

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Standards Committee

17 June 2009

**AUTHOR/S:** Chief Executive / Democratic Services Officer

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### ESTABLISHMENT OF STANDARDS COMMITTEE PANELS UNDER THE STANDARDS COMMITTEE (ENGLAND) REGULATIONS 2008

#### Purpose

1. To make appointments to the Standards Committee Local Assessment Panel, Hearings Panel and Review Panel for the 2009-10 civic year.
2. These three bodies will meet following the 17 June 2009 Standards Committee meeting to elect their 2009-10 Chairmen.
3. This is not a key decision.

#### Background

4. Responsibility for assessment of allegations of misconduct were transferred to the Standards Committee from the Standards Board for England (SBE) on 8 May 2008.
5. The Standards Committee, at its meeting of 11 June 2008, approved the terms of reference for the three panels and appointed five members to each: two District Council members, two Independent members and one Parish Council member. The regulations specify that there must not be any overlap in membership of the Assessment and Review Panels.

#### Considerations

6. Since the panels were first established in June 2008, the Standards Committee has increased by five members. Committee members were surveyed the first week of June 2009 to determine their views on:
  - (a) whether or not Standards Committee members should be restricted to membership of one panel to enable all members to gain experience (although committee members could serve as substitute members of other panels); and
  - (b) committee members' first and second choices for panel membership for 2009-10.
7. To help inform their decisions, committee members were advised that:
  - (a) the **Assessment Panel** was the first stage in the process and meets the most often, considering the complaints made and determining whether they merit investigation, other action (training, mediation, etc.), referral to the SBE, or whether they do not merit any further action. This Panel met nine times in 2008-09 and assessed eighteen cases. Meetings are convened at relatively short notice, to meet the legislated target of twenty working days allowed between receipt of the complaint and issuance of the Panel's decision notice. Meeting length depends upon the complexity of the case. These meetings are not held in public and the papers are returned to the Council for confidential shredding after the meeting.

- (b) the **Review Panel** meets only if the complainant appeals against an Assessment Panel decision of no further action. It must be comprised of Standards Committee members who were not involved in the initial assessment of the complaint. It has met twice this year. As with the Assessment Panel, its meetings likely will be convened at relatively short notice and the length will depend upon the complexity of the case. Meetings and papers are confidential and agendas are returned to the Council for confidential shredding.
- (c) the **Hearings Panel** meets following an investigation, and considers the Investigating Officer's report (**consideration meeting**). The Hearings Panel decided unanimously that members of the press and public would be excluded from these meetings on the grounds that the report and deliberations were likely to involve the disclosure of exempt information. If the Hearings Panel concludes that there was a breach of the Code of Conduct, a public hearing will be held. This will involve a group of three members of the Hearings Panel to hear submissions from the investigating officer and the subject member and / or their representatives, and from witnesses, which could include the complainant (**determination meeting**). These meetings are held in public unless there is good reason for the press and public to be excluded (the press and public still could be excluded from parts of the hearing if exempt information is to be discussed). Consideration and determination meetings are scheduled as and when required, with agendas distributed five clear working days before the meeting to give Panel members time to read all the material, which sometimes can be substantial and complex. Determination meetings have a longer period of advance notice before they are held, although they could be preceded by a number of pre-hearing meetings during which Panel members will receive and respond to written requests from the Subject Member and the Investigating Officer for specific arrangements for the hearing, such as additional evidence, witnesses, requests to have the hearing held in private session, etc.

## Options

### Number of Panels?

8. The legislation provides that a Standards Committee may establish a separate Investigation Reports Panel to consider local investigation reports (consideration meetings) and Hearings Panel to determine allegations at a hearing (determination meetings). In June 2008 the Standards Committee chose to have one panel to discharge both these function.
9. Officers recommend continuing with three panels as the most efficient method of dealing with allegations of misconduct.

### Fixed or Floating Panels?

10. Officers recommend that panel membership be fixed at five members each, appointed by the Standards Committee at the start of the year, as was done in 2008-09.
11. The Standards Committee could opt to have a floating panel membership, with panels appointed as and when the situation requires. The Committee would have to agree a mechanism for panel appointments, perhaps by delegating authority to the Chairman in consultation with the Monitoring Officer, to make appointments from

amongst those members willing and able to serve. This is not the recommended option, as it would increase the time between the receipt of an allegation and the initial assessment: the committee must work to the National Indicator of 20 working days between receipt and assessment, and currently is averaging 15.8 working days. Adding a consultation and appointment process to the start of each case could push the average handling time beyond the target.

**Restrictions on Panel Membership?**

- 12. In order to ensure that all members have an opportunity to serve on a panel, it is recommended that membership be restricted to one panel, although members would still be eligible to serve as substitute members of another panel.
- 13. Allowing some members to serve on more than one panel could limit participation opportunities for other members of the committee

**Implications**

14.	Financial	None specific.
	Legal	There remains a legislative requirement that an Independent member serve as Chairman of each panel, and that the membership of the assessment and review panels be different.
	Staffing	None specific.
	Risk Management	Having a floating membership with appointments made based on expressions of willingness to serve, availability, training and lack of any known conflicts of interest before each and every case could create a delay in the initial assessment process beyond the National Indicator target of twenty working days.
	Equal Opportunities	All Standards Committee members have been consulted about their first and second preferences and their views on restricting membership of panels. All members will have the opportunity to serve on one panel and, if they wish, as substitute members of another panel.

**Consultations**

- 15. All Standards Committee members, who made the following responses (in no particular order):
  - (a) “My view is that, providing we all have an opportunity, over time, to gain experience of all three panels, a restriction to one panel for a year (with stand-in membership of another) seems sensible”;
  - (b) “I have no opinion on whether Committee members should be restricted to membership of one panel”;
  - (c) “I believe that it is best to restrict membership to one panel in so far as possible”;
  - (d) “I support the officers’ views of having fixed membership of the panels to enable the members to build up experience and also maintain currency. These panels need to be as professional as possible and to be perceived so by the subject and the public. Peoples’ careers could be affected by the decisions made, this is not an occasion for training committee members”;
  - (e) “It seems sensible for there to be some continuity in membership of the Panels, building a degree of experience for the members involved. A substitution role on a second Panel would build a wider familiarity with the whole process, and would be an argument I would support”;

- (f) "I do think we should restrict membership to one panel so as many people as possible get experience".

### Effect on Strategic Aims

16.	<b>Commitment to being a listening council, providing first class services accessible to all.</b>
	The Standards Committee understands the importance of a timely and fair assessment of an allegation of misconduct and demonstrates this through balanced appointments to panels, taking into consideration committee members' preferences, availability and training.
	<b>Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all.</b>
	Nothing specific.
	<b>Commitment to making South Cambridgeshire a place in which residents can feel proud to live.</b>
	As above, it benefits the community to have a swift but balanced decision made about any allegations of misconduct.
	<b>Commitment to assisting provision for local jobs for all.</b>
	Nothing specific.
	<b>Commitment to providing a voice for rural life.</b>
	It is a legislative requirement that a Parish Council member of the Standards Committee be involved during any meetings concerning parish council matters, allowing the local knowledge and experience of the role of parish councillor to inform decisions.

### Conclusions/Summary

17. The comments received from those members of the Standards Committee who responded to the consultation indicate that the Committee is minded to establish fixed panels.
18. A table is attached (**Appendix A**) showing panel membership, based on the preferences expressed by members who responded to the consultation e-mail.

### Recommendations

19. That the Standards Committee agree to appoint three fixed panels of five members each (two District Council members, two Independent members and one Parish Council member) as the Standards Committee Local Assessment Panel, Standards Committee Local Hearings Panel and Standards Committee Review Panel for 2009-10.
20. That membership be appointed as per the table shown at **Appendix A**.

**Background Papers:** the following background papers were used in the preparation of this report:

Standards Committee (England) Regulations 2008

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