



Title	Local Standards Framework	
For further information about this report please contact	Simon Best (01926) 456606 simon.best@warwickdc.gov.uk	
Service Area	Chief Executive's Department. Legal Services.	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	NO	
Date and meeting when issue was last considered and relevant minute number	Standards Committee 11 June 2008	
Background Papers	Standards Board for England publications:- 'Local Standards Framework; Guide for Authorities'	
Contrary to the policy framework:	No	
Contrary to the budgetary framework:	No	
Key Decision?	No	
Included within the Forward Plan? (If yes include reference number)	No	

Officer/Councillor Approval

With regard to officer approval all reports *must* be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).

Officer Approval	Date	Name
Relevant Director		Chris Elliott
Chief Executive		is relevant Director
CMT		
Section 151 Officer		
Legal		is author
Finance		Marcus Miskinis
Portfolio Holder(s)		Clr Doody

Consultation Undertaken

The materials attached to this report have been tested in training exercises by the committee

Final Decision?	No
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Suggested next steps (if not final decision please set out below)

The Committee comments upon potential improvements to procedures and checklists after each use, and reviews at next available committee in the event of revised guidance

from the Standards Board for England and or emerging case law.

1. SUMMARY

- 1.1 This report comments on the new *'Local Standards Framework'* published by the Standards Board for England. It is a compendium of guidance which will be familiar to members of the Standards Committee, as well as a source of new material that will be useful to committee members in the performance of their role.
- 1.2 The new material in the Framework is, in some places, incomplete, leaving some options for members to consider. This report asks members to consider those options.

2. RECOMMENDATION

- 2.1 The Committee adopts the materials attached to this report as the basic processes and checklists for the conduct of local determinations and for the determination of dispensation applications.
- 2.2 The Committee notes the options and either advises the Monitoring Officer about the choices it can make immediate, or defers elements that it believes need to be considered further at a further meeting.

3. REASONS FOR THE RECOMMENDATION

- 3.1 The Standards Board for England (SBE) has published the *'Local Standards Framework'*. It contains a number of sections. The first section of 22 pages is entitled *"The role and make-up of Standards Committees."* It contains some useful general information which may assist people who take an interest in the role of the committee.
- 3.2 The second 28 page section is entitled *"Local Assessment of Complaints"*. Page 12 contains a helpful list of questions for the assessment process, and members of the committee are asked to consider if there are any other questions that they think might be relevant. Page 14 contains guidance which is useful if the committee needs to consider how the SBE assesses cases to be accepted by them in the public interest.
- 3.3 Page 25 raises a particular problem about the conflict between the wish to carry out its work publicly, and the confidentiality of complaints made. It is stated that the committee must develop criteria by which it will assess requests for confidentiality. The Monitoring Officer would like to hear the Committee's views on this topic and will attempt to develop criteria having heard the debate. The issue of anonymous complaints is also relevant, and is mentioned on page 25. It is expected that the criteria for confidential complaints will address most of the issues involved in the subject of anonymous complaints. Page 27 identifies the need of the authority to have clear guidelines for officers and members who may otherwise take part in an

assessment but have personal interest. The Monitoring Officer would like to hear the Committee's views on this topic too.

- 3.3 The third 38 page section is entitled "*Toolkit*" and provides document templates to assist with processes mentioned in the previous section. It seems sensible to use the SBE model documents so as to reduce the potential for challenge later. These will be imported by officers and placed within Warwick District Council document templates ready for use.
- 3.4 The fourth section is entitled "*Local Investigations and Other Actions*". It is useful information. It is probable that the first investigations will be carried out by an external investigator. As a result this is likely to be more information for the committee for the first few cases.
- 3.5 The fifth section is entitled "*Toolkit*". It is confusing because it is not distinguished from the previous toolkit. However it too contains model documents and this toolkit contains the model documents for an investigation. Once again, It seems sensible to use the SBE model documents so as to reduce the potential for challenge later. These will be imported by officers and placed within Warwick District Council document templates ready for use.
- 3.6 The sixth section of 17 pages is entitled "Standards Committee Determinations". It is largely derived from the previous SBE publication "*Standards Committee determinations; Guidance for monitoring officers and Standards Committees*". It should, therefore, be familiar to the committee and the previous committee decisions on these topics do not need to change.
- 3.7 The seventh section is a third "Toolkit". It is suggested that it is deal with in the same way as the other toolkits.
- 3.8 The new Framework does provide a clearer understanding of the processes that will be followed. A diagram showing these is attached as Appendix 1.

4. ALTERNATIVE OPTION CONSIDERED

- 4.1 None. The Standards Board for England guidance is useful, and the description of the committee's basic processes is useful for both the committee and for those interested in the work of the committee. The opportunity to tailor the process as and when required should give the committee the flexibility it requires to accommodate circumstances which may particular to specific cases.

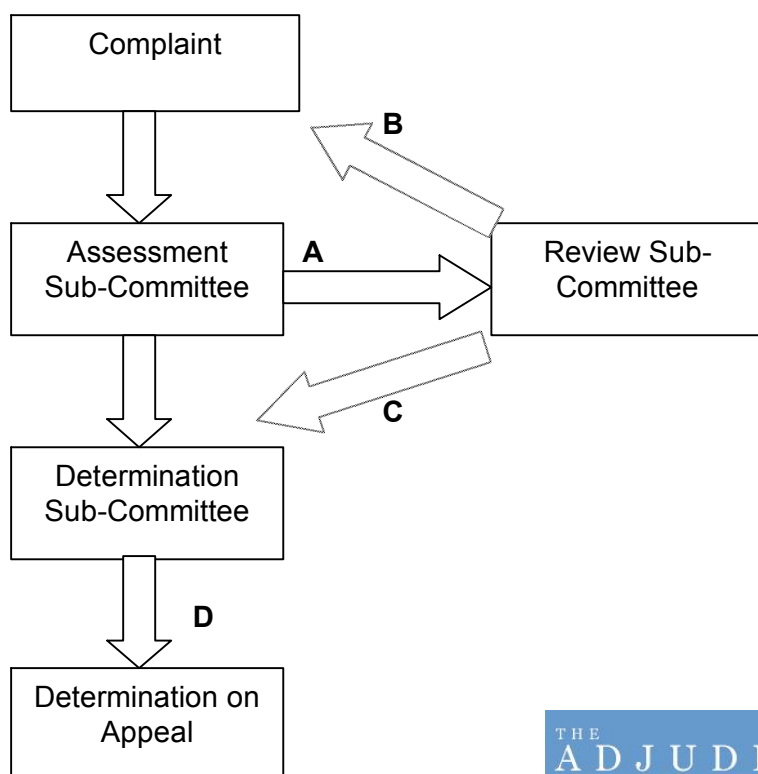
5. BUDGETARY FRAMEWORK

5.1 This statement is produced by the staff employed by the authority, within current resources.

6. **POLICY FRAMEWORK**

6.1 The proposals will assist the Council in furtherance of its Corporate and Strategic Leadership priority. The formal recording of the processes, combined with regular training by the committee means that the Council will provide clear community leadership and effective management of resources whilst delivering responsive public services in an open and transparent manner.

Appendix 1 Complaints after the framework.



A If the Assessment Committee decides not to take the matter forward then the complainant has a right of appeal to the Review Committee.
(Local Assessment of Complaints; page 20)

B The Review Committee may uphold the decision not to take the matter forward and will notify the complainant and the subject of the complaint.

C The Review Committee can overturn the decision in which case the matter will be put into the process leading to determination. This will either lead to a report of the Monitoring Officer to the Determination Committee, or more rarely the involvement of the SBE.
(Local Assessment of Complaints; pages 20 and 21)

D Appeals from the Determination Committee are sent to the Adjudication Panel for England.
(Standards Committee Determinations; page 20)