

**THE MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE
HELD ON FRIDAY 6 JUNE 2008**

Present: Councillors B Burn and A J Holmes
W Local, E Smith and Mrs M Goyns

Apologies: Miss J Clark

1 ELECTION OF CHAIR

RESOLVED that Mr W Local be elected Chair of the Standards Committee for the ensuing year.

MR W LOCAL TOOK THE CHAIR

2 APPOINTMENT OF VICE CHAIR

RESOLVED that Councillor B Burn be appointed Vice Chair of the Standards Committee for the ensuing year.

3 THE MINUTES OF THE LAST MEETING held on 22 January 2008, a copy of which had been circulated to each Member, were confirmed.

4 LOCAL ASSESSMENT OF COMPLAINTS

Consideration was given to the report of the Monitoring Officer which sought approval for a mechanism to appoint an Assessment Sub-Committee and Review Sub-Committee and determine what criteria, if any, would be publicised as the basis on which the initial assessment would be carried out, a copy of which had been circulated to each Member.

Details of the Standards Board Guidance on Local Assessment of Complaints were outlined in Appendix 1 of the report.

The Guidance recommended a minimum of three Members on both the Assessment Sub-Committee and Review Sub-Committee which was the number adopted in the amendments to the Council's Constitution recently approved by Council.

An independent Chair was required for each Sub-Committee and no Member was allowed to participate on both Sub-Committees on the same complaint. For Parish/ Town Council complaints the Council would need one Parish representative on each Sub-Committee. It would also be good practice to use at least one Parish representative to consider complaints against District Councillors.

Maximum flexibility would be achieved by permitting the Chief Executive to compose an Assessment Sub-Committee and if necessary, Review Sub-Committee from the Members of the Standards Committee on each occasion when a meeting was needed to deal with a complaint. The intention would be to use different Members for subsequent meetings subject to availability and to meeting the requirements for an independent Chair and the preferred mix of one Independent, one Parish and one District Member on each Sub-Committee.

The question of publication of criteria was less straight forward. The Standards Board had developed their own criteria and any complaint must pass the initial tests outlined in page

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eleven of the Guidance. Any complaint that did not fit the criteria would be accompanied by a report from the Monitoring Officer recommending rejection.

There was a need to strike a balance between maintaining public confidence by a willingness to take seriously any complaint which was lodged and a need to recognise the public interest in not wasting public time and money in investigating matters of a minor nature where no real benefit would be gained by completion of the process.

If the Committee was minded to accept the assessment criteria it was recommended that the wording on those issues outlined in the Guidance be incorporated.

If the Monitoring Officer considered it likely that a complaint contained insufficient information to satisfy the Assessment Sub-Committee that it should be investigated, the Complainant would be invited to supplement his/her evidence before the report was presented to Members. There was no obligation to do this and matters would not be deferred for any significant length of time. If a complaint related to a matter which appeared to have already been investigated then the Council should publicly say that it would not entertain a further complaint. There were no fixed time limits on making complaints but the longer the period of time which had passed the more difficult it would be to investigate properly and if the quality of evidence was likely to be substantially impaired it may not be in the public interests to undertake an investigation.

There were provisions for conciliation which may be far more suitable for complaints of a trivial nature than a full investigation and determination. The Sub-Committee was entitled to take into account whether a complaint may be maliciously politically motivated or tit for tat. The Standards Board had previously made it clear that such complaints were far less likely to be investigated and there was no reason why the Standards Committee should not do likewise.

Whilst it was recommended that the criteria be publicised the Monitoring Officer would monitor the approach adopted by other Authorities and advice available from experts in the field and therefore the criteria may be reviewed to incorporate best practice nationally.

RESOLVED that:-

- (i) the Assessment Sub-Committee and Review Sub-Committee each comprise of three Members to be selected on each occasion by the Chief Executive, rotating membership between all Members of the Standards Committee insofar as eligibility and availability on each occasion permitted;
- (ii) the criteria for investigating complaints be adopted.