

STANDARDS COMMITTEE	AGENDA ITEM No. 3
<i>4 NOVEMBER 2009</i>	PUBLIC REPORT

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REPORT OF THE MONITORING OFFICER

R E C O M M E N D A T I O N S
<ol style="list-style-type: none"> 1. To consider the proposed service standards for the Monitoring Officer annexed to this report. 2. To decide whether to receive regular notice from the Monitoring Officer of any complaints made and considered by the Standards Committee.

1. CONTENTS OF REPORT

- 1.1 This report contains the following items for consideration:
- Service level standards for the Monitoring Officer
 - Review of previous work programmes for this Committee

2. SERVICE LEVEL STANDARDS

- 2.1 In considering the work programme for this Committee recommended to its last meeting, the members of the Committee asked that this further report be submitted outlining appropriate service standards for the role of the Monitoring Officer. The Committee is mindful of the need to process all complaints expeditiously and has concluded that clear guidelines for processing complaints will ensure that matters do not become delayed. In addition the Committee has indicated that it wishes to raise its profile within the Council and suitable service standards are key to this process. Draft questions for a questionnaire are attached at appendix 1.
- 2.2 The Monitoring Officer has suggested the service standards in the attached document at appendix 2.

3. WORK PROGRAMME REVIEW

The Deputy Monitoring Officer has reviewed the Standards Committee minutes for the previous 18 months. This has demonstrated three outstanding actions for this Committee:

- Training for members of the Council
 - CRB checks review
 - Local Democracy week
- 3.2 Training for all elected members of the Council was proposed in September 2008. On the 5 October it was reported back to this Committee that the proposed training had been postponed for lack of interest. At the last meeting of this Committee it was suggested that training should be arranged at the next suitable opportunity. The Monitoring Officer has added this to the work programme

- 3.3 A review of the CRB check has been timetabled for January 2010 in accordance with the requirements of the Committee.
- 3.4 Members of this Committee had hoped to play an active role in Local Democracy Week scheduled for October. This however did not transpire. The Standards Committee together with the Monitoring Officer will actively aim to participate in this event next year.

4. CONSIDERATIONS

To decide whether the proposed service standards are appropriate, it is important for the Committee to:

- understand the role of the Monitoring Officer, and
 - be aware that the Monitoring Officer is one part of the job description of the Solicitor to the Council who fulfils an important strategic role in assisting the Council to meet its corporate objectives.
- 4.2 The role of Monitoring Officer has been in existence since the Local Government and Housing Act 1989. It's early, and continuing function, is to report to Council on any action in breach of the law or statutory code and where there is maladministration or injustice. In 2000, with the introduction of the Code of Conduct, the role of the Monitoring Officer was extended to also play a key role in issues of probity amongst Members and officers of the Council.
- 4.3 The Monitoring Officer has a further role to play in supporting the executive arrangements, also introduced by the Local Government Act 2000, with primary responsibility for drafting and reviewing the Constitution. As such the Monitoring Officer is responsible for advising officers and members on interpretation of the constitutional rules.
- 4.4 The Monitoring Officer also has responsibility for administering the access to information rules which govern the committee process.
- 4.5 Therefore in addition to the support provided to the Standards Committee, the Monitoring Officer also plays a vital role in the internal governance of the Council. The service standards proposed by this report relate only to the role the Monitoring Officer has in supporting the actions of this Committee.

Statutory obligations

- 4.6 There are specific statutory obligations placed upon the Standards Committee by the Local Government Act 2000. It is important to be aware of these statutory duties, as they set out what *must* be done rather than what *may* be done. When setting service standards it is important that any timescales linked to the statutory duties are observed at all times.
- 4.7 The primary obligations of the Standards Committee are:
- To deal with complaints made against members of the Council and the parishes
 - To advise and train members of the Council and the parishes
- 4.8 The process for dealing with complaints is set out in the Standards Committee (England) Regulations 2008. It is important to note that there are no timescales associated with the processing of complaints within the Regulations. It was originally intended to include a regulation to have a complaint assessed within 20 working days of receipt however this now appears only in the Standards for England guidance on "Local Assessment of Complaints" and does not therefore have statutory force.
- 4.9 If the Standards Committee concludes that it should take no further action on the complaint the complainant can request a review of that decision. Any review must be held within three months of the written request.
- 4.10 The Monitoring Officer has an obligation to report back to the Committee within three months on any matter referred for 'other action'. This refers to the alternative actions which

the Standards Committee might think are an appropriate response to a complaint if it does not wish to investigate. This usually involves training or mediation.

- 4.11 There is a requirement for any hearing following an investigation to be set down within 3 months of the investigating report being concluded or “as soon as reasonably practicable”. Generally where investigations are straightforward and the matter does not involve any or very few witnesses it will be possible to arrange a hearing within 3 months of the report. However considering that the Standards Committee now has to arrange a pre-adjudication meeting prior to any hearing, it will not always be possible for the three month time limit to be adhered to, particularly if there are points of law to be considered or where the Member asks for a number of witnesses to attend. In cases where it is not going to be possible to adhere to the three month time limit the Monitoring Officer should write to all concerned explaining the reason for any delay (and where necessary copy in Standards for England to that correspondence).

Non- statutory obligations

- 4.12 Guidance issued by Standards for England offers suggested deadlines for a number of procedures:
- Assessment hearings within 20 working days of complaint
 - Decision notices within 5 working days of meeting
 - Referrals back from Standards for England within 20 working days
 - Investigation concluded within 6 months
 - Conclude the pre-hearing process at least two weeks before the hearing
 - Short written decision issued on the day of the hearing and full written decision within two weeks

Good practice

- 4.13 In addition to the above requirements, the Monitoring Officer is also bound by general customer service standards relevant to all Council officers. These are to answer telephone calls within 20 seconds, answer written correspondence within 10 working days and emails within 1 working day. The proposed service standards attempt to mirror the corporate standards in relation to the complaints process and general dealings with the Standards Committee.
- 4.14 It is considered that in relation to the complaints process the Committee may find it useful to receive regular reports on the progress of any complaints received by the Monitoring Officer. The complaints will be anonymised to preserve confidentiality.
- 4.15 A complaints grid is also attached to this report at appendix 3 as a proposal for consideration by the Committee.
- 4.16 The service standards deal only in general terms with other matters which come before the Standards Committee. This is the purpose in setting a work programme for the Committee as it permits the Monitoring Officer to consider what actions the Committee might wish to take to increase its profile within the authority and set aside appropriate resources to that workload. The Committee must recognise that this is non statutory work and unlike other Committees, it does not have a number of officers feeding into the work of the Committee. The work programme will therefore help to set an agenda for the Committee meetings but will also be subject to review at each meeting in recognition that the Monitoring Officer has a number of competing priorities to deliver.

5. ANTICIPATED OUTCOMES

The purpose of the report is to engender public confidence in the statutory obligations placed upon the Standards Committee by setting clear expectations of the Standards Committee and the Monitoring Officer.

6. REASONS FOR RECOMMENDATIONS

6.1 To provide appropriate levels of service to resource the work of the Committee.

7. ALTERNATIVE OPTIONS CONSIDERED

7.1 None, as this report was at the request of the Committee.

8. IMPLICATIONS

These are dealt with in the body of the report.

9. BACKGROUND DOCUMENTS

Local Government Act 2000 and associated Regulations.

Guidance issued by Standards for England.