

Minute Extract of Standards Committee 26 January 2017

6 Review of the Standards Complaints Procedure

The Monitoring Officer, Ian Gibbons, presented a report on the review of the Standards Complaints Procedure requested by the Committee on 29 June 2016 following recommendation to Council to adopt guidance on the Code of Conduct rather than make amendments directly to the Code itself.

As detailed in the report the Constitution Focus Group had examined three documents relating to the Standards Complaints Procedure: Protocol 12 of the Constitution (*Arrangements for dealing with Code of Conduct complaints*), the Local Assessment Criteria by which complaints were assessed, and a procedure document for the conduct of Review Sub-Committees, held when a subject member or complainant requested a review of an initial assessment by the Monitoring Officer or his representative.

Councillor Stuart Wheeler, Chairman of the Constitution Focus Group, was in attendance and confirmed that the Focus Group had considered a number of issues that had been raised by subject members, officers, independent persons and complainants, and considered that the procedure and associated documents had in general been operating effectively and appropriately, but did feel some redrafting on specific points in the interests of clarity would be beneficial.

The Committee considered and debated the proposed tracked changes to Protocol 12 of the Constitution as detailed in the agenda papers. They were supportive of additional wording to set the time limit for submission of a complaint to be from when a complainant 'became or ought reasonably to have become aware' of a matter giving rise to a complaint. While there would be circumstances where it might be reasonable to accept a complaint long after the event itself, particularly if the event was unknown to the complainant, there should a judgement made in any assessment as to that reasonableness, and that this should be further detailed in the Assessment Criteria.

The Committee also requested a definition of who could be a complainant be inserted to clarify that it was required to be an individual not a body corporate in order to prevent effectively anonymous allegations. Other changes discussed were minor amendments to make clear Review Sub-Committees also had the ability where appropriate in the interests of fair and just administration to depart from the arrangements, and power to determine whether to make public documents relating to a complaint.

In respect of the Assessment Criteria the Committee discussed the five initial tests that were undertaken by Monitoring Officer or Review-Sub-Committee, including a drafting correction to test c) and confirming for test d) that it was necessary for there to be a Code of Conduct provided for the assessment, but that it did not matter who provided it. Additional amendments debated included a paragraph specifying a limit to new correspondence at the assessment stage, whether further wording was necessary in relation to confidentiality requirements and other minor changes as detailed in the tracked change document in the report.

The proposed Review Procedure was also considered. It was noted the document had been developed over time in light of the experience of sub-committees that had been held, and was intended to provide guidance and clarity to members of the public, subject members and the sub-committee as to the purpose of the meeting and the expectations of all parties.

At the conclusion of debate, it was,

Resolved

- 1) To recommend Council adopt the proposed changes to Protocol 12 of the Constitution as attached to these minutes.**
- 2) To approve the changes to the Local Assessment Criteria as attached to these minutes.**
- 3) To adopt the proposed Review Procedure as attached to these minutes.**