

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 17th JUNE 2010

REVIEW OF STANDARDS COMMITTEE PROCEDURES

REPORT OF HEAD OF GOVERNANCE AND MONITORING OFFICER

1. PURPOSE

- 1.1 To provide the committee with proposed amendments to a number of procedures in relation to the processing and investigation of complaints.

2. RECOMMENDATIONS

2.1 That the Committee approve the amendments to the following subject to any further amendments that they consider appropriate:

- **Monitoring Officer Protocol**
- **Assessment and Review Criteria**
- **Local investigation Procedure**
- **Local Hearing Procedure**

2.2 The Head of Governance and Monitoring Officer has delegated authority to amend the procedures when he considers it necessary to do so.

3. SUMMARY

Recent experience of using procedures adopted by the standard committee has given officers the opportunity to review the processes in place and make suggestions to improve them. Proposed amendments to the way in which complaints are received, assessed, investigated and heard are attached to the report for the Committee to consider.

4. PREVIOUS MINUTES

Standards Committee – 17th June 2008 (ST-05), 10th December 2010 (ST-24)

5. INFORMATION

- 5.1 The local system for the assessment of complaints has now been operating since May 2008. The Standards Committee have previously approved procedures to ensure a fair, transparent and consistent way of dealing with complaints.

5.2 Having now used the system for two years and more recently having experienced more investigations, officers have reviewed the current processes and procedures. Some parts of the processes were found to be either repetitive or in need of simplification. Accordingly, the following procedures are attached to this report at Appendix 1 with suggestions for amendment;

- Monitoring Officer Protocol

The document has been updated to make reference to 'Standards for England', has had any repetitive sections removed and some language has been replaced for more plain English.

- Assessment and Review Criteria

The document has been updated to make reference to 'Standards for England' and also includes a new process to ensure that members who are subject to a complaint that is withdrawn are informed as soon as possible.

- Local Investigation Procedure

This was only recently updated but the Monitoring Officer confirmed that he would keep members up to date with any amendments. There is a removal of the need for a 21 day response regarding the allegation from the member who was subject to the complaint. This could slow down the investigation process, particularly in the smaller cases. There is more reference to the consideration meetings which are elaborated upon in the hearing procedure. There will be no need for any separate determination procedure between the investigation and hearing stage. There is also an update to include a reference to 'Standards for England'.

- Local Hearing Procedure

There is a removal of the requirement for a five day letter from the Democratic Services Manager, instead there is reference to the consideration hearing and acting promptly after that. There is an update regarding reference to 'Standard for England'.

5.3 Occasionally it may be necessary to depart from the set procedure and as previously agreed by the Committee there is a recommendation to allow the Head of Governance and Monitoring Officer to continue to be able to amend the procedures when it is necessary to do so. This is envisaged to be mainly due to changes in legislation or guidance which require and amendment to the procedures.

5.4 Equality and Diversity

The Head of Governance will ensure that the complaints process is accessible to all of the community

5.5 Environmental Impact

None

5.6 Legal Comments

It is a legal requirement for the Standards Committee to administer a system for the processing of code of conduct complaints. The procedures attached to this report must be compliant with the Local Government Act 2000 (as amended) and all associated legislation. Standards for England guidance must also be considered when prepared the procedures.

5.7 Links with Corporate Priorities

Ensuring that the Standards Committee procedures are efficient and up to date will assist the Council in ensuring that it is operating in an effective and efficient manner.

5.8 Opportunities and Risks

The potential opportunities and risks associated with the issues raised in the report will be addressed. The opportunities identified will be maximised and the potential risks will be dealt with appropriately.

5.9 Financial Implications

The administration and operation of the Standards Committee is met from within existing budgets and the proposed changes are not anticipated to have a significant financial implication.

5.10 Ward Implications

District wide implications

6. BACKGROUND PAPERS

None

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