

REVIEW OF PROCEDURE FOR DEALING WITH COMPLAINTS

REPORT OF THE HEAD OF LAW AND GOVERNANCE

1. The Council's arrangements for dealing with complaints under the Members' Code of Conduct were approved by Council at its meeting in June 2012 and the Standards Committee subsequently agreed a detailed procedure document in respect of the process, in February 2013. The Committee has delegated authority to review and amend the arrangements, although certain changes, for example, in delegated authority, will require Council approval.
2. Under the current procedures, the assessment of complaints is undertaken by the Head of Law and Governance as Monitoring Officer and is only referred to the Standards Committee in those cases where the Head of Law and Governance does not consider it appropriate for her to consider the matter. Reports are provided to the Committee on a regular basis to advise of the nature of complaints that have been received and how they have been dealt with.
3. Where a matter is referred for investigation and the Investigating Officer concludes that there has been a breach of the Code of Conduct, the Head of Law and Governance arranges for a hearing to be held before the full Standards Committee.
4. As the procedures have been operating for over three years, it is timely for them to be reviewed. It is proposed that the procedures be varied to provide for the assessment of complaints to be referred to an Assessment Sub-Committee of the Standards Committee, which will determine whether or not they should be investigated, rather than this function be undertaken by the Head of Law and Governance. This will provide for greater "ownership" of assessment decisions by elected Members, rather than have responsibility for such matters rest with a single officer. It is however recommended that the Head of Law and Governance retain a discretion to decline to refer certain matters to the Sub-Committee, for example, any matters where the Member concerned was not a Councillor at the time of the alleged conduct or where it is apparent that the conduct did not take place when the Member was acting in their official capacity or where the conduct alleged is of a trivial nature.
5. It is proposed that an Assessment Sub-Committee be comprised of three voting Members of the Standards Committee and that where the complaint involves a Member of Hetton Town Council, one of the co-opted Members appointed by that Council be invited to attend in an advisory capacity, provided they do not have a conflict of interest.
6. Likewise, it is proposed that there be scope to set up Hearing Sub-Committees comprised of three Members, to hear complaints, rather than have such matters dealt with by the full Committee, as is currently the case. A Sub-

Committee of three would be an appropriate size for ensuring the efficient conduct and management of the hearing.

7. Amendments to reflect these arrangements are shown as tracked changes on the copy of the procedure document which is shown in Appendix 1 to this report. If the Committee is minded to agree to the changes in delegated authority in respect of the Head of Law and Governance / Monitoring Officer, it will be necessary to recommend Council to approve this variation in the arrangements.
8. In addition, it is recommended that the opportunity is taken to update Article 9 of the Council's Constitution in order to reflect the role and remit of the Committee and, subject to the Committee agreeing the proposals set out in this report, its ability to establish assessment and hearing sub-committees. A draft of the updated Article 9 is shown in Appendix 2 to the report.

Recommendation

The Committee is recommended to:

- (i) approve the amendments to the procedures for dealing with complaints referred to in this report, together with any other amendments agreed by the Committee, subject, in respect of the proposed changes to the delegated authority to the Head of Law and Governance to assess complaints, to such amendments being agreed by Council;
- (ii) authorise the Head of Law and Governance, in consultation with the Chairman of the Committee, to make such other minor or consequential amendments to the procedure document as are considered appropriate for consistency;
- (iii) recommend Council to agree the delegation of authority to the Standards Committee to assess complaints about Members, as set out in this report and to amend Article 9 of the Constitution to reflect the new arrangements, as set out in Appendix 2 to the report.

Background Papers

None