

## Standards Committee

**AGENDA STATUS: PUBLIC**

<b>Report Title</b>	<b>LOCAL ASSESSMENT CRITERIA</b>
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<b>Date of Meeting:</b>	14 <sup>th</sup> June 2010
<b>Directorate:</b>	Borough Solicitor & Monitoring Officer
<b>Ward(s)</b>	All

### 1. Summary

This report proposes that the Committee adopts a formal set of Local Assessment Criteria, which set out the approach and criteria to be used by the Assessment Sub-Committee and the Review Sub-Committee in deciding whether to accept a complaint made against a subject member or to take no further action on it. The Local Assessment Criteria also set out the specific criteria to be applied where the Assessment Sub-Committee or Review Sub-Committee are considering referring a complaint to the Monitoring Officer for other action (that is, action other than investigation).

### 2. Recommendations

The Committee is asked to note the contents of the report and to approve the draft Local Assessment Criteria at Appendix 1, which will be incorporated into the Committee's Manual of Procedures for Complaints Against Members.

### 3. Report Background

- 3.1 The Standards for England publication, "*Local Standards Framework - Guide for Authorities*" (the "Guidance") provides local authorities with guidance on conducting the local assessment process. Although the guidance does not have statutory effect, it reflects the Standards Committee (England) Regulations 2008 and assists local authorities in implementing structures, procedures and processes which meet the statutory obligations of local authorities in relation to the assessment of complaints made against councillors.
- 3.2 The Guidance suggests that each authority should adopt assessment criteria against which it assesses new complaints and decides what action, if any, to take.
- 3.3 The Guidance sets out a number of suggested criteria for standards committees to apply. Currently, the Committee is applying these suggested criteria in the initial assessment of each new complaint. However, it is suggested that the Standards for England criteria should be formally adopted by the Standards Committee together with some additional criteria.

- 3.4 Please see the draft Local Assessment Criteria at Appendix 1. Paragraphs 1-6 are the criteria that Standards for England suggests that Assessment and Review Sub-Committees use when deciding whether to accept a complaint made against a subject member or to take no further action on it. Paragraphs 7-10 have been drafted to reflect general Standards for England guidance and local circumstances and priorities. Paragraphs A-I are the specific criteria that Standards for England suggests are applied when an Assessment or Review Sub-Committee is considering referring a complaint to the Monitoring Officer for other action (that is, action other than investigation).
- 3.5 The draft Local Assessment Criteria aim to ensure fairness for both the complainant and the subject member, reflect the importance of ensuring that complainants are confident that complaints about a member are taken seriously and dealt with appropriately and consider the public interest and benefit in relation to the investigation of complaints.
- 3.6 Formally adopting a set of Local Assessment Criteria will provide clarity and help to ensure consistency in the approach taken by members of the Standards Committee in the initial assessment of complaints against members. Consequently, this will protect members of the Committee members from accusations of bias. Further, the adoption and consistent use of a formal set of assessment criteria helps ensure that Northampton Borough Council is seen to be treating all complaints in a fair and balanced way.

#### **4. Implications (including financial implications)**

##### **4.1 Resources and Risk**

None

##### **4.2 Legal**

As outlined in this report.

##### **4.3 Other Implications**

None

#### **5. Background Papers**

None

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