



**STANDARDS COMMITTEE**  
**3 July 2009**

**Appointment of Assessment and Review Sub-Committees**

**PURPOSE OF REPORT:**

To agree the membership of sub-committees to consider the initial assessment and review of complaints about the conduct of County Councillors and Co-opted Members of Council Committees

**Introduction:**

1. Since 8 May 2008, any formal complaint of misconduct about a Surrey County Councillor or a co-opted Member must be received by the Standards Committee. This means that, in most cases, the entire process for investigating and handling complaints about Member conduct is a locally managed process.
2. The Local Government and Public Involvement in Health Act 2007 requires standards committees to establish a sub-committee (the "Assessment Sub-Committee") to undertake an initial assessment and decide whether the complaint shows an apparent failure to comply with the Code of Conduct for Members and, if so, whether that complaint merits investigation, other action or no action. If the Assessment Sub-Committee decides to take no action in respect of an allegation the complainant will have 30 days within which to request the authority to review that decision. The Act requires standards committees to set up a second sub-committee (the "Review Sub-Committee") to conduct that review. No member can sit on the Review Sub-Committee in respect of a complaint where they were on the Assessment Sub-Committee dealing with the same complaint.
3. The Standards Committee has put in place arrangements to deal with the initial assessment of complaints about Members and any review of those initial assessments and has been operating those arrangements for the past 12 months. All members of the Committee during that time have been involved in assessing complaints.

## Receiving and Assessing Complaints

### 4. Initial Complaint

Information on how to complain about councillor behaviour is set out on the Council's website including relevant forms. The contact centre will deal with telephone requests by directing complainants to the appropriate process, as generally all complaints must be received in writing. All complaints about Members are directed to the Monitoring Officer who determines how to handle them in accordance with the Monitoring Officer Protocol set out in the Constitution of the Council. Where the allegation is a formal complaint of misconduct against a relevant member it will be reported to the next available Standards Assessment Sub Committee.

### 5. The Assessment Sub Committee

A Sub-Committee must be available at short notice to deal with an allegation. The Regulations require the Council to consider any allegations received within an average of 20 working days of receipt and the Standards Board for England ("SBE") requires quarterly monitoring reports to assess how successfully the Committee is meeting its targets. The Assessment Sub-Committee is required to reach one of the following decisions on a complaint about a member's actions in relation to the Code of Conduct:

- refer the allegation to the relevant Monitoring Officer;
- refer the allegation to the Standard Board for England;
- decide that no action should be taken in respect of the allegation

- a. **Refer the allegation to the Monitoring Officer:** When the Assessment Sub-Committee considers a new complaint it can decide that it should be referred to the Monitoring Officer for investigation. Where the allegation relates to a person who is no longer a member of this Authority but is a member of another relevant local authority, the Sub-Committee may choose to refer the allegation to the Monitoring Officer of that other authority. In either case it must send a summary of the complaint to the relevant parties covering what the allegation was and what type of referral has been made.
- b. **Referral to the Standards Board for England:** Where there are issues which make it difficult for the authority to deal fairly with the case, the Assessment Sub-Committee may wish to refer the matter to the Standards Board for England to be investigated by an ethical standards officer. The SBE has the discretion to investigate the matter, take no action or refer the case back to the local standards committee. A summary of the complaint as in 5b above must be sent to the parties.

- c. **Referral for other action:** The Assessment Sub-Committee may decide that action other than an investigation should be taken and it can refer the matter to the Monitoring Officer to carry this out. Before reaching this conclusion the Assessment Sub-Committee must consult the Monitoring Officer and again the parties must be informed of the outcome of the Sub-Committee's deliberations

## **6. Review of Initial Assessment**

Where the Assessment Sub-Committee decides that no action should be taken on a complaint, the 2008 Guidance requires the Authority to advise the complainant of his or her right to ask for a review by writing to the Standards Committee with their reasons for requesting a review. In the event that the Monitoring Officer does receive a request to review a decision this will be referred to a Review Sub Committee which will again consider whether to:

- refer the allegation to the relevant Monitoring Officer;
- refer the allegation to the Standard Board for England;
- decide that no action should be taken in respect of the allegation

## **Arrangements for Assessing and Reviewing Complaints**

7. The quorum (minimum actual attendance) for each such Sub-Committee is three members:
- at least 25% of each sub-committee must be Independent Co-opted Members, one of whom must be present to chair the meeting
  - at least one elected member of this Council must be present at each meeting

In view of the pressure on members' diaries and the need for a quorum to be available the Standards Committee has established two Sub-Committees, each comprising five members, two of whom are independent co-opted members and one of whom is then appointed Chairman of the Sub-Committee. These are referred to as Sub-Committee A and Sub-Committee B and each has a programme of bi-monthly meetings. These are diarised but may be cancelled if there is no work for that sub-committee. Each sub-committee may sit as either an Assessment Sub-Committee or a Review Sub-Committee with the proviso that no sub-committee may carry out a review of its own initial assessment of a complaint. Legal advice is that sub-committees must be appointed by the Standards Committee, this includes appointing named members and this cannot be delegated to the Monitoring Officer, even in consultation with the Chairman.

8. There is an ongoing programme of work for the sub-committees and it is therefore necessary to make appointments to them at this meeting. As a starting point the following appointments are suggested. These have been drawn up to ensure that each sub-committee has an appropriate mix of independent co-opted and elected members and experienced and new committee members. The Committee is asked to approve these or suggest variations and to appoint a Chairman to each Sub Committee from its independent membership

Sub Committee A

Mr Simon Rutter, Mr Simon Edge, Mrs Angela Fraser DL, Mr David Munro, Mr Colin Taylor

Sub Committee B

Mr Nicolas Davies LVO JP DL, Ms Karen Heenan, Mr Geoff Marlow, Mrs Lavinia Sealy, Mr Eber Kington

**Financial and value for money implications**

None:

**Equalities Implications**

The Standards Committee needs to have in place effective arrangements to consider any complaint that a Member may have done something to breach equality enactments.

**Risk Management Implications**

Failure to put in place effective arrangements for assessing complaints would result in poor performance and ultimately Standards Board intervention.

**Implications for the Council's Priorities or Community Strategy/Local Area Agreement Targets**

Effectiveness of these arrangements contributes to the use of resources key line of enquiry which will form part of the Local Area Assessment.

<b>Recommendations:</b>
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That the Committee appoint Members to Sub Committees A and B as recommended above or propose alternative membership for these sub committees

**Next steps:**

Members will receive training on the assessment and review of complaints and meetings will be programmed to ensure that complaints are considered promptly and effectively.

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**Sources/background papers:**

Local Government and Public Involvement in Health Act 2007

The Standards Committee (England) Regulations 2008

Local Standards Framework Standards Board guide for authorities