

---

REPORT TO:	STANDARDS COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	28TH MAY 2008	CATEGORY: DELEGATED
REPORT FROM:	MONITORING OFFICER	OPEN
MEMBERS' CONTACT POINT:	ANDREA McCASKIE, HEAD OF LEGAL & DEMOCRATIC SERVICES (EXT. 5831)	DOC: U:\JAYNE\Commtee\COMMREP\LocalAssess\Implement.doc
SUBJECT:	LOCAL ASSESSMENT FROM 8TH MAY 2008 – IMPLEMENTATION ISSUES	REF: AGM/JB
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

---

## 1.0 Recommendations

### 1.1 Standards Committee is asked to:

- (a) approve the various documents to be used in this matter and to authorise the Monitoring Officer to keep them under review and amend them, as necessary, in light of experience; and
- (b) subject to Council giving the Standards Committee the power to establish Sub-Committees as required by the Regulations, agree the establishment of the Standards Sub-Committee (Initial Assessment), the Standards Sub-Committee (Review) and Standards Sub-Committee (Hearings) as per the terms of reference attached to this report at Appendix 'C'.

## 2.0 Purpose of Report

2.1 The purpose of this report is to inform the Standards Committee that the "Local Assessment" regime has been operative from 8th May 2008. This report highlights, in particular, the implementation issues and documents to be used in the matter.

## 3.0 Detail

3.1 With the new Local Assessment regime becoming operative from 8th May 2008, a press notice has been issued to appear in a local newspaper and has also been placed on the Council's website. A copy of the notice is attached as Appendix 'A' to this report. In addition, I felt it appropriate to devise an appropriate complaint form that members of the public may wish to use to ensure that the Standards Committee obtains all the relevant information and avoids any delays in considering the matter. The complaint form, along with information for complainants, is attached as Appendix 'B' to this report.

- 3.2 The "Initial Assessment" Sub-Committee will have to meet on a regular basis. There is a general practice requirement from the Standards Board for England ("SBE") to deal with the matter within an average of 20 working days. If further information is required from the complainant, the clock will stop and only run again if the requested information has been provided. If it has not been provided, the complaint is likely to be dismissed by the Initial Assessment Sub-Committee.
- 3.3 The terms of reference for the 3 Sub-Committees are attached at Appendix 'C' to this report. The Standards Committee does not have the power to establish any Sub-Committees. However, that power may be granted to the Standards Committee at the Annual Council Meeting on 22nd May 2008, as a change to the constitutional arrangements. A copy of the report being considered by Annual Council is attached at Appendix 'D'.
- 3.4 In terms of the various decisions available to the "Initial Assessment" and the "Review" Sub-Committees, I have suggested, at Appendix 'E' respectively, the various documents to be used for acknowledgement and decision notices at the "Initial Assessment" stage and, at Appendix 'F', the decision notice/letters for the "Review" stage. All of these documents will need to be kept under review and I suggest that the Standards Committee authorises me to keep the same under review and amend as necessary in light of experiences.
- 3.5 Complainants will be advised to approach me before submitting any written complaints and general guidance will be offered to potential complainants to help them understand the process involved. In the event that they submit a written complaint, the matter will be considered by the "Initial Assessment" Sub-Committee.

#### **4.0 Financial Implications**

- 4.1 South Derbyshire District Council is responsible for Standards issues, not only in relation to District Council members, but also in respect of members of the Parish Councils in our district. However, it should be noted that there is no mechanism in the legislation to recharge Parish Councils for the cost of undertaking hearings or any subsequent investigations.

#### **5.0 Corporate Implications**

- 5.1 It is a statutory requirement for the Standards Committee now to assess allegations of breaches of the Code of Conduct locally, for District Council members and also Parish Council members.

#### **6.0 Community Implications**

- 6.1 The Council's Standards Committee plays a vital role in promoting and maintaining the highest standards of conduct by Councillors of South Derbyshire District Council and all the Parishes in its area.

#### **7.0 Background Papers**

- 7.1 The relevant Standards Board for England Toolkit