

## **NORTH LINCOLNSHIRE COUNCIL**

### **STANDARDS COMMITTEE**

#### **LOCAL ASSESSMENT/DETERMINATION**

##### **1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To inform members of the outcome of the consultation process on the detailed arrangements for introducing local assessment and determination of complaints against members.

##### **2. BACKGROUND INFORMATION**

- 2.1 At its meeting on 14 February 2008 the Standards Committee received a report on the consultation paper issued by the Department of Communities and Local Government (DCLG) on detailed proposals to introduce a locally based regime for dealing with complaints against members. The Committee made a number of observations which were forwarded to DCLG (copy attached).
- 2.2 DCLG has now published the Standards Committee (England) Regulations 2008 which brought the revised regime into operation from 8 May. Accordingly any complaint that an elected member has breached the Code of Conduct will now be referred to the Standards Committee.
- 2.3 The main effects of the Regulations are summarised below: -
- A sub committee will decide if the complaint should be referred to the Monitoring Officer for investigation; requires some form of alternative action eg mediation or an apology; does not constitute a code breach or does not warrant further action.
  - The complainant will have the right to request a review (to be completed within 30 days) of a no action decision by a further sub committee.
  - The Chair of the Standards Committee and its sub committees should be an Independent Member.
  - A written summary of the allegation must be given to the member complained against unless it would be contrary to the public interest or might prejudice a proper investigation.
  - In conducting a formal investigation the Monitoring Officer can request Ethical Standards Officer (Standards Board) to deal with the matter or refer it back to the Standards Committee if as a result of new evidence or information it is more or less serious than was originally apparent or where the member concerned has died or is seriously ill or has resigned from the authority such that the Monitoring Officer considers it is no longer appropriate to continue with the investigation.

- The sanctions available to the Standards Committee are increased from a maximum of 3 to 6 months suspension.
- Complaints information to be provided to the Standards Board on a quarterly basis.

2.4 Further Regulations on tidying up the dispensation provisions and on the granting of exemptions from political restrictions are promised later in the year.

2.5 The Standards Board has issued Guidance on the Local Assessment of Complaints together with a number of specimen documents. These are available on the Standards Board website [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk).

2.6 Arising out of the new arrangements and the Guidance members will need to give consideration to a number of issues including publicity for the new arrangements, training arrangements (the Standards Board has also produced a toolkit on the local assessment of complaints), whether the complaints arrangements should form part of the council's corporate complaints system or operate independently etc.

### 3. **OPTIONS FOR CONSIDERATION**

3.1 The report is for information.

### 4. **RESOURCE IMPLICATIONS (FINANCE, STAFFING, PROPERTY, IT)**

4.1 Implement of the system will mean both staffing and financial resources will need to be kept under review.

### 5. **OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**

5.1 There are risks to the council's reputation and standing if it fails to meet the requirements imposed.

### 6. **OUTCOMES OF CONSULTATION**

6.1 National consultation has been held

### 7. **RECOMMENDATIONS**

7.1 That the report be noted.

SERVICE DIRECTOR LEGAL AND DEMOCRATIC

Pittwood House  
Ashby Road  
SCUNTHORPE  
DN16 1AB  
Author: Mike Wood  
Ref: MW/BY  
29 May 2008

**Background Papers used in the preparation of this report – Nil**

## CONDUCT OF LOCAL AUTHORITY MEMBERS

With reference to the Consultation Paper regarding the above the council has the following responses to make.

1. As regards the proposed new Regulations that a complete set of Regulations be introduced taking in previous Regulations rather than amending them.
2. In addition to the proposal to allow members to sit on the sub committee making the final determination even though they have participated in the initial assessment or review sub committee greater flexibility be created by sub committees having 'floating' membership.
3. Where a member is a member of more than one authority instead of dual investigations taking place the complaint should be referred to the Standards Board to investigate and refer to the Adjudication Panel or the Standards Committee of whichever authority it considers appropriate.
4. The proposed 20 working day period for dealing with an initial assessment commence from the date the complaint is received by the Monitoring Officer.
5. More detailed guidance be given based on the experience of the Standards Board as to when notification of a complaint to a member can be delayed (possibility of intimidation/destruction of evidence) and how withdrawal of complaints should be dealt with.
6. Whether provision should be made for complaints to be confidential. If the complaint is made by a member it could be regarded as a breach of the Code to disclose the complaint prematurely. If this cannot be accommodated guidance be given as to how requests from the press regarding ongoing complaints should be dealt with.
7. Clarity as to the point at which the Standards Committee can refer a complaint to the Adjudication Panel on account of its sanctions not being sufficient. Should this be at the point when it has made a determination that a breach of the Code has taken place and so has had the advantage of hearing the full background to the case? In this event there should be no opportunity for the Adjudication Panel to remit the case back to the Standards Committee as the Panel will have the full range of sanctions to choose from.
8. There be no requirement that any of the sub committees be chaired by an independent member. In any event the sub committee dealing with an initial assessment will either request an investigation or no action (which can be overturned by a review sub committee) so no final decision is being made. Sub committees should consist of an odd number of members so no casting vote is needed by the Chair.
9. The dispensation arrangements be replaced by two criteria:-
  - (a) more than 50% of members would be otherwise prevented from participating (this needs to be retained for small parish councils who may be rendered inquorate otherwise and which would not necessarily have a political party in majority) or

- (b) where the effect otherwise would be that a political party either lost or gained a majority.

I shall be pleased if due consideration can be given to the above.