



AGENDA ITEM: 8

**STANDARDS COMMITTEE:
12 JUNE 2008**

Report of: Council Secretary and Solicitor

Contact for further information: Mrs G L Rowe (Ext 5004)

SUBJECT: PROCEDURE FOR THE INITIAL ASSESSMENT OF WRITTEN COMPLAINTS OF BREACH OF THE CODE OF CONDUCT INCLUDING ASSESSMENT CRITERIA

District wide interest

1.0 PURPOSE OF THE REPORT

1.1 To agree the procedures to be followed in respect of written complaints of breach of the Code of Conduct received under Section 57A(1) of the Local Government Act 2000 (the Act) together with the Assessment Criteria and relevant documentation and the method of publication of the same.

2.0 RECOMMENDATIONS

2.1 That the procedure to be followed in respect of written complaints of breach of the Code of Conduct received under Section 57A(1) of the Act be as attached at Appendix 1, and the assessment criteria and documentation contained therein be approved.

2.2 That these procedures be published as required by Regulation 10(3) by putting them on the Council's website and having copies available on request.

2.3 That the Council Secretary and Solicitor update the procedures and develop the standard documentation as required.

3.0 BACKGROUND

- 3.1 Members are aware from earlier reports of the changes brought about in the ethical framework from 8 May 2008. Anyone who considers that a Member may have breached the Code of Conduct may make a complaint to the Standards Committee. Each complaint must then be assessed to see if it falls within the Council's legal jurisdiction. A decision must then be made on whether some action should be taken, either an investigation or some other form of action.
- 3.2 When a matter is referred for investigation or other action it does not mean that the Committee assessing the complaint has made up its mind about the allegation. It simply means that the Committee believes the alleged conduct, if proven, may amount to a failure to comply with the Code and that some action should be taken in response to the complaint.

4.0 PROPOSALS

- 4.1 The process for dealing with matters at a local level will be the same for all Members and will be fair and must be seen to be fair. As Members are aware the assessment of complaints is a new function for Standards Committees. It was previously undertaken centrally by the Standards Board for England.
- 4.2 The Standards Committee (England) Regulations 2008 set out the framework for the operation of a locally based system for the assessment, referral, investigation and hearing of complaints of Members' misconduct. Under the Regulations the Standards Committee must take the Guidance issued by the Standards Board into account and this has been done in bringing forward proposals to you. Future Regulations on joint working are planned.

5.0 PROCEDURES TO BE FOLLOWED

- 5.1 Members will find at Appendix 1 the Procedure for the Initial Assessment of written complaints of breach of the Code of Conduct received under Section 57A(1) of the Local Government Act 2000.
- 5.2 There is a reference in the Council's Corporate Complaints Procedure to complaints of misconduct by Councillors being referred to the Council Secretary and Solicitor, as Monitoring Officer and therefore there is no need to change the corporate system in response to the legislative change.

6.0 PUBLICATION OF PROCEDURES

- 6.1 Regulation 10(3) of the Standards Committee (England) Regulations 2008 states "Every Standards Committee shall publish in such manner as it considers appropriate, details of the procedures it will follow in relation to any written allegation received under Section 57A(1)."

- 6.2 In complying with the obligations under Regulation 10(3) every Standards Committee must take account of any relevant Guidance issued by the Standards Board.
- 6.3 The Standards Board Guidance states “The Standards Committee must publish, in whatever manner it considers appropriate, details of the procedures it will follow in relation to any written allegation received about a Member.”

7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 7.1 There are no sustainability/community strategy implications arising from this report.

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 Substantial officer time has been taken in preparing these procedures and standard documentation.

9.0 RISK ASSESSMENT

- 9.1 It is essential that appropriate procedures and documentation are prepared to comply with the relevant legislation and guidance.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Appendices

Appendix 1 – Procedure for the Initial Assessment of Complaints of Breach of the Code of Conduct under Section 57A(1) of the Local Government Act 2000 including Referral Criteria (TO FOLLOW)