

EAST HERTS COUNCIL

STANDARDS COMMITTEE – 19 AUGUST 2008

REPORT BY THE MONITORING OFFICER

7. LOCAL ASSESSMENT REGULATIONS AND GUIDANCE

WARD(S) AFFECTED: ALL

RECOMMENDATION - that the report be received.

1.0 Purpose/Summary of Report

1.1 The purpose of this report is to inform the Committee about regulations relating to the Conduct of Local Authority Members. A copy of the regulations is attached at Appendix 'A7' (pages 7.4 – 7.24). In addition, the Standards Board for England has produced its own guidance for Councils. The guidance should be considered when any matter is determined under the local assessment regime. A copy of the guidance attached at Appendix 'B7' (pages 7.25 – 7.53).

2.0 Contribution to the Council's Corporate Priorities/Objectives

2.1 **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 effect from 8 May 2008, all complaints against elected Members will be received by the Standards Committee (not by the Monitoring Officer). In appropriate cases, the investigation will be dealt with locally by the Monitoring Officer or an officer appointed by the Monitoring Officer. If it proves necessary, the case will be determined locally by Standards Committee hearings. More serious cases will be referred to the Standards Board for England for determination.

4.0 Report

4.1 The regulations provide that the Standards Committee must establish an “Initial Assessment” Sub-Committee and a “Review” Sub-Committee which will have different membership from the “Initial Assessment” Sub-Committee. In addition, a “Hearing” Sub-Committee will need to be established in the event that the one of the other Sub-Committees determine that a Member has breached the Code of Conduct and, where appropriate, it will have the power to impose a sanction on the Member concerned.

4.2 There is a separate report on the agenda dealing with local arrangements to be put in place in East Herts.

4.3 Therefore, the Standards Committee will need to establish three committees; one to deal with initial assessments, one to deal with a review of any matter from the initial assessment and one to deal with any hearings which may arise. Membership of the first two sub-committees must be different and each committee must be chaired by an independent Member of the Standards Committee. The quorum for each sub-committee shall be three Members. The accompanying report (see agenda item 6) sets out the arrangements for East Herts.

4.4 With regard to the “Hearings” Sub-Committee, the membership can be from those who originally assessed the complaint or from the members of the “Review” Sub-Committee. This will be the same as the arrangements for High Court Judges who consider applications for leave and then ultimately determine the matter themselves.

4.5 It is a requirement that each of the sub-committees is chaired by an independent Member.

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 The 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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