

Arun District Council

REPORT TO:	Standards Committee – 18 January 2024
SUBJECT:	Review of Local Assessment Procedure and Assessment Panel Procedure
LEAD OFFICER:	Daniel Bainbridge – Monitoring Officer
LEAD MEMBER:	Councillor David Huntley
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.”	
DIRECTORATE POLICY CONTEXT:	
The Local Assessment Procedure and Assessment Panel Procedure set out a clear framework 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, 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/or 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 at the Committee's meeting on 23 February 2023, 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 23 February 2023, with changes recommended to and adopted by Full Council on 15 March 2023.
- 4.2. Since that date the Monitoring Officer 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 Monitoring Officer considers that the Assessment Procedures continue to operate effectively in guiding the Monitoring Officer, Members and Independent Persons in relation to Code of Conduct complaints.
- 4.4. The only amendment recommended by the Monitoring Officer from his experience of the operation of the Procedures is to extend the initial assessment period from 20 working days to 30 working days. The current period is restrictive in that 10 working days are allowed for the subject member to submit comments in relation to a complaint.
- 4.5. Once those are received the Monitoring Officer has 10 working days in which to review those comments, seek additional information from the complainant (if necessary), speak with any witnesses that may be necessary following the subject member's comments, speak with the Town/Parish Clerk in the case of a town/parish complaint, and then pass his complaint review to the Independent Person having taken into account all of the above.
- 4.6. The Independent Person then needs time to review the complaint and to provide views to the Monitoring Officer before the Monitoring Officer then provides a written decision to the subject member and the complainant.
- 4.7. The Monitoring Officer therefore requests that the Committee recommends an extension of the overall initial assessment period to 30 working days.
- 4.8. There have been no Assessment Panel hearings since the Panel Procedure was last reviewed on 23 February 2023, and the Monitoring Officer's view is that no adjustments are required to that document at this time.
- 4.9. 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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BACKGROUND DOCUMENTS: None