

<b>Title of meeting:</b>	Governance and Audit and Standards Committee
<b>Date of meeting:</b>	16 September 2016
<b>Subject:</b>	Proposed amendments to the Arrangements for the Assessment, Consideration and Investigation of Complaints against Councillors
<b>Report by:</b>	City Solicitor
<b>Wards affected:</b>	N/A
<b>Key decision:</b>	No
<b>Full Council decision:</b>	Yes

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## **1. Purpose of report**

To allow members to further consider proposed changes to the arrangements for the consideration and investigation of complaints against Members, which were presented to members for consideration on 1 July 2016.

## **2. Recommendations**

The Committee is asked to consider and recommend to Council the following amendments to the process:

- 2.1. Approve the amended Arrangements for Assessment, Investigation and Determination of Complaints attached at Appendix 1 to this report.
- 2.2. Approve the amended Complaint Form attached at Appendix 2 to this report.

## **3. Background**

### **3.1. Proposed amendments**

The 'new' Arrangements for Assessment, Investigation and Determination of Complaints which were brought in following the Localism Act of 2011 have now been in place for four years and as a result of the practical application of the Council's adopted procedures, it is now thought it would be helpful to make some practical amendments to those procedures. The proposed amendments, it is hoped, will make the procedure more transparent to members of the public and also help with the more efficient management of the process.

### **3.2. Members expressing a different view to the Monitoring Officer**

The proposed changes do not materially differ from those in the July report save that at paragraph 4.4 (of the Arrangements for the Assessment, Consideration and Investigation of Complaints against Councillors), the proposed change whereby it was suggested that the Monitoring Officer should provide details of Members' consideration of the complainant when they expressed a different view to that of the Monitoring Officer has been deleted, as this did not previously meet with Members' approval.

### **3.3. Concerns as to process**

It has been further suggested that where any concerns are raised in relation to the process which has been followed in the consideration of complaints, that these concerns should be passed to the Monitoring Officer for response and both officers and Members should avoid corresponding. Such complaints could lead to legal proceedings.

### **3.4. Receipt of complaints**

It is proposed that any complaint should be received within 30 days of the alleged facts. It is considered that this would provide a reasonable timescale for complaints to be made and also ensure that if they are, the complaint is still current.

### **3.5. Review**

Further, Members are asked to consider whether they would be content to agree a reduced period within which the complainant could ask for the Monitoring Officer's decision to be reconsidered by an "Assessment Committee" to be reduced from 30 days to 10 working days.

## **4. Reasons for recommendations**

4.1. Members will note at Appendix 2 alterations are proposed to the Complaint Form and also the Arrangements for Assessment, Investigation and Determination of Complaints at Appendix 1. None of the proposed changes to either of these documents is substantive but it is hoped will give greater clarity to the procedure which is followed. The proposed alterations, in part, arise from a number of discussions and correspondence which we have had with residents who have upon occasions found the process somewhat lacking in clarity.

## **5. Equality impact assessment**

This report does not require an Equality Impact Assessment as it does not propose any new or changed services, policies or strategies.

## **6. Legal implications**

The legal implications are embodied within this report.

## 7. Director of Finance's comments

There are no financial implications arising from the recommendations contained within this report.

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Signed by:

### Appendices:

Appendix 1 - Arrangements for Assessment, Investigation and Determination of Complaints (clean copy)

Appendix 2 - Complaint Form (clean copy)

### Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

.....  
Signed by: