

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

31ST MARCH 2009

REVIEW OF LOCAL ASSESSMENT AND DETERMINATION OF COMPLAINTS

Responsible Portfolio Holder	Councillor Roger Smith
Responsible Head of Service	Claire Felton

1. SUMMARY

1.1 Local assessment of complaints was introduced in May 2008 and the Standards Committee adopted processes and procedures for a trial period of 12 months. This report suggests a process and timetable for review and a list of suggested issues for consideration.

2. RECOMMENDATION

2.1 That the Committee scopes the extent and timetable of the review of the local assessment and determination of complaints process.

2.2 That the Committee decides on the extent of any consultation required.

3. BACKGROUND

3.1 New legislation which came into force last year introduced local assessment of complaints against councillors and new regulations revised the process for determination of complaints. The Standards Committee, in consultation with the full Council, constituted a number of sub-committees to handle the various stages of the process on the basis that these would be reviewed after 12 months.

3.2 In addition, officers have prepared a variety of documentation and guidance for use in the process and it is suggested that this would be an appropriate point at which to review these.

3.3 It is suggested that the review is undertaken by the Standards Committee following the conclusion of the 12 month trial period.

3.4 A list of the issues which have been identified by members and officers to date is included in a table at Appendix 1 to assist the Committee in deciding what should be reviewed at this stage, how this should be done and what priority should be attached to it. Members are asked to consider whether there are any other issues which should be included in the review at this stage and whether any consultation or research should be undertaken in respect of any aspects of the review.

- 3.5 The list of issues for review is already fairly long it is likely that members will wish to add to it. The Committee should bear in mind that a new Code of Conduct is expected to be introduced with effect from 1 June 2009 (although it is not yet known when this will be published or when the accompanying guidance is to be distributed). Bearing this in mind it is suggested that it would be appropriate to try to conclude the review at the May meeting. However, it might be unrealistic to expect all the issues which have been identified to be considered in detail in May and so the Committee may consider that some of the issues in the list are less pressing and can be reviewed at a later stage or could be delegated to officers to resolve in consultation with the Chairman and/or Vice-Chairman of the Committee who would report back to the Committee in due course.
- 3.6 It is suggested that the annual review of the operation of the Standards Committee would be considered at the same meeting as the review of local assessment and local determination.

4. FINANCIAL IMPLICATIONS

- 4.1 None

5. LEGAL IMPLICATIONS

- 5.1 The Local Government Act 2000 introduced primary legislation to enable the implementation of a Members' Code of Conduct, and this was amended by the Local Government and Public Involvement in Health Act 2007 insofar as it related to the application of the Members' Code of Conduct to their private lives. The local assessment regime was introduced by the LGPIHA 2007, and further expanded in the Standards Committee (England) Regulations 2008 which also set out the rules and procedures governing the investigation and determination of complaints.

6. COUNCIL OBJECTIVES

- 6.1 This item does not link directly with any Council objectives.

7. RISK MANAGEMENT

- 7.1 The main risk associated with the details included in this report is:

- *Risk of challenge to Council decisions; and*
- *Risk of complaints about elected members.*

- 7.2 These risks are being managed as follows:

- Risk Register: *Legal, Equalities and Democratic Services*
Key Objective Ref No: 3
Key Objective: *Effective ethical governance*

8. CUSTOMER IMPLICATIONS

8.1 None

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 None

10. VALUE FOR MONEY IMPLICATIONS

10.1 None

11. OTHER IMPLICATIONS

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Executive Director - Partnerships and Projects	No
Executive Director - Services	No
Assistant Chief Executive	No
Head of Service	<u>Yes</u>
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	<u>Yes</u>

Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

All wards

14. APPENDICES

Appendix 1 List of issues for consideration for inclusion in the review

15. BACKGROUND PAPERS

None

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