

Local Government – February 2009

Ethical standards clinic

I have just started an investigation about the conduct of a member and notice that there were police officers present who may have relevant evidence. How willing will the police be to take part in my investigation?

If it is likely that police officers need to be interviewed, the identity of those officers should be obtained as soon as possible and immediate contact made with the relevant police force to request interviews. Understandingly often there are several other matters which take priority to an investigation conducted under the Local Government Act 2000. In several cases, the relevant police force have taken several weeks to reply to requests for information and interviews with police officers, which can add significant delay to some investigations. Early contact and frequent reminders will ensure that the interviews and supply of information takes place as soon as possible. In addition, each police force operates differently and may seek costs in connection with making available police officers or other documentation. Establishing a relationship with the relevant Force Solicitor or Chief Inspector may assist in arranging the interviews as soon as possible and avoiding unnecessary or high costs.

A request has been made by a subject member that the Standards Committee should treat all further complaints made about him as being vexatious. The subject member explains that there is a concerted campaign by other members and members of the public to continually make complaints about him until he resigns. How should I respond?

Whilst it is recognised that in some cases, there may be a campaign against a particular member or group of members which involves the making of continuous complaints to the Standards Committee, one of the statutory obligations of the Standards Committee is to consider every allegation received and decide whether action should be taken. Whilst most Standards Committee's will include in their assessment criteria that no action is likely to be taken where the complaint is considered to be vexatious or malicious, the complaint should still be considered as it may disclose a potentially serious breach of the code of conduct. In addition it should be recognised that serious breaches of the code of conduct may be disclosed by a complainant even though their motivation is political gain or for reasons other than acting in the public interest. Standards Committees have wide discretion to consider whether to take action and it would not be appropriate to fetter that discretion in any way by automatically rejecting complaints as being vexatious simply because they are about a certain member or made by a particular individual.

Claire Lefort
Weightmans LLP