

Agenda Item 8

Standards Committee

3 November 2009

MO/DL



Review of the Standards Committee Procedure for Local Assessment of Complaints and Summary of complaints to date

Summary

This report reviews the Standards Committee "Procedure for Local Assessment of Complaints" in the light of experience to date. It also gives members summary information about all the Code of Conduct complaints dealt with so far in 2009 in East Devon. Since May 2008 all Code of Conduct complaints received by the Monitoring Officer are now handled by this council in their entirety.

Recommendation

1. That the Standards Committee approves the amended Procedure for Local Assessment of Complaints attached at Appendix A.
2. That the Monitoring Officer makes any necessary amendments to the supporting documentation to the Procedure.

a) **Reasons for Recommendation**

The Procedure provides that an initial review is carried out after 6 months (or as necessary) from the adoption of the Procedure to ensure that it is working properly.

Members of the Committee can be aware of complaints against councillors in the District, Towns and Parish Councils of East Devon and discuss how these are being handled.

b) **Alternative Options**

Not applicable.

c) **Risk Considerations**

It is important to review and update the Procedure to ensure that it is up to date, relevant and in line with current law and best practice. This also supports good, relevant, lawful and consistent decision making.

Not understanding Code of Conduct issues in the District could limit the effectiveness of the Standards Committee.

d) **Policy and Budgetary Considerations**

The report supports our corporate priority: An inspirational council

e) **Date for Review of Decision**

I suggest on a biannual basis from now, and for a report to come to committee only if substantial changes are made.

Main Body of the Report

1. Background

- 1.1 The Local Assessment Procedure (“The Procedure”) was set up in response to the Regulations issued in May 2008 which required local authorities to receive and consider complaints, and to conduct hearings with regard to alleged breaches of the Members’ code of Conduct. Previously, these roles were primarily undertaken by the Standards Board for England.
- 1.2 The Procedure was drafted in accordance with the guidance issued by the Standards Board. This Procedure is now used in connection with the receipt and consideration of complaints and the review, should there be an appeal.
- 1.3 The first version of our Local Assessment Procedure included provision for an initial review after 6 months (or as necessary) from the adoption of the Procedure to ensure that it is working effectively.
- 1.4 Suggested amendments to the Procedure are set out in Appendix A. Deletions are shown with a strikethrough and additions are shown in italics.
- 1.5 Other parts of the complaints process are covered by our Local Investigation of Complaints Procedure, and I propose to review this in due course, then bring the revised version to this Committee.

2. Review

- 2.1 The Local Assessment Procedure is working well, and no major amendments are recommended. There are a few areas where amendments are suggested to improve clarity and understanding.
- 2.2 The Monitoring Officer will update forms and supporting documentation to ensure clarity and understanding.

3. Summary of complaints received 01/01/2009 – 30/09/2009

- 3.1 Attached at Appendix B is a table showing the number of complaints received. These have all been included in the quarterly returns to Standards for England, which show that to date we have had:

01 January 2009 – 31 March 2009	NIL return
1 April 2009 – 30 June 2009	6 cases (all were about the same issue)
1 July 2009 – 30 September 2009	9 cases (4 were about the same issue)

Legal Implications

Amendments have been suggested for inclusion in the revised procedure. Arrangements should be considered by the committee for appropriate publication of procedures, for example, on the Council’s website, in line with statutory requirements.

Financial Implications

There are no financial implications.

Background Papers

Standards Committee (England) Regulations 2008 -

http://www.opsi.gov.uk/si/si2008/uksi_20081085_en_1

Standards for England guidance 'Local Assessment of Complaints'

<http://www.standardsforengland.gov.uk/Guidance/TheLocalStandardsFramework/Guidance/>

Standards for England 'Other Action Guidance' -

<http://www.standardsforengland.gov.uk/Guidance/TheLocalStandardsFramework/Guidance/>

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Standards Committee
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