

AGENDA ITEM NO.7

CONDUCT COMMITTEE

Date **26 JUNE 2013**

Title **Handling of Initial Complaints**

1. PURPOSE/SUMMARY

To consider the appropriate methodology for the initial consideration of member conduct complaints, reflecting on current practice and comments from recent cases.

2. KEY ISSUES

- All written complaints in relation to member conduct must be determined.
- At present all complaints which have not been informally resolved are reported in public to the Conduct Committee for their initial assessment.
- The assessment is therefore conducted in an open and transparent way.
- Having undertaken a number of assessments and being aware of practice now established in Authorities elsewhere, the Committee is asked to consider whether they wish to amend the current initial assessment process.

3. RECOMMENDATION(S)

1. To consider whether a change to the current process is required.
2. If a change is considered appropriate to determine which of the options set out in this paper are appropriate.

Wards Affected	All
Forward Plan Reference No. (if applicable)	NA
Portfolio Holder(s)	Councillor Yeulett, Chairman of Conduct Committee
Report Originator	Alan Pain, Corporate Director and Monitoring Officer Ian Hunt, Chief Solicitor and Deputy Monitoring Officer
Contact Officer(s)	Alan Pain, Corporate Director and Monitoring Officer Ian Hunt, Chief Solicitor and Deputy Monitoring Officer
Background Paper(s)	Localism Act 2011

1. BACKGROUND/INTRODUCTION

Following the introduction of the Localism Act 2011 the Council was required to introduce a new process in line with the requirements of the Act for managing member conduct matters.

Under the current arrangements adopted by the Council once a complaint is received the Monitoring Officer will in the first instance seek an informal resolution. If this is not achieved the complaint is referred to committee for an initial consideration of its merits.

The Committee has the option to either reject the complaint or alternatively refer the matter for full investigation. The meeting to consider this is undertaken in public and with papers published in advance.

Having undertaken a number of assessments and being aware of practice now established in Authorities elsewhere, the Committee is asked to consider whether they wish to amend the current initial assessment process.

There are three principal options:

1. To continue with the current arrangements.
2. To provide directions under the Conduct Committee procedure rule 5.3.6 to enable the rejection of complaints deemed vexatious trivial or repetitious. This sift would be undertaken in private with no public oversight; although any case not fitting that criteria (ie. vexatious, trivial or repetitious) would be referred on to the Conduct Committee as now for further consideration.
3. A full sifting process undertaken administratively by the Monitoring Officer, Independent Person and Chairman of Committee. This would not be a public meeting. This would have the authority to reject any complaint or refer a matter for investigation. This option would require a change to the Councils Constitution.

2. CONSIDERATIONS

Members are asked to consider the options and determine whether to remain with the current approach or adopt one of the alternatives outlined.