

MUNICIPAL YEAR 2016/2017 - REPORT NO. **121**

MEETING TITLE AND DATE

**Councillor Conduct Committee
10 October 2016**

REPORT OF:

Asmat Hussain Monitoring Officer and
Assistant Director of Legal and
Governance

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Agenda - Part: 1	Item: 4
Subject: Review of Councillor Complaints Process Wards: Not Ward Specific Key Decision No: N/A	
Cabinet Member consulted: Not Applicable	

1. EXECUTIVE SUMMARY

The report is to seek the views of the Committee as to whether a review of the Councillor Complaints Process is needed or any changes required.

2. RECOMMENDATIONS

2.1 To undertake a review of the Procedure and to discuss any suggestions or recommendations from the committee.

2.2 To consider as part of the review giving the Monitoring Officer in consultation with the Independent Person(s) the following authority:-

“Where a registered complaint is subsequently withdrawn or resolved outside the Procedure, the Monitoring Officer in consultation with Independent Persons(s) has the discretion to decide if the matter has been adequately and/or proportionately resolved or whether, given the substance of the original complaint, it should be escalated to the Committee for further consideration/resolution”.

1. BACKGROUND

- 3.1 The Procedure for Handling Complaints against Councillors and Co-opted Members, attached as Appendix 1, was adopted by Council on 4 July 2012 and last amended by the committee on 22 October 2013. Given that the last review was over 3 years ago, the Committee is asked to consider whether a review of the procedure should take place and any recommendations for changes be brought back to the committee for approval.
- 3.2 The procedure sets out the process for dealing with complaints and provides no provision to allow the Committee or the Council Monitoring Officer in consultation with the Independent Person(s) the flexibility to consider complaints which have either been withdrawn or have been resolved in another way, This provision could be required where a serious breach has occurred or where it is in the public interest for it to be considered by the committee.
- 3.3 Part of the review will consider inserting an additional paragraph into the Procedure for Handling Complaints against Councillors and Co-opted Members under Paragraph 5, Consideration of Complaints by Monitoring Officer, as stated above in the recommendations, in paragraph 2.2 above.

4. ALTERNATIVE OPTIONS CONSIDERED

None

5. REASONS FOR RECOMMENDATIONS

As set out in the report

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

6.1 Financial Implications

There are no financial implications

6.2 Legal Implications

The Localism Act 2011 ("the Act") sets out the requirements for local authority to secure a code of conduct and to ensure arrangements are in place to investigate allegations of misconduct of Councillors. The report complies with the Act.

6.3 Property Implications

There are no property implications

7. KEY RISKS

None identified

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All , Growth and Sustainability and Strong Communities

The proposals in the report meet the council priorities.

9. EQUALITIES IMPACT IMPLICATIONS

An equality impact assessment was not necessary for this decision.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

There are no performance management implications.

11. HEALTH AND SAFETY IMPLICATIONS

There are no Health and Safety implications.

12. HUMAN RESOURCES IMPLICATIONS

There are no Human Resources implications.

13. PUBLIC HEALTH IMPLICATIONS

There are no public health implications.

Background Papers – None

Appendix 1 Procedure for Handling Complaints against Councillors and Co-opted Members