

EAST HERTS COUNCIL

COUNCIL - 30 JANUARY 2013

REPORT BY THE MONITORING OFFICER

THE STANDARDS COMPLAINTS PROCEDURE

WARD(S) AFFECTED:      NONE

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**Purpose/Summary of Report**

- This report proposes changes to the complaints procedure and explains progress on implementing the new standards regime.

**RECOMMENDATIONS FOR COUNCIL: That:**

<b>(A)</b>	<b>the amended Complaints Procedure as now detailed, be approved.</b>

1.0 Background

1.1 The Localism Act 2011 makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors. Council has appointed a Standards Committee and approved a code of conduct together with a complaints procedure. The complaints procedure is set out in **Essential Reference Paper B**.

2.0 Report

2.1 **Duty to promote and maintain high standards of conduct**

2.2 The authority remains under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted Members.

3.0 **Dealing with Misconduct Complaints**

3.1 "Arrangements"

3.2 The Act requires that the Council adopt “arrangements” for dealing with complaints of breach of Code of Conduct both by District Council Members and by Parish Council Members, and such complaints can only be dealt with in accordance with such “arrangements”. So the “arrangements” must set out in some detail the process for dealing with complaints of misconduct and the actions which may be taken against a Member who is found to have failed to comply with the relevant Code of Conduct. Council has adopted a complaints procedure.

3.3 The Council has adopted a procedure for the investigation of misconduct complaints. If the Council decides that a complaint merits further investigation, the Council may appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator.

3.4 The current procedure provides that::

The Monitoring Officer will review every complaint received and, may consult with the Independent Person before referring it to the Standards Sub-Committee

This decision will normally be taken within 28 working days of receipt of your complaint. Your complaint will be considered in accordance with the Assessment Criteria annexed at Appendix 2. The Standards Sub- Committee will make a recommendation as to whether the complaint should be investigated. Where the Sub-Committee requires addition information in order to come to a decision, the Monitoring Officer may come back to you for such information, and may request information from the Member against whom your complaint is directed. Where your complaint relates to a Town or Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Town or Parish Council before submitting it to the Sub-Committee.

3.5 In the light of experience of operating the new procedure, it is proposed that instead of the Monitoring Officer simply referring the complaint to the Standards Committee, the Monitoring Officer will make a recommendation based on the criteria in Appendix 2 having consulted the Independent Person.

## 4.0 Progress on Implementation

4.1 Following the decisions of Council to approve the complaints procedure and adopt a code of conduct, progress has been made to implement the requirements of the Localism Act.

4.2 Two training sessions have been provided for District Councillors. Town and Parish Councillors and clerks also attended. Additional training has been provided for the Standards Committee and the Independent Persons. The publication of the register of Members' interests was postponed until after the Member training to support Members when completing the register. Officers are working with Town and Parish Councils to ensure publication of the Town and Parish Council registers of interests.

## 5.0 Implications/Consultations

5.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

## Background Papers Code of Conduct

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