

**REPORT FOR: GOVERNANCE, AUDIT,
RISK MANAGEMENT AND
STANDARDS COMMITTEE**

Date of Meeting: 29 January 2015

Subject: Standards Complaints Procedure

Responsible Officer: Hugh Peart
Director of Legal and Governance
Services

Exempt: No

Wards affected: All Wards

Enclosures: Appendix 1 – Current Model Procedure
and Flow Chart (Arrangements for Dealing
with Standards Allegations under the
Localism Act 2011)

Appendix 2 – Proposed Model Procedure
and Flow Chart (Making A Complaint
About A Councillor)

Appendix 3 – Proposed Constitutional
Changes

Section 1 – Summary and Recommendations

This report sets out proposals to revise the procedure relating to complaints against Councillors.

Recommendations:

The Committee is requested to recommend to Full Council that:

- 1) The new procedure for dealing with complaints against Councillors, as contained in Appendix 2 to this report, be agreed;
- 2) That a new Standards Working Group be established;
- 3) That the Assessment Working Group and Hearing Working Group be disbanded;
- 4) That the Assessment Sub-Committee and Hearing Review Sub-Committee be disbanded;
- 5) That the Council delegate to the Monitoring Officer the power to make decisions on complaints as set out in the procedure contained in Appendix 2 to the report;
- 6) That the Constitutional amendments contained in Appendix 3 to this report be agreed.

Section 2 – Report

Background

1. The requirement to have arrangements to deal with complaints made against Councillors is set out in Section 28 of the Localism Act 2011.
2. The Localism Act 2011 also requires the Council to promote and maintain high standards of conduct by members and co-opted members of the authority. A new code of conduct based on the seven 'Nolan principles' of public life was agreed by council on 5 July 2012 and also covers the registration of pecuniary interests, the role of an 'independent person' to investigate alleged breaches, and sanctions to be imposed on any councillors who breach the code.

3. However, the action that can now be taken by the Council against any Councillor found to have breached the Code of Conduct is limited with the most serious sanction being censure or criminal prosecution pursued by the Police for deliberately withholding or misrepresenting a financial interest.

Current situation

4. Full Council adopted the current procedure to deal with complaints against Councillors on 5 July 2012. This is detailed in Appendix 1 to this report.
5. Appendix 2 to this report details the proposed new procedure to deal with complaints against Councillors.
6. The main changes include the following:
 - Strengthening the filter process by the Monitoring Officer in consultation with the Independent Person. Currently only complaints that do not fall within the scope of the code of conduct or are considered to be vexatious can be filtered out. Under the new proposals the power would also extend to frivolous complaints, complaints which are more than 6 months old (unless there are exceptional circumstances) or which do not merit further investigation on public interest grounds;
 - The abolition of the Assessment and Hearing Working Groups, the Assessment Sub-Committee and Hearing Review Sub-Committee;
 - The establishment of a Standards Working Group to make recommendations to the Monitoring Officer about whether there has been a breach of the Code of Conduct or not, whether further investigation is required and whether a Local Hearing should be held. Where the Monitoring Officer decides that a Local Hearing should be held it will be conducted by the Standards Working Group;
 - A new delegation to this Committee to consider a referral from the Monitoring Officer where he/she disagrees with the recommendations from a Standards Working Group following a Local Hearing.
7. Appendix 3 to this report details the consequential constitutional amendments that will be required if the proposed new complaints process is adopted.

Why a change is needed

8. Whilst as a general rule it is important to deal robustly with complaints of a breach of the code of conduct, on occasion complaints are received which do not merit the inevitable expenditure of time and money which investigation and possibly a hearing would involve. The new proposal strengthens the Monitoring Officers powers, in consultation with the Independent Person, to filter out such complaints and ensure that the process allows a proportionate response to alleged breaches of the code.
9. The new process is also simplified in terms of the number of stages and different hearings which can be involved. This should be easier for the public to understand.
10. The new process will reduce officer time spent on standards complaints and as a result save money.

Financial Implications

11. The proposed new procedure for dealing with complaints against Councillors would be implemented and contained within existing budgets.

Risk Management Implications

Risk included on Directorate risk register? Yes/No (Delete as appropriate)

Separate risk register in place? No

The Council must have a Code of Conduct and a procedure for dealing with complaints against Councillors. These are requirements of the Localism Act 2011.

Equalities implications

Was an Equality Impact Assessment carried out? No

If no, state why an EqIA was not carried out below:

The proposed new procedure will allow all members of the public and stakeholders to have access to a system where they can easily voice concerns about the conduct of Councillors.

Council Priorities

A transparent and robust complaints procedure against Councillors contributes towards all of the Council's Corporate Priorities as it promotes the integrity of the Council as a whole.

Section 3 - Statutory Officer Clearance

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 16 January 2015		
Name: Jessica Farmer	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 12 January 2015		

Ward Councillors notified:	NOT APPLICABLE
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Section 4 - Contact Details and Background Papers

Contact: Jessica Farmer, Head of Legal Practice, 020 8424 1889

Background Papers: Localism Act 2011