

Report of the Monitoring Officer

**Complaints Monitoring**

**Summary**

1. This report provides Members with information regarding the processing of complaints that Members of the City or Parish Councils may have breached the Code of Conduct.

**Background**

2. Relatively few complaints are received relating to City and Parish Councillors in York. Until the law changed any complaint which was received would be referred to an assessment sub Committee to decide whether the matter should be investigated. If the matter was investigated then a report had to be presented to a sub Committee for consideration and, if a breach of the Code was identified in the report then the case also had to be referred to a hearing sub Committee.
3. A streamlined system has been introduced since July under which the initial assessment decision generally falls to the Monitoring Officer in consultation with the independent persons. In order to allow Members to have proper oversight of the decisions being made it is intended that regular monitoring reports should be presented to the Committee. The style and content of future reports may be something that Members wish to discuss.

**Municipal Year 2011/12**

4. In the year to May 2012 three new cases were received. None resulted in an investigation although two resulted in the Monitoring Officer being asked to take "other action" by way of reminders being issued to the Members concerned as to the requirements of the Code. The Review Sub Committee also met on four occasions

during the year at the request of complainants to review decisions taken by the assessment sub Committee

5. One further case was considered by an assessment sub committee in June 2012. That case was referred for investigation. Owing to the law changing the case fell to be determined under the new arrangements. There was an admitted breach of the Code and the matter was resolved to the complainant's satisfaction by way of an apology being given. The Monitoring Officer was therefore able to dispose of the case without a hearing – an option which would not previously have been available.
6. Between 1<sup>st</sup> July and 31<sup>st</sup> August three cases have been received. In one case the Monitoring Officer decided not to use his delegated powers and referred the matter to an Assessment Sub Committee. The Sub Committee decided not to refer the allegation for investigation but made recommendations to the Chief Executive relating to the minuting of a meeting.
7. A second case had some elements similar to the first and the Monitoring Officer reached a similar decision. The complainant has confirmed that he is satisfied with the outcome.
8. The third complaint disclosed no breach of the Code and resulted in a decision to take no further action.

### **Recommendations**

9. Members are asked to note the report, identify any issues arising and consider how they would like to receive this information in future.

Reason: To ensure that effective arrangements are in place to enable Members to monitor complaints.

## Contact Details

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**Report Approved**

**Date** 6 September 2012

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

**For further information please contact the author of the report**

**Background Papers:**

None