

Agenda Item No:

Report to: Standards Committee

Date of Meeting: 15 January 2013

Report Title: Complaint Receipt Procedure and record of Monitoring Officer's decision

Report By: Christine Barkshire-Jones
Chief Legal Officer

Purpose of Report

To approve the procedure for use on receipt of a complaint.

Recommendation(s)

- 1. To approve the procedure as set out in appendix A to the report.**
- 2. To delegate authority to the Monitoring Officer in consultation with the Chief Legal Officer and the Chair of Standards Committee to agree any necessary changes to Appendix A**

Reasons for Recommendations

It is necessary to have an Audit trail of every complaint received and any decision made by the Standards Committee or under the Monitoring Officers discretionary powers.

Background

1. The Localism Act 2011 changed the law in regard to the previous system of Standards Committees and the way possible breaches of the Code of Conduct were dealt with.
2. The main differences were the adoption of the Nolan principles, the shift from Independent Members to Independent Persons, the lack of a statutory appeal process and the discretionary power of the Monitoring officer. The Act also introduced a new category of 'interest' a Pecuniary Interest.
3. In conjunction with other local authorities Hastings Borough Code adopted the 'Sussex' Code of Conduct to attempt to achieve consistency within the region. This was adopted by full council on 21 June 2012.

Procedure on receiving a complaint

4. This is detailed at Appendix A after discussion with the two Independent Persons. The procedure provides an audit trail of the life of the complaint and decision recorded. That decision could be that the monitoring officer can deal with the complaint under discretionary powers or that a full hearing is necessary.

Wards Affected

None

Area(s) Affected

None

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	Yes
Organisational Consequences	Yes
Local People's Views	No

Background Information

Officer to Contact

Officer Name

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Chief Legal Officer

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