

Standards Committee - 24th April 2008

Report of the Monitoring Officer

Local Initial Assessment of Complaints

Purpose of Report

1. To consider arrangements for the Local Initial Assessment of Complaints under the Members' Code of Conduct.

Background

2. In March 2008 the Government consulted on the draft Standards Committee (England) Regulations 2008 regarding the new arrangements for processing complaints of alleged breaches of the Code of Conduct. At the time of writing this report I have not seen a final copy of the Regulations and, therefore, the report is based upon the draft. However, in a press release dated the 3rd April 2008 the Minister announced that the local assessment of complaints by Standards Committees would be introduced in May 2008. I will report verbally at the meeting if the Regulations are finalised within the next week.

Summary of New Arrangements

3. A complaint of an alleged breach of the Code must be submitted in writing to the local Standards Committee rather than to the Standards Board for England. The Standards Committee must publish the arrangements for making a complaint.
4. The complaint will be referred to a sub-committee of the Standards Committee in order to assess whether or not the complaint should be investigated and, if so, whether it should be investigated locally or referred to the Standards Board for England. It is proposed that this sub-committee will comprise 3 members including 1 of the 3 independent members. Under the Regulations an independent member must chair the sub-committee. Guidance on the local assessment will be issued shortly by the Standards Board for England and training for all members of the Standards Committee will be arranged during May.
5. If the Local Initial Assessment Sub-Committee determines not to investigate, the complainant has the right to have the decision reviewed by a differently constituted sub-committee which must also be chaired by an independent member.

6. Although the Local Initial Assessment Sub-Committee may decide not to refer a case for investigation, it may issue a direction to the Monitoring Officer to take other steps including arranging:-
 - training for the member who is the subject of the allegation;
 - for the member and complainant to engage in a process of conciliation.
7. If there is a local investigation, this will be undertaken by or on behalf of the Monitoring Officer and a report will be produced. Within 3 months of the finalisation of that report a hearing must take place before the Standards Committee or a sub-committee. It is suggested that members who have previously been involved in the process, should not sit on the final hearing because of the rules of natural justice. The hearing must also be chaired by an independent member.
8. Where a hearing results in a finding of a breach of the Code, the maximum sanction available to the Standards Committee is increased to a suspension of the member for 6 months. If the Standards Committee consider that a greater penalty should be imposed, they can refer the matter to the Adjudication Panel for England.

Implications of the New Arrangements

9. In recent years there have been on average 4/6 complaints per year involving members of the Council. At this stage we do not know whether this number will increase or decrease because of the new framework.
10. The Committee will need to appoint 3 differently constituted sub-committees to deal with each stage of the process i.e:-
 - local initial assessment;
 - review of decision not to investigate;
 - hearing following report by the investigating officer.
11. Detailed Guidance will be issued shortly by the Standards Board for England and this will be the focal point for training of members of the Standards Committee during May.

Finance

12. The cost of convening meetings and investigating complaints will be borne by existing budgets.

Law

13. The relevant legislation regarding the Code of Conduct is contained in Part III of the Local Government Act 2000 and the Standards Committee (England) Regulations 2008 as summarised in this report.

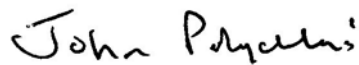
Equality Impact

14. This report complies fully with the Council's policies on equality and diversity and there are no particular implications for children and young people.

Recommendation

15. It is recommended that:-

1. this report be noted;
2. three sub-committees be appointed for 2008/9, as referred to in paragraph 10 of this report, each to be chaired by an independent member;
3. training for members of the Standards Committee be arranged for May 2008.



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J. Polychronakis.
Monitoring Officer

Contact Officer: John Polychronakis.
Telephone: 01384 (81)5300
Email: john.polychronakis@dudley.gov.uk

List of Background Papers

None.