

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Standards Committee

10 December 2008

**AUTHOR/S:** Monitoring officer/deputy Monitoring officer

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### RECOMMENDATION TO COUNCIL TO AMEND ASSESSMENT PANEL PROCEDURE

#### Purpose

1. To inform Standards Committee that the recommendation to Council, made at its meeting held on 24 September 2008, that the procedure for Assessment Panel be amended as set out at Part 5 M(2) of the Constitution, was referred back to Standards Committee for further consideration.

#### Background

2. Minute 30/2008 of the meeting of standards Committee of 24 September 2008:

Members were informed that officers had encountered problems that had arisen under the current procedure whereby the Monitoring Officer had informed a subject member that an allegation had been made against them, by whom and the relevant section of the Code, but the Monitoring Officer had been precluded under law from giving the member any further information whatsoever on what the complaint had been about, as that power was reserved to the Assessment Panel. This had appeared to cause unnecessary distress to the subject member and that in turn could put pressure on officers.

Members also discussed the apparent inequity of the situation regarding vexatious complainants and the lack of any sanction against them, and hoped that the Monitoring Officer might bring a report to the next meeting for consideration of this matter.

On a motion by Mr M Farrar, seconded by Councillor AG Orgee, and voted upon, there were: 10 in favour,  
2 against (Councillors Mrs S Doggett and A Riley), and  
2 abstentions.

3. Standards Committee **RESOLVE** to revise its adopted procedure for Initial Assessment of Complaints to give discretion to the Monitoring Officer as to whether a Subject Member should be informed of receipt of a complaint against them, and **RECOMMENDED** to Council that the Constitution at Part 5 M(2) be amended accordingly, to read:

#### Acknowledging receipt of a complaint

On receiving a complaint and after determining that it is a Code complaint, the Monitoring Officer:

- (a) Shall send written acknowledgement to the complainant,
- (b) Has the discretion to inform the subject member of that complaint, (*having due regard to the Data Protection Act 1998 and Section 63 of the Local Government Act 2000 as modified by Regulation 12 of the regulations*) including:

- i. the name of the complainant (unless the complainant has requested confidentiality and the standards committee has not yet considered whether or not to grant it)
- ii. the relevant paragraphs of the Code of Conduct that are alleged to have been breached.
- iii. a statement explaining that a written summary of the allegation will only be provided to the subject member once the assessment sub-committee has met to consider the complaint,
- iv. and the date of the meeting of the Assessment Panel, if known.

### **Considerations**

4. The various procedures of Standards Committee and its sub-committees (Panels) are contained within the constitution of South Cambridgeshire District Council and as such, any and all amendments must be approved by Council.

### **Options**

5. To further consider the matter as requested by Council.

### **Recommendation**

6. To confirm the decision of Standards Committee made on 24 September 2008 as set out at 3 above.

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

Minutes of meeting of Standards Committee, 24 September 2008  
Minutes of SCDC meeting of Council 27 November 2008  
Constitution of South Cambridgeshire District Council

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