procedure, and presenting numerous cases to hearings and appeals of both Standards Committees and Adjudication Panel for England Case Tribunals. She was a key contributor to the Board's statutory guidance on hearings and investigations, as well as being one of the leading advisers to the Board's DVD training on local investigations and hearings. Claire has also written and given numerous presentations on ethical standards, and has excellent hands-on experience of the subjects discussed. Claire also held the post of Borough Solicitor and Monitoring Officer at Castle Point Borough Council.

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Graeme Creer
Partner, Head of Local Government

Graeme has 30 years' experience in local government. He headed the Legal Service at Barnet London Borough Council, and then became City Solicitor at Liverpool City Council. The Barnet and Liverpool Legal Services were awarded the LGC Legal Award in 2000 and 2006 respectively. Graeme was a Member of the ACSeS Executive (portfolio holder for issues relating to local authority powers), Chair of ACSeS Democratic Services Committee and a member of CIPFA Competition Joint Committee. He was included in The Lawyer's "Hot 100" in 2004 and was singled out as one of the country's top five local authority lawyers in a 2005 Local Government Chronicle profile. He was a monitoring officer for 16 years, and gave evidence to the Nolan Committee. Graeme joined Weightmans as a Partner and Head of the Public Sector Group in March 2006. He is recommended in the Legal 500 and Chambers 2007 refers to his "stellar in-house local government credentials" and comments that "he is esteemed for his vast knowledge of local authority and governance issues".

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About Weightmans

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Results for our clients, success for our people.

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For more information and to download the full ethical conduct guide go to:
www.weightmans.com

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Why Weightmans LLP?

We specialise in providing a broad range of services to relevant authorities concerning ethical standards and the conduct of elected, appointed and independent members.

These services include:

- investigating complaints
- advising Standards Committee hearings
- delivering high quality and interactive ethical standards training
- providing consultancy advice
- conducting mediation.

Our people are recognised for their experience in this area, and our approach is to provide high quality customer service, and excellent value for money.

Trust, confidence, respect, engagement...
...when you work with Weightmans LLP in ethical standards and member conduct matters.

Our services

Training

Off-the-peg or bespoke training, with courses focused on improving or refreshing understanding of the Code of Conduct, developing the skills of Standards Committees and their advisers, and advising on changes in the law. Any target audience and any subject can be accommodated. Interactive training is the most popular form of training in this area:

- mock hearings
- mock assessment of sample complaints
- case study led training on the code of conduct.

Investigations

Flexibility is a crucial feature of the investigation services we provide. We offer basic low-cost factual investigations through to full investigations by experienced lawyers. Alternatively we can assist in developing your own in-house expertise. Our expertise is second to none. We keep a keen eye on new cases and legislative changes. We understand how relevant authorities work, are sensitive to the political element of some complaints, and understand the importance of investigations being completed on time.

Hearings

Experience in presenting and advising at over a hundred hearings at local and national level has given us unrivalled expertise in attending Standards Committee hearings, organising hearings, managing the pre-hearing process and assisting the Member chairing the meeting.

Mediation

If an investigation is not the answer, mediation or conciliation may be the key to resolution and success in dealing with member conduct. Our accredited mediators will provide the expertise you need to resolve conduct issues.

Advice

If you simply need advice on ethical conduct matters, we are here to provide it. We can give advice and guidance to any relevant authority on any ethical standards matter.

Consultancy

We can provide systems reviews and in-depth consultancy to help you maintain and improve standards, avoid problems and raise levels of performance; a vital service to relevant authorities subject to review by the Standards Board for England. We can also assist if your Standards Committee's powers of initial assessment are facing suspension and provide a framework of improvement and development measures.