

MUNICIPAL YEAR 2013/2014 REPORT NO. 145

MEETING TITLE AND DATE

Councillor Conduct Committee
3 December 2013

REPORT OF: Director of Finance,
Resources and Customer Services

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Part: 1

Item: 3

Subject: Procedure for hearing
complaints and appeals against
complaints against councillors and co-
opted members

Wards: All

Cabinet Member consulted:
Not applicable

1. EXECUTIVE SUMMARY

Following the review of the complaints procedure for use when dealing with complaints against councillors and co-opted members at the last meeting of Councillor Conduct Committee, it was agreed that the process for committee hearings also be reviewed.

A procedure has been put together and is attached to this report as Appendix A.

2. RECOMMENDATIONS

2.1 That the Councillor Conduct Committee consider and agree the procedure for hearing complaints against members and appeals against monitoring officer decisions (as set out in Appendix A to this report).

3. BACKGROUND

3.1 Enfield's procedure for dealing with complaints against councillors and co-opted members was redrafted following the changes to the Standard's Regime brought about by the Localism Act 2011. The aim of the changes introduced by the Localism Act was to streamline the procedure for dealing with complaints against councillors and it was left to individual authorities to establish their own local arrangements. A new complaints procedure was agreed at Council on 4 July 2012.

3.2 This complaints procedure was reviewed by the Councillor Conduct Committee at their meeting on 22 October 2013 and changes

recommended were agreed by Council on 27 November 2013. As part of the review it was also agreed that the hearings process should be revised.

3.3 A hearings procedure is attached as Appendix A, for consideration by the Committee.

3.4 The presumption in the attached procedure is that the complainant and member(s) complained against will be able to attend the investigation hearing to present their respective cases, but not an appeal hearing.

4. ALTERNATIVE OPTIONS CONSIDERED

An alternative option would be not to make any changes to the hearings process, but this would mean that it would be less easy to follow.

5. REASONS FOR RECOMMENDATIONS

To ensure that the complaints hearing process is fit for purpose.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

The changes will be made within existing financial resources.

6.2 Legal Implications

The report and procedures set out comply with the rules of natural justice which state that in order for hearings to be fair two parts must be observed - being heard by the other side and the rule against bias.

6.3 Property Implications

Not applicable

7. KEY RISKS

That the procedure on the hearings process is not clear and the process is open to challenge.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All and Strong Communities

A strong ethical approach by the Council and the promotion of good conduct on the part of members will have a positive effect on their representational role and a consequential impact on communities.

9. EQUALITIES IMPACT IMPLICATIONS

The proposals within this report will help to ensure fair, equal and consistent treatment of complaints against councillors for all parties concerned.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

There are no performance management implications

11. PUBLIC HEALTH IMPLICATIONS

There are no public health implications.

Background Papers

None