

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

COMPLAINT DETERMINATION SUB-COMMITTEE

COMPLAINT DETERMINATION PROCEDURE

The Local Determination of Complaints against Members

1.0 INTRODUCTION

0.1 North Yorkshire County Council (“the Authority”) has adopted a Code of Conduct for Members, based on the statutory national model. The Code applies to the Members of the Authority and voting co-opted Members on Authority Committees, eg the independent Members on the Authority’s Standards Committee, and the phrase “Member” within this procedure refers to all such Members.

0.2 The Standards Committee (England) Regulations 2008 provide for the local receipt, assessment, investigation and determination of complaints that Members may have breached the Code of Conduct, by local Standards Committees.

0.3 The Standards Committee has established various Sub-Committees, each chaired by an independent Member, to deal with the different stages in the complaints process:

- i. a Complaint Assessment Sub-Committee (“Assessment Sub-Committee”), to receive and assess complaints that Members may have breached the Code;
- ii. a Complaint Review Sub-Committee (“Review Sub-Committee”), to review Assessment Sub-Committee decisions to take no further action on complaints, where requested to do so by complainants; and
- iii. a Complaint Determination Sub-Committee (“Determination Sub-Committee”), to consider investigation reports and conduct hearings determining complaints, following investigation;

with fixed Membership and substitute lists.

0.1 The Committee’s Complaint Assessment Procedure sets out what types of complaints against Members may be made to the Standards Committee, how such complaints should be made, the type of information they should contain and the procedures which will be followed in receiving, assessing and, if required, reviewing such complaints.

0.2 The SBE (“SBE”), an independent, national body, is a key part of the ethical framework, providing advice and guidance to authorities on the framework and acting as a ‘light touch’ regulator. The Board may still investigate certain, more serious, complaints in particular, limited circumstances. The SBE website (www.standardsboard.gov.uk) contains further information about the ethical framework generally.

2.0 SCOPE OF PROCEDURE

- 1.1 This procedure shall be followed by the Standards Committee and/or all relevant Sub-Committees when dealing with the determination of complaints that Members may have breached the Code of Conduct.
- 1.2 The procedures for the initial receipt, assessment and, if required, review of assessment decisions to take no action on a complaint and for the investigation of complaints are set out in separate protocols.
- 1.3 A detailed procedure for the determination of complaints that Members may have breached the Code, based on the legislative framework and relevant Standards Board Guidance, is currently being finalised and will be substituted for this interim procedure in due course.
- 1.4 Until the detailed determination of complaints procedure is approved by the Standards Committee, this interim determination procedure shall be followed.

3.0 **DETERMINATION PROCEDURE**

- 2.1 All determinations of complaints undertaken under the local standards regime shall comply with the relevant provisions of, and procedures set out within, the Local Government Act 2000 (as amended), the Standards Committee (England) Regulations 2008 and the Standards Board guidance document “Standards Committee Determinations”.
- 2.2 Regard should also be had to the Standards Board’s Local Determinations Toolkit documentation, which may be used or adapted for use as appropriate during the determination of a complaint.

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