

Agenda Item 6 (a)

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Report

Subject : Preparations for local assessment of complaints against Members
Report to : Standards Committee
Date : Monday 17 March 2008
Author : John Crawford

1. Summary:

To consider what steps to take in the run up to the implementation of the locally managed framework for handling Code of Conduct complaints against Members

2. Background:

- 2.1 At its last meeting on 21st January this Committee considered the Government's consultation paper ["the Paper"] on the detailed arrangements to be made under the revised ethical conduct regime ["the Revised Regime"] enabling all but the most serious of misconduct allegations against Members to be handled by the Standards Committee rather than by the Standards Board. A copy of this Committee's response to the Paper is attached as an Appendix.
- 2.2 The Local Government and Public Involvement in Health Act 2007 [Commencement No 2 and Savings Order] 2008 was made on 30th January. Amongst other things it:
 - Makes provision for sub-committees of standards committees
 - Requires the Standards Committee to be chaired by an independent person
- 2.3 The Standards Board has issued a checklist ["the Checklist"] of things to be considered in the run up to all of the legal arrangements ["the Arrangements"] being put in place to implement the Revised Regime. This is set out in Bulletin 36 which forms part of Agenda item 4.

3. Issues:

- 3.1. Size of Standards Committee.
 - 3.1.1 The Council's constitution ["the Constitution"] provides that the Standards Committee consists of five members:
 - 2 Independent Members [one of whom shall be the Chair]
 - 2 Members [not including the Leader and one of whom must not be a member of Cabinet]
 - 1 Parish Councillor

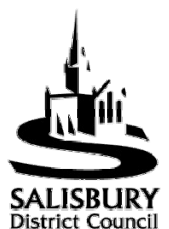


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- 3.1.2 Implementation of the Standards Board's recommendation contained in the Checklist would mean:
- increasing the number of Independent Members by one
 - increasing the number of Members by one
 - increasing the number of Parish Councillors by at least one if not two
- 3.1.3 In reality if the Standards Committee is to have 3 sub-committees [as to which see 3.2 below] then the Standards Committee will need to consist of a minimum of 9 members. A model based on 3.1.2 above would achieve this if the number of Parish Councillors were increased by two. If the Standards Committee were to have 3 sub-committees then two more Parish Councillors will be needed in any event.
- 3.1.4 The Constitution will need to be revised to take account of any change to the size of the Standards Committee.
- 3.2 Structure of Standards Committee.
- 3.2.1 The Revised Regime will give this Committee three separate roles in relation to complaints about Member conduct:
- receiving and assessing complaints
 - reviewing local assessment decisions
 - conducting hearings
- 3.2.2 Implementation of the Standards Board's recommendation in the Checklist would mean having not less than 2 sub-committees consisting of a pool of Members each having an Independent Member as Chair.
- 3.2.3 Whilst having 2 sub-committees is this Committee's stated preferred option the Government may prescribe 3 sub-committees following consideration of responses to the Paper.
- 3.3 Training
- 3.3.1 A separate training session is being arranged for Members following this meeting to help them practice the assessment of complaints.
- 3.3.2 However Members may wish to consider whether they have any additional training needs that they would like to be addressed:
- training on the revised Code of Conduct
 - training on hearings
 - training for Independent Members in chairing meetings
- 3.3.3 Newly appointed Members will need induction training as well as training on some or all of the matters identified in 3.3.1 and 3.3.2 above.
- 3.3.4 The Monitoring Officer is conscious that training also needs to be made available to the Deputy Monitoring Officers and Officers who support this Committee.
- 3.4 Local assessment criteria and procedures.
- 3.4.1 The Standards Board will be issuing guidance following the Arrangements on developing criteria, and the Monitoring Officer will develop criteria for this Committee to consider when the guidance is available.
- 3.4.2 The Standards Board will also be issuing template forms, letters and notices, flowcharts and terms of reference and again the Monitoring Officer will make this Committee aware of them and any action it needs to take when the suite of documents is available.
- 3.5 Publicity

The Standards Board will be issuing template notices for publicising the new arrangements and again the Monitoring Officer will report on these when they are available.

4. **Consultation undertaken:** "Prescribed" internal consultees

5. **Recommendations:**

- Committee **recommends to Council** that the Standards Committee is increased to 9 comprising 3 Members, 3 Independent Members and 3 Parish Councillors and that the Constitution is revised accordingly
- Committee **recommends to Council** that it appoints an additional Member to the Standards Committee [who may not be the Leader nor, as a member of Cabinet is already a member of Standards Committee, a member of Cabinet]
- Subject to Council increasing the membership of the Standards Committee to 9 to include 3 Independent Members and 3 Parish Councillors the Head of Democratic Services be authorised to carry out a recruitment exercise with a view to Council recruiting an additional Independent Member and two additional Parish Councillors via nominations from the Wiltshire Association of Local Councils to this Committee
- Subject to Council appointing an additional Member to the Standards Committee Standards Committee forms 2 sub committees of 3 members from a pool consisting of the members of the Standards Committee each sub- committee to be chaired by an Independent Member. One sub committee shall be responsible for receiving and assessing complaints and the other sub committee shall be responsible for reviewing assessment decisions. Hearings will be heard by the Standards Committee pending a review of arrangements following completion of all appointments to any enlarged Standards Committee
- Standards Committee identify any training needs for its members and instruct the Monitoring Officer to procure that relevant training is delivered

6. **Background papers:** None – published papers.

7. **Implications:**

- Financial: advertising costs of recruitment of an additional Independent Member and the payment of allowances to 4 additional members of the Committee. External provision of meeting any identified training requirements.
- Legal: set out in the report
- Human Rights: none identified
- Personnel: demands on the time of those Officers involved in the provision of any internally facilitated training
- ICT: none identified
- Equality and diversity: any recruitment exercise will need to comply with the Council's statutory duties and policies
- Community safety: none identified
- Environmental: none identified
- Council's core values: provide excellent service
- Wards affected: all