

Chichester District Council

Standards Committee

Thursday 10 September 2015

Review of Complaints Procedure

1. Contact

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2. Recommendation

- 2.1 **To recommend to the Council that the Council's *Arrangements for Dealing with Standards Allegations under the Localism Act 2011* is amended as shown in the appendix to this report and that the Monitoring Officer is given all delegated powers specified therein.**

3. Background

- 3.1 Section 28 (6) and (7) of the *Localism Act 2011* provide that Chichester District Council (the Council) must have in place 'arrangements' under which an allegation that a member or co-opted member of the Council or a parish council for which the Council is the principal authority or of a committee or sub-committee of the Council has failed to comply with the Council's or the relevant parish council's code of conduct can be investigated and decision made on such allegations.

The Council adopted its Code of Conduct and its arrangement for dealing with standards allegations under the *Localism Act 2011* on 9 October 2012.

It is now appropriate to review the complaints procedure and amend if considered necessary. This report sets out certain amendments recommended by the Monitoring Officer.

4. Outcomes to be Achieved

- 4.1 The complaints procedure is to be reviewed and, in the light of experience of the last three years, amended to improve its workability.

5. Proposal/Points for Consideration

- 5.1 At the time of writing this report twenty three complaints had been received under this complaints procedure since its adoption on 9 October 2012. Eight of these matters proceeded to the Assessment Sub-Committee and one proceeded to a formal investigation and a hearing.
- 5.2 Fifteen cases were discontinued by the Monitoring Officer without reference to the Assessment Sub-Committee.

- 5.3 In eight of these cases a letter was sent to the complainant informing them that the Monitoring Officer had not considered their complaint to be a code of conduct matter. Seven cases proceeded to a formal initial assessment, with the Monitoring Officer consulting with one of the Council's two independent persons and the complainants were informed that referral to the Assessment Sub-Committee was not justified.
- 5.4 It is suggested that the Monitoring Officer's decision to dismiss the complaint before the initial assessment stage should be included within the procedure in the interests of openness and transparency and an additional section headed 'Validation' has been drafted.
- 5.5 Many complaints are related to the consideration of planning applications and, in particular, statements made by members in the debate at parish and Chichester District Council meetings. Such complaints have been made by applicants who have had their planning application refused. The complainants alleged that members, by their statements, have brought their office or the Council into disrepute.
- 5.6 It is not generally considered that this is the best or appropriate use of the complaints procedure under the relevant code of conduct and the sanctions available do not assist the planning process. It is, therefore, suggested that general statements to reflect this are included in the procedure.
- 5.7 Clearly, if a complainant alleges that a member has not declared an interest in a planning application, then this is a conduct matter that should be considered under this procedure.
- 5.8 Complainants are informed that their completed complaint form and any supporting documents are sent to the member the subject of their complaint. Such member may submit written representations to the Monitoring Officer before the matter is considered further.
- 5.9 On reflection, it is considered that the complainant should be given a copy of such representations and an opportunity to have the final say on the matter, without repeating points already made. Therefore an amendment to reflect this is suggested.
- 5.10 One amendment is proposed to the Hearing Sub-Committee procedure. It is considered that the same independent person who has previously been involved in the matter may attend the hearing.

6. Alternatives Considered

- 6.1 The procedure note could remain unaltered but the amendments are being suggested to improve its openness, transparency and fairness to all parties involved.

7. Resource and Legal Implications

- 7.1 None

8. Consultation

8.1 None

9. Community Impact and Corporate Risks

9.1 None

10. Other Implications

Crime and Disorder	Yes	No
Climate Change	Yes	No
Human Rights and Equality Impact As previously reported to Cabinet in March 2013	Yes	No
Safeguarding	Yes	No

11. Appendix

Appendix 1 - Proposed amendments to the *Arrangements for Dealing with Standards Allegations under the Localism Act 2011*

12. Background Papers

None