

Meeting:	ASSESSMENT SUB-COMMITTEE
Date:	15 July 2009
Subject:	<b>Assessment Sub-Committee – Terms of Reference</b>
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 5<sup>th</sup> 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