

Meeting:	Audit and governance committee
Meeting date:	9 May 2016
Title of report:	Complaints procedure for standards matters
Report by:	Monitoring officer

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To recommend the adoption of a new complaints procedure.

Recommendation(s)

THAT:

- (a) **Subject to views parish councils, the revised procedure for standards matters in appendix 1 and 2 be adopted.**

Alternative options

- 1 Not to recommend the adoption of this new procedure.

Reasons for recommendations

- 2 The Localism Act 2011 requires that the council must have in place arrangements under which allegations that a member has failed to comply with the code of conduct, can be investigated and decisions on the allegations made.

Key considerations

- 3 The council last adopted a complaints procedure in July 2012 when the councillors' code of conduct was adopted.

- 4 As part of the annual monitoring officers report to this committee in November 2015 the existing complaints procedure was identified as further work for the committees work programme. In addition it was resolved that the committee would oversee the review via a working group with: Councillors EPJ Harvey, PD Newman and BA Durkin. Mr John Sharman as the councils existing independent person was also invited to assist.
- 5 The working group has met with the monitoring officer on three occasions, considered a number of case studies, produced a SWOT analysis and other local authority models. The monitoring officer has now redrafted a procedure and flow chart found in appendix 1 and 2.
- 6 The proposed process does not alter the current working arrangements but simply clarifies the procedure and is more explicit about how matters will be handled. The significant features remain in relation to assessments and filtering by the monitoring officer, the requirement to tell the subject member about a complaint made against them and the involvement of a panel chaired by the independent person where matters cannot be resolved by the monitoring officer.
- 7 As the process will apply to parish council's that have adopted this council's code of conduct it is thought prudent to seek any views from such councils before adoption.

Community impact

- 8 The public expectation is that the council has adequate, objective and transparent measures in place to deal with standards complaints.

Equality duty

- 9 There are no equality duty implications in this report.

Financial implications

- 10 There are no financial implications from this report.

Legal implications

- 11 The process will ensure that the council is able to meet the requirements to have arrangements under which allegations that a member has failed to comply with the code of conduct of the Localism Act 2011.

Risk management

- 12 There is a reputational risk to the council if it is unable to manage effectively its standards complaints process. There is also a risk to councillors if complaints are mishandled.

Consultees

- 13 Parish councils and the independent person.

Appendices

- a) procedure

b) flowchart

Background papers

- None identified.