

# **STANDARDS COMMITTEE**

## **Review of Arrangements for Dealing with Complaints and Appointment of Vice Chairman 22<sup>nd</sup> January 2015**

### **Report of the Monitoring Officer**

#### **PURPOSE OF REPORT**

To enable the Committee to review its arrangements for dealing with complaints.

**This report is public**

#### **RECOMMENDATIONS**

- (1) That with effect from the next municipal year, it be a requirement that the Vice-Chairman of the Committee be from a different group from the Chairman, and that Council be requested to amend the Constitution accordingly.**
- (2) That with effect from the next municipal year, where a complaint is received about the conduct of a city councillor who is of the same group as the Chairman of the Committee, the Monitoring Officer consult with the Vice-Chairman rather than the Chairman at all relevant stages of the complaints procedure, and that the Committee's arrangements be amended accordingly.**

#### **1.0 Introduction**

- 1.1 Members may recall that under the previous standards regime prior to the Localism Act 2011, complaints were assessed initially by an ad hoc sub-committee of three, chaired by an independent member of the Committee and that the protocol was that such a sub-committee would not include an elected member of the same group as the member complained of or the complainant.
- 1.2 When the procedures changed following the implementation of the Localism Act 2011, the new arrangements approved by the Committee provided for decisions at a number of stages of the procedure to be taken by the Monitoring Officer in consultation with the Chairman, the Independent Person and the Chief Executive. There has always been an understanding that if the Chairman has a conflict of interest, consultation will be with the Vice-Chairman rather than the Chairman.
- 1.3 This has worked well, because, fortuitously, since 2012, the Committee has in each year appointed a Vice-Chairman who has not been of the same group as the Chairman. However, there is no guarantee that this will always be the case.

## **2.0 Proposal Details**

- 2.1 In order to ensure the continuation of the current practice of consulting with the Vice-Chairman when the Chairman may be perceived to have a conflict of interest, it is recommended that Council be requested to amend the Constitution to require that with effect from the next municipal year the Vice-Chairman of the Standards Committee be from a different group from the Chairman.
- 2.2 The greatest likelihood of a perception of a conflict of interest arises where the Chairman is a member of the same group as a member complained of. It is recommended therefore that the Committee's arrangements for dealing with complaints be amended to provide that, in those circumstances, the Monitoring Officer will consult with the Vice-Chairman rather than the Chairman at all relevant stages of the complaints procedure.
- 2.3 Where a complaint is made by a city councillor about another city councillor, there could also be a perception of a conflict of interest where the Chairman (or Vice-Chairman) is consulted and is of the same group as the complainant. It is impossible to cover all the possible scenarios, but it is anticipated that in such circumstances the Monitoring Officer would discuss with both the Chairman and the Vice-Chairman any possible perceived conflicts of interest so that the procedure is as transparent as possible.

## **4.0 Options and Options Analysis (including risk assessment)**

- 4.1 The Monitoring Officer has reviewed the arrangements for dealing with complaints, and is proposing the changes set out in this report in order to formalise the good practice that has developed since the implementation of the new standards regime. There is no legal requirement to make the changes, but it is felt that to do so would be helpful for providing a transparent process for dealing with future complaints.

### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

The rationale of the proposed changes is to ensure fairness and the perception of fairness in dealing with complaints.

### **LEGAL IMPLICATIONS**

The legal implications are included in the report.

### **FINANCIAL IMPLICATIONS**

There are no financial implications 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 by the Monitoring Officer as the adviser to the Committee.

**BACKGROUND PAPERS**

None

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