

EAST HERTS COUNCIL

STANDARDS COMMITTEE - 19 AUGUST 2008

REPORT BY THE MONITORING OFFICER

6. LOCAL ASSESSMENT IMPLEMENTATION

WARD(S) AFFECTED: ALL

RECOMMENDATION – that (A) the various documents to be used for local assessments, appended to the report now submitted, be approved and the Monitoring Officer be authorised to review and to amend them as necessary in the light of experience;

(B) the Assessment Sub-Committee, the Review Sub-Committee and Hearing Sub-Committee be established on the basis, and with the terms of reference, detailed in the appendix to this to the report;

(C) the Local Assessment Procedure, as detailed within Appendix 'D6' to this report, be approved.'

1.0 Purpose/Summary of Report

1.1 The purpose of this report is to inform the Standards Committee about the implementation of the regulations relating to the Conduct of Local Authority Members and to establish a decision making structure/process to deal with complaints.

2.0 Contribution to the Council's Corporate Priorities/Objectives

Fit for purpose, services fit for you

Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.

3.0 Background

3.1 With the local assessment regime in force, a press notice was issued to inform the public. A complaint form has been devised that members of the public may wish to use to ensure that Members of the Standards Committee obtained all the relevant information and avoided delays in considering the matter. The complaint form and

the information for complainants are attached at Appendix 'A6' (pages 6.4 – 6.13).

4.0 Report

- 4.1 Three sub-committees should be established as part of the process to deal with complaints.
- 4.2 The proposed terms of reference for the three sub-committees are attached at Appendix 'B6' (pages 6.14 – 6.16).
- 4.3 The Assessment Sub-Committee will have to meet on a monthly basis as there is a general practice requirement that from the Standards Board for England to deal with the matter within an average of 20 working days. If there are no complaints, the Sub-Committee will not convene or if further information is required from the complainant, the process will be halted. It will only start again if the information is provided. If it has not been provided, then the complaint is likely to be dismissed by the Assessment Sub-Committee.
- 4.4 It is a requirement that each of the sub-committees is chaired by an independent Member. In terms of the various decisions available to the Assessment Sub-Committee and the Review Sub-Committee, the suggested documents to be used are attached at Appendix 'C6' (pages 6.17 – 6.37). These are the acknowledgement and decision notices for the initial assessment stage and the decision notices and letters for the review stage. All of these documents will be kept under review.
- 4.5 Complainants will be advised to approach the Monitoring Officer first before submitting a complaint so that general advice can be given, including explaining the process. In the event of a complaint being made, it will be referred to the Assessment Sub-Committee.
- 4.6 The procedure attached at Appendix 'D6' (pages 6.38 – 6.44) has been drafted to be both practical and to take into account the guidance issued by the Standards Board for England. This means that when Members follow the procedure they will have already taken the Standards Board guidance into account as the regulations require.

5.0 Consultation

5.1 None

6.0 Legal Implications

6.1 The legal implications are contained in the report.

7.0 Financial Implications

7.1 There are none.

8.0 Human Resource Implications

8.1 There are none.

9.0 Risk Management Implications

9.1 Council needs to ensure that it has an effective Standards Committee and sub-committees to achieve good governance and ensure high standards of probity.

Background Papers

Regulations relating to the Conduct of Local Authority Members in England
Standards Board for England Guidance

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