



## Audit and Standards Committee Report

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<b>Report of:</b>	The Monitoring Officer/Director of Legal and Governance
<b>Date:</b>	16 November 2017
<b>Subject:</b>	Revisions to the Procedure for Dealing with Standards Complaints
<b>Author of Report:</b>	Jason Dietsch - 0114 273 4117

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### Summary:

The Procedure for Dealing with Standards Complaints was approved by Full Council on 25 March 2015 following a recommendation from the former Standards Committee.

A revised Procedure was approved by this Committee in January 2017 in the light of the experience of dealing with complaints over the previous 14 months. However, a number of further revisions are proposed as a result of the complaints considered this year.

### Recommendations: That the Committee:

- (a) Comments on the further revisions to the Procedure for Dealing with Standards Complaints;
- (b) With the inclusion of any additional revisions arising from the meeting, recommends to Full Council the adoption of the revised Procedure and that the Constitution is amended accordingly; and
- (c) Refers the revised Procedure to the Parish and Town Councils for consideration and adoption.

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<b>Background Papers:</b>	None
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<b>Category of Report:</b>	OPEN
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## Statutory and Council Policy Checklist

<b>Financial Implications</b>
NO
<b>Legal Implications</b>
YES Cleared by: Gillian Duckworth
<b>Equality of Opportunity Implications</b>
NO
<b>Tackling Health Inequalities Implications</b>
NO
<b>Human rights Implications</b>
NO
<b>Environmental and Sustainability implications</b>
NO
<b>Economic impact</b>
NO
<b>Community safety implications</b>
NO
<b>Human resources implications</b>
NO
<b>Property implications</b>
NO
<b>Area(s) affected</b>
None
<b>Is the item a matter which is reserved for approval by the City Council?</b>
YES
<b>Press release</b>
NO

## **REVIEW OF THE PROCEDURE FOR DEALING WITH STANDARDS COMPLAINTS**

### **1.0 INTRODUCTION**

- 1.1 A revised Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members was considered at the meeting of this Committee on 12 January 2017 and the Committee made a number of proposed amendments.
- 1.2 A number of further revisions to the Procedure are proposed as a result of dealing with complaints this year.

### **2.0 BACKGROUND**

- 2.1 The current Procedure was adopted by Full Council on 25 March 2015, following a recommendation from the former Standards Committee at its meeting on 22 January 2015 and is attached at Appendix A to the report.
- 2.2 The Council appointed three Independent Persons (Stuart Carvell, Marvyn Moore and David Waxman) to assist the Monitoring Officer and the Committee in considering complaints.
- 2.3 The first stage of the current Procedure is the assessment of the complaint. Following consultation with the Independent Person, the Monitoring Officer will consider if the allegation constitutes a potential breach of the Code of Conduct and take one of the following courses of action:-
- 1) Take no action or
  - 2) Take other action through informal resolution or
  - 3) Refer the matter for investigation

### **3.0 REVISIONS TO THE PROCEDURE**

- 3.1 The meeting of this Committee in January 2017 recommended a number of revisions to the Procedure in light of the learning and experience of dealing with complaints over the previous 14 months and the views of the three Independent Persons and the Clerks to the three Parish and Town Councils were also sought. The revisions were:-
- Clarifying the process for withdrawing a complaint.
  - Including an explanation for the possible reasons for taking no action, seeking informal resolution and referring a complaint for investigation.
  - If an informal resolution cannot be agreed then the Monitoring Officer, in consultation with the Independent Person, will reassess the complaint, taking into consideration the reasons why informal resolution has not been agreed.

- That the Monitoring Officer would refer only the most serious potential breaches for investigation or where the Member is not willing to accept an informal resolution or fundamentally disputes or does not accept the allegations in the complaint.

3.2 Arising from complaints considered since January this year, a further review has been undertaken and the following revisions are proposed to the Procedure:-

- Include the right for the Monitoring Officer to reject a complaint if it is considered to be trivial, vexatious, repetitious, not a standards matter or a general misuse of the opportunity.
- Include an additional course of action at the assessment stage for the Monitoring Officer to refer a matter to Consideration Sub-Committee.
- Remove the requirement for both the complainant and Member to have to agree the outcome of any informal resolution.
- If a member of the public making a complaint is not satisfied with the action to be taken through informal resolution they can request that the matter is referred back to the Monitoring Officer for reconsideration. If appropriate, the Monitoring Officer may then recommend additional mediation, reconsider the original action proposed, or refer the complaint to Consideration Sub-Committee.
- Amending the options available to the Consideration Sub-Committee to (a) take no action, (b) take other action or (c) refer the matter to a Hearing Sub-Committee.

3.3 The effect of these changes should allow complaints to be concluded sooner for the benefit of both parties. The rights of the Monitoring Officer to reject a complaint or refer a matter to the Consideration Sub-Committee at the assessment stage should add the necessary flexibility to respond to each complaint at an appropriate level.

3.4 The removal of the requirement for both the Member and complainant to agree the outcome of any informal resolution should help ensure the procedure is carried out efficiently and in a timely manner, whilst the inclusion of the complainant's right to ask for the Monitoring Officer to reconsider an informal resolution ensures the process is robust and allows for appropriate rights of appeal.

3.5 To assess the success of these changes, it is suggested that the revised procedure is reviewed in approximately twelve months' time.

3.6 Any complaints submitted before any revisions are approved by Full Council will be considered under the existing Procedure dated 25 March

2015.

#### **4.0 LEGAL IMPLICATIONS**

- 4.1 As the Procedure is included in the Constitution, any changes would require approval at Full Council. The revised Procedure would also need to be approved by the Parish and Town Councils.

#### **5.0 FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications.

#### **6.0 EQUALITIES IMPLICATIONS**

- 6.1 There are no equalities implications.

#### **7.0 RECOMMENDATIONS**

- 7.1 That the Committee:-
- (a) Comments on the further revisions to Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members;
  - (b) With the inclusion of any additional revisions arising from the meeting, recommends to Full Council the adoption of the revised Procedure and that the Constitution is amended accordingly; and
  - (c) Refers the revised Procedure to the Parish and Town Councils for consideration and adoption.

**Gillian Duckworth, Monitoring Officer/Director of Legal and Governance**

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