



Audit and Standards Committee Report

Report of: The Monitoring Officer/Director of Legal and Governance

Date: 20 September 2018

Subject: Revisions to the Procedure for Dealing with Standards Complaints

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Summary:

The latest version of the Procedure for Dealing with Standards Complaints was approved by this Committee on 16 November 2017 and by Full Council on 6 December 2017. One of the revisions agreed was for the procedure to be reviewed on an annual basis by the Monitoring Officer in consultation with the Independent Persons. While the Procedure has been a noticeable improvement on previous versions, some slight revisions are proposed as a result of the complaints considered this year.

Recommendations: That the Committee:

- (a) Comments on the further revisions to the Procedure for Dealing with Standards Complaints;
 - (b) With the inclusion of any additional revisions arising from the meeting, recommends to Full Council the adoption of the revised Procedure and that the Constitution is amended accordingly; and
 - (c) Refers the revised Procedure to the Parish and Town Councils for consideration and adoption.
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Background Papers: None

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
NO
Legal Implications
YES Cleared by: Gillian Duckworth
Equality of Opportunity Implications
NO
Tackling Health Inequalities Implications
NO
Human rights Implications
NO
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Area(s) affected
None
Is the item a matter which is reserved for approval by the City Council?
YES
Press release
NO

REVIEW OF THE PROCEDURE FOR DEALING WITH STANDARDS COMPLAINTS

1.0 INTRODUCTION

- 1.1 A revised Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members was considered at the meeting of this Committee on 16 November 2017 and the Committee agreed for this procedure to be reviewed on an annual basis. That review has now been carried out and some further revisions to the Procedure are proposed.

2.0 BACKGROUND

- 2.1 The current Procedure was approved by this Committee on 16 November 2017 and adopted by Full Council on 6 December 2017. While the Procedure has been a noticeable improvement on previous versions, some slight revisions are proposed as a result of the complaints considered this year.

3.0 REVISIONS TO THE PROCEDURE

- 3.1 Other than updating the number and names of Independent Persons and the Democratic Services Officer responsible for processing complaints, the revisions proposed in this report fall into two categories: those relating to timescales, and those relating to data protection/retention periods.

3.2 Timescales

- 3.2.1 Currently the process requires that complainant and the subject of the complaint to be informed in writing within 5 working days of the outcome and the reasons for the decision taken at the Assessment meeting and those taken at Consideration or Hearing Sub Committee meetings. It is proposed this timescale be extended to 10 working days in order to set realistic expectations as to when complainants and subjects of complaints will be notified of decisions.
- 3.2.2 Although the 5 working day timescale has largely been adhered to, the reality is that this is an unsustainable turn-around period. In order to ensure assessment meetings are as efficient as possible, multiple complaints are increasingly being considered at the same meeting which in turn necessitates multiple decision letters being produced in the same timescale. Extending the timescale to 10 working days will mitigate the risk of making mistakes in the decision letters whilst maintaining quality and level of detail.
- 3.2.3 Similarly, currently Consideration Sub Committee meetings are scheduled to meet within one month of the final investigation report being submitted to the Monitoring Officer, however, the Consideration Sub-Committees held this year have been scheduled outside of the one-month deadline. It is therefore proposed that this timescale be extended to two months in order to set a more realistic expectation for complainants and subjects of complaints as to when the issue will be considered, as well as allowing for greater flexibility of Members' and Independent Persons' diaries.
- 3.2.4 The effect of these changes should not have any adverse effect to complainants or subject members of complaints, and it is expected that the majority of complaints will still be completed within 5 working days.

3.3 Data Protection/Retention Periods

3.3.1 In light of the General Data Protection Regulation (GDPR) which came into force on 25 May 2018, paragraph 11 of the Procedure has been expanded to make specific reference to the retention period for the personal details of complainants.

3.3.2 Although personal information about the complainant and details of the complaint itself is proposed to be deleted after 7 years (unless the Council elect to retain it for a longer period in order to comply with legal and regulatory obligations), records of the number of complaints received, the outcomes and the subject Members will be kept for so long afterwards as is considered may be required to deal with any questions or complaints about the service.

3.4 Further Review

3.4.1 To assess the success of these changes, it is suggested that the revised procedure is reviewed in approximately twelve months' time.

3.4.2 Any complaints submitted before any revisions are approved by Full Council will be considered under the existing Procedure.

4.0 LEGAL IMPLICATIONS

4.1 As the Procedure is included in the Constitution, any changes would require approval at Full Council. The revised Procedure would also need to be approved by the Parish and Town Councils.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no financial implications.

6.0 EQUALITIES IMPLICATIONS

6.1 There are no equalities implications.

7.0 RECOMMENDATIONS

7.1 That the Committee:-

- (a) Comments on the further revisions to Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members;
- (b) With the inclusion of any additional revisions arising from the meeting, recommends to Full Council the adoption of the revised Procedure and that the Constitution is amended accordingly; and
- (c) Refers the revised Procedure to the Parish and Town Councils for consideration and adoption.

Gillian Duckworth, Monitoring Officer/Director of Legal and Governance