

LOCAL ASSESSMENTS

Report By: Head of Legal and Democratic Services

Wards Affected

Countywide

Purpose

1. To consider the checklist issued by the Standards Board for England set out at pages 4 and 5 of Bulletin 36 and for the committee to consider what further actions are needed.

Financial Implications

2. Training and possible extension of membership of the committee and agreements with adjoining local authorities

Background

3. As the committee is aware following the passing of the Local Government and Public Involvement in Health Act 2007 receiving the royal assent on the 30th October 2007 there are provisions within the Act which require the committee to consider further actions. The Standards Board have issued a checklist for committees to consider as part of the arrangements for local assessments and filtering of allegations. The issues identified are as follows:-

- Size of standards committees
- Structures of standards committees
- Training
- Local assessment criteria
- Completing existing investigations
- Role of the Monitoring Officer
- Local assessment and the corporate complaints process
- Future monitoring by the Standards Board

4. I will refer to each of these headings in my report.

Size of standards committees

5. As committee members are aware a committee must have a minimum of three members (two elected members and one independent member) and an independent chair (from April 2008). One member must be from the parish or town councils or have responsibilities for those councils.
6. The Standards Board recommends that at least six members as a minimum (three elected members and three independent members).

7. Two or possibly three parish or town council members if the authority has responsibilities for those councils. Consideration of whether more members are required to ensure cover in the event of conflicts of interest, holidays or sickness

Structure of standards committees

8. In addition to the role as champion and guardian of the authority's ethical standards, standards committees will now have three separate but distinct roles in relation to complaints about member conduct:-
 - Receiving and assessing complaints;
 - Reviewing local assessments;
 - Conducting hearings following investigation
9. To avoid perceptions of bias or pre determination, members of the standards committee who carry out a local assessment decision should not be involved in the review of the same decision, should one be requested.
10. The Standards Board recommends a structure of sub-committees or the standards committee acting as a pool of members to deal with the different roles.
11. As a minimum, two separate sub-committees, one for taking initial assessment decisions and one for taking decisions on reviews
12. Subject to regulations, any sub-committee should also have an independent chair
13. A member who was involved in an initial assessment decision, or following referral of a complaint back to the standards committee from the monitoring officer or Standards Board for another assessment decision, can be a member of the committee that hears and determines the complaint. This is because an assessment decision only relates to whether a complaint discloses something that needs to be investigated. It does not require deliberation of whether the conduct did or did not take place and so no conflict of interest will arise in hearing and determining the complaint.
14. A separate consideration by the committee could also be instead of a structure of sub-committees to enter into agreements with adjoining standards committees for example Worcestershire or Shropshire to ask their committees to carry out reviews and for this committee to offer reciprocal arrangements at no cost to the authorities involved. This should be formalised by way of an agreement if this was felt to be a process that the committee would want to explore.

Training

15. The Standards Board recommends that standards committees are fully trained on the Code of Conduct and that standards committees are offered other training to equip them with necessary skills, for example in conducting a hearing
16. Independent chairs and vice-chairs are trained in chairing meetings. Any newly-appointed standards committee members receive a comprehensive induction to the role and appropriate training.

17. In addition to the above training of the committee there is also a legal requirement to train parish councils and assist with their training in relation to ethical standards and Code of Conduct. The training strategy should therefore be recommended to be formulated between the committee and Herefordshire Association of Local Councils and to seek to engage the parish councils that are not members of Herefordshire Association of Local Councils the use of the Council's Parish Liaison Officer.

Local assessment criteria

18. Guidance will be available from the Standards Board on developing criteria and the types of issues to be considered when a committee has to assess a complaint.
19. Standards committees will need to develop their own criteria, that reflect local circumstances and priorities and which are simple, clear, open and ensure fairness. The committee will therefore have to develop such criteria for the future and this should be made available on the Council's website and intranet service.
20. Monitoring officers will be able to acquire additional factual information in order to support such an assessment which is readily available about allegations before the assessment begins. This could be from minutes of meeting or the register of interests, for example, if such information about a complaint would assist decision-making. It should not include interviews or investigation.
21. A complainant has a right to appeal if a complaint is rejected, so standards committees will be able to invite complainants to submit further information in support of the complaint at the review stage in the process.

Completing existing investigations

22. The Board encourages standards committees to clear existing investigations before the new framework comes into effect. There are currently no outstanding investigations.

Role of the Monitoring Officer

23. The Standards Board recommends a pre-meeting with the independent chair of the committee preparing a summary of the allegation for the standards committee highlighting what the potential Code breaches are which underlie an allegation to the standards committee. Allowing committee members reading time.
24. In addition the committee may need to consider whether or not it is appropriate where matters are referred to the committee directly by the Monitoring Officer or the Deputy Monitoring Officer and the resources available to support the committee during the initial assessments.

Local assessment and the corporate complaints process

25. The committee will need to consider how the public will be informed of the new arrangements, who will receive and log an allegation, the production of an individual information leaflet for the local assessment process (possibly combined with the corporate complaints process).

Future monitoring by the Standards Board

26. The Standards Board is consulting a sample of authorities involved in a pilot study on proposals for an online information return system which will allow authorities to tell the Board about how local arrangements are working. As committee members are aware the Board's role will reduce to that mainly of a regulatory function and ensuring consistency of the application of the Code in relation to investigations.
27. The Board will also provide guidance in 2008 on all aspects of local assessment process, subject to the passage of the relevant regulations. A toolkit is likely to provide templates of notices, flowcharts, standard complaint form and a template letter for each stage of the process and other matters.

Recommendations**THAT**

- (a) **the committee considers the report and to develop the recommendations made by the Standards Board set out above;**
- (b) **the committee receive update report from the Head of Legal and Democratic Services on the local assessment as and when they become available;**
- (c) **consideration be given to composition of membership of the committee;**
- (d) **the committee considers whether to set up a sub-committee or to make arrangements with an adjoining authority with regard to reviews of initial assessments of investigations;**

Background Papers

- Bulletin 36