

Cheltenham Borough Council

Standards Committee - 11th July 2008

Terms of Reference and Protocols for Initial Assessment of Complaints

Report of the Borough Solicitor and Monitoring Officer

1. Summary and recommendation

- 1.1 At its meeting on 28 September 2007 the Committee was considered a report concerning the impending changes to the process of handling complaints about the conduct of borough and parish councillors. Subsequently, Full Council approved the increase in the membership of the Committee to enable it to have sufficient members to handle the new complaints process.
- 1.2 The Standards Committee (England) Regulations 2008 came into effect on the 8th May 2008 requiring the council to assess complaints under the code of conduct. The new requirement means that three sub-committees are necessary for this purpose.
- 1.3 It is proposed to establish three new sub-committees, one to deal with the initial assessment of complaints and one to deal with a review against a decision not to investigate. Finally it is necessary to create a sub-committee which will be responsible for carrying out the hearing and determination of any complaint which is referred for investigation.
- 1.4 As a result of the new arrangements it is also necessary for the committee to consider changes to its existing Terms of Reference and to adopt procedures that specify how it will discharge the functions of assessing initial complaints and reviewing decisions not to investigate. The Standards Board for England (SBE) has produced guidance that must be taken into account when establishing these procedures. The guidance, entitled "Local Assessment of Complaints" is available at www.standardsboard.gov.uk. Revisions to the Terms of Reference are included as Appendix A to this report as are the proposed Terms of Reference for the three new sub-committees. The proposed local investigation procedures are set out in appendix B. These draw heavily on the SBE guidance. It is important that these procedures are now approved since the duty to assess complaints locally was effective from the 8th May 2008.
- 1.5 **I therefore recommend that:**
 - 1.5.1 **The committee agrees to the establishment of the Standards (Initial Assessment) Sub-Committee, the Standards (Review) Sub-Committee and the Standards (Determination of Complaints) Sub-Committee with the terms of reference shown in Appendix A.**
 - 1.5.2 **The Committee adopts the procedures set out in Appendix B.**
 - 1.5.3 **The Committee recommends to Council the changes to the terms of reference of the Standards Committee arising as a consequence of the new statutory arrangements for dealing with complaints.**

2. Summary of implications

2.1	Financial	No financial implications relevant to his report Contact Officer: Sarah Didcote, Group Accountant Sarah.didcote@cheltenham.gov.uk 01242 264125
2.2	Legal	As set out in the body of the report Contact Officer: Peter Cruden, Head of Legal Services Peter.cruden@cheltenham.gov.uk 01242 264155
2.3	Personnel	No HR implications arising from the content of the report Contact Officer: Julie McCarthy, Personnel Manager Julie.mccarthy@cheltenham.gov.uk 01242 264355
2.4	Equal opportunities, social justice and anti-poverty	None
2.5	Environmental	None
2.6	Health and safety	None
Background papers		Standards Committee (England) Regulations 2008 Local Assessment of Complaints – Guidance from the Standards Board for England
Contact officer		Peter Lewis, Borough Solicitor and Monitoring Officer, 01242 264216, peter.lewis@cheltenham.gov.uk