

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

PUBLIC DOCUMENT

Any interest to declare/ or conflict and any dispensation granted - n/a

SERVICE DIRECTORATE: Legal and Community

1. DECISION TAKEN

To amend the Councillor Complaints Handling Procedure as per the tracked changes to Appendix A¹
(having consultation the Chairman of Standards Committee, Independent Person – Mr. Nicholas Moss, and Reserve Independent Person – Mr Peter Chapman).

2. DECISION TAKER

Jeanette Thompson as Service Director: Legal and Community/ Monitoring Officer.

3. DATE DECISION TAKEN:

3 May 2019

4. REASON FOR DECISION

4.1 To take forwards recommendations of the Committee for Standards in Public Life, as per resolutions of the Standards Committee (19 February 2019), and to maintain good governance within the Council.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 None appropriate.

6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

6.1. Consultation has taken place with the Chairman of Standards Committee Independent Person – Mr. Nicholas Moss, and Reserve Independent Person – Mr Peter Chapman), on 15 April 2019 on the changes.

7. RELEVANT CONSIDERATIONS

7.1. The Standards Committee received a report² on Standards Matters on 19 February, which in part covered the Committee on Standards in Public Life (CSPL) report on ethical standards in local government.

7.2. In respect of the Complaints Handling Procedure, the Committee (resolved):
“iii. instructs the Monitoring Officer to review best practice recommendations with the Chairman and Independent Persons with a view to making appropriate changes in line with the CSPL’s best practice recommendations (6 and 8).”

7.3. CSPL best practice recommendations 6 & 8 (on left/ with comments of NHDC practice) were:

<p>Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p>	<p>NHDC’s Complaints Handling Procedure includes Standards Complaints assessment criteria. It does not include a public interest test <i>The Monitoring Officer to review this with the Chairman and IPs, and make any appropriate amendments.</i></p>
<p>Best practice 8: An Independent Person should</p>	<p>✓ This is current NHDC</p>

¹ Appendix A document on delegated decision page: <https://www.north-herts.gov.uk/home/council-and-democracy/decisions/delegated-decisions-2019>

² [STANDARDS MATTERS AND RECOMMENDATION ON BEST PRACTICE CHANGES](#)

<p>be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.</p>	<p>practice, although <i>the Complaints Handling Procedure and the role should be amended following discussions with the Chairman and IPs.</i></p>
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7.4. The Monitoring Officer met with the Chairman and IPs (and Deputy Monitoring Officers) on 15 April to discuss the proposed changes. Some further clarifications were also sought by the Reserve Independent Person in the Procedure in relation to the Reserve IP's role and consultation with the subject Member. Some changes were also proposed to make it clear the Procedure covers formal complaints as well as some general updating, reference to the Protocol with Hertfordshire Constabulary (and referrals under the Protocol), changing terminology ('shall' to 'will' as requested by the Chairman), neutralising references (from he/she etc to they). Following the discussion, the changes (shown as tracked changes in Appendix A) were circulated to the Chairman and IPs for consideration. The attached version that has been approved. The 'clean' version will, as with the previous version, be available on the follow NHDC page: <https://www.north-herts.gov.uk/home/customer-services/complaining-about-councillor>

7.5. The main changes are:

- 1.3; 5.2; 5.7; Appendix 1 flow chart; and Appendix 5: Making it clear that the IP will be involved when a formal complaint is received, and consulted pre-investigation in relation to any formal complaint (in additional to the statutory basis once an investigation has commenced).
- Appendix 2 Standards Complaints Assessment Criteria: Re-drafting of this to include a Public Interest Test – 'Can we'/ 'Should we' take further action on a complaint.
- Appendix 5 Role of the IPs: setting out in more detail what 'consultation' between the Reserve Independent Member and a Member subject to a complaint means, and what the role does not cover.

8. LEGAL IMPLICATIONS

8.1. The resolution of Standards Committee of 19 February 2019 covers amendments made to reflect CSPL good practice recommendations 6 & 8 detailed above. The remaining ones described above (and minor term changes/ inclusion of reference to Town and Community Councils), are for clarification purposes and are covered by the delegations to the Service Director: Legal and Community, under section 14.6.9(a) (v), namely: "*To authorise changes to the Governance Policies/ Protocols/ Codes or Guidance (as the case may be) that fall within the remit of the Monitoring Officer and/ or Legal Services (and are not already covered by 14.6.9 to reflect decisions of the Council / Committees and the Cabinet, or minor ones relating to changes of fact and law, or if required for practical purposes, in order to ensure the proper administration of the Council, subject to regular notification to all Members of such changes.*"

9. FINANCIAL IMPLICATIONS

9.1 There are no financial implications to this delegated decision.

10. RISK IMPLICATIONS

10.1 Appropriate policy frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

11. EQUALITIES IMPLICATIONS

11.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 Good governance and high ethical standards of conduct ensure that local government decisions are taken in the public interest. The updating of the Procedure in line with the best practice recommendations and appropriate changes will ensure that NHDC will continue demonstrate due regard to the objectives of the Public Sector Equality duty. There are no other direct equalities implications to the delegated decision.

12. SOCIAL VALUE IMPLICATIONS

12.1 The Social Value Act and “go local” policy do not apply to this decision.

13. HUMAN RESOURCE IMPLICATIONS

13.1 There are no human resource implications, other than those set out.

14. APPENDICES

14.1 Appendix A – Complaints Handling Procedure with tracked changes.

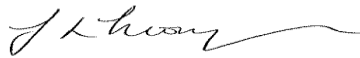
15. BACKGROUND PAPERS

14.1 Standards Matters Report 19 February 2019.

14.2 CSPL report ‘Local Government Ethical Standards’ (21 January 2019).

15. NOTIFICATION DATE

15.1 10 May 2019.



Signature of Decision Taker

This decision is a NON-EXECUTIVE DECISIONS and is not subject to call in.