

# CHESHIRE EAST

## Standards Committee

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**Date of meeting:** 13 January 2009  
**Report of:** Interim Monitoring Officer  
**Title:** Local Assessment Sub-committees

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### **1.0 Purpose of Report**

- 1.1 The purpose of the report is to address the need to set up Sub-Committees of the Standards Committee to deal with the local assessment and review functions and to appoint members to those Sub-Committees.

### **2.0 Decision Required**

- 2.1 Members are requested to consider and approve the proposals for the formation of the Assessment Sub-Committee and the Review Sub-Committee, to appoint to the Membership of those Sub-Committees and to make provisions for the appointment of Chairmen of those Sub-Committees.

### **3.0 Information**

- 3.1 The Local Government and Public Involvement in Health Act 2007 gives Standards Committees the role of undertaking the initial assessment of misconduct allegations in place of the Standards Board for England.
- 3.2 The Standards Committee (England) Regulations 2008 ("The Regulations") came into force on 8 May 2008 and set out in detail the way in which the local assessment function is to be discharged by Standards Committees.
- 3.3 In complying with its obligations under the Regulations, Standards Committees are also required to take account of Guidance published by the Standards Board. Guidance was published by the Standards Board on their website on 2 May 2008.
- 3.4 In dealing with the local assessment function Regulation 6 requires Standards Committees to appoint two separate sub-committees; the Assessment Sub-Committee and the Review Sub-Committee.
- 3.5 Upon receipt of a written allegation that a member has failed to comply with the Code of Conduct, the Assessment Sub-Committee will be

convened to make an initial assessment of the allegation and decide whether to:

- Refer the allegation to the monitoring officer (for an investigation to be undertaken or for alternative action), or
- Refer the allegation to the Standards Board for England (if for instance, it is so serious that a local Standards Committee could not deal with it), or
- Decide that no action will be taken in respect of the allegation.

Standards Board Guidance provides that the Assessment Sub-Committee should make the assessment decision within an average of 20 working days.

3.6 If the Assessment Sub-Committee in considering a complaint has determined that no action be taken, then the complainant has 30 days from notification to submit a written request for a review of the decision. Following receipt of the request for a review, a Review Sub-Committee must be convened to consider afresh the initial assessment of the allegation and decide whether to:

- Refer the allegation to the monitoring officer (for an investigation to be undertaken or local resolution attempted)
- Refer the allegation to the Standards Board for England (if for instance it is so serious that a local Standards Committee could not deal with it, or
- Decide that no action will be taken in respect of the allegation.

Members of the Review Sub-Committee cannot also have been involved as members of the Assessment Committee in dealing with a particular complaint. There will therefore have to be two entirely separately composed sub-committees to deal with the Assessment and Review functions. There is nothing, however, to prevent Members who have served on either the Assessment Sub-Committee or the Review Sub-Committee from participating in the ultimate determination of that complaint. Standards Board Guidance provides that the Review Sub-Committee should complete the review within an average of 20 working days.

3.7 The Regulations set out in detail the way in which the Sub-Committees are to be composed. Regulation 6 requires that an Independent Member must chair a sub-committee. Regulation 7 requires that at least one member of the authority must be present at the meeting of the sub-committee. Regulation 7 also requires that if the complaint is about a Parish Councillor, a Parish Councillor should also be present (who is not also a Member of the Authority). Regulation 7 requires that to be quorate a sub-committee must have at least 3 members present for its duration.

- 3.8 Members are invited to consider how the sub-committees ought to be composed. What is proposed is that Chairmen be appointed for the Assessment Sub-Committee and the Review Sub-Committee on the basis that these members will normally take those positions unless it is impractical for any reason for this to happen in specific cases, in which case another independent member would chair the meeting. It is suggested that each sub committee be composed of three members, and that the Chairman of the Assessment Sub-committee will normally be the Chairman of the Standards Committee, with the Chairman of the Review Sub-committee normally being the Vice-Chairman of the Standards Committee, subject to availability and there being no other reason (e.g. the need to declare an interest) why this should not be the case. So far as the remaining membership of sub committees is concerned, it is likely to be beneficial from a practical viewpoint if all members of the Standards Committee are appointed to potentially serve as Members of both the sub-committees. The actual Sub-Committee convened to deal with a particular complaint could then be composed of three Members (including the Chairman) drawn from the membership. In this way maximum flexibility will be gained to take account of Member availability and the requirements set out in the paragraphs above.

**4.0 Financial Implications for Transition Costs**

None.

**5.0 Legal Implications**

As set out in the report.

**7.0 Risk Assessment**

Creating sub-committees will allow the separate functions involved in the handling of cases to be carried out without conflicts of interest.

**8.0 Overview of Day One, Year One and Term One Issues**

None. Future bulletins will be reported to the Committee as and when published.

**For further information:**

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**Background documents**

None.

