

6. REPORT TO THE STANDARDS - COMMITTEE MEMBER CODE OF CONDUCT COMPLAINTS PROCEDURE – TUESDAY 29th APRIL 2008 AT 7.30 P.M – COMMITTEE ROOM

REPORT OF: TOM CLARK
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Wards Affected: All
Key Decision No

Purpose of the Report

1. To report to the Standards Committee the making of the Standards Committee (England) Regulations 2008 and to ask the Committee to consider the guidelines issued by the Standards Board for England (assuming these are received prior to the meeting).

Recommendations

2. **To note the making of the Standards Committee (England) Regulations 2008 and note they come into force on 8th May 2008.**
 - 2.1 **To note the steps taken to advertise the effect of the new Regulations.**
 - 2.3 **To consider the Standards Board for England guidelines (assuming they are available at the meeting) in relation to filtering complaints and how the sub committees dealing with appeals should operate.**

Background

3. As members have previously discussed the Local Government and Public Involvement In Health Act amended the Local Government Act 2000 to provide for complaints about Member behaviour in breach of the relevant Code of Conduct both at District and Parish/Town level to be made to the District Council. The District Council is then required to operate a Filtering Sub-Committee to filter out those complaints that may need investigation or mediation and to provide a right of appeal to an Appeals Sub-Committee with a different make-up from the original filtering sub committee.
 - 3.1 The 2007 Act also provides that all Standards Committees and Standards Sub-Committees must be chaired by an Independent Standards Committee Member. Mid Sussex District Council increased the size of its Standards Committee to provide for the appointment of four independent Standards Committee Members together with five District Members and three Parish Members. The Standards Committee currently has a full membership.
 - 3.2 On the 17th April 2008, the Standards Committee (England) Regulations 2008 were laid before Parliament and come into force on 8th May 2008.
 - 3.3 From 8th May 2008 all complaints about Member Conduct at both Parish/Town level and at District level must come to the District Council. We are required to advertise this fact.

- 3.4 The Standards Committee have already considered the make-up of a filtering panel, appeals panel and hearings panel and the proposals are in accordance with the 2008 Regulations.
- 3.5 By the time of your meeting on 29th April 2008, the Standards Board for England should have issued guidelines on how Standards Committees should carry out the filtration and appeal process and may also provide draft criteria. I also understand that a further training package will also be provided.

Advertising of Changes

4. A note has been sent to all Town and Parish Clerks confirming that the start date for the new complaints process will be the 8th May 2008. Details of how to complain will be put on the front page of the Council's web site by the 8th May 2008 in time for the start of the new processes.

Financial Implications and Other Material Implications

5. The number of sub committee meetings will increase in 2008/9 to cope with the new workload. It is probable there will be a filtering sub committee meeting every month and an appeals committee and a hearing committee every three months. Each sub-committee requires three members one of who must be an independent chairman. In addition there will be the meetings of the two to discuss more strategic items. The minutes of the Full Committee will be provided to Council
- 5.1 The District Council is required to pay the cost of the investigations. A simple investigation is likely to cost £4,000 rising to well over £10,000 for a more complicated investigation. The Government are saving a substantial amount from the Standards Board for England budget and say these additional costs to District Councils are reflected in the Central Government Grant. It is not however clearly identified in the Grant.

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Background Papers:

Local Government Act 2000 as amended by the Local Government and public Involvement with Health Act 2007.

The Standards Committee (England) Regulations 2008.