

Joint Standards Committee

11th September 2013

Report of the Monitoring Officer

Review of Complaints for Municipal Year

Summary

1. This report provides an overview of the standards complaints received during the previous municipal year and reminds Members of the processes they have agreed for handling complaints.

Complaints received

2. The table below describes the complaints handled during the last municipal year.

City or Parish Councillor	Complainant	Date Received	Outcome	Date Concluded	Complainant's view
City	Councillor	21/05/2012	Local settlement agreed with complainant in respect of acknowledged breach.	18/8/2012	Agreed outcome
City	Former Councillor	19/07/2012	Not referred for investigation. Conduct complained of would probably have been protected as political free speech. Informal procedural steps taken to mitigate complainant's	07/08/2012	Considered outcome resolved the issue

			concerns.		
City	Councillors	20/07/2012	Referred to sub committee. Possible minor breach identified. Informal advice as to conduct given	06/08/2012	Not recorded
City	Member of public	10/08/2012	No breach identified. No action required	16/08/2012	Not recorded
City	Former Councillor	03/09/2012	No action on this complex, multi faceted complaint. One prima facie breach had already been addressed by an apology. Other aspects not considered to require an investigation.	21/09/2012	Agreed apology dealt with the prima facie breach. Disagreed with response on other matters.
City	Councillor	26/11/2012	Referred for investigation. No breach found.	18/03/2012	Outcome accepted
City	Member of public	21/02//2013	No action	11/06/2013	Dissatisfied

3. Seven complaints were received and all were in respect of City Councillors. By way of comparison four complaints were received during the preceding year (although two of these involved multiple Councillors) and, of these, one related to a member of a Parish Council. In the 2010/11 municipal year eight complaints were received, five relating to Parish Councillors and one of which was referred for investigation. The volume of complaints was therefore very much in line with previous years although the fact that they all related to City Councillors is unusual.

4. On the 1st July 2012 the new standards regime came into force. One complaint commenced under the old procedures was resolved under the new arrangements. In that case it was possible to resolve the matter to the complainant's satisfaction through informal action. This would not have been possible under the old arrangements which would have either resulted in no action or an investigation and a hearing. Although that case took the second longest of the six to resolve, it was still concluded far sooner than would have been the case had there been an investigation and hearing.
5. In general the cases have reached a conclusion somewhat earlier under the new arrangements than the old. This is because the new arrangements allow the Monitoring Officer to make a decision on cases having consulted the independent persons. This consultation is carried out by e-mail. Under the old arrangements it would have been necessary to convene a formal sub Committee meeting.

Issues arising

6. Two complainants have expressed dissatisfaction with the response to their complaints. In the first case part of the response was accepted but some aspects were not. One of the aspects which was not accepted related to the registration of gifts and hospitality. The Committee subsequently adopted guidance on this matter which is consistent with the approach taken by the Monitoring Officer and independent persons in this case.
7. In the second case the complainant was dissatisfied both with the outcome (which had the support of the three independent persons who considered it) and the absence of a right to have the decision reviewed.
8. The Standards Committee made a deliberate decision not to include a review mechanism in the procedures post Localism Act. The Committee's experience under the previous arrangements was that a significant percentage of cases resulted in reviews even where the original decision could not properly be challenged. The Committee built in a safeguard into the new arrangements by requiring the independent persons to be consulted on each complaint. The independent persons have the option to ask the Monitoring Officer to refer a complaint to a sub committee for determination and he equally has the option to make such a referral on his own initiative. That happened on one occasion last year. The independent persons have also been granted speaking rights at

meetings of the Committee so have an opportunity to raise any concerns that they have. No concerns have been expressed by the independent persons about the decisions taken.

Recommendations

9. Members are recommended to:

- 1) Note the report and to confirm the previous decision to dispense with a review mechanism.

Reason: To ensure that the Committee continues to make an effective contribution to ethical standards within the City Council.

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Report
Approved

Date 05/08/13

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

None