



Standards Committee Report

Report of: Monitoring Officer/Interim Director of Legal and Governance

Date: 22 January 2015

Subject: Revised Procedure for Dealing with Standards Complaints

Author of Report: Dave Ross, Democratic Services

Summary:

Following a recent review, a draft revised Procedure for Dealing with Standards Complaints has been developed that incorporates both the City and Joint Parish and Town Councils' Procedures and provides greater clarity of the process for the complainant and Member who is the subject of the complaint.

Recommendations:

1. That Members comment on the draft Revised Procedure for Dealing with Standards Complaints;
 2. With the inclusion of any additional revisions arising from this meeting, the Committee recommends to Full Council the adoption of the Revised Procedure and the establishment of Consideration and Hearing Sub-Committees of the Standards Committee and that the Constitution is amended accordingly;
 3. The revised Procedure is referred to the Parish and Town Councils for consideration; and
 4. The Interim Director of Legal and Governance is requested to review the operation of the new Procedure in 12 months' time.
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Background Papers:

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
NO Cleared by:
Legal Implications
NO Cleared by:
Equality of Opportunity Implications
NO Cleared by:
Tackling Health Inequalities Implications
NO
Human rights Implications
NO:
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Area(s) affected
None
Relevant Cabinet Portfolio Member
Councillor Ben Curran, Cabinet Member for Finance and Resources.
Is the item a matter which is reserved for approval by the City Council?
YES
Press release
NO

REVISED PROCEDURE FOR DEALING WITH STANDARDS COMPLAINTS

1.0 INTRODUCTION

1.1 Following a recent review, a draft revised Procedure for Dealing with Standards Complaints has been developed that incorporates both the City and Joint Parish and Town Councils' Procedures and provides greater clarity of the process for the complainant and Member who is the subject of the complaint.

2.0 BACKGROUND

2.1 Arising from the requirements of the Localism Act 2011, the Council at its meeting on 4 July 2012 approved the Procedure for Dealing with Standards Complaints. The Parish and Town Councils also approved a separate Joint Procedure.

2.2 The meeting of the Standards Committee on 24 July 2013 reviewed the City Council Procedure and the Members' Code of Conduct and proposed no changes.

2.3 The current Procedure is based on the Monitoring Officer, in consultation with the Independent Person, taking steps to mediate and resolve issues with only the more serious matters being investigated and referred to the Standards Committee.

2.4 Since the new Standards arrangements were introduced in July 2012, 21 complaints were received in 2013 and 11 in 2014. One hearing was arranged in 2013 but the complaint was withdrawn and the hearing cancelled. Only three complaints have been referred for investigation and these are due to be completed shortly.

3.0 REVISED PROCEDURE

3.1 The Procedure has been reviewed in light of the learning from the complaints that have been dealt with over the last year and comparison with other local authorities' procedures. The views of the Independent Persons and the Parish and Town Councils were also sought.

3.2 The aim is to provide greater clarity for the complainant and Member on the process and ensure that complaints are dealt with in a timely manner. The main proposed changes and features of the revised process are:-

- Having one Procedure for complaints relating to the City, Parish and Town Councils and Co-opted members.
- Providing a complaint form that will include the opportunity for the complainant to indicate any remedy they are seeking in submitting the complaint. This will assist with the assessment of the complaint.
- Asking the Member to submit a statement of fact in response to

the complaint at the start of the process. Again this will assist with the assessment of the complaint.

- The Leader of the relevant political Group, Group Whip and Chair of the Standards Committee will be informed that a complaint has been received.
- Where necessary, seeking or clarifying information from both parties earlier in the process.
- Including timescales for each stage of the process.
- Clarifying the process for an investigation.
- Having a Consideration Committee to consider investigation reports. This is to build in more Member involvement in the process.
- A Hearing Sub-Committee comprising three Councillors and one non-voting co-opted Independent Member.
- Providing both parties with information on the pre-hearing process and procedure at a hearing.
- There is no right of appeal.

3.3 Members are asked to comment on the draft revised Procedure that is attached at Appendix A. The original Procedure is attached at Appendix B.

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 RECOMMENDATIONS

6.1 That Members comment on the draft Revised Procedure for Dealing with Standards Complaints;

6.2 With the inclusion of any additional revisions arising from this meeting, the Committee recommends to Full Council the adoption of the Revised Procedure and the establishment of Consideration and Hearing Sub-Committees of the Standards Committee and that the Constitution is amended accordingly;

6.3 The revised Procedure is referred to the Parish and Town Councils for consideration; and

6.4 The Interim Director of Legal and Governance is requested to review the operation of the new Procedure in 12 months' time.

Monitoring Officer/Interim Director of Legal and Governance