

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

5 August 2009

**Appointments to Standards Committee Complaint Sub-Committees**

**0.0 PURPOSE OF REPORT**

- 1.1 To invite Members to make appointments to the Committee's Complaint Assessment Sub-Committee, Complaint Review Sub-Committee and Complaint Determination Sub-Committee.

**2.0 BACKGROUND**

2.1 The Standards Committee (England) Regulations 2008 came into force on 8 May 2008 and provide for the local receipt, assessment, investigation and determination of complaints that Members may have breached the Code, by standards committees.

2.2 Following the local government elections in June 2009 and the Authority's annual meeting on 17 June 2009, the Standards Committee will need to make appointments to its three Complaint Sub-Committees.

**3.0 APPOINTMENTS TO SUB-COMMITTEES**

3.1 Standards committees have three separate roles in relation to complaints that Members may have breached the Code of Conduct:

- receiving and assessing complaints;
- reviewing local assessment decisions to take no further action on a complaint;
- conducting hearings determining complaints, following investigation.

Each of the first two roles must be carried out by a sub-committee of the Standards Committee and sub-committees may be appointed to consider investigation reports and hold hearings to determine complaints, make findings and impose sanctions (where appropriate).

3.2 Each sub-committee needs at least 3 Members, including at least one Member of the Authority and one independent Member (as each sub-committee must be chaired by an independent Member). Although the Guidance says that such sub-committees are not required to have, in advance, fixed membership or a fixed chair, the legal position is that the Committee's sub-committees have to be established by the Committee and have Members appointed to them by the Committee. So, if the membership is not fixed now, the Committee would have to meet before each assessment, review or determination to appoint Members to the relevant sub-committee, which is not the most practical way forward

3.3 No Member who took part in the initial assessment of an allegation could be a member of any review sub-committee considering a review of a decision to take no further action on that allegation.

3.4 A Member who was involved in an initial assessment decision, or review decision, can, however, be a Member of the sub-committee which hears and

determines the complaint. This is because an assessment decision only relates to whether a complaint discloses something that needs to be investigated. It does not require deliberation of whether the conduct did or did not take place and so no conflict of interest arises in determining the complaint.

3.5 Consequently, in June and September 2008 the Standards Committee agreed to establish:

- a Complaint Assessment Sub-Committee;
- a Complaint Review Sub-Committee; and
- a Complaint Determination Sub-Committee

with fixed membership and chairmanship and appointed substitutes (from the Standards Committee itself) for each, as set out in Appendix 1 to this report, and with the respective Terms of Reference set out in Appendix 2.

- 3.6 The Standards Board for England has recently announced the introduction of an abbreviated version of its name: "Standards for England". Members are therefore recommended to agree that the references to 'the Standards Board for England' in the Complaint Sub-Committees' Terms of Reference set out in Appendix 2, be replaced with references to 'Standards for England'.
- 2.7 Following the recent local government elections and the Authority's annual meeting on 17 June 2009, the appointments to the Sub-Committees have now lapsed. The Standards Committee must, therefore, now make appointments to its three Complaint Sub-Committees in accordance with the requirements set out in this report.

#### **4.0 RECOMMENDATIONS**

- 3.1 That the Committee makes appointments to the Complaint Assessment Sub-Committee, Complaint Review Sub-Committee and Complaint Determination Sub-Committee in accordance with the requirements set out in this report.
- 3.2 That the references to 'the Standards Board for England' in the Complaint Sub-Committees' Terms of Reference set out in Appendix 2, be replaced with references to 'Standards for England'.
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CAROLE DUNN  
Monitoring Officer

#### Background Documents:

The Standards Committee (England) Regulations 2008

County Hall  
NORTHALLERTON

23 July 2009