



Leicester
City Council

MEETING OF THE STANDARDS COMMITTEE

DATE: TUESDAY, 22 NOVEMBER 2016

TIME: 5:30 pm

PLACE: Meeting Room G.01, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ

Members of the Committee

Councillor Senior (Chair)

Councillor Shelton (Vice-Chair)

Councillor Palmer

Councillor Sood

One Unallocated Non-Grouped Place

Ms Fiona Barber (Independent Member)

Mr Mike Galvin (Independent Member)

Ms Jayne Kelly (Independent Member)

Ms Alison Lockley (Independent Member)

Mr Simon Smith (Independent Member)

Standing Invitees:

Mr Michael Edwards (Independent Person)

Mr David Lindley (Independent Person)

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for the Monitoring Officer

Officer contact: Graham Carey
Democratic Support, Leicester City Council
City Hall, 115 Charles Street, Leicester, LE1 1FZ
(Tel. 0116 454 6356)

Information for members of the public

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- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact Graham Carey, **Democratic Support on (0116) 454 6356 or email** graham.carey@leicester.gov.uk or call in at City Hall, 115 Charles Street, Leicester, LE1 1FZ.

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PUBLIC SESSION

AGENDA

FIRE / EMERGENCY EVACUATION

If the emergency alarm sounds, you must evacuate the building immediately by the nearest available fire exit and proceed to the area outside the Ramada Encore Hotel on Charles Street as directed by Democratic Services staff. Further instructions will then be given.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business to be discussed.

3. TERMS OF REFERENCE

**Appendix A
(Pages 1 - 2)**

To note the attached Terms of Reference for the Committee and Standards Advisory Board.

4. MEMBERSHIP OF THE COMMITTEE

To note the current membership of the Committee:-

The Monitoring Officer to report that the current membership of the Committee is as follows:-

Councillors:

Chair: Councillor Senior
Vice Chair: Councillor Shelton
Councillor Palmer
Councillor Sood

Independent Members:

Ms Fiona Barber
Mr Mike Galvin
Ms Jayne Kelly
Ms Alison Lockley
Mr Simon Smith

Standing Invitees:

Mr Michael Edwards (Independent Person)
Mr David Lindley (Independent Person)

5. DATES OF MEETINGS

The Monitoring Officer to report, that following the meeting of Council on 19 May 2016, the date of the next Committee meeting will be Tuesday 21 March 2017.

6. MINUTES OF PREVIOUS MEETING

**Appendix B
(Pages 3 - 10)**

The minutes of the meeting of the Standards Committee, held on 14 October 2015, are attached and Members are asked to confirm them as a correct record.

7. ANNUAL REPORT 2016-2017

**Appendix C
(Pages 11 - 20)**

The Monitoring Officer submits the Draft Annual Report of the Standards Committee July 2015 - June 2016 which provides an analysis of cases referred.

Members are asked to note the report and make any amendments.

8. COMPLAINT AGAINST COUNCILLORS - UPDATE

**Appendix D
(Pages 21 - 22)**

The Monitoring Officer submits a report giving feedback on complaints against Councillors reviewed and/or determined from 18 June 2016 to 14 November 2016 and updating the Committee on progress with outstanding complaints against Councillors. The Committee is recommended to receive and note the report.

MEMBERS OF THE PUBLIC TO NOTE

This report is a public document but during its consideration, Members may wish to discuss some of the issues in more detail. Under the law, the Committee is entitled to consider certain items in private. In this event, the Committee will make the following resolution and the press and members of the public will be asked to leave the meeting when such items are discussed.

“that the press and public be excluded during consideration of the following report in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it involves the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

Paragraph 1

Information relating to any individual.

Paragraph 2

Information which is likely to reveal the identity of an individual.

Paragraph 7c

The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

9. WORK PROGRAMME

Members are asked to consider items which they would wish to see on the Work Programme for the Committee.

10. FUTURE MEETINGS OF THE COMMITTEE

The Chair will invite Members to discuss arrangements for future meetings of the Committee.

11. ANY OTHER URGENT BUSINESS

Appendix A

STANDARDS COMMITTEE

TERMS OF REFERENCE

1. To oversee and promote the Council's arrangements to ensure and maintain probity and the highest standards of governance in the conduct of business by members (including co-opted members) and officers.
2. To oversee and advise Full Council and the City Mayor on matters relating to the Council's corporate governance and ethical framework.
3. To receive the Council's annual Corporate Governance Review Statement.
4. To oversee, promote, monitor observance and recommend necessary change to Members' and officers' Codes of Conduct and Political Conventions.
5. To oversee and ensure the provision of appropriate training to Members and officers to enable them to adhere at all times to the provisions of the Council's Political Conventions and governance arrangements.
6. To appoint a Standards Advisory Board (chaired by an Independent Member) to scrutinise, hear and determine appropriate allegations (as set out in the Authority's "*Arrangements for dealing with Standards Complaints*") that a Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct.
7. Save in exceptional circumstances, to accept the recommendations of the Standards Advisory Board who have determined that an Elected or Co-opted Member of the Council has failed to comply with the City Council's Code of Conduct for Members, including its recommendations as to the appropriate remedy or sanction for such breach.
8. To consider under Sections 1 and 2 of the Local Government and Housing Act 1989:-
 - (a) any application received from any officer of the Council for exemption from political restriction in respect of the post held by that officer and may direct the Council that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Council under Section 2(2) of that Act; and,
 - (b) upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Council under Section 2(2) of the 1989 Act, and may direct the Council to include a post in that list.
9. Temporary appointments of Independent Members may be made in accordance with the law and upon appropriate advice from the Monitoring Officer

10. The Standards Committee:

- Composition - The Standards Committee shall comprise nine Members, made up of four Elected Councillors and five Independent Members. The Independent Members shall be co-opted non-voting members of the Standards Committee, and it shall be chaired by an Elected Councillor. The Councillor make-up of the Committee will, wherever possible, reflect the political balance of the Council
- Quorum – The quorum for a meeting of the Standards Committee shall be three Councillor Members
- Frequency of Meetings –The Standards Committee will meet as and when required.

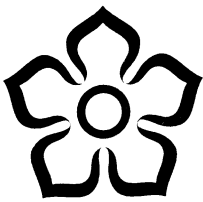
11. The Standards Advisory Board:

- Composition - The Standards Advisory Board shall comprise nine Members, made up of four Elected Councillors and five Independent Members. The Independent Members shall be co-opted voting members of the Board, and it shall be chaired by an Independent Member.
- Quorum – The quorum for a meeting of the Board shall be three, with a majority or equal number of Independent Members (with the Independent Chair having the casting vote)
- Frequency of Meetings –The Standards Advisory Board will meet as and when required.

12. The role of the Independent Person (IP) – the Independent Person is not a member of either the Standards Committee or the Standards Advisory Board. He/she remains completely neutral to the political and scrutiny process, and works closely with the City Barrister on individual complaints at the initial decision and review phases. He/she does remain a standing invitee to meetings of the Committee and the Board, and will also attend Board meetings to offer advice on the progression of individual complaints, which may or may not be adopted by the Board

Matters Reserved to the Committee:

1. All matters of significance in respect of policy, governance or training are reserved to the Committee.
2. All matters within the Terms of Reference of the Standards Committee which are not reserved to Full Council or this Committee, either by legislation, regulation or local determination, are delegated to the City Barrister and Head of Standards.



Leicester
City Council

Minutes of the Meeting of the
STANDARDS COMMITTEE

Held: WEDNESDAY, 14 OCTOBER 2015 at 5:30 pm

P R E S E N T :

Councillor Senior (Chair)
Councillor Shelton (Vice Chair)

Also present:

Ms Fiona Barber	Independent Member
Mr Desmond Henderson	Independent Member
Mr Stephen Purser	Independent Member
Mr David Lindley	Independent Person
Ms Caroline Roberts	Independent Person

* * * * *

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Palmer, Councillor Sood and Ms Amanda Fitchett.

2. QUORUM OF THE COMMITTEE

The Monitoring Officer advised the Committee that it required three Councillors to be present for a quorum. Although a quorum was not present, the Committee could still continue to consider the business on the agenda; but any decisions could not be implemented until the minutes of the meeting were approved by the next quorate meeting of the Committee.

3. DECLARATIONS OF INTEREST

Members were asked to declare any interests they might have in the business to be discussed. No such declarations were made.

4. TERMS OF REFERENCE

Members were asked to note the Terms of Reference for the Committee and Standards Advisory Board.

Following discussion on paragraph 10 of the Terms of Reference, it was suggested that the quorum of the Committee should be amended to read 'The quorum for a meeting of the Standards Committee shall be three Council Members and 1 independent member'. The Monitoring Officer stated that he would put this forward as a suggested amendment.

It was noted that there was currently a vacancy for an independent member of the Committee and the Monitoring Officer was asked if there was need to make an appointment to the vacancy. In response, the Monitoring Officer stated that the Committee had previously decided not to fill the vacancy but keep it under review in relation to the Committee's workload. It was considered that there were currently sufficient Independent Members to allow the Committee and Board to operate efficiently given the current workloads, especially as the Advisory Board had not been required to meet since July 2014. The Monitoring Officer would, however, continue to keep the situation under review.

It was also noted that the Independent Members' current period of their 4 year term of office would need to be reviewed in 2016 before they expired.

RESOLVED:

- 1) That the Terms of Reference be noted.
- 2) That the Monitoring Officer suggest that the quorum of the Committee be amended to read 'The quorum for a meeting of the Standards Committee shall be three Council Members and 1 independent member'.
- 3) That the Monitoring Officer keep the current Independent Member vacancy under review based upon the Committee's current workloads and keep the Committee advised if it is considered that the vacancy should be filled.

5. MEMBERSHIP OF THE COMMITTEE

The Committee noted that, following the Council meeting held on 18 June 2015, the membership of the Committee was as follows:-

Councillors:

Chair: Councillor Senior
Vice Chair: Councillor Shelton
Councillor Palmer
Councillor Sood
1 unallocated Non-Group Place

Independent Members:

Fiona Barber

Amanda Fitchett
Desmond Henderson
Stephen Purser
1 Vacancy

David Lindley and Caroline Roberts were still the Independent Persons advising the Committee.

6. DATES OF MEETINGS

The Committee noted that following the meeting of Council on 18 June 2015, the dates of Committee meetings for the remainder of the 2015/16 Municipal Year were:-

Wednesday 13 January 2016
Wednesday 16 March 2016

7. MINUTES OF PREVIOUS MEETINGS

RESOLVED:

That the minutes of the meeting of the Standards Committee, held on 21 January 2015 and the Special Meeting held on 4 February 2015, be confirmed as a correct record.

8. MEMBERS AND PROCUREMENT

The Monitoring Officer gave a verbal update on Member's involvement in procurement. Following a request by the Council's Overview and Select Committee on 15 January 2015, the Committee had previously considered this issue at a Special Meeting held on 4 February 2015 and the Committee's views were reported back to the Overview and Select Committee's meeting on 9 July. An extract of the Minutes for that meeting had been previously circulated to Members with the agenda for the meeting.

The Monitoring Officer reported that actions contained in the Overview and Select Committee's resolution had been addressed in work being undertaken by the Director of Delivery, Communications and Political Governance involving the Voluntary and Community Services Sector, which set out the Council's expectations for contractors and what contractors could expect from the Council, together with performance monitoring standards and resources for monitoring. This work was being developed further by the Head of Procurement to extend the guidance to all contracts and it would also differentiate between Member involvement in large high scale and high value contracts and routine contracts. A paper would be submitted to the Economic Development Transport and Tourism Scrutiny Commission in due course and the Monitoring Officer would consult the Chair of the Committee when the draft was received.

Members of the Committee referred to the scrutiny of high profile contracts in the health sector which were subject to public examination and felt that this

improved transparency and improved public confidence in the process. Similar scrutiny should apply to public sector contracts.

RESOLVED:

That the outcome of the consideration of the paper to the Economic Development Transport and Tourism Scrutiny be submitted to a future meeting of the Committee.

9. PROTOCOL - MEMBER CONDUCT AT MEETINGS

The Monitoring Officer submitted the Protocol for Member Conduct at Meetings which was agreed by the Committee on January 13, 2010. The Monitoring Officer requested the Committee to review the protocol to determine whether any amendments were necessary.

Mr D Lindley, Independent Person, stated that he had asked for this to be considered by the Committee after seeing this on the agenda for the Annual Council Meeting 2015 when dealing with a complaint involving a member's treatment at that meeting. The protocol had originally been approved by the Standards Committee in January 2010 when it had operated under the previous standards framework. He felt it would be appropriate for the current Committee, which was re-constituted in 2012, to review it to see if it was still fit for purpose. He also suggested that it may be appropriate to incorporate it into the standards framework as a benchmark for dealing with member complaints arising from Council meetings.

The Chair stated that if the protocol was to be amended it would require further consultations with all councillors. The Monitoring Officer commented that if the Committee felt that the Protocol was still 'fit for purpose' it could formally adopt it and this would not require any further consultation with Members. However, should the Committee wish to amend it or incorporate it into the standards framework then this would ultimately require the approval of the full Council to approve any changes.

The Committee discussed the protocol and felt that it was still relevant and provided appropriate advice to Members on the standard of behaviour that was expected during Council meetings. The Committee also felt that it did not need to be incorporated formally in to the standards framework as it was already an approved protocol. It was printed on every agenda and was, therefore, available to be used as a framework and benchmark against which to judge a Member's behaviour.

RESOLVED:

That having reviewed the protocol, it is still considered to be 'fit for purpose' and it be adopted by the Committee as useful benchmark against which to judge a Member's behaviour in the event of a complaint.

10. CONSTITUTION - OFFICER PROCEDURE RULES

The Monitoring Officer reported that the Council, at its meeting on 18 June 2015, approved changes to the Officer Employment Procedure Rules in Part 4I of the Constitution to ensure compliance with the new statutory dismissal procedures for the Head of Paid Service; Chief Finance Officer and Monitoring Officer.

The following documents had been circulated to the Committee prior to the meeting:

- Discussion item, new procedures for dismissal of Head of Paid Service; Chief Finance Officer and Monitoring Officer.
- Local Government Association – Advisory Bulletin No 624. Workforce: Employment Relations.
- Local Authority (Standing Orders) (England) (Amendment) Regulation 2015.

The changes to the legislation were contained in the report together with the rationale for making the changes. The Monitoring Officer requested the Committee's views prior to formulating a revised procedure to comply with the new statutory framework. It was noted that the Council was now the body responsible for making a decision to dismiss or discipline the three officers concerned, and this gave rise to where an appeal could be lodged and considered. The Council's Employment Committee could be involved in considering complaints/allegations involving these officers and could then recommend a course of action to the Council. The law also now requires that a "Panel" be convened at least 20 days before the Council meeting to consider the case and make recommendations to Council. On this Panel there must be at least one "Independent Person". However, further thought would need to be given as to whether a Panel needed to include Members and if so whether the rules on political balance applied. Thought would also need to be given as to whether Members who had sat in a panel would be 'conflicted out' when the issue was formally considered by Council.

After discussing the report the Committee made the following observations:-

- a) They endorsed the role of an independent person being involved on a panel considering disciplinary measures or the dismissal of the three statutory officers.
- b) Reservations were expressed that there appeared to be an assumption that independent persons would take on this role in dealing with employment issues was different to the role of independent persons advising the Standards Committee and required different skills.

RESOLVED:

That the Committee's views be taken into account when the procedures are considered by the Employment Committee.

11. COMPLAINT AGAINST COUNCILLORS - UPDATE

The Monitoring Officer submitted a report giving feedback on complaints against Councillors that had been reviewed and/or determined since the last meeting and updated the Committee on progress with outstanding complaints against Councillors.

There had been six complaints received since the last meeting and four had been dismissed for the reasons stated in the report, one had involved a councillor who was undertaking a political role as opposed to undertaking 'Council business' which was outside the jurisdiction of the scheme, and one had been timed out as the complainant had refused to provide further details to enable the complaint to be considered further.

The Monitoring Officer outlined two further complaints which had not been logged as one did not contain a specific allegation and the other involved a single complaint against every member of the Council.

RESOLVED:

That the report be received and noted.

12. ANNUAL REPORT 2013-2015

The Monitoring Officer submitted the Draft Annual Report of the Standards Committee July 2013 - June 2015 which provided an analysis of cases referred.

Members were asked to note the draft report and make any amendments.

The Monitoring Officer stated that the report covered a two year period because after the Committee had made comments upon the 2013/14 report there had not been a scheduled Council meeting to consider it before the restrictions on meetings during the pre-election period prior to the elections in May 2015 had taken effect.

The Monitoring Officer stated that monitoring data was now captured when complaints were submitted through the on-line forms on the website and he felt that qualitative data would be available for the 2015/16 report.

The Committee made the following observations and comments:-

- a) Delete the reference to the 'second annual report' in paragraph 1.1 of the report.
- b) It would be helpful to include a note on Complaint 2013/11 to explain the reason for the review taking 170 days.
- c) It would be helpful in future to incorporate a follow up procedure for those involved in complaints to comment upon the process.

- d) More emphasis could be made in relation to the 45 out of 53 councillors who had acted well and had not been the subject of a complaint. It would also be useful to include comparisons with other similar authorities to provide a benchmark for the Council's own performance.

RESOLVED:

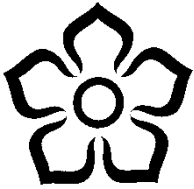
That the draft report be received and that the Committee's comments be incorporated into the report and that the final report be submitted to the January meeting of the Committee for approval.

13. ANY OTHER URGENT BUSINESS

There were no items of urgent business.

14. CLOSE OF MEETING

The Chair declared the meeting closed at 6.53 pm.



WARDS AFFECTED
All

Leicester
City Council

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

STANDARDS COMMITTEE

22nd November 2016

COUNCIL

TBC

ANNUAL REPORT OF STANDARDS COMMITTEE JULY 2015 - JUNE 2016 ANALYSIS OF CASES REFERRED

Report of the Monitoring Officer

1. PURPOSE OF REPORT

- 1.1. This is the annual report of the Monitoring officer, dealing with Member complaints for the period 1st July 2015 to 30th June 2016. Council have separately approved and revised two key documents (the “Code” and the “Arrangements”) which, respectively, set out the expected standards of behaviour of Elected Members and the procedural framework under which misconduct allegations are processed.

2. RECOMMENDATIONS

- 2.1. For Standards Committee to note the report and make any recommendations
- 2.2. For Council to note the report

3. REPORT

Principles

- 3.1.1. The principles which underpin the Council’s processes for dealing with Member misconduct complaint remain as follows:

- a. There should be simplicity to the scheme so that it is easily understood and transparent
- b. There should be flexibility at every stage of the process for informal resolution and / or robust decisions to be taken about “no further action”
- c. There should be Member involvement at key stages in the process
- d. There should be the involvement of Independent Members (IM) and the Independent Person (IP) at key stages of the process
- e. The Monitoring Officer should have greater powers to deal with complaints relating to the Code of Conduct
- f. Rights for complainants to seek a “review” of a decisions at various stages should be limited, consistent with the reduced scope and severity of allowable outcomes that can be imposed under the new regime
- g. At any stage in the process where it is clear that a matter should be referred to the police this should be done and the local investigation should be suspended

3.2. **Volume**

No. of complaints lodged 1st July 2015 to 30th June 2016	4
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- 3.3. In the period July 2015 to June 2016 four valid complaints were lodged. In the comparable twelve month period preceding this there were nine valid complaints lodged. The twelve month figures to June 2016 therefore indicate a 56% reduction in complaints.
- 3.4. The four cases to June 2016 involved seven allegations of Councillor misconduct because two of the complaints were levelled at multiple Councillors simultaneously (i.e. alleging the same misconduct against more than one Councillor).
- 3.5. The total number of different Councillors complained-about was seven. This means that no single Councillor featured in more than one valid complaint during 2015/16. It also demonstrates that 47 out of 54 Councillors did not attract an allegation of misconduct.

- 3.6. The reference to “valid” complaints is deliberate, and it is to be noted that thirteen actual referrals were lodged with the Monitoring Officer during the relevant period. It follows that nine such referrals were never treated as valid complaints. The reasons for this included:
- Complaint too vague or general to constitute a valid complaint, and when invited by the Monitoring Officer to clarify the nature of the allegation, the prospective complainant declined to engage
 - Complaint made against entire Council Chamber because of a particular policy
 - Complaint revealed as false and malicious
 - Complaint more properly resolved through other action instigated by the Monitoring Officer
 - Complaint already properly dealt with through other channels
- 3.7. In all cases where a prospective complaint is not treated as valid the Monitoring Officer is mindful to assess whether it is just and fair to abandon it, taking an appropriate steer from the Independent Person(s) as appropriate

3.8. Source of Complaints

Complaints from members of the public	4
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- 3.9. It is right to say however than in two of the four complaints lodged the complainant was complaining on behalf of a community or special interest group.

3.10. Nature of allegations

Behaviour	2
Unhelpfulness	1

Abuse of position	1
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3.11. It is very difficult to draw any inferences from the categories used above due to the small sample size. The anonymized Appendix gives more insight into the nature of the allegations raised in the context of the four complaints

3.12. Route

Concluded between by M.O. and I.P	2
Concluded after 'Review' by M.O. and second I.P	2
Proceeded to Independent Investigation	0
Proceeded to Standards Hearing	0

3.13. 100% of cases were dealt with by the Monitoring Officer in conjunction with one of the two Independent Persons. These complaints do not come to the attention of the Standards Committee or the Standards Advisory Board (a sub-committee of the Standards Committee which looks at specific complaints) save by way of anonymised and very brief update at each Standards Committee meeting which is convened throughout the year.

3.14. Of the four cases, two involved the complainant seeking a “review” of the first-stage decision. The Council’s “Arrangements” allow for this right to be exercised in respect of all outcomes short of referral for independent investigation. A review is achieved by the Monitoring Officer sending the complaint to the second Independent Person, essentially for a second opinion as to outcome. In both cases taken to review level over the past year, the conclusion was not different to that reached by the first Independent Person in conjunction with the Monitoring Officer. The view of the Monitoring Officer on this is that this demonstrates a broad level of consistency between the Monitoring Officer and the two Independent Persons as to the appropriate threshold and proper use of the Standards regime in individual cases, but also acts as a useful mechanism to test out initial decisions and to explore other avenues which may not have received particular attention when the complaint was first looked at. Indeed in both cases that proceeded to “review” the second Independent Person raised issues or demonstrated insights into the case from a different perspective, and it is believed that these, when fed back to the complainant, would have underlined the impartiality and integrity of the Arrangements.

3.15. Outcome of allegations

(As explained earlier, this maps outcomes against the number of allegations, rather than number of complaints)

Rejected (not related to Code, or covered by another process)	0
Rejected (trivial, no public interest in pursuing, vexatious)	0
Rejected (no potential breach of Code disclosed)	6
Informal resolution (no breach, reparation desirable)	1
Informal resolution (low level breach, undesirable to take further)	0
Independent Investigation (outcome of 'no breach')	0
Independent Investigation ('breach' outcome)	0

3.16. No serious breaches of the Code of Conduct were established amongst the seven complaints. Some further detail is to be found in the Appendix.

3.17. Timeliness

The 'Arrangements' set the following timeframes:

Complaint received ► Acknowledged to Complainant (within 5 days) ► Acknowledged to Subject Member (within 5 further days) ► Initial filtering decision by M.O. and I.P (within 15 days) ► [Further Fact Finding] ► Outcome letter ► Review (within 15 days of request)

In cases referred for investigation ► Investigation (within 3 months of initial outcome letter) ► Hearing (within 3 months)

3.18. The figures for the number of days taken to deal with a complaint are included within Appendix A. A relevant variable is for cases where an initial filtering decision results in the

Monitoring Officer undertaking some more fact finding before an outcome is recommended. This could either entail asking for more details from the complainant, or involve meeting with the Subject Member to discuss the allegations. These are not always achievable within the ten day window envisaged, though the Monitoring Officer is conscious that “drift” in speedily resolving complaints is of itself harmful.

- 3.19. The Monitoring Officer is confident that in all cases complainants and Subject Members are communicated with in such a way that they are not left in doubt as to what stage of the process has been reached in dealing with their complaint, and when outcomes will be reached. Where target timescales are likely to be exceeded, it is important to explain this to the parties involved in a complaint, and in those circumstances (where the delay is purposeful) it is more important to maintain contact and dedicate what time is needed to the resolution of the complaint than to comply with rigid timeframes. The ‘Arrangements’ grant a degree of flexibility to the Monitoring Officer to achieve this aim.

3.22 Cost

No detailed analysis of the cost of operating the complaints regime has been undertaken, and neither would it be easy to do so. However what is clear is that compared to the pre-July 2012 regime the cost is significantly lower. The vast majority of cases are dealt with without recourse to the Standards Advisory Board or a commissioning of any specialist investigations. The work is therefore absorbed within the day-to-day work of the Monitoring Officer in conjunction with one of the two Independent Persons. Most of this work in turn is conducted over e-mail.

3.23 Monitoring and evaluation

Following a recommendation from the Standards Committee in 2014/15, we now attempt to collate information regarding the ethnicity, gender and disability profile of complainants. For this year’s report we can glean very little by way of patterns because of the small sample size. Two out of the four complainants chose not to complete the monitoring data. However taking together what was recorded in the monitoring data and the Monitoring Officer’s own knowledge of the cases, it is clear that the complaints regime was accessed by complainants from a diverse ethnic background; from both genders and by people to categorised themselves as being disabled.

- 3.24 At the conclusion of a complaint, an Evaluation Form is sent to the complainant. In the relevant period one form was returned. The Form asks questions concerning the timeliness and clarity of the procedures, as well as a question about satisfaction with the outcome, as well as a free-text box for general comments. In the case in question the complainant commented that (i) the process was unnecessarily bureaucratic and (ii) the outcome was unsatisfactory. However, in the opinion of the Monitoring Officer this particular complaint had features which made this feedback almost inevitable. Fundamentally the complainant

wanted to achieve the reversal of a Planning Decision, and utilised a number of “complaints” to achieve this. It was made very clear to the complainant from the outset that the Member misconduct complaint would never achieve the outcome so desired.

4. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

4.1. Financial Implications

None

4.2. Legal Implications

None

4.3. Climate Change Implications

None

5. OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities		
Policy		
Sustainable and Environmental		
Crime and Disorder		
Human Rights Act		
Elderly/People on Low Income		
Corporate Parenting		
Health Inequalities Impact		

6. **BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972**

7. **REPORT AUTHOR**

7.1. Kamal Adatia, City Barrister and Head of Standards.

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COMPLAINTS 01/07/15 – 30/06/16

Reference	Subject Member	Complainant	Nature of Complaint	Route	Outcome	Turnaround time (days)
2015/08	Cllrs. A, B & C	Public	Cllrs (through their Committee role) failed to pursue a challenge to a Council policy	MO and IP	<p>Rejected – no evidence that the Cllrs received any correspondence from the complainant</p> <p>Rejected – complaint already dealt with by other means (complaint to officer over the policy)</p> <p>Noted – even had they received the correspondence, it may have been inappropriate to pursue as the Cllrs were members of the decision-making Committee</p>	25 days
2015/09	Cllrs. D & E	Public	Cllrs using their position to undermine and prejudice a local community group	MO and IP Review with second IP	<p>Rejected on the basis (i) no evidence to support allegations (ii) aspects of complaints did not relate to either Cllr / fell outside of the standards regime</p> <p>Outcome of the review supported the initial outcome and found no evidence/insufficient information provided in respect of the complaint despite requests and extensions of time to allow for the complainant to submit it</p>	<p>250 days including review and meeting with Cllrs</p> <p><i>NOTE: There was significant delay in progressing this due to delays from the complainant in providing information and deciding on whether the Cllrs could be informed in addition to the need for some fact-finding at the outset to assist in deciding if there was any conduct and circumstances meaning that the code could have been engaged.</i></p>

2016/01	Cllr. F	Public	That Cllr approached complainant in the context of a dispute on a housing estate. That the Cllr refused to give their name, was rude and offensive and behaved in a threatening manner, which made the complainant feel intimidated.	MO and IP Review with second IP	<p>Informal resolution where (i) Code engaged and not breached, but where some gesture of reparation would still be in the interests of fairness</p> <p>Complainant was acting unlawfully and Cllr was challenging her.</p> <p>Outcome of 'review' was that there was no breach of the Code of Conduct. Gesture of reparation was merited and this was forthcoming in an earlier meeting with the Councillor and complainant and evident from the MO's investigations</p>	35 days (including review)
2016/07	Cllr. G	Public	Allegation that Chair of decision-making meeting adopted unfair and biased procedure, leading to an unlawful decision	MO and IP	<p>Rejected – complaint discloses no breach or potential breach of the Code of Conduct. No evidence of bias or procedural irregularity or unfairness in chairing of relevant meeting</p> <p>Rejected - complaint is covered by another process (i.e. potential legal challenge to the granting of planning permission)</p>	17 days

COMPLAINTS 18/06/16 – 14/11/16

Reference	Subject Member	Complainant	Nature of complaint	Route	Outcome	Turnaround time (days)
2016/07	Cllr. A	Public	Allegation that Chair of decision-making meeting adopted unfair and biased procedure, leading to an unlawful decision	MO and IP	<p>Rejected – complaint discloses no breach or potential breach of the Code of Conduct. No evidence of bias or procedural irregularity or unfairness in chairing of relevant meeting</p> <p>Rejected - complaint is covered by another process (i.e. potential legal challenge to the decision)</p>	25 days
2016/08	Cllr. B	Staff	Unacceptable aspersions cast upon the professionalism of staff through written representations of Cllr	MO and IP	Rejected – No potential breach disclosed. Comments about staff were not addressed to anyone other than an appropriate and small number of senior officers, in accordance with proper protocol.	36 days
2016/10	Cllr. C	Public	Cllr was rude on the phone and threatened to use their influence to the detriment of the organisation at which the complainant worked	MO & IP	<p>Informal resolution - Code engaged and not breached, but where some gesture of reparation would still be in the interests of fairness</p> <p>Impossible to ascertain if allegations substantiated however apology would be</p>	18 days

					appropriate nonetheless for any perceived offence caused. No evidence of threat, but potential likelihood for frustrated telephone conversation.	
2016/11	Cllr D	Councillor	Disrespectful and insulting language used in Council meeting	Ongoing		
2016/15	Cllr E	Councillor	Disrespectful and insulting language used in Council meeting	Ongoing		
2016/16	Cllr F	Councillor	Disrespectful and insulting language used in Council meeting	Ongoing		

* Where complaint reference numbers appear to be missing this represents the fact that all potential complaints are assigned a reference, however some never develop into actual complaints. Reasons for this vary but most commonly it is the case that a complaint is too vague or imprecise. The Monitoring Officer will seek clarity from the complainant encouraging them to be more specific. However some never reply.