

Standards Committee - 10th June 2008

Report of the Monitoring Officer

Monitoring Officer Protocol and Other Issues Relating to Local Assessment

Purpose of Report

1. To consider a Monitoring Officer Protocol and other issues relating to the Local Initial Assessment of Complaints under the Members' Code of Conduct.

Background

2. A draft Monitoring Officer Protocol is attached at Appendix 1. This sets out a series of instructions to the Monitoring Officer on the action that should be taken in relation to the initial assessment and review of an alleged breach of the Members' Code of Conduct.
3. The particular attention of the Committee is drawn to paragraphs 6 - 8 of the draft protocol which authorises the Monitoring Officer to explore the possibility of a local resolution of a complaint before it is considered by the Referrals Sub-Committee.
4. The Committee is asked to consider the draft protocol and endorse or amend it as necessary.

Notification to the Member

5. The legislation requires the Standards Committee to notify the member of the receipt of a complaint and to provide a written summary of the allegation. In practice, the first meeting at which the Committee itself could notify the member is likely to be the meeting of the Referrals Sub-Committee conducting the initial assessment. Accordingly it is recommended that the Monitoring Officer be authorised to notify the member of receipt of a complaint and provide a written summary of the allegation at the same time as acknowledging receipt of the allegation to the complainant unless, after consultation with the Chairman of the Referrals Sub-Committee, it is considered appropriate to defer notification in order to enable a proper investigation to take place. In the latter case notification should be made as soon as the reasons for a deferral no longer apply.

Filtering out irrelevant complaints

6. The experience of the Standards Board is that a large number of complaints received do not relate to the Code of Conduct and the publicity for the new system may be expected to engender more such complaints. Such requests can be categorised as follows:-
 - requests for additional service from the Council
 - statements of policy disagreement
 - matters relating to other local authorities
 - matters relating to the private life of a member
 - complaints against employees of the Council.
7. Where the Monitoring Officer identifies that a complaint clearly falls within one of the above categories, they may be able to ensure that the complaint is dealt with accordingly after consulting with the complainant. In such a case the complaint would only then be referred to the Referrals Sub-Committee if the complainant insisted.

Pre-investigation

8. The Referrals Sub-Committee has to decide whether the allegation appears to disclose a failure to comply with the Code of Conduct and then whether it merits investigation. Where the Sub-Committee has only the letter of complaint to consider, it is not always easy to assess whether there is any substance to the allegation. However, there may be information which is readily available which might substantiate, or contradict, the allegation and so make it easier for the Sub-Committee to decide whether the complaint has any substance. Clearly the Monitoring Officer cannot carry out any form of investigation at this stage but they can usefully check publicly available information between receipt of the complaint and the meeting of the Referrals Sub-Committee.

Publicity for the new arrangements

9. A formal public notice of the new arrangements has been published in the local press and a press release has been issued. Details of the new arrangements will also appear on the Council's website.

Finance

10. The cost of convening meetings and investigating complaints will be borne by existing budgets.

Law

11. The relevant legislation regarding the Code of Conduct is contained in Part III of the Local Government Act 2000 and the Standards Committee (England) Regulations 2008 as summarised in this report.

Equality Impact

12. This report complies fully with the Council's policies on equality and diversity and there are no particular implications for children and young people.

Recommendation

13. It is recommended that:-
1. this report be noted;
 2. the draft Monitoring Officer Protocol be endorsed.

John Polychronakis

.....
J. Polychronakis.
Monitoring Officer

Contact Officer: John Polychronakis.
Telephone: 01384 (81)5300
Email: john.polychronakis@dudley.gov.uk

List of Background Papers

None.