

COUNCIL BUSINESS COMMITTEE

Constitution – Protocol on Publicity for Complaints to the Standards Committee

14 March 2013

Report of the Monitoring Officer

PURPOSE OF REPORT

To enable the Committee to consider a protocol for Members who are the subject of, or are aware of, a complaint for approval in the Council's Constitution.

This report is public

RECOMMENDATIONS

- (1) That the Committee approve the revised Protocol appended to this report, to replace the obsolete version in the Council's Constitution at Part 7, Section 4.

(1) **Introduction**

- 1.1 Following the introduction of the Localism Act 2011 and the new Standards Regime the Standards Committee, at its meeting on 11 October 2012, considered a number of circumstances where the press might inquire about the details of a complaint. Members asked that the Monitoring Officer revise the Protocol on Publicity for Complaints of Breach of the Code of Conduct in the Council's Constitution.

(2) **Proposal**

- 2.1 The Standards Committee considered and approved a revised draft Protocol at its meeting on 24 January 2013 and resolved that the document be brought to this Committee for formal approval.

(3) **Conclusion**

- 3.1 The Committee is asked to approve the attached draft Protocol to replace the old Protocol at Part 7, Section 4 of the Council's Constitution

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The Protocol seeks to balance the rights of those who may be the subject of a complaint, and the integrity of the investigation process, with the rights of freedom of speech and public interest in transparency.

LEGAL IMPLICATIONS

Under the Localism Act 2011 there is no statutory provision in respect of the complaints process, and any protocols are a matter for the Committee to determine.

FINANCIAL IMPLICATIONS

None directly arising from this report.

OTHER RESOURCE IMPLICATIONS**Human Resources:**

None.

Information Services:

None.

Property:

None.

Open Spaces:

None.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The report has been prepared on behalf of the Monitoring Officer as adviser to the Standards Committee.

BACKGROUND PAPERS

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