

GOVERNANCE COMMITTEE

1 FEBRUARY 2016

REPORT OF MONITORING OFFICER

REVIEW OF MEMBER COMPLAINTS PROCESS

1.0 PURPOSE OF REPORT

- 1.1 To consider a review of the Member Complaints Process taking into account the current arrangements and the requirements of the Localism Act.

2.0 RECOMMENDATIONS

- 2.1 **A Task Group consisting of 5 Members be set up with the remit to review the Member Complaints Process and report back to the Committee on its findings.**

3.0 KEY ISSUES

- 3.1 The current Member Complaints Process was approved by Full Council on 18 July 2012 in line with the requirements of the Localism Act.
- 3.2 Guidance notes were added to the process in December 2013 (Appendix A) to explain how each stage of the process was dealt with including the introduction of two Governance Sub Committees. Sub Committee 1 was to deal with the first stage of the complaint and Sub Committee 2 to deal with the hearing stage. This allowed for a separate set of Members to deal with each part of the complaint. However political balance requirements of the Sub Committees can mean that the same Member can be allocated to sit on both Sub Committees. This has previously been managed by the substitutes process to ensure this duplication does not occur.
- 3.3 Members have expressed concern at the composition of the Sub Committees and that there can be occasions when the same Member can sit on both Sub Committees. The cost of investigations had also been mentioned and whether there was any way the workload could be reduced.
- 3.4 Therefore it was proposed there be a small group of Members (Task Group) to review the Complaints Process and report back to this Committee on its findings.

4.0 POLICY AND CORPORATE IMPLICATIONS

- 4.1 Strong Corporate Governance is important in order to ensure high standards of conduct are maintained.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

- 5.1 It is expected that any change in the Member Complaints Process be met from existing resources.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 Of particular note in the Localism Act is the change making the non-registration of a disclosable pecuniary interest within 28 days a criminal offence.

7.0 COMMUNITY SAFETY

7.1 There are no specific community safety implications in this report.

8.0 EQUALITIES

8.1 An Equalities Screening Assessment has been completed and outlines the Council's responsibilities with regard to matters within the report under the Localism Act.

9.0 RISKS

9.1 The risks associated with the report are considered to relate to managing the requirements of the Localism Act and the implications of this not being followed by Councillors impacting on the Council's decision-making process and reputation.

L I K E L I H O O D	A	Very High				
	B	High				
	C	Significant				
	D	Low		1		
	E	Very Low				
	F	Almost Impossible				
			Negligible 1	Marginal 2	Critical 3	Catastrophic 4

IMPACT

Risk No	Risk Description
1	Decisions of the Sub Committees challenged due to processes not followed in line with legislation and the Council's agreed process.

10.0 CLIMATE CHANGE

10.1 There are no climate change implications in this report.

11.0 CONSULTATION

11.1 There is consultation with the Independent Persons on Member complaints that are referred to the Sub Committees as well as with the Parish Representatives on Parish Councillor complaints.

12.0 WARDS AFFECTED

12.1 All indirectly.

Contact Officer: Angela Tebbutt, Monitoring Officer
Date: January 2016
Appendices: Appendix A : Complaints Process including guidance notes
Background Papers: Localism Act 2011
Minutes of Council Meeting held on 18 July 2012
Minutes of Council Meeting held on 17 July 2013
Minutes of Council Meeting held on 11 December 2013
Previous Minutes of Standards Committee
Previous Minutes of Governance Committee
Reference: Governance/2015-16/010216/Review of Member Complaints Process