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| **REPORT TO:** | **STANDARDS COMMITTEE** | **AGENDA ITEM:** |
| **DATE OF MEETING:** | **31ST MARCH 2009** | **CATEGORY: DELEGATED** |
| **REPORT FROM:** | **MONITORING OFFICER** | **OPEN** |
| **MEMBERS' CONTACT POINT:** | **ANDREA McCASKIE (595831)** | **DOC:** |
| **SUBJECT:** | **LOCAL ASSESSMENT OF COMPLAINTS – PROCEDURAL ISSUES** | **REF:** |
| **WARD(S) AFFECTED:** | **ALL** | |

## 1.0 Recommendations

1.1 The Committee is asked to:-

(a) approve the documents attached to the report; and

(b) request the Full Council to approve the changes to Article 8A of the Council's Constitution relating to the Terms of Reference of the Standards Sub-Committees.

## 2.0 Purpose of Report

2.1 The purpose of this report is to formally approve the procedures for the Local Assessment of Complaints and for Local Determination Hearings and to clarify the Terms of Reference for the Standards Sub-Committee (Consideration) set out in Article 8A of the Council's Constitution.

## 3.0 Detail

3.1 Following the implementation of the new Local Assessment regime from 8th May 2008, the complaints information on the Standards and Behaviour section of the Council's website has been expanded and as part of this, it is felt that a formal procedure for the local assessment of complaints should be available for the benefit of all concerned to accompany the other documents. Accordingly, a procedure has been prepared in accordance with the guidance adopted by the Council and this is attached at Annexe 'A'.

3.2 At the Meeting held on 21st April 2005, the Committee approved a procedure for Local Determination Hearings. Under the new regime, such a Hearing has been unnecessary to date but minor amendments are required to the approved procedure to reflect the provisions of the Standards Committee (England) Regulations 2008. These suggested amendments have been tracked on the revised document attached at Annexe 'B'.

3.3 The Terms of Reference for Standards Sub-Committees are set out in Article 8A of the Council's Constitution. For the purposes of clarity relating to the various stages of the process, it is considered that these Terms of Reference should be amended to reflect responsibilities for a Standards Sub-Committee (Consideration), which would consider an Investigator's report following a local investigation. Accordingly, a revised Article 8A is attached at Annexe 'C'.

## 4.0 Financial Implications

4.1 South Derbyshire District Council is responsible for Standards issues, not only in relation to District Councillors, but also in respect of members of the Parish Councils in the 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 to assess allegations of breaches of the Code of Conduct locally, for District Councillors 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 21 Apr 05 Report to Standards Committee
28 May 08 Report to Standards Committee