



AGENDA ITEM: 5

**STANDARDS COMMITTEE:
10 DECEMBER 2008**

Report of: Council Secretary and Solicitor

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SUBJECT: STANDARDS COMMITTEE COMPLAINTS 2008

District wide interest

1.0 PURPOSE OF THE REPORT

1.1 To consider the number of complaints received by the Standards Committee, in particular the number of complaints received in respect of Halsall Parish Council.

2.0 RECOMMENDATIONS

2.1 That the number of complaints received by the Standards Committee, as detailed in Appendix 1 to the report, be noted with concern.

2.2 That the number of reviews requested and investigations required also be noted.

3.0 BACKGROUND

3.1 Since 8 May 2008 complaints about the misconduct of District and Parish Councillors must be assessed locally by the Standards Committee, in accordance with the Standards Committee (England) Regulations. The function, previously undertaken centrally by the Standards Board for England, requires each complaint to be assessed and a decision must then be made on whether action should be taken.

4.0 NUMBER OF COMPLAINTS TO THE STANDARDS COMMITTEE

4.1 As detailed in Appendix 1 to the report, as at 2 December 2008, there have been 31 complaints since 19 August 2008 (2 District Council, 2 District/Parish Council and 27 Parish Council complaints). Of the District/Parish and Parish (29 complaints) 16 relate to Halsall Parish Council, 12 are Tarleton Parish Council

(essentially 2 complaints) and 1 is Scarisbrick Parish Council. Many of the Halsall complaints have contained multiple allegations.

- 4.2 7 requests for review of decisions have been received, all relating to Halsall Parish Council.

5.0 NUMBER OF MEETINGS

- 5.1 Assessment Sub-Committee – 7 meetings - 31 complaints
Review Sub-Committee – 3 Meetings - 7 review requests

6.0 INVESTIGATIONS

- 6.1 The policy of the Standards Board in referring complaints for investigation changed over the years and there were very few referrals for investigation latterly. Many of the earlier cases, which had been investigated, had resulted in findings of 'no action' even where there were breaches of the Code of Conduct.
- 6.2 Of the 31 complaints received, 6 investigations have been instigated arising from allegations in 5 complaints, all of which are relating to Halsall Parish Council members.

7.0 STANDARDS COMMITTEE ROLE

- 7.1 It is important that complainants understand that the District Council has no jurisdiction over Parish Councils. Complaints which are about disagreement with the decisions made by Parish Councils are not for the Standards Committee but should be addressed to the Parish Council concerned. The Standards Committee only has a role in relation to the misconduct of Parish Councillors and this is specifically linked to breaches of the Code of Conduct. If the allegation does not concern a breach of the Code then the Standards Committee has no discretion in the matter. Much of the Code only applies to a Councillor acting in his/her 'official capacity' and again the Standards Committee must apply national guidance on this.
- 7.2 In line with Standards Board Guidance the Assessment Sub Committee will not usually take action on complaints which are not sufficiently serious or which are politically motivated or 'tit for tat' complaints. In assessing complaints and judging what is serious the Sub Committee will consider the wider public interest and may well come to a different conclusion to Parish Members who will have a local perspective. If this occurs on a regular basis then the costs of assessing each complaint would simply be a waste of public funds.
- 7.3 It is important that all those bringing complaints consider the public interest and appreciate the significance for the local Council tax payer in terms of the costs of conducting assessment, review and investigation locally and, if appropriate, a hearing via the Standards Committee.
- 7.4 It may be necessary in the future to consider Councillor vs Councillor complaints from Halsall Parish Council members being treated as "tit-for-tat" in the broadest sense, or as repetitious and therefore vexatious, and the Assessment Sub-

Committee would then normally be recommended to take no action unless they disclosed a serious matter which it thought required investigation or other action in the public interest.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

8.1 There are no significant sustainability impacts associated with the report and no significant impacts on crime and disorder.

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

9.1 Complaints to the Standards Committee have all been referred to the Assessment Sub-Committee as required by the legislation and cost about £600 each to assess. Seven cases have been received for review with others anticipated with costs estimated at £300 - £600 per case. Six investigations have been ordered to date of parts of complaints and will cost about £4000 - £6000 each if taken through the Hearing process. Two cases have been referred for 'other action' and three are to be decided. These figures cover both internal and external costs. I anticipate current external costs being in the region of £20,000 to £30,000 depending on how far the investigations go. This will exceed the small budget available and have to be met from the Council's reserves.

9.2 In future years, in difficult budget situations the Council may need to consider whether the costs for handling Parish Council complaints should be top sliced from the monies available for Parish Council grants/expenditure. Whilst in no way wanting to deter the submission of complaints of significance the issue of costs clearly needs to be borne in mind in the public interest. The District Council is under a legal duty to deal with complaints and if costs exceed the budgeted amount is bound to look for savings in areas of discretionary spending.

10.0 RISK ASSESSMENT

10.1 Risks associated with this report relate to the Council's financial resource and are set out in Paragraph 9 above, statutory processes must be followed.

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 – Complaints statistics

Appendix 2 – Review statistics

Appendix 3 – Investigation statistics