

STANDARDS COMMITTEE REPORT	AGENDA ITEM 4
14 MARCH 2012	PUBLIC REPORT

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COMPLAINTS TO THE STANDARDS COMMITTEE

R E C O M M E N D A T I O N S
<p>That the Committee</p> <p>(1) Considers the number of recent minor complaints made to the Assessment Sub-Committee</p> <p>(2) Recommends that the Monitoring Officer shall in future request members subject to a complaint to be notified of and submit responses to any complaint prior to referral of the complaint to the Assessment Sub-Committee.</p>

In accordance with standing orders, Members are asked to determine whether any detailed discussion of complaints cases relating to item 4, Monitoring Officer's Report – Complaints to the Standards Committee, which, in accordance with Paragraph 7c of Schedule 12(a) Part 1 of the Local Government Act 1972, could reveal exempt information relating to the deliberations of a Standards Committee or sub committee established under the provisions of Part 3 of the Local Government Act 2000, should be exempt and the press and public excluded from the meeting if individual cases are discussed, or whether the public interest in disclosing this information outweighs the public interest in maintaining the exemption.

1. COMPLAINTS MADE TO THE STANDARDS COMMITTEE

1.1 Members may recall that in the foreword to the previous annual report the Chair of the Standards Committee stated:

"My purpose is to encourage the members of this Council to take the opportunity to reinforce their individual position as leaders in standards of conduct, setting an example to other bodies they work with, and to the community at large. This is not to say that we do not hold councillors formally to account; just that this is the last, not first, resort.

"I am encouraged by the work undertaken by the Committee over this last year and the diminishing number and seriousness of complaints being made to the Committee."

1.2 The purpose of this report is to highlight:

- A rise in the number of complaints made to the Assessment Sub-Committee which have resulted in a finding of no further action (non-serious complaints), or
- Complaints being made through the Assessment Sub-Committee for apparently political motivation.

1.3 This report is brought at the request of the Chair of the Standards Committee to enable members of the Council who may have been subject to recent minor or political complaints to address the committee about those complaints.

2. COMPLAINTS

- 2.1 Over the past 12 months a total of 12 complaints have been made to the Assessment Sub-Committee. Of these, seven were considered to require no further action. Primarily this was on the grounds that the complaint was minor and would not warrant the resources of a formal investigation process.
- 2.2 Two of the remaining 5 complaints were referred for 'other action'. Similarly this is where an investigation is not merited but the complaint may demonstrate that informal training with the Monitoring Officer may reduce the likelihood of a further complaint. There is a concern that 75% of the complaints received had no basis for further investigation.
- 2.3 In two cases where other action was decided upon, it transpired that the complaints had been made by members of an opposition party and upon meeting the Monitoring Officer to discuss the complaint, the complaint had appeared to be politically motivated.

3. THE CRITERIA FOR ASSESSING COMPLAINTS

- 3.1 The purpose of the initial assessment decision is simply to decide whether any action should be taken on the complaint – either as an investigation or some other action. The assessment sub-committee makes no findings of fact. For this reason the Act, as currently drafted, does not permit the Monitoring Officer or the Assessment Sub-Committee to canvass any views upon the complaint prior to it being referred to the Sub-Committee.
- 3.2 The Standards Committee applies statutory guidance when considering complaints. This guidance indicates that the Assessment Sub Committee should not consider complaints which are trivial or politically motivated as complaints made for these purposes undermine the standards regime. It is often difficult to assess whether there is any motivation behind the complaint without an investigation of the facts.
- 3.3 The guidance encourages the assessment sub-committee to consider 'other action' on a practical basis, taking into account the needs of their authority. Whilst the purpose of other action is not to find out whether the member breached the Code, as the decision is made as an alternative to investigation, those members who have been subject to a finding of other action have considered that the decision is unwarranted and adversely affects their standing and reputation.
- 3.4 Whilst the decision notice has been recently altered to make clear that a course of other action does not mean that the subject member failed to comply with the Code, it is not considered by the subject member to adequately explain their position. Complaints that have been referred to the monitoring officer for other action should not then be referred back to the standards committee if the other action is perceived to have failed. Generally whilst this rule is designed to protect the subject member it can be unfair if the subject member considers that the complaint was unmerited and they have no means of formal response to the complaint.

4. MEMBERS AFFECTED

- 4.1 All Councillors have been invited to attend the Committee to discuss their views about these complaints. It is intended that a round the table discussion of any concerns can help to improve the system of complaints particularly as the Council goes into the new standards regime.

5. PROPOSED SOLUTIONS

- 5.1 The Committee will consider any matters put forward by members attending the Committee regarding changes in practice. This may assist in the development of a new regime upon implementation of the Localism Act in July.

6. CONSULTATION

- 6.1 This report has been distributed to each of the parish councils within the Peterborough area as the City Council is the parent authority for the purposes of the standards regime.

7. REASONS FOR RECOMMENDATIONS

- 7.1 The Standards Committee believes that Council's endorsement of the contents of this report will enable it to fulfil the function of promoting high standards of ethical behaviour within the authority.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The Council is required to set up a Standards Committee by the Local Government Act 2000.

9. IMPLICATIONS

- 9.1 There are no financial or legal implications, other than those contained within the body of the report.

10. BACKGROUND DOCUMENTS

- 10.1 Reports to the Standards Committee in the last civic year.

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