

Agenda Item No: 8 **Report No:** 101/12
Report Title: Standards Procedure for dealing with complaints about councillor conduct
Report To: Standards Committee **Date:** 11 June 2012
Cabinet Member: N/A
Ward(s) Affected: All
Report By: Corporate Head – Legal & Democratic Services
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Purpose of Report:

To consider and adopt procedures for dealing with complaints about councillors conduct.

Officers Recommendation(s):

- 1 To adopt the procedures set out in the attached documents:
 - Arrangements for dealing with complaints about councillors conduct
 - Investigations Procedure
 - Hearing Procedure

Reasons for Recommendations

To adopt procedures as required by the Localism Act 2011.

Information

The Localism Act 2011 requires councils to promote and maintain high standards of public life and to have a mechanism in place to enforce the Council's Code of Conduct.

Under the previous Standards regime, Standards for England produced a substantial volume of mandatory guidance relating to the handling of complaints which local authorities were obliged to follow. The guidance covered both the Monitoring Officer's

investigative process and the procedures to be put in place if there was a need for a hearing.

Much of the guidance was very useful. Some of it seemed overly complicated and unnecessary e.g. the right for a complainant to request that the Review Panel be set up to reconsider the complaint if not satisfied with the decision of the initial Assessment Panel.

The guidance produced by Standards for England has been summarised considerably and simplified procedures are now attached for Committee's consideration.

At the Annual Council meeting on 9 May 2012, the Council gave the Standards Committee full power to adopt its own procedures and protocols. These procedures are not set in stone – the Committee may revise them from time to time as it sees fit.

Financial Appraisal

Time will initially need to be spent on drafting procedures, and on advising and training members on the changes. In the longer term, it is hoped that the cost of administering the complaint process may reduce due to the ability to streamline the existing process.

Environmental Implications

I have completed the Environmental Implications Questionnaire and there are no significant effects as a result of these recommendations

Risk Management Implications

The following risks will arise if the recommendations are not implemented:

The Council is obliged to adopt a Code of Conduct and arrangements for dealing with breaches as a matter of law. The Code of Conduct and arrangements for investigating complaints play a significant part in upholding and maintaining good standards of conduct. This helps reduce the risk of reputational damage to the Council and the wider local government and public sector.

Equality Implications

Any arrangements proposed will need to consider and meet the Council's statutory duties under the Equalities Act 2010 and the Human Rights Act.

Background Papers

None

Appendices

- Appendices 1 Arrangements for dealing with complaints about councillor conduct
- 2 Investigations Procedure
- 3 Hearings Procedure