

STANDARDS COMMITTEE – 15 JULY 2008

LOCAL ASSESSMENT OF COMPLAINTS

Report of the: Monitoring Officer

Status: For consideration and decision

Executive Summary: New legislation along with mandatory guidance produced by the Standards Board for England sets out how the new locally based system for the assessment of alleged complaints in relation to breaches of the Code of Conduct by Members will operate. Local authorities are obliged under the guidance to develop effective procedures to fulfil their new role and this Committee is asked to consider and approve the Local Assessment Procedure set out in the Appendix to this report.

This report supports the Key Aim of effective management of Council resources.

Portfolio Holder Cllr. Loney

Head of Service Head of Legal and Democratic Services – Christine Nuttall

Recommendation: It be Recommended to Council that:

- a) the Local Assessment Procedure set out in the Appendix to this report be adopted and incorporated into the Council's Constitution
 - b) the Standards Committee be given delegated authority to make amendments to the Local Assessment Procedure following any amendments to the Standards Committee (England) Regulations 2008 and the guidance produced by the Standards Board for England.
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Background

- 1 The long awaited Standards Committee (England) Regulations 2008 (the Regulations) came into force on 8th May 2008. The Regulations set out the details of how the new locally based system for the assessment of alleged complaints relating to breaches of the Code of Conduct by District Councillors, Parish/Town and Co-opted Members will operate.

Introduction

- 2 The initial assessment of allegations of Member misconduct are now transferred from the Standards Board for England (the Board) to local authority Standards Committees, via Sub-Committees (hearing panels) of the Standards Committees, which will have to decide whether each allegation appears to disclose a breach of the Code of Conduct and then, whether it merits an investigation or some other form of action. A separate report on

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tonight's agenda asks this Committee to formally establish two Sub-Committees to carry out the initial assessment and review functions.

The Guidance

- 3 Local authorities are obliged to develop effective procedures to fulfil their legislative requirements and the Board's 'Local Assessment of Complaints' guidance must be taken into account by standards committees and monitoring officers and the Regulations makes this mandatory. The guidance can be viewed on the Board's website at www.standardsboard.co.uk.
- 4 The process of dealing with complaints at a local level should be the same for all Members no matter what political party or level of local government they represent.
- 5 When assessing a complaint against a Member the Assessment Sub-Committee and Review Sub-Committee should be recognised as truly fair so that the public has confidence in the findings.
- 6 Processes and procedures need to be established that will engender the public's confidence and this Committee is referred to the Local Assessment Procedure set out in the Appendix to this report for approval and incorporation into the Council's Constitution.
- 7 As there may need to be statutory amendments to the Standards Committee (England) Regulations 2008 and the guidance produced by the Standards Board for England it would seem sensible to seek delegated authority for the Standards Committee to make any necessary changes to the Local Assessment Procedure.

Options (and Reasons for the Recommendation)

- 8 The report is for consideration and approval by this Committee in respect of the Local Assessment Procedure set out in the Appendix to this report and for recommendation to Council for adoption and incorporation within the Council's Constitution.

Key Implications

Financial

- 9 Financial implications of the new procedures will be kept under review. No dedicated budget provision has been made for the changes that are envisaged.

Legal, Human Rights etc.

- 10 The Regulations and Guidance provides the detailed provisions to implement the new ethical standards regime. There are human rights implications arising from the effect of the Regulations. There is an obligation to ensure a fair

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hearing process in accordance with the relevant articles of the European Convention.

Resource (non-financial)

- 11 Staffing resources will need to be kept under review. No provision has been made for additional staffing requirements in anticipation of the proposed changes.

Value For Money

- 12 Attempts are being made to try and absorb this significant additional work within existing budgets.

Equality

- 13 The new legislation has given the Standards Committee significant new responsibilities in terms of being the point of entry for allegations of misconduct against members. The procedures and approach it adopts to this role will need to ensure that no one is disadvantaged either in their ability to pursue an allegation or in defending themselves against an allegation.

Conclusions

- 14 The Regulations and Guidance sets out the changes to the system of handling complaints into alleged breaches of the Code of Conduct and the issues which the Standards Committee needs to address, in order to meet these new requirements.

Risk Assessment Statement

- 15 The authority will be failing to meet its statutory obligations if it does not meet the requirements of the legislation and mandatory guidance.
- 16 This could result in loss of reputation for the authority, powers being taken away from the authority and standards of conduct being eroded.

Sources of Information: The Standards Committee (England) Regulations 2008

Local Assessment of Complaints produced by the Standards Board For England

Contact Officer(s): Christine Nuttall – ext. 7245

Dr. Pav Ramewal
Corporate Resources Director

