

Meeting:	ASSESSMENT SUB-COMMITTEE
Date:	30 April 2009
Subject:	Assessment Sub-Committee – Terms of Reference
Responsible Officer:	Hugh Peart, Director of Legal and Governance Services
Portfolio Holder:	Councillor David Ashton, Leader of the Council
Exempt:	No
Enclosures:	Appendix A – Terms of Reference Appendix B – Assessment Criteria Appendix C – Members Code of Conduct

Section 1 – Summary and Recommendations

This report details the role and responsibilities of this Sub-Committee in assessing complaints lodged. The content of the complaint will be dealt with as a separate item, and all information will be circulated on the day of the meeting.

Recommendation: The Committee is requested to consider and note its Terms of Reference and the identified criteria for complaints as set out in Appendices A & B, together with the Members' Code of Conduct at Appendix C before considering any complaint before it.

Section 2 – Report

1. Background

- 1.1 The Local Government and Public Involvement in Health Act 2007 came into force in October 2007. At its meeting on 5th June 2008 the Standards Committee agreed its revised Terms of Reference. It also established this Sub-Committee for the purposes of considering complaints received of a possible breach of the Authority's Code of Conduct (attached at Appendix C).

Procedure on Receipt of Complaints

- 2.1 The Complaint Form and Guidance (set out in Appendix B) are available to anyone who wants to make a complaint about a Member and can either be downloaded from the Council's website or a hard copy requested.
- 2.2 Complaints are received by the Monitoring Officer who considers in the first instance whether the allegation relates to a breach of the Code of Conduct. Where a breach of the Code of Conduct has been identified, this is referred to this Sub-Committee for consideration.
- 2.3 Harrow Council has adopted the following good practice guidance in terms of how this Assessment Sub-Committee will operate:
 - (a) The Monitoring Officer should prepare a short summary of the complaint for the Assessment Sub-Committee to consider.
 - (b) The Sub-Committee will consider complaints received against agreed criteria, including criteria for referral to the Standards Board for England (set out in Appendix B).

3. Legal Implications

- 3.1 The Local Government and Public Involvement in Health Act 2007 places new obligations on the Standards Committee to deal with written allegations that a member or co-opted member may have failed to comply with the Code of Conduct. These powers are in addition to the powers under Part III of the Local Government Act 2000.

4. Financial Implications

- 4.1 Any costs relating to this matter will be met from the provision for legal fees.

Section 3 - Statutory Officer Clearance

Name: Myfanwy Barrett	<input checked="" type="checkbox"/>	Chief Financial Officer
Date: 24 June 2008		
Name: Hugh Peart	<input checked="" type="checkbox"/>	Monitoring Officer
Date: 24 June 2008		

Section 4 - Contact Details and Background Papers

Contact: Elaine McEachron, Assistant Lawyer Corporate Governance Tel: 020 8420 9414 (x 5414)

Background Papers:

Local Government Act 2000

Local Government and Public Involvement in Health Act 2007

The Standards Committee (England) Regulations 2008

Standards Board for England – Local Assessment of Complaints