

Standards Committee – 12 January 2009**REVIEW OF NEW PROCEDURES FOR STANDARDS INVESTIGATIONS****Report of Monitoring Officer**

Statutory Powers: Local Government Act 2000
Local Government and Public Involvement in Health Act 2007

Financial Implications: none

Purpose: This report is submitted to inform members of the committee of the review of the new procedures conducted at the request of the Scrutiny Committee and that Committee's views.

RECOMMENDATION

That the report be noted

The Issues:**(1) Review of the Procedures**

1. At its meeting on 24 July 2008 (minute 11/08 refers), the Scrutiny Committee of this Council requested a review of the new procedures for conducting complaints against members six months after their implementation. A report was submitted to their meeting on 17 December 2008, which was attended by the Chairman of this Committee and the Monitoring Officer.
2. That report is attached for the information of this Committee (Appendix A) since naturally the findings are equally relevant. The appendices, which were the local procedures for assessment of complaints and the current complaints form, are not included for members of this Committee as you have already considered them (the local procedures are now on the Council's website: see reference below). The draft new complaints form, which the Monitoring Officer hopes may be interactive on the Council's website, is attached to this report as Appendix B. The minutes of the Scrutiny Group meeting are attached at Appendix C.
3. The Scrutiny Committee resolved to support the recommendation that the size of the Standards Committee be increased. That is a matter for Council. The Executive will consider the recommendation from Scrutiny on 8 January 2009 and if supported the matter will go before Council either in February or, as that is scheduled to be the Budget meeting, in March.
4. The Scrutiny Committee heard from one of its members who has been the subject of a complaint under the new process (and exonerated), who reported how he felt about having to go through the review process at the behest of the complainant, after no breach of the code was found by the Assessment Sub-Committee. Another member thought that the Monitoring Officer should seek to sort out "tit-for-tat" problems between members without their having to be referred to the Assessment Sub-Committee. So far the Monitoring Officer has taken the view that she has limited discretion to withhold cases from the assessment process, but the views of this Committee would be welcomed. Finally, the

Committee made a suggestion to improve the equalities monitoring section of the complaint form.

(2) Review of the Code of Conduct

5. The Scrutiny Committee was reminded that the Department for Communities and Local Government had issued a consultation paper on the new Code of Conduct ("Communities in control: Real people, real power") which had been circulated to all members. Responses were required by 24 December 2008. The Scrutiny Committee wished the above views to be submitted.
6. Following discussions with the Chairman and members of this Committee, whose input is much appreciated, the Monitoring Officer submitted a response to the consultation, which is attached to this report as Appendix D.

Delyth Jenkins Evans
Monitoring Officer

Standards Committee
12 January 2009

Background Documents:

Report to and minutes of Scrutiny Committee, 17 December 2008

Local Assessment Procedures: available on the Council's website at http://www.southhams.gov.uk/index/council_index/ksp-complaints_suggestions-3/localcodeconduct-complaintsprocess.htm

"Communities in control: Real people, real power: Codes of conduct for local authority members and employees" ISBN 978 14098 0549 6, published by the Department for Communities and Local Government, and on www.communities.gov.uk

Correspondence held by the Monitoring Officer