

REPORT NO. 2

**REPORT TO THE ETHICAL GOVERNANCE COMMITTEE MEETING
OF 6 FEBRUARY 2019**

Status: Recommendation

Title: Review of arrangements for dealing with Complaints under the Code of Conduct

Originator: Verina Wenham Head of Legal & Democratic Services and Monitoring Officer

Where from:

Where to next: Recommendation to Council

1 Purpose of Report

1.1 To provide members with an update on the proposed amendments to the arrangements for considering complaints under the Code of Conduct for members as requested at the meeting of this committee on 30 October 2018.

2 Recommendations:

2.1 To consider the proposed revised arrangements for dealing with complaints which are set out in Appendix A and; to refer any proposed amendments to Council for approval and adoption; and

2.2 Consider creating two sub-committees one to deal with the assessment of complaints and one to be a hearings committee, made up of three members of the Ethical Governance Committee as well as at least one parish Representative if the matter relates to a complaint regarding a Town or Parish Councillor; and

2.3 Subject to approving 2.1 and 2, 2 above to refer any proposed amendments and recommendations to Council for approval and adoption.

3 Summary of Reasons for the Recommendations

3.1 The Council is required to adopt arrangements for dealing with complaints under the Code of Conduct. Following the change to the standards regime in 2012 the Council adopted the current arrangements. As part of its work plan for 2018/19 the Committee decided that it would be appropriate to review those arrangements. A regular review of the existing arrangements for dealing with complaints concerning Member Conduct provides assurance that the procedures are fit for purpose, effective and follow best practice in local government.

4 Impact on Communities

- 4.1 High standards of probity and the ethical framework are at the heart of corporate governance of the authority and ensure transparency and accountability.

5 Key Facts

- 5.1 At its meeting on 30 October 2018 the Committee considered a report on the review of the existing arrangements for dealing with complaints under the Code of Conduct.
- 5.2 Following an in depth debate, Members requested the Monitoring Officer to bring a further report detailing revised complaints process for consideration. The revised process should take into account of the good practice evident in the arrangements recently adopted by North Lincolnshire Council specifically with respect to incorporating a formal complaint form, setting out the assessment criteria for complaints as well as detailing timeframes for the consideration of complaints.
- 5.3 Revised arrangements have been drafted and are attached as Appendix A of this report (“Complaints Process”). The Complaints Process sets out how a complaint will be dealt with from start to finish. A complaint is made using a standard complaint form, which is attached to the Complaints Process and which will be available on line. The complaint form sets out the information that will be required to deal with the complaint.
- 5.4 The Complaints Process sets out the assessment criteria that will be used to assess the complaint. This is set out at Appendix 3 of the Complaints Process. Under the revised Complaints Process and in line with the North Lincolnshire Council arrangements, a complaint relating to a Town or Parish Councillor will ordinarily be dealt with by the Monitoring Officer, following consultation with the Independent Person. Complaints relating to District Councillors will be referred to an assessment panel to consider whether to refer to investigation. It is recommended that members consider establishing an assessment panel (sub committee) of the Ethical Governance Committee to consider the complaint at the initial stage. It is suggested that the panel should be made up of 3 members of the Ethical Governance Committee, with at least one of the parish representatives in attendance if the complaint related to a complaint about a town or parish councillor.
- 5.5 If a complaint is referred for investigation, the Monitoring Officer will appoint an Investigating Officer. If the outcome of the investigation is that there is no evidence of a breach of the Code of Conduct and the Monitoring Officer is satisfied with the report, the Monitoring Officer will notify the parish councillor that no further action is required. If the investigation concludes that there is evidence of a breach there is an option for local resolution or refer the matter to a hearings panel. The Complaints Process also details the hearing procedures that can used.

5.6 The Complaints Process also sets out the timeframes for dealing with complaints, which is an aspect that members highlighted at the meeting on 30 October 2018. The Monitoring Officer will acknowledge receipt of a complaint within 5 working days and a full copy of the complaint together with a request for written comments will be sent to the Subject member within 10 working days. It is anticipated that a decision as to whether a complaint will be investigated will normally be taken within 28 days of receipt of the complaint. This is another reason for setting up assessment panels as it gives greater flexibility to set up ad hoc meetings as they are required. .

6 Legal Issues

6.1 The Council is required to adopt arrangements for dealing with complaints under its Members Code of Conduct in accordance with the Localism Act 2011.

7 Resource Issues

7.1 None as far as this report is concerned.

8 Equality Implications

8.1 None as far as this report is concerned.

9 Impact on the Organisation

9.1. None

10 Community Safety Implications

10.1 None

11 Consultation

11.1 None

12 Options Considered

12.1 The Ethical Governance Committee can make any recommendations regarding changes to the current arrangements to Council to consider and adopt.

13 Background Papers

Localism Act 2011

Previous report(s): 30 October 2018

Information Issued Under Sensitive Issue Procedure: /N

Ward Members Notified: /N

Appendix A – Complaints Process