

Report to: Standards Committee

Date: 24th March 2009

Subject: Selection of Panels for Assessment and Review Sub Committees Hearings

Report of: Service Director Borough Solicitor

Contact officer: K P Lawson (Telephone: 01942) 827026

Purpose / summary: To seek Members' views on proposals that all Members of the Standards Committee should be available for selection on panels for either the Assessment Sub Committee or the Review Sub Committee (Parish representatives only taking part on parish matters) and to seek Members' views on the criteria for selection of members to the panels

Alternative options considered and reason for selecting the one recommended: Members can leave matters as they currently stand and suggest alternative criteria for selection of panel members

Recommendation / decision: Members are recommended to

1. Agree that all members of the Standards Committee can be available for selection on panels for the Assessment Sub Committee and the Review Sub Committee (Parish representatives only taking part on parish matters)
2. Comment on the criteria for selection of members for panels

Key Decision: This report does not involve a key decision.

Risks / Implications:

Financial:	None
Staffing:	None
Policy:	The Members' Code of Conduct is part of the Council's Constitution
Equal Opportunities - Has a Diversity Impact Assessment been conducted?	N/A
Wards affected:	All

Property Implications– Does the proposal involve a reduction, addition or change to the Council’s asset base or its occupation?

No

Does this proposal have significant implications for the Council and the local population?

No

Does this proposal involve a new policy or procedure or significant changes to an existing policy or procedure?

No

Has the Service Director Borough Solicitor confirmed that the recommendations within this report are lawful and comply with the Council’s Constitution? **Yes**

Has the Service Director Corporate Services confirmed that any expenditure referred to within this report is consistent with the Council’s budget? **Yes**

Are any of the recommendations within this report contrary to the Policy Framework of the Council? **No**

For Cabinet reports only :

Categorisation of the report:	x		x
Discussion leading to a decision		Discussion	
Monitoring		Decision	
Sharing for corporate understanding		Information	

Tracking/Process:

Standards	Consultation	Ward Members	Partners
24.03.09			
Panel	Overview & Scrutiny	Cabinet	Council
			29.04.09

There are no Background Papers to this report within the meaning of Section 100D of the Local Government Act 1972

Proper Officer K P Lawson

Date 25.2.09

1. BACKGROUND

To meet the statutory requirements of the Local Assessment of Complaints, the Council last year established the Assessment Sub Committee and the Review Sub Committee of the Standards Committee.

The Assessment Sub Committee consists of 4 Elected Members and 2 Independent Members and meets in panels of not less than 3 chaired by an Independent Member.

The Review Sub Committee consists of 2 Elected Members and 2 Independent Members and again meets in panels of not less than 3 chaired by an Independent Member.

The target timescales for hearings are within 20 working days of the receipt of a complaint and the formation of panels can be difficult to arrange. There can also be difficulties if steps are taken to avoid any possible conflict of interests.

This report suggests a less rigid division of Members from which the panels can be drawn and seeks Members' comments on the criteria for the selection of Members to panels.

2. PROPOSALS

Since the introduction of Local Assessment the Standards Committee has received eight complaints. At the time of this report six have been determined. Five decisions of no further action have been made. Two of those decisions have been the subject of a request for a review by the Review Sub Committee.

Inevitably there are more cases for the Assessment Sub Committee than the Review Sub Committee and the Members of the Assessment Sub Committee are called upon more frequently. To create a larger pool of Members and to share the load it is suggested that all Members of the Standards Committee be available for attendance at either the Assessment Sub Committee or the Review Sub Committee. Clearly any Member who takes part in a particular case hearing at the Assessment Sub Committee cannot attend a Review Sub Committee dealing with that case.

Such a change will also reduce problems that arise from efforts to avoid any conflict of interest and ensure that fairness is demonstrated. The following practice has been adopted and comments from Members are sought.

In selecting panel members

- a) an Independent Member is first sought to act as Chair
- b) where the complaint is by one Member of one political group against a Member of another political group then if possible Members of both groups are initially avoided or Members of both groups are allowed only to form a minority of the panel
- c) where the complaint is from a Member of the public then again either the political group of the Member complained of is initially avoided or that political group is allowed only to form a minority of the panel

- d) If a Member has a clear conflict of interest in a case then that Member is not selected on any panel

While it is accepted that all Members of the Standards Committee will act impartially in these matters the above practices have been adopted to ensure that the process has been demonstrated to be fair.

3. CONCLUSION

Members' views are sought on:

The proposal that all Members of the Standards Committee should be available for selection on panels for the Assessment Sub Committee and the Review Sub Committee (Parish representatives only taking part on parish matters).

The criteria for selection of panel members.

K.P. Lawson
Service Director Borough Solicitor

25.2.09