

SLOUGH BOROUGH COUNCIL

REPORT TO: Standards Committee **DATE:** 8th October, 2008

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WARDS: All

PORTFOLIO:

PART I **FOR DECISION**

DEVELOPMENT OF LOCAL ASSESSMENT AND REVIEW OF COMPLAINTS ABOUT THE CONDUCT OF MEMBERS

1. Purpose of Report

- 1.1 The purpose of this report is to approve documentation as part of the development of the Committee's new responsibilities for the assessment and review of allegations of Member misconduct.
- 1.2 In addition Members will be asked to approve the process of appointment of elected Members to the Standards (Assessment) Sub-Committee and the Standards (Review) Sub-Committee

2. Recommendations/Proposed Action

- 2.1 The Standards Committee is requested to:-
 - (a) Note the letter received from the Department of Communities and Local Government on the funding of the local standards regime shown at Appendix A.
 - (b) Approve the appointment by lot of elected Members to the Standards (Assessment) Sub-Committee and the appointment of elected Members to the Standards (Review) Sub-Committee as described in paragraph 5.3 below.
 - (d) Approve the documentation to be posted on the Council's website and intranet on how to make a complaint about the conduct of a Councillor shown at Appendix B.
 - (c) Approve the policy guidance on the assessment and review of complaints attached as Appendix C.

3. Key Priorities – Taking Pride in Slough and Making a Difference to Communities and Our Environment

Priority 5 – Maintaining Excellent Governance Within the Council to ensure it is a efficient, effective and economic in everything it does

- 3.1 It is important that all those who wish to complain about the conduct of a Member have easy access to clear and concise documentation to enable a complaint to be made without difficulty. It is equally important for them to understand jurisdictional issues surrounding such potential complaints and how they will be assessed when submitted. This will give the public confidence that such matters will be dealt with within a statutory framework which will provide an efficient, effective and impartial process in the handling of such ethical issues.

4. Other Implications

- 4.1 Whilst this report does not have any financial or staffing implications the assessment, review and any subsequent investigation of complaints will have an impact on the existing resources. It is hoped that the additional work involved can be met from existing budgets and staffing resources but this will be kept under review.
- 4.2 The recommendations contained in this report and the documentation submitted for approval complies with the Local Government Act 2000 (as amended) and reflects the best practice referred to in statutory guidance issued by the Standards Board for England.

5. Background/Supporting Information

- 5.1 As Members may recall the Council approved changes to the Constitution which implement the new local standards regime set out in the Local Government and Public Involvement in Health Act 2007 and the supporting regulations known as the Standards Committee (England) Regulations 2008. These changes now give the Standards Committee and its Sub-Committees the power to assess, review and where necessary investigate complaints about Member misconduct.
- 5.2 At the meeting of the Committee on 16th June, 2008 Members were concerned about the lack of additional funding from the Government to enable local authorities to adequately resource these new responsibilities and asked the Monitoring Officer to write to the Government highlighting these concerns. The response to the letter from the Monitoring Officer is attached to this report marked at **Appendix A**. The response demonstrates that whilst additional funding appears to have been given it is nominal in nature and does not come in the form of a specific grant.
- 5.3 As Members will know the Standards (Assessment) Sub-Committee will comprise the Deputy Chair of the Committee and Mr Fred Ashmore together with three elected Members drawn from the Standards Committee. The Monitoring Officer and the Member Services Manager have given some thought on how the elected Members should be appointed when there is a need to convene the Assessment Sub-Committee and have decided, subject to Committee approval, that the fairest method is to appoint Members by lot i.e. giving each Member a number and then drawing the numbers “out of a hat”. It follows that the remaining three elected

Members will form part of the Standards (Review) Sub-Committee should a complainant wish any decision of “no further action” be reviewed. For the avoidance of doubt, this process will apply to the Parish Council representatives.

- 5.4 It is intended to permit complainants to submit a complaint in writing by post, fax, e-mail and on-line through the Council’s website/intranet site. The standard documentation in the form of a preamble (b) the complaint form and (c) guidance notes are shown attached at **Appendix B** for Members’ consideration. It is considered that the documentation is clear and concise and should enable almost all complainants to successfully submit their concerns to the Council.
- 5.5 The Standards Board for England have made it clear that local authorities should develop criteria on how they will handle the assessment and if necessary the subsequent review of complaints and the suggested policy guidance is set out in **Appendix C** to this report. This document has been produced with the benefit of the Standards Board’s assessment toolkit which was recently published but does contain some “local criteria” which reflects local issues which have arisen in the past.

6. Conclusion

- 6.1 As indicated above the transfer of the assessment and review functions to local standards committees is to be welcomed and therefore Members are requested to consider the recommendations in paragraph 2 above and the supporting documentation and resolve accordingly.

7. Background Papers

- (a) Part X of the Local Government and Public Involvement in Health Act 2007.
- (b) The Standards Committee (England) Regulations 2008.

8. Appendices

Appendix A – Letter received from the Department of Communities and Local Government.

Appendix B – Documentation on Making a Complaint.

Appendix C – Policy Guidance on the Assessment and Review of Member Complaints.