

**Legal & Democratic Services**  
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## Resources

The Secretary of the Graham Committee,  
Committee on Standards in Public Life,  
35 Great Smith Street,  
LONDON.  
SW1P 3BQ

My Ref: TCM/MO  
Your Ref:  
Direct Line: **823500**  
Contact: **Mr. T.C. Mumford**

Date: 3<sup>rd</sup> June 2005

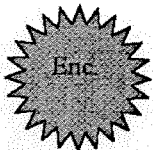
Dear Sir/Madam,

### Code of Conduct for Members – Investigation of Complaints

I enclose, for your information, a copy of a letter sent to each of Rotherham's three M.Ps, Dennis MacShane, M.P., the Rt. Hon. Kevin Barron, M.P. and the Rt. Hon. John Healey M.P.

Yours sincerely,

*K. Walker*  
Head of Legal and Democratic Services.



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Dennis MacShane, M.P.,  
House of Commons,  
LONDON.  
SW1A 0AA

My Ref: TCM/MO  
Your Ref:  
Direct Line: 823500  
Contact: **Mr. T.C. Mumford**

Date: 27th May, 2005

Dear Mr. MacShane,

**Code of Conduct for Members – Investigation of Complaints**

The Standards Committee of the Council has asked me to write to you and the other local MP's about the Tenth report of the Committee on Standards in Public Life (Graham Committee). The Standards Committee has recently considered that report and also the report of the House of Commons ODPM: Housing, Planning, Local Government and the Regions Committee "The Role and Effectiveness of the Standards Board for England" (Seventh report on Session 2004/05). Decisions on the recommendations of these two reports are likely to be made early in the new Parliament. The Standards Committee is anxious that you and your colleagues should be made aware of their unanimous views.

The Standards Committee supports the recommendation of the Graham Committee that there should be a duty on the Standards Board for England to delegate responsibility for the initial sifting of complaints to individual local Standards Committees, whilst recognising that this recommendation was not replicated in the findings of the House of Commons Committee. Since the Local Government Act 2000 introduced the requirement that all complaints against local councillors should be submitted in the first instance to the Standards Board for England, this has led to significant delays in the processing of cases. Although Regulations under Section 66 of the Act did belatedly introduce an element of local involvement into the determination and now the investigation of complaints, the Standards Board for England is still some way short of meeting its targets for timely consideration. In the meantime, local authorities' Standards Committees have been almost completely sidelined.

The Graham Committee sees the present system as unusual, if not unique. In contrast to most frameworks, where a complaint works its way up the system depending upon its seriousness and validity, all complaints go straight to the Standards Board for England without any reference to the lower level or local elements of the system. Consequently, the Committee favoured empowering local Standing Committees to sift out less serious vexatious and trivial complaints before reference to the Standards Board for England, provided that this were done within a national framework prescribed by the Standards Board and based upon criteria that the Board itself uses. This approach is consistent with that originally taken by the Nolan Committee, which favoured a more locally based system, prior to the enactment of the Local Government Act 2000. It is fully supported by the Council's Standards Committee.

The Standards Committee has found the guidance, training and support from the Standards Board for England to be most helpful. It has no wish to see any of this removed and, on the contrary, would support the further development of these roles. These should be the main activities of the Standards Board for England, but the Board appears to be hampered in developing them to their full potential because, after all this time, it still has too many trivial complaints that it has to deal with.

In the report of the Select Committee of the House of Commons, the Chief Executive of the Audit Committee is quoted as saying that one of the purposes of the Standards Board is to ensure public confidence in standards in local Government and that independent assessment at first instance is one of the elements that provides public confidence. The Council's Standards Committee would suggest that public confidence in standards in local Government would be enhanced rather than diminished if local authorities, through their Standards Committees, were seen to be taking control of complaints made locally concerning their Members and dealing with these in a fair, efficient and transparent manner. A number of local authorities, including Rotherham, had already shown themselves as well able to do this prior to the introduction of the Local Government Act 2000.

The new Minister for Communities and Local Government has recently spoken of the need for 'civic action carried out in the main at a local level' with local government at the core. Implementation of the Graham Committee's recommendation would be a helpful move in this direction.

I shall be grateful if you will have regard to the views of the Council's Standards Committee when Parliament considers this issue further. If in the meantime I can provide you with any further information, please do not hesitate to contact me.

Yours sincerely,

Head of Legal and Democratic Services.