

Subject: *Revised procedures for local assessment, investigation and determination of complaints*

Date of Meeting: 11 November 2008

Report of: *Director of Strategy & Governance*

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Wards Affected: All

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report introduces the updated procedures for local assessment, investigation and determination of complaints about member conduct.

2. RECOMMENDATIONS:

- 2.1 That members adopt the updated procedures.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 12 December 2004 the Council adopted a procedure for the "Local investigation of allegations of Member Misconduct," and for the "Local determination of allegations of Member Misconduct." Those procedures were amended in March 2007.
- 3.2 With effect from 8 May 2008, the responsibility for receiving complaints of Member Conduct moved from the Standards Board to the Council.
- 3.3 On 23 May 2008 the Council adopted a procedure for the "Local assessment of allegations of Member Misconduct".
- 3.4 By virtue of the Standards Committee (England) Regulations 2008, the Council is obliged to consider guidance issued by the Standards Board when exercising its investigation and hearings functions.
- 3.5 On 23 June the Standards Board issued guidance on the Local Assessment of Complaints, and on 10 August 2008 this guidance was updated. At the same time the Standards Board issued new guidance for Local Investigation of Complaints and Standards Committees Determinations.

- 3.6 On 14 August, the Assessment Panel held its first meeting to consider an allegation of Member misconduct.
- 3.7 At the meeting of the Standards Committee on 16 September 2008, members noted the above and adopted the Fire Authority's procedures for local investigation and determination of complaints about member conduct as an interim measure.
- 3.8 The Council's own procedures have now been reviewed and updated in light of the updated Standards Board guidance and the experience of the Assessment Panel.
- 3.9 The key points to note are:
- 3.9.1 The existing procedure for Local Assessment of Complaints had been amended by John Heys on 8 May 2008. Although the Standards Board has subsequently issued amended guidance on this area, it contains no substantive changes. Therefore the only changes to the Local Assessment procedure are amendments to section 2, paragraph 5 regarding actions which have been taken to publicise the procedure and cosmetic amendments to correct spelling and grammar.
- 3.9.2 The Local Investigation procedure has been updated to include a section on deferral of complaints where another investigation is ongoing (for example, a criminal investigation or an investigation by another authority).
- 3.9.3 The Local Determination procedure has been amended to reflect the greater powers available to the Committee in imposing sanctions, as well as guidance from the Standards Board on considering the appropriate sanction. A summary of the hearing procedure has also been added.
- 3.9.4 The revised Assessment Investigation and Determination Procedures are attached as Appendices 1, 2 and 3.

4. CONSULTATION

- 4.1 No consultation has been carried out.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are none.

Finance Officer Consulted:

Date:

Legal Implications:

5.2 These are addressed in the body of the report at paragraph 3.4.

Lawyer Consulted: Liz Woodley Date: 15 October 2008

Equalities Implications:

5.3 There are no direct equalities implications arising from the report.

Sustainability Implications:

5.4 There are none.

Crime & Disorder Implications:

5.5 There are none.

Risk and Opportunity Management Implications:

5.6 There are none.

Corporate / Citywide Implications:

5.7 There are none.

SUPPORTING DOCUMENTATION

Appendices:

1. **Procedure for Local Assessment of Code of Conduct Complaints**
2. **Procedure for Local Investigation of Allegations of Member Misconduct**
3. **Procedure for Local Determination Hearings of Allegations of Member Misconduct**

Documents In Members' Rooms

Background Documents

- 1.
- 2.