



Leicester
City Council

STANDARDS COMMITTEE

31 JULY 2001

DEALING WITH COMPLAINTS AGAINST COUNCILLORS

Report of the Town Clerk

1. PURPOSE OF REPORT

- 1.1 To seek approval to the procedure for dealing with complaints against Councillors. The attached procedure is supported by the Group Whips.

2. FINANCIAL AND LEGAL IMPLICATIONS

- 2.1 None.

3. RECOMMENDATIONS

- 3.1 That the attached procedure be adopted.

4. AUTHOR

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Town Clerk
Ext: 6300

PROCEDURE FOR DEALING WITH COMPLAINTS AGAINST COUNCILLORS

1. The Standards Committee will consider complaints referred to it in accordance with the following procedure. The procedure may be initiated locally, or by referral from the Standards Board.

Initiating a Complaint

2. Complaints should be referred to the Town Clerk and should normally be in writing.
3. A complaint will only be accepted if it concerns the Code of Conduct, the Political Conventions or where a Council interest is involved. Political matters will not be addressed. The reality of the whole situation will be taken into account to determine this.
4. Allegation alone will not normally be enough to initiate a complaint and mere "*fishing expeditions*" will not be accepted. There could, very occasionally, be the need to address an allegation which in itself could significantly damage the Council's interests unless resolved. Otherwise, allegations must be "*on information*", that is, with sufficient indication of a case to be answered.
5. Where the "*information*" is a person's direct evidence of what happened, that person must be prepared to have the evidence used for an investigation – in effect, to stand up and be counted. There may, exceptionally, be "*whistle blowing*" justification for preserving anonymity, but it must be realistic to investigate and report meaningfully on that basis.

Determining the Level of Response

6. The emphasis will be on resolving problems and avoiding recurrence, with formal reporting of an investigation as the last resort. The response to a complaint will depend on the seriousness and consequences of the issues, whether the alleged conduct appears inadvertent or deliberate and the likelihood of recurrence.
7. The Town Clerk will be guided by a majority of the Group Whips on how he should respond to a complaint:
 - (1) Reject the complaint for lack of a case to answer;
 - (2) Hold informal discussions with those concerned with a view to an agreed resolution;
 - (3) Consider the issues without a full investigation and without conclusions on the facts; the resulting report will merely clarify the proper approach and recommend action without forming a view on any transgression.
 - (4) Investigate the facts fully, leading to a report with conclusions on the facts and any transgressions, and with recommended action.

Convening the Standards Committee

8. The Standards Committee will be convened to consider the Town Clerk's report on a complaint in the following circumstances:
 - (1) An agreed resolution after informal discussions will not be reported to the Committee.
 - (2) A report which merely considers the issues will be reported only if a majority of the Whips consider that there has not been an adequate response to the recommended action.
 - (3) A full investigation will always be reported.
9. The complainant and the person complained about will be given notice of the meeting and a copy of the Town Clerk's report at least three weeks in advance.
10. Any written comments to the Standards Committee from either party must be submitted to the Town Clerk at least ten working days before the meeting.
11. At least ten working days notice must be given to the Town Clerk of any witness a party would like to give evidence to the Standards Committee. The parties will have the opportunity to present all their evidence during the Town Clerk's investigation. A witness would normally be appropriate at the meeting only with a view to demonstrating that a conclusion in the report is incorrect. New issues may not be introduced.

Procedure at the Meeting

12. The person complained about may be accompanied at the meeting. The Town Clerk will be the Committee's adviser.
13. The matter will normally be considered by the Standards Committee in the absence of the press and public, under the appropriate exemption to the access to information provisions. The Committee will conduct the meeting as informally as the circumstances allow.
14. The normal procedure will be:
 - (1) The Town Clerk will explain his conclusions and recommendations.
 - (2) The complainant may make a statement and (subject to paragraph 11) call witnesses. The person complained about, or person accompanying him/her may question a complainant who makes a statement and any witness.
 - (3) The person complained about or person accompanying him/her, may make a statement and (subject to paragraph 11) call witnesses. The

complainant may question the person complained about if a statement has been made, and any witness.

- (4) The person complained about, or person accompanying him/her, may make a final statement before the Committee considers its decision.
- (5) The Committee will indicate when and how it will announce its decision. It will then consider its decision in the absence of the parties.

Rights to Confidentiality

- 15. Publishing or commenting on allegations prematurely could be unfair and could sometimes itself be a cause of complaint.
- 16. The Town Clerk will not comment publicly on complaints or investigations before their conclusion and afterwards will only respond factually to matters in the public domain.