

Arun District Council

REPORT TO:	Standards Committee 23.02.23
SUBJECT:	Review Of Local Assessment Procedure and Assessment Panel Procedure
LEAD OFFICER:	Daniel Bainbridge – Monitoring Officer
LEAD MEMBER:	Councillor Paul English
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: The Localism Act 2011 requires local authorities to “...promote and maintain high standards of conduct by members and co-opted members of the authority.” [Chapter 7, para 27(1)].	
DIRECTORATE POLICY CONTEXT: The Local Assessment Procedure and Assessment Panel Procedure set out a clear framework for the Monitoring Officer, Standards Committee, Assessment Panel and the general public under which Code of Conduct complaints will be considered and determined.	
FINANCIAL SUMMARY: No financial implications have been identified.	

1. PURPOSE OF REPORT

- 1.1 The Council's Constitution (Part 3, Section 5.4) outlines the functions for which the Standards Committee is responsible, including the reviewing of any Code of Conduct complaints. The administration of such complaints is determined by the Local Assessment Procedure. The Committee has responsibility for monitoring the operation of the Local Assessment Procedure and recommending any revisions to the Full Council.
- 1.2 This report brings forward proposed amendments to both Procedures based upon the Monitoring Officer's operation of the Local Assessment Procedure since taking up post, together with national best practice.

2. RECOMMENDATIONS

It is recommended that the Committee:

- 2.1. reviews the operation of the Local Assessment Procedure (Appendix A) and Hearings (Assessment Panel) Procedure (Appendix B), including the proposed amendments made by the Monitoring Officer; and
- 2.2. recommend to Full Council that the revised Local Assessment Procedure and Assessment Panel Procedure be adopted.

3. EXECUTIVE SUMMARY

- 3.1. This report brings forward revised Local Assessment Procedure and Assessment Panel Procedure documents for Councillors that take into account lessons learned over the 12-month period since the procedures were last reviewed in December 2021, and which builds in any areas of best practice and the Monitoring Officer's advice to the Committee.

4. DETAIL

- 4.1. The Local Assessment Procedure and the Assessment Panel Procedure were last reviewed at the Committee's meeting on 16 December 2021.
- 4.2. Since that date the Monitoring Officer (both current and past postholders) has received, processed and determined a number of complaints under the Code of Conduct, as well as having provided a full range of advice to Councillors in all contexts of the Council's business – both within and outside of Full Council and Committee meetings.
- 4.3. The proposed amendments to the procedures draw upon experience over the past twelve months, together with nationally-recognised best practice.
- 4.4. In particular, the Monitoring Officer is advising that the following amendments should be made to the Local Assessment Procedure:
 - a) Uniformity of references to the Assessment Panel to correctly mirror the references within the Responsibility for Functions within the Constitution;
 - b) The introduction of a stage following the initial filter that would enable the Monitoring Officer to refer complaints by one District Councillor against another District Councillor to the political Group Leader(s) for those Councillors for informal resolution. This has worked well in other local authorities and can provide an early resolution to complaints and thereby lessening the impact upon both Officer and Member time, whilst at the same time engaging Group Leaders with the conduct of their Members and seeking to reduce incidences of conduct between Councillors that can lead to complaints. (Paragraph 6)
 - c) Removal of the requirement for new evidence to have been presented "within the current administration". The current wording could have created a situation where a complainant with legitimate new evidence could find their complaint dismissed solely because they had brought forward new evidence following the 4-yearly local elections. (Paragraph 10(f))
 - d) Reduction of the period in which a complaint must be made following the date of the alleged conduct from six months to three months. In reality complainants do not wait six months in which to make complaints, and the passage of time can naturally affect the reliability of witness evidence. (Paragraph 10(h))

- e) Deletion of the reference at Paragraph 16 to sanctions imposed following a finding of breach of the Code. Sanctions can only be imposed by an Assessment Panel following a hearing, and not during the informal resolution stage of a complaint. (Paragraph 16)
- f) Explicit reference to an external investigator as opposed to 'outside body'. (Paragraph 19)
- g) Confirmation that the Independent Person should not retire with the Assessment Panel when it deliberates. This complies with national best practice (Paragraph 33). This is mirrored in Paragraph 10 of the Assessment Panel Procedure.

4.5 The Committee should consider the Monitoring Officer's proposals, together with any further updates that they wish to consider and recommend to Full Council.

5. CONSULTATION

5.1. Consultation with the Chair and Vice-Chair of the Standards Committee has taken place prior to the report and revised draft procedures having been finalised.

6. OPTIONS / ALTERNATIVES CONSIDERED

6.1. There is a need for both procedures to be reviewed regularly and so the alternative of not bringing forward a review report is not a realistic option.

7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER

7.1. No financial implications have been identified.

8. RISK ASSESSMENT CONSIDERATIONS

8.1. The adoption of up-to-date procedures that incorporate best practice and take account of lessons learned will ensure that all parties to a complaint have clarity regarding processes and procedures, and the documents themselves support consistency and robustness of decision-making.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

9.1. The Monitoring Officer's comments are set out within the body of the report.

For items 10 – 17 below, there are no direct impacts arising from this report.

10. HUMAN RESOURCES IMPACT

- 11. HEALTH & SAFETY IMPACT
 - 12. PROPERTY & ESTATES IMPACT
 - 13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE
 - 14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE
 - 15. CRIME AND DISORDER REDUCTION IMPACT
 - 16. HUMAN RIGHTS IMPACT
 - 17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS
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CONTACT OFFICER:

Name:	Daniel Bainbridge
Job Title:	Monitoring Officer
Contact Number:	01903 737607

BACKGROUND DOCUMENTS: None