

Bath & North East Somerset Council

MEETING:	Standards Committee
MEETING DATE:	23 June 2011
TITLE:	System for local assessment of complaints about the conduct of members
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report: none	

1 THE ISSUE

- 1.1 The Committee is invited to consider whether it wishes to amend the system for the local assessment of complaints about the conduct of members.

2 RECOMMENDATION

The Committee is asked to decide:

- 2.1 whether it wishes to amend the system for the local assessment of complaints about the conduct of members by notifying the subject member of a complaint that a complaint has been made about them before the complaint is considered by the Referrals Sub-Committee.

3 FINANCIAL IMPLICATIONS

- 3.1 None at this stage.

4 THE REPORT

- 4.1 Council at its meeting on 19 May 2011 resolved "To ask the Standards Committee to review its procedure for investigation of complaints and report back thereon to the September meeting of Council with the intention of;
- a. Making the system fairer to those who are complained about; and
 - b. Making proposals for the implementation of the Localism Bill currently before Parliament.
- 4.2 The current system for the local assessment of complaints has been in place since May 2008. On receipt of a complaint it is acknowledged and referred to the Standards Referrals Sub-Committee which assesses the complaint and decides whether to a) refer the complaint to the monitoring officer for investigation or other

action, b) refer the complaint to Standards for England, or, c) that no action should be taken. The Monitoring Officer sends the decision notice to the complainant and the member who is the subject of the complaint. The member who is the subject of the complaint does not know about it until he/she receives a copy of the decision notice.

- 4.3 The Monitoring Officer is required to comply with the Standards Committee (England) Regulations 2008. Under regulation 11(4) the Monitoring Officer can notify the member the subject of a complaint that a complaint has been received but is not able to supply a copy of the complaint. The Standards Committee is required to take reasonable steps to give a written summary of the complaint to the relevant member when it receives the allegation. This is the date when the Referrals Sub-Committee considers the complaint and not the date when it is reviewed by the Monitoring Officer.
- 4.4 Guidance issued by Standards for England, to which the Standards Committee is obliged to have regard is that “the Monitoring Officer has the discretion to take the administrative step of acknowledging receipt of a complaint and telling the subject member of the complaint that a complaint has been made about them. The notification can say that a complaint has been made and state the name of the complainant (unless the complainant has requested confidentiality and the standards committee has not yet considered whether or not to grant it) and the relevant paragraphs of the Code of Conduct that may have been breached. It should also state that a written summary of the allegation will only be provided to the subject member once the assessment sub-committee has met to consider the complaint and the date of this meeting if known. Only the Standards Committee has the power under section 57C(2) of the Local Government Act 2000, as amended, to give a written summary of the allegation to a subject member. ”
- 4.5 The Localism Bill contains proposals to abolish the Standards for England regime. If the proposals are approved by Parliament, Standards for England will cease to operate, councils will no longer be required to have a standards committee, the national code of conduct for members will be revoked and councils will be able to adopt voluntary codes of conduct. It is anticipated that the Bill will receive Royal assent in late 2011. The current standards regime will continue to function until a fixed date, probably two months after the Bill receives Royal Assent.
- 4.6 The Chief Executive and the Group Leaders have been consulted in connection with this matter. Their view is that there should be advance notification to any member who is the subject of a complaint in a way that enables them to understand what is being alleged and give them the opportunity to comment.
- 4.7 The Committee is invited to consider whether it wishes to amend the system for the local assessment of complaints so that the subject member may be notified that that a complaint has been made about them and if they do, whether they wish the notification to contain the name of the complainant and the relevant paragraph(s) of the code of conduct that may have been breached and in what respect.

5 RISK MANAGEMENT

- 5.1 The Council is required by law to put in place and operate a system for the local assessment of complaints about the conduct of members and to operate that system in accordance with the regulations

6 EQUALITIES

6.1 There are no implications for equality.

7 CONSULTATION

7.1 The Chief Executive and Group Leaders have been consulted on this issue and their views are set out in the main body of this report.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 None other than the information set out in this report.

9 ADVICE SOUGHT

9.1 This report has been prepared by the Council's Monitoring Officer.

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Background papers	None
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