

Standards Committee – 7 October 2013

Complaints and the Proper Officer

1. Summary of report

To provide the committee with a summary of recent complaint activity, and an insight as to how complaints have been managed.

2. Recommendation

2.1 That the report be noted.

2.2 That the report be forwarded to Group Leaders for their information.

3. Report detail

3.1 When the Standards Committee last met on the 1 July 2013 the Monitoring Officer had received no complaints regarding member conduct under the new standards regime. It was therefore impossible to provide members with any feedback as to how the new arrangements for dealing with complaints were working. The Monitoring Officer has now received three complaints regarding member conduct. The complaints were basically about allegations members may be biased in their support of one community issue over another, and abuse of position.

3.2 It became apparent after the Monitoring Officer had carried out a preliminary review of the complaints that they were based upon misinterpretations of the role of the Elected Member, and the fact that Elected Member can only be in breach of the councils code of conduct when they are acting in their capacity as an elected member. This is not a criticism of the complainants as these issues themselves are at times quite difficult to determine. In respect of the issue of acting in the capacity of an elected member, this was considered by the High Court in the Livingstone case. Democratic Services Officers will now consider if there is any way of disseminating information to the public that may help better explain the role of the Councillor in the community, and when an Elected Member is acting in the capacity of an elected member.

3.3 When a complaints is received by the Monitoring Officer, the Monitoring Officer will acknowledge receipt of the complaint, and inform the Elected Member, and Independent Person of the fact that a complaint has been received and the full details of the complaint. The Monitoring Officer will either write to or meet with the complainant to ensure that there is a full understanding of what the complaint is about. The Monitoring Officer will then meet with the Elected Member, normally in the company of the leader of the relevant political group, and discuss the complaint with them. The Monitoring Officer will then consider all the evidence that he has assembled in relation to the complaint and draft a review of the complaint, making a draft determination as to whether or not the complaint

should proceed to a full investigation. A draft of this document will then be sent to the relevant Independent Person, and the Monitoring Officer will then meet with the same to discuss the draft review. After fully consulting with the Independent Person the Monitoring Officer will write to all the parties with the outcome of the review of complaint. This is normally a substantial document to ensure that the decision is fully explained to all parties. There is no right of appeal against the Monitoring Officer's decision in this regard. To date no complaint has questioned the validity of the review decision. The Independent Persons role has proved vital to this process, and both independent persons should be commended for the manner in which they are fulfilling their role, and contributing to the decision-making process.

- 3.4 A redacted draft review decision will be made available to Elected Members at the Committee meeting itself. As with all procedures the Council will keep the Arrangements for Dealing with Complaints about Member Behaviour under review, and the Code of Conduct itself.

Background papers

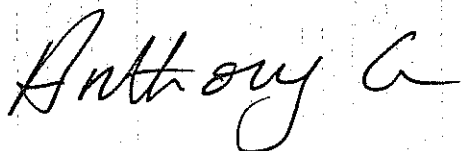
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Signed:

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