



## **Local Assessment – Members Complaints Procedure and Appointment of Sub Committees**

### **RECOMMENDATION**

- 1.1 To approve the Members Complaints Procedure at Appendix 2 with or without amendment.
- 1.2 To establish the following sub committees of the Standards Committee.

#### **Assessment Sub Committee**

Terms of reference and delegated powers:

Within policies and procedures approved by the Standards Committee to carry out initial assessments of complaints about alleged breaches of the Members' Codes of Conduct.

Composition:

The Assessment Sub Committee shall comprise two independent members of the Standards Committee and one Councillor Member of the Committee determined by the Monitoring Officer. One of the Independent Members shall be appointed by the Sub Committee as Chair.

#### **Review Sub Committee**

Terms of reference and delegated powers: Within policies and procedures approved by the Standards Committee, to review a decision by the Assessment Sub Committee to take no action in relation a complaint about an alleged breach of the Members' Code of Conduct.

Composition:

The Review Sub Committee shall comprise one Independent Member of the Standards Committee, as chair, and two Councillor members of the Committee, determined by the Monitoring Officer provided that a member of the Standards Committee who has taken part in decision making on the initial assessment of a complaint must not take part in the review of that decision.

- 1.3 To consider recommending that the Council appoint an additional Independent Member of the Standards Committee.

## SUPPORTING INFORMATION

- 2.1 At the last meeting, the Committee noted that Regulations and Guidance relating to the new Local Assessment Framework had not yet been issued. These have now been received and attached to this report are:
- a) Appendix 2 – a draft Members Complaints Procedure
  - b) Appendix 3 – Guidance on the Local Assessment of Complaints issued by the Standards Board for England.

The Committee is asked to consider the draft Procedure and approve it with or without amendment. Once approved, the Procedure will be made publicly available through leaflets and the Council's website in a similar manner to the Council's Corporate Complaints Procedure.

- 2.2 At its meeting on 21 January 2008, the Committee considered the Government Consultation Paper on the proposed Local Assessment Framework and gave its general endorsement to the following structure for the determination of complaints against Members:

### **Assessment Sub Committee**

Purpose: To carry out an assessment of a complaint

Independent Member (Chair)

Independent Member

Councillor

### **Review Sub Committee**

Purpose: To review a decision taken by the Assessment Sub Committee

Independent Member (Chair)

Councillor

Councillor

*Note: Must not be any member who dealt with the particular complaint on the Assessment Sub Committee.*

### **The Full Standards Committee**

Purpose: To conduct a hearing following a local investigation.

- 2.3 The Committee is now asked to formally appoint the Sub Committees. These Sub Committees have to be appointed to deal with assessments and reviews. There is a power, but no duty, to appoint a Sub Committee to conduct hearings.
- 2.4 The above arrangement is vulnerable to conflicts of interest and holidays / sickness, so it is suggested that consideration be given to recommending that the Council appoint an additional Independent Member of the Standards Committee. This could be an important issue bearing in mind that there are mandatory timescales for considering complaints, and performance monitoring by the Standards Board with powers to suspend a Standards Committee's assessment functions.

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**Background papers:** None  
**List of appendices:** Appendix 1 – Implications  
Appendix 2 – Draft Members Complaint Procedure  
Appendix 3 – Standards Board Guidance

## Appendix 1

### IMPLICATIONS

#### Financial

- 1.1 It is hoped that the costs of the new regime can be contained within existing budgets. This will depend on the volume and complexity of complaints.

#### Legal

- 2.1 The Standards Committee (England) Regulations 2008 came into force on 8 May 2008.
- 2.2 In particular, the Regulations set the quorum for any meeting of the Standards Committee or its Sub Committees at three members.

#### Personnel

- 3.1 Discussions are continuing with Nottingham and Leicester City Council's over joint training for Standards Committee members and the possibility of establishing a joint panel of investigators.

#### Equalities Impact

- 4.1 The Members Complaints Procedure will be accessible to all citizens.

#### Corporate objectives and priorities for change

- 5.1 None directly arising.

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