

**REPORT FOR: STANDARDS  
COMMITTEE**

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**Date of Meeting:** 11 September 2012

**Subject:** Complaints Procedure

**Responsible Officer:** Hugh Peart, Director of Legal and Governance Services

**Exempt:** No

**Enclosures:** Flowchart showing arrangements for dealing with complaints

## **Section 1 – Summary and Recommendations**

This report sets out proposals to establish an Assessment Working Group and a Hearings Working Group together with proposals for their working arrangements.

**Recommendations:**

To note and comment on the terms of reference of the Assessment Working Group and the Hearing Working Group

## **Section 2 – Report**

### **Background**

The Standards Committee at its meeting on 14 June 2012 considered proposals about new arrangements for dealing with complaints about Councillors. This arose from the Government's decision to remove the historical arrangements and introduce a new regime under the Localism Act 2011.

The complaints process outlined by the Head of Legal Services included a filter at an initial stage when the Monitoring Officer could rule out complaints that were not within the scope of the Code of Conduct and/or were vexatious.

It was then proposed that a complaint would move to an Assessment Working Group (AWG). This would be an informal stage involving elected members and an Independent person. Their task would be to receive complaints that a Member had failed to comply with the Code of Conduct and form a recommendation for the Monitoring Officer to consider that the complaint should be formally investigated or that there should be no further action.

If the Monitoring Officer disagrees with the recommendation of the AWG and decides not to exercise his powers then the matter is then referred to the Assessment Sub-Committee to decide if there should be an investigation or that there should be no further action.

It was the recommendation of the Standards Committee that if there was an investigation of the complaint the investigation report would be presented to the Hearing Sub-Committee.

These recommendations were considered by Council on 5 July when it was agreed, in the light of cross party discussion, to introduce an additional stage after receipt of the report prior to consideration by the Hearing Sub-Committee; this would be an informal Hearing Working Group (HWG).

The HWG would be similar in format to the AWG. Its role would be to consider the investigation report and recommend either that the complaint should not proceed further or conclude that there has been a breach of the Code of Conduct and the matter should be considered by the Hearing Sub-Committee. If the Monitoring Officer agrees with the recommendation then it would be implemented; but if there is disagreement then the matter would proceed to the Hearing Sub-Committee.

The purpose of this report is to establish the terms of reference of the Assessment Working Group and the Hearing Working Group.

## **TERMS OF REFERENCE AND WORKING ARRANGEMENTS**

### **Assessment Working Group**

#### **Role**

The Assessment Working Group shall have the following powers and duties.

It is an informal body meeting in private

To consider complaints about members under the Council's Code of Conduct, on the referral of the Monitoring Officer, and to make recommendations either that:

- (i) the complaint should be the subject of formal investigation or
- (ii) there should be no further action in respect of it.

#### **Membership**

3 persons being:-

Chairman, an Independent person

1 Councillor from each political group represented on the Council nominated by the relevant Group Leader

#### **Frequency of Meetings**

As required

#### **Procedure Rules**

As determined by the Group under the Chairmanship of the Independent Person.

The Group shall be able to invite the Complainant and Member who is the subject of the complaint to make written representations for consideration.

All recommendations shall be supported by written reasons.

### **Hearing Working Group**

#### **Role**

The Hearing Working Group shall have the following powers and duties

It is an informal body meeting in private

To consider reports arising from the investigation of complaints under the Council's Code of Conduct and to make recommendations either that the matter should be referred to the Hearing Sub-Committee of the Standards Committee or to impose sanctions or to take no further action in respect of it.

#### **Membership**

3 persons being:-  
Chairman, an Independent person  
1 Councillor from each political group represented on the Council nominated by the relevant Group Leader

### **Frequency of Meetings**

As required

### **Procedure Rules**

As determined by the Group under the Chairmanship of the Independent Person.

All recommendations shall be supported by written reasons.

### **Financial Implications**

The MTFs includes a budget for support to the Standards Regime, including undertaking investigations.

### **Risk Management Implications**

The Council must have a Code of Conduct and a procedure for dealing with complaints. This report addresses these points.

### **Equalities implications**

It is important that all members of the public are able to have access to a system to enable them to easily voice any concerns about the conduct of Councillors.

### **Corporate Priorities**

High standards of conduct among Members contributes to promoting all of the Council's Corporate Priorities

## **Section 3 - Statutory Officer Clearance**

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 31.08.2012		
Name: Jessica Farmer	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 06.09.2012		

## **Section 4 - Contact Details and Background Papers**

**Contact:** Jessica Farmer, Head of Legal Practice - 02084241889

**Background Papers:** None