

**ASSESSMENT OF COMPLAINTS – LOCALISM ACT S28 ARRANGEMENTS**

Report Author

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1. Purpose
    - 1.1 To put forward draft arrangements for the determination of complaints for adoption by the Standards Committee
  2. **Recommendations**
    - 2.1 **That the Committee adopt the attached draft arrangements for the initial assessment of complaints at annex A**
  3. Issues and Choices
    - 3.1 Since 1 July 2012 the Authority has been under a duty to put in place arrangements under which complaints under Codes of Conduct, adopted both by Parish/Town/Community Councils and by Milton Keynes Council may be investigated and determined.
    - 3.2 Standards Committee training held on 8 October 2012 clarified the need for clear arrangements to be put in to place regarding the initial filtering of complaints by the Standards Committee, including the size and make up of Assessment Sub Committees, information to be provided to the Subject Member and the Complainant during the complaints process and the provisions regarding public meetings and attendance by persons involved in the complaint.
    - 3.3 These arrangements reflect the arrangements adopted by the Council on 11 July 2012 (annex B) however the purpose of this document is to add some procedural detail to that flowchart.
- Complainant and Subject Member – Information**
- 3.4 The Complainant's complaint will be acknowledged and the Subject Member will be informed that a complaint has been made, and of the content of that complaint, within 5 days if the complaint being received.
  - 3.5 If appropriate the Monitoring Officer will commence informal resolution or otherwise he/she will convene an Assessment Sub Committee meeting.

3.6 The Complainant and Subject Member will be informed of the date of the Committee but will also be informed that this is not a hearing and as a result they will not have an automatic right to speak.

### **Assessment Sub Committees**

3.7 It is proposed that Assessment Sub Committees will comprise of between 3 and 5 Voting Members and seats will be offered on a politically proportionate basis.

3.8 An Independent Person will be invited to each Assessment Sub Committee meeting and a co-opted Parish member will be invited to any Assessment Sub Committee considering a Parish/Town/Community Council matter.

3.9 Meeting will be held in public unless the information is exempt under schedule 12 A of the Local Government Act 1972.

### **Considering Complaints**

3.10 The Assessment Sub Committee will consider the complaint against the criteria listed and will make a decision, after applying the criteria as to whether;

- The complaint should be rejected with reasons
- The Monitoring Officer should be instructed to commence an investigation or to seek resolution
- The matter is potentially criminal and should be referred to the police

3.11 Decision notices will be sent to the parties involved within 10 days of the date of the meeting.

### **Referral back**

3.12 The Monitoring Officer will report back to the Assessment Sub Committee

- On the outcome of any resolution
- If he/she feels that it is appropriate to do so in respect of the investigation.

3.13 The Assessment Sub Committee will then take a further decision on the matter. This will be communicated to the parties involved by a further decision notice.

### **Hearing**

3.14 Any Conduct matter proceeding to a hearing will be dealt with under Hearings Guidance approved by the Standards Committee.