

Standards Committee

10 July 2008



Procedure for Local Assessment of Complaints against Members

Report of Lesley Davies, Acting Director (Corporate Services) and Monitoring Officer

1. Purpose of the Report

This report seeks approval to a procedure for local assessment of complaints against Members and initial assessment criteria. It also advises that the Standards Board has now issued Guidance for Standards Committees on initial assessments.

2. Background

On 28th February 2008 Members previously considered a report on the consultation exercise relating to the proposed regulations to be introduced by Government to give effect to proposals for the local assessment of Member complaints. The Government subsequently introduced new regulations and the Standards Committee (England) Regulations 2008 ("the Regulations") came into force on 8th May 2008.

3. Details

The Local Government and Public Involvement in Health Act 2007 received Royal Assent on the 30th October 2007. One of the significant effects of the Act, for the Standards Committee, is the introduction of a locally managed framework of compliance with the Code of Conduct, which will involve the Standards Committee in making initial assessments of any allegations that the Council receives about Member misconduct. In most cases, any complaint that requires further action will be investigated and decided locally, without the involvement of the Standards Board for England.

From the 8th May 2008, Standards Committees throughout England now have three distinct roles in relation to complaints about Member conduct:

- Receiving and assessment complaints.
- Reviewing local assessment decisions
- Conducting hearings following an investigation into the complaint

This report identifies the steps that need to be undertaken in order to fully implement these changes, including procedural arrangements to establish necessary sub committees, a process for the administration of complaints and criteria against which such complaints are to be determined.

3.1 Procedure

A suggested procedure for local assessment is attached as **Appendix A**. This includes a copy of the Complaint Form which will be made available to anyone wishing to make a complaint alleging a breach of the Member Code of Conduct.

Appendix B sets out a suggested set of initial criteria which the Committee are invited to adopt to assist the proposed Assessment and Review Sub-Committees in assessing complaints.

The Standards Board for England has established arrangements for quarterly returns to be made to them which will include details of complaints that have been received. It is intended that a similar report will be submitted to the Standards Committee and that also the Annual Report to Council will inform Members of these matters.

3.2 Standards Board Guidance

The Standards Board has published its toolkit guidance on the assessment of allegations. This provides a range of template documents and forms to use in the local assessment process and which can be adapted for local use. The documents are based on the Board's experience of assessing complaints over the last 6 years.

The Board has now also published its Guidance on Local Assessment of Complaints. A copy is attached as **Appendix C** for Members to consider.

3.3 Access to Information

The Regulations provide that the provisions of Part VA of the Local Government Act 1972, as modified, shall not apply when a sub-committee of a Standards Committee is conducting (a) an initial assessment of an allegation of misconduct or (b) a review of a decision to take no action. This means that the normal rules for Council Committees of public notice of, and access to, meetings and the circulation of agendas and documents within various time limits will not apply. However, the sub-committee will be required to produce a written summary of its consideration of the allegation or its review of the decision. That written summary has to record the main points considered, its conclusion and the reasons for it.

The Access to Information Procedure Rules in Part 4 of the Constitution will be amended to reflect the relevant provisions of the Regulations.

3.4 Existing Procedure for Local Determination of Complaints against Members (the Local Determination Procedure)

The existing Procedure for Local Determination of Complaints against Members approved by the Standards Committee on 2 February 2004 will be amended where appropriate to reflect the revisions required to undertake the new functions set out in Regulations 17-20 of the Standards Committee (England) Regulations 2008.

4. Recommendations

Members are recommended to:

- (a) consider and approve the attached Procedure and assessment criteria.
- (b) approve the delegations to the Monitoring Officer, in consultation with the Chairman ,as set out in the Procedure in **Appendix A** ,to establish appropriate sub-committees for the purposes of administering the local assessment arrangements
- (c) authorise the Monitoring Officer to make any changes to the Local Determination Procedure to incorporate the new legislative requirements and guidance from the Standards Board for England relating to hearings in respect of the local assessment of complaints.

Background Documents:

Report to Standards Committee – 28th February 2008

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