

Proposed Changes to the Members' Complaints Procedure

RECOMMENDATION

1. That the Standards Committee approve the proposed amendments to the Members' Complaints Procedure.

SUPPORTING INFORMATION

- 2.1 The experience gained from some recent Standards Committee meetings to investigate member complaints has highlighted the need to amend and clarify both the Members' Complaints Procedure and the information which is provided to complainants. The amendments that are proposed, and the reasons for them, are listed in the following paragraphs. The full Procedure can be found in the Standards Committee Handbook.

2.2

Amendment 1

That the following paragraphs are added to the Members' Complaint Procedure after paragraph 43:

44. Following the completion of the investigation, a Consideration Meeting of the full Standards Committee will be arranged to consider the report of the investigation.

45. The MO must make one of the following findings:

- *There has been a failure to comply with the Members' Code of Conduct*
- *There has not been a failure to comply with the Members' Code of Conduct*

46. If the finding is that there has not been a failure to comply with the Members' Code of Conduct, the Standards Committee must decide whether to accept that recommendation.

47. If the finding is that there has been a failure to comply with the Members' Code of Conduct, the Standards Committee must decide whether it or the Adjudication Panel for England should hear the case.

48. If the Standards Committee decides that it will hear the case, a Hearing Meeting of the full Standards Committee will be arranged to take place within three months of the date on which the MO's report was completed.

49. The Consideration Meeting will decide whether the Hearing Meeting should take place in public, and whether the investigation report should be made public, taking into account the wishes of the subject member and complainant, relevant Standards Board Guidance and the advice of the MO.

The remaining paragraphs of the Members' Complaint Procedure would then be re-numbered accordingly. If this amendment is approved complainants and subject members will be advised that any hearing may be held in public.

Reason for the proposed amendment: This amendment will clarify the procedure to be followed at Consideration Meetings of the Standards Committee.

2.3

Amendment 2

That a new paragraph 59 is added to the Procedure:

59: A request made by the complainant to withdraw his or her complaint after the ASC has made its decision will not normally be agreed except for reasons of the ill health of the complainant. Any such application by the complainant will be considered by the Standards Committee and the decision of the Committee will be final.

If this amendment is approved a paragraph to this effect will be inserted in the letter which is sent to the complainant to acknowledge receipt of their complaint.

Reasons for the proposed amendment: To clarify the position regarding the withdrawal of complaints after they have been considered by the Assessment Sub Committee.

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Background papers:	None
List of appendices:	Appendix 1 – Implications

IMPLICATIONS

Financial

1. None arising directly from this report.

Legal

2. None arising from this report.

Personnel

3. None arising from this report.

Equalities impact

4. All Derby people will benefit from an effective Standards Committee.

Corporate Objectives

5. This report has the potential to link with all the Council's Corporate