

STANDARDS COMMITTEE

OVERVIEW OF COMPLAINTS AND REVIEW OF PROCEDURE FOR REPORTING THE OUTCOME OF “OTHER ACTION”

9th April 2009

Report of the Monitoring Officer

PURPOSE OF REPORT

To provide the Committee with a summary of complaints of alleged breach of the Code of Conduct received since May 2008 and the outcome of those complaints, and to confirm the procedure for the consideration of the outcome of complaints referred to the Monitoring Officer for “other action”.

This report is public

RECOMMENDATIONS

- (1) That the report be noted
- (2) That the Committee confirm that when a complaint is referred by an Assessment Sub-Committee to the Monitoring Officer for “other action”, the written report required by Regulation 13(4)(c) of the Standards Committee (England) Regulations 2008 giving details of the action taken, be submitted to the original Assessment Sub-Committee for confirmation that it is satisfied with the action.

1.0 Introduction

- 1.1 Since May 2008, complaints of alleged breach of the Code of Conduct have been made locally to the Standards Committee rather than to the Standards Board for England as previously. The Committee’s work programme provides for the Committee to receive information about the number of complaints received and their outcome.

2.0 Details

- 2.1 The attached table summarises the five complaints that have been received since May 2008.
- 2.2 As Members will be aware, when a complaint is considered by the Assessment Sub-Committee, the options available are to refer the matter to the Monitoring Officer for

investigation or other action, to refer the matter to the Standards Board for England, or to decide that no action should be taken.

- 2.3 In respect of four of the five complaints, the decision of the Assessment Sub-Committee was that no action be taken. In one of those four cases, the complainant exercised the right to request a review of the Assessment Sub-Committee's decision, and the Review Sub-Committee upheld the previous decision.
- 2.4 The most recent complaint was referred to the Monitoring Officer for the Monitoring Officer to provide training for the Member on the declaration of interests and the action to be taken when a prejudicial interest arises. That training has now been carried out, and the Monitoring Officer is required by Regulation 13(4)(c) of the Standards Committee (England) Regulations 2008 within three months to submit to the standards committee a report giving details of the action taken, and the committee is required to indicate whether it is satisfied with this action. It is not entirely clear from the Regulations whether the reference to the standards committee is intended to mean the full committee or the Assessment Sub-Committee. Most Councils have taken the view that it is the latter, and this would certainly seem to be the most logical interpretation, as it is the Assessment Sub-Committee that considered the details of the complaint and requested the action, and is therefore able to confirm whether or not it is satisfied with the action.
- 2.5 On that basis the Committee is recommended to confirm that the original Sub-Committee is in each case authorised to receive and consider the report referred to in Regulation 13(4)(c).

3.0 Details of Consultation

- 3.1 There has been no consultation.

4.0 Options and Options Analysis (including risk assessment)

- 4.1 The overview of complaints is for noting. The Committee is recommended to confirm that the Assessment Sub-Committee is authorised to receive and consider the report referred to in Regulation 13(4)(c). It would be open to the full Committee to reserve this to itself, although this is not an approach that would be recommended by the Monitoring Officer.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None arising from this report.

FINANCIAL IMPLICATIONS

None directly arising from this report.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

None directly arising from this report.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer in her capacity as adviser to the Standards Committee.

BACKGROUND PAPERS

None

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