

**STANDARDS
COMMITTEE**

16th July 2012

LOCALISM ACT 2011 - NEW STANDARDS REGIME – MANAGING COMPLAINTS

Relevant Portfolio Holder	Councillor Phil Mould, Portfolio Holder for Corporate Management
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services and Monitoring Officer
Ward(s) Affected	All Wards
Ward Councillor(s) Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Localism Act 2011 introduced fundamental changes to the system of regulation of the standards of conduct of elected and co-opted members, including a requirement for councils to have arrangements for managing standards complaints against those members.
- 1.2 The process for handling standards complaints was submitted to the Annual Meeting of the Council on 21st May 2012. This report sets out the proposals for the appointment of sub-committees where required under those arrangements.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that

- 1) **the Standards Committee appoints (i) Assessment Sub-Committees to determine whether a complaint against a member/co-opted member merits formal investigation and (ii) a Hearings Sub-Committee to consider a complaint referred by the Monitoring Officer, following an investigation; and**
- 2) **Sub-Committees be established from amongst the membership of the Committee as set out in Appendix 1 to this report.**

3. KEY ISSUES

Financial Implications

- 3.1 None.

Legal Implications

- 3.2 Under sections 28(6) and (7) of the Localism Act 2011, the Council must have in place arrangements under which allegations that a Member or co-opted Member

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of the authority (or Parish Council within the authority's area) has failed to comply with that authority's Code of Conduct can be investigated and decisions made on such allegations.

Service / Operational Implications

- 3.3 The Localism Act fundamentally changed the way in which standards of conduct for elected and co-opted Councillors are regulated.
- 3.4 The Council retained a statutory duty to promote and maintain high standards of conduct for its elected and co-opted Members the Localism Act required the Council to have in place arrangements for managing standards complaints.
- 3.5 At the Annual Meeting of the Council on 21 May 2012, the Council adopted "Arrangements for Managing Standards Complaints under the Localism Act 2011".
- 3.6 Also at the Annual Meeting, the Council approved the composition of the Standards Committee for the year, including the composition of Sub-Committees to be chaired by a Labour Chair for Hearings about a Conservative Member and Conservative Chair for Hearings about a Labour Member. This is attached at Appendix 2
- 3.7 The general thrust of the arrangements are for local resolution options to be used as far as possible, with the Leaders of Political Groups and the Chairmen of Parish Councils included in conjunction with the new Independent Person to encourage mediation and support measures to be used when the circumstances allow, and that investigations are reserved for those cases where there would appear to be no other practical or effective means of resolution. Where this occurs, it will be necessary to establish *an Assessment Sub-Committee* for a decision to be made as to whether a complaint merits a formal investigation.
- 3.8 A *Hearings Sub-Committee* may also be required after an Investigation has taken place and the Monitoring Officer, after consultation with the Independent Person, decides to refer the matter for a local hearing.
- 3.9 To achieve this effectively it is considered that establishing panels of members composed of sets of members with the chairman drawn for each party will also ensure a transparent and fair process for the selection of panels for hearings.

Customer / Equalities and Diversity Implications

- 3.12 Any process for managing standards of behaviour for elected and co-opted Councillors must be accessible to the public. It is therefore proposed that an impact assessment will be carried out on the complaints process when established, to ensure accessibility.

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- 3.13 In addition, it is proposed that the new arrangements will be publicised on the Council's website and that Officers will work to ensure that members of the public are made aware of the process for making a complaint through all existing community engagement events.

4. RISK MANAGEMENT

Recommending the inclusion of the proposals made in this report in the overall arrangements for the processing of complaints against members/co-opted members appended to the report will enable the Council to discharge its duty to consider and determine standards complaints and to discharge the duty to promote high standards in public life, at District and Parish level.

5. APPENDICES

Appendix 1 - Member Panels for Sub-Committee hearings.

Appendix 2 - Standards Committee, revised arrangements as approved at the Annual Meeting on 21 May 2012

6. BACKGROUND PAPERS

Relevant sections of the Localism Act 2011.

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