

REDDITCH BOROUGH COUNCIL

STANDARDS COMMITTEE

13th October 2010

LOCAL ASSESSMENT OF COMPLAINTS

Relevant Portfolio Holder	Councillor Michael Braley
Relevant Head of Service	Claire Felton
Non-Key Decision	

1. SUMMARY OF PROPOSALS

To invite the Standards Committee to consider amending the Procedure for the Local Assessment and Investigation of Complaints that Councillors have breached the Code of Conduct, adopted on 10 July 2008, as highlighted in the document at Appendix 1.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that

the proposed amendments to the Procedure for the Local Assessment and Investigation of Complaints that Councillors have breached the Code of Conduct as set out at Appendix 1, be adopted.

3. BACKGROUND

3.1 The Local Government and Public Involvement in Health Act 2007 made changes to the legislation governing the conduct of Members (Part III of the Local Government Act 2000). The changes meant that complaints against Members of Redditch Borough Council or Feckenham Parish Council would be referred to Redditch Borough Council's Standards Committee, rather than the Standards Board for England. These changes came into effect on the 8th of May 2008.

3.2 On 10 July 2008 a procedure for the Local Assessment and Investigation of complaints against members was adopted and since then a number of complaints against members have been received and processed in accordance with its provisions.

4. KEY ISSUES

Notification of Complaint to Subject Member

4.1 At present, the procedure provides that, on receipt of a complaint against a Member but before the Standards Sub-Committee has met to assess it and

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decide whether or not it is a valid complaint that engages the Code of Conduct, the Monitoring Officer may notify the member complained against (“the subject Member”) that a complaint has been received, without full disclosure of the complaint.

- 4.2 Only the Standards Committee has the power, under Section 57C(2) of the Local Government Act 2000 (as amended) to provide a written summary of the allegation to the subject member, which means that until the Assessment Sub Committee has met, the subject Member has an indication only of the complaint and not full details.
- 4.3 Assessment Sub-committees are private meetings so that until they have made a decision that a complaint is valid, there is no publication of any information about a complaint having been received.
- 4.4 An Assessment Sub-Committee can decide that no potential breach of the Code of Conduct is made out and that no further action is required, in which case a Member will have been unnecessarily concerned about a pending “complaint” when in fact the Sub-Committee decides that the matter referred to them does not constitute a valid complaint.
- 4.5 **The proposed change** is that the a Member will only be advised that a complaint has been received and will be investigated *after* the Assessment Sub-Committee has met to decide whether or not a valid complaint has been made out, when the details of the complaint can be fully disclosed to the subject Member [the Decision either way must be notified to both the Complainant and the subject Member].

Reference of Allegation to the Monitoring Officer for Investigation

- 4.6 When a complaint is referred to the Monitoring Officer for investigation, s/he writes to the subject Member, the Complainant and the Standards Committee to include the following information: That the allegation has been referred for investigation; the identity of the person making it; the sections of the Code which appear to be relevant; the procedure to be followed and the identity of the Investigating Officer [See Para 3 (b) of the adopted procedure, as attached at Appendix 1].
- 4.7 In this same letter, under the current procedure, the Monitoring Officer also asks for an “initial response” to the complaint from the Member and for the Member and complainant to supply to the Investigating Officer details of documents, persons and/or information to be included in the investigation by the Investigating Officer.

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4.8 When the Investigating Officer commences the investigation and first writes to the subject member and complainant, s/he will ask for the same information so that there is duplication in the process which makes it confusing for the parties. Also, the role of the Monitoring Officer as Manager of the process is drawn into the detail of an investigation in a way that she considers inappropriate.

4.9 **The proposed change** is that the Monitoring Officer's letter will provide the listed information only to the subject Member and Complainant (and Standards Committee) and leave the questions regarding suggested evidence and lines of inquiry to be asked by the Investigating Officer.

5. **FINANCIAL IMPLICATIONS**

None

6. **LEGAL IMPLICATIONS**

There are no legal implications to adoption of these procedural changes.

7. **POLICY IMPLICATIONS**

None

8. **COUNCIL OBJECTIVES**

None

9. **RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

None

10. **CUSTOMER IMPLICATIONS**

Improved procedures will improve the experience of a member of the public who is a complainant.

11. **EQUALITIES AND DIVERSITY IMPLICATIONS**

None

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12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

None

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

None

14. HUMAN RESOURCES IMPLICATIONS

None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

Adoption of the proposed amendments will address difficulties experienced in the application of the current procedures to the processing of complaints

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

None

17. HEALTH INEQUALITIES IMPLICATIONS

None

18. LESSONS LEARNT

These changes have been put forward as a result of member/officer concerns regarding the application of the current adopted procedure, with a view to improving the working of the procedure for both Members complained against and Officers applying the procedure.

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

None.

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20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

No specific Ward relevance.

22. APPENDICES

Appendix 1 - Procedure for the Local Assessment and Investigation of Complaints that Councillors have breached the Code of Conduct.

23. BACKGROUND PAPERS

Local Government Act 2000

**24. Local Government and Public Involvement of Health Act 2007
Standards Committee (England) Regulations 2008**

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AUTHOR OF REPORT

Name: Clare Flanagan
E Mail: clare.flanagan@redditchbc.gov.uk
Tel: 01527 64252 X 3176