

Agenda Item No:	<b>6</b>	
Committee:	<b>Conduct Committee</b>	
Date:	<b>12 February 2015</b>	
Report Title:	<b>Handling of Initial Complaints</b>	

### Cover sheet:

#### **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**

- Under the requirements of the Localism Act 2011 all written complaints in relation to member conduct must be determined. This determination cannot be as an executive function.
- At present all complaints which have not been informally resolved are reported in public to the Conduct Committee for their initial assessment. This includes any complaints which may be vexatious, trivial or tit for tat and potentially this may be seen to encourage such complaints.
- As requested by the Committee 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 Recommendations**

1. To consider whether a change to the current process is required.
2. If a change is considered appropriate to endorse the changes to the current process set out in this paper.
3. To recommend the changes to Council to allow the appropriate constitutional updates to be made.

<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	N/A
<b>Portfolio Holder(s)</b>	Councillor Hoy, Chairman of Conduct Committee
<b>Report Originator(s)</b>	Carol Pilson, Corporate Director and Monitoring Officer Tom Lewis, Senior Solicitor and Deputy Monitoring Officer
<b>Contact Officer(s)</b>	Carol Pilson, Corporate Director and Monitoring Officer Tom Lewis, Senior Solicitor and Deputy Monitoring Officer
<b>Background Paper(s)</b>	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, to seek further informal resolution, or alternatively refer the matter for full investigation. The meeting to consider this is undertaken in public and with papers published in advance.

The Committee has previously considered a change to the current approach (at a Conduct Committee meeting in June 2013) but at the time considered that no change was necessary. However, at the July 2014 Conduct Committee meeting officers were asked to once again bring forward a report to allow consideration be given to an additional step in the Conduct process.

## **2. Review of Conduct Committee Process**

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

The purpose of such an amendment would be to ensure only those complaints that were deemed to have potentially breached the Code of Conduct would go forward to a full committee assessment, and not those complaints which could be deemed vexatious, trivial or tit-for tat.

There are two principal options:

1. To continue with the current arrangements.
2. To alter Conduct Committee procedure rule 5.3.6 of the Council's constitution to enable the initial consideration of all formal complaints by the Chairman, Independent Person and Deputy Independent Person, with advice from the Monitoring Officer. Any case where it is considered that a breach in the Code of Conduct may have occurred would be referred on to the Conduct Committee for further consideration. Complaints deemed vexatious, trivial or tit for tat could be dismissed at this stage without referral to Committee.

In the event that any complaint was rejected notification of this rejection would be circulated to all members of the Committee by email and no further consideration would be given to that complaint.

If any of the group were to consider themselves unable to make a determination the view of the remaining two would be sufficient.

Adopting option 2 would require a change to the Council's Constitution and agreement of Council. A proposed updated section of the constitution is included at Appendix A.

## **3. Considerations**

Members are asked to consider the options and determine whether to remain with the current approach or to propose the alternative outlined for Council endorsement.