

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

18 May 2009

**Complaint Investigation and Determination Procedures**

**0.0 PURPOSE OF REPORT**

- 1.1 To consider revised draft procedures for the local investigation and determination of complaints.

**2.0 BACKGROUND**

2.1 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.

2.2 At its meeting on 2 February 2009, the Committee agreed a procedure for the local assessment of complaints and the review of any decision to take no action on a complaint. The procedure has been published on the Council's website in the 'Councillor conduct' section (Homepage/Council and democracy/Councillors/Councillor conduct).

2.3 Procedures regarding the investigation and determination of complaints are currently dealt with in the Committee's Protocol for Local Determination of Complaints, which has been reviewed to take account of the new local standards regime.

**3.0 DRAFT COMPLAINTS INVESTIGATION AND DETERMINATION PROCEDURES**

3.1 First full drafts of revised versions of the Procedures have been prepared on the basis of the relevant Standards Board Guidance documents, to which there is a statutory duty to have regard. Work is continuing to shape and simplify the Procedures so that they can be presented to the Committee at its next meeting for Members' approval.

3.2 In the meantime, given recent complaint activity, it is recommended that the Committee adopts a short, pro-tem procedure under the new local regime for each of the investigations and determinations stages incorporating, by reference, the procedures for investigations and determinations set out in the legislative framework and the Standards Board Guidance. Such interim procedures are attached at Appendix 1 for Members' approval, subject to any comments they may have.

3.3 The draft substantive procedures will be brought to the next meeting of the Committee for approval, subject to Members' comments.

3.4 There is a statutory duty on the Authority to publish, in such manner as it considers appropriate, details of the procedures it will follow in relation to complaints against Members that they may have breached the Code. It is therefore recommended that, if approved by Members, the interim Complaint Investigation and Determination Procedures should be published on the Authority's website alongside the Complaints Assessment Procedure, and the full procedures substituted for them in due course, once approved.

#### **4.0 RECOMMENDATIONS**

- 4.1 That, subject to any comments they may have, Members approve the draft interim Complaints Investigation and Determination Procedures attached at Appendix 1 to this report and agree that they be published on the County Council website and in any other ways Members deem appropriate.

CAROLE DUNN

Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

#### Background Documents:

The Standards Committee (England) Regulations 2008

The Local Government Act 2000, as amended

Standards Board for England's Guidance "How to conduct an investigation"

Standards Board for England's Guidance "Local Investigations and Other Action"

Standards Board for England's Guidance "Standards Committee Determinations"

County Hall  
NORTHALLERTON

14 May 2009