

<b>AGENDA ITEM 5</b>
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TO: THE CHAIR AND MEMBERS OF THE STANDARDS COMMITTEE

**DATE OF MEETING: 11<sup>TH</sup> MARCH 2008**

## **CODE OF CONDUCT – INITIAL ASSESSMENT**

### **1.0 PURPOSE OF REPORT**

- 1.1 To enable Members to have a better understanding of the type of issues Members will have to deal with, when considering whether or not to refer a complaint for investigation.

### **2.0 BACKGROUND**

- 2.1 As referred to elsewhere on the Agenda, the Council will assume responsibility for the initial consideration of complaints against Councillors. The Standards Board for England has produced a training package to enable Members to have a better understanding of what is required of them.
- 2.2 The Standards Board for England has previously considered complaints, and whether those complaints should be referred for investigation. Referral Officers working for the Standards Board have taken into account agreed criteria when assessing a case. Those criteria were developed at national level to reflect the priorities of the Standards Board for England. A Local Authority may well have a different set of priorities and, therefore, develop its own criteria.
- 2.3 The old system was also based on the idea of an investigation followed by a sanction. The new system allows for greater scope for mediation and other remedies. The recommended approach can be summed up in two key tests, which Members should apply to every new complaint:-
- i) Does the allegation disclose a potential breach of the code? and;
  - ii) If it does disclose a potential breach of the Code of Conduct, should anything be done?
- 2.4 The Standards Board for England has prepared a flow chart, and it is appended to this report. The flow chart details the recommended approach as outlined by the Standards Board for England.

2.5 The Standards Board for England has also produced twelve case studies, based upon actual complaints, which can assist Members to understand the process. I have selected four of the case studies and they are appended to this report. It is proposed to spend some time at the meeting going through the case studies to highlight the relevant issues.

**BACKGROUND INFORMATION:**

Standard Support for England Case Studies.

**R G LONG  
DIRECTOR OF LEGAL & DEMOCRATIC SERVICES.**