

**Subject:**  
Assessment Criteria - Standards

**Status:**  
For Publication

**Report to:** Standards Committee

**Date:** 17<sup>th</sup> June 2008

**Report of:**  
The Executive Director of Regulatory Services

**Portfolio**  
**Holder:** Well-Managed Council

**Key Decision:** No

Forward Plan  General Exception  Special Urgency

## 1. PURPOSE OF REPORT

- 1.1 To recommend the adoption of assessment criteria in relation to handling of complaints about breaches of the Members' Code of Conduct.

## 2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this Report impact directly on the following corporate priorities and associated corporate objective.

- Well Managed Council (Improvement, Community Network)

## 3. RISK ASSESSMENT IMPLICATIONS

- 3.1 All the issues raised and the recommendations in this Report involve risk considerations as set out below:

- Loss of confidence in local democracy.

## 4. BACKGROUND AND OPTION

- 4.1 At its meeting on 16<sup>th</sup> May 2008, the Annual Council approved a Procedure for the Assessment, Referral and Investigation of Complaints of Breach of the Member's Code of Conduct. All such complaints are now received by the Standards Committee. In making decisions on these complaints, Assessment Sub-Committees are required to take into account assessment criteria approved by the Standards Committee; these criteria will be reviewed from time to time by the Standards Committee.

The complaint will be assessed initially by an Assessment Sub-Committee, and there is a right of review of a decision not to take an investigation further to a Review Sub-Committee. Both Sub-Committees are Sub-Committees of the Standards Committee.

- 4.2 The Standards Board has now issued Guidance on the criteria to be used in the local assessment of complaints. The criteria should ensure fairness for both the complainant and the Member who is the subject of the complaint. Assessing all new complaints by established criteria will also protect the Committee Members from accusations of bias. In drawing up assessment criteria, Members should bear in mind the importance of ensuring that complainants are confident that complaints about Members' conduct are taken seriously and dealt with appropriately. The Guidance provides that Members should also consider that deciding to investigate a complaint or to take other action will cost both public money and the elected Members' time and Officers' time. This is an important consideration where the matter is relatively minor.
- 4.3 Authorities need to take into account the public benefit of investigating complaints which are trivial or less serious, politically motivated, malicious or vexatious.
- 4.4 The assessment criteria that the Standards Committee adopts should be made publicly available.
- 4.5 An option would be not to adopt the assessment criteria, but this would lead to allegations of impropriety and unfairness.
- 4.6 A copy of the proposed Assessment Criteria is attached at Appendix 1. A flow chart showing the new process is attached at Appendix 2. A copy of the procedure is attached at Appendix 3.

#### **COMMENTS FROM STATUTORY OFFICERS:**

##### **5. SECTION 151 OFFICER**

- 5.1 There are no financial implications arising from the Report.

##### **6. MONITORING OFFICER**

- 6.1 As in this Report

##### **7. HEAD OF PEOPLE AND ORGANISATIONAL DEVELOPMENT (ON BEHALF OF THE HEAD OF PAID SERVICE)**

- 7.1 There are no Human Resources implications arising from the Report.

##### **8. CONCLUSION**

- 8.1 The Assessment Criteria and procedure should be adopted.

**9. RECOMMENDATION**

9.1 That the Assessment Criteria and procedure be adopted.

**10. CONSULTATION CARRIED OUT**

10.1 Nil

**11. EQUALITY IMPACT ASSESSMENT**

Is an Equality Impact Assessment required No

Is an Equality Impact Assessment attached No

**12. BIODIVERSITY IMPACT ASSESSMENT**

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

|                        |  |
|------------------------|--|
| <b>Contact Officer</b> |  |
| Name                   | Linda Fisher   |
| Position               | Executive Director of Regulatory Services  |
| Service / Team         | Legal and Democratic   |
| Telephone              | 01706 252447   |
| Email address          | <a href="mailto:lindafisher@rossendalebc.gov.uk">lindafisher@rossendalebc.gov.uk</a> |

Either

| <b>Background Papers</b>                                 |                            |
|--|----------------------------|
| <b>Document</b>  | <b>Place of Inspection</b> |
| Standards Board Guidance: Local Assessment of Complaints | Futures Park, Bacup        |