

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
PANEL
HELD ON TUESDAY, 3 MARCH 2015
IN COMMITTEE ROOM 1
AT 7.00 - 9.32 PM**

Members Present: Mrs M Sartin (Chairman), D Dorrell, J Lea, Mrs M McEwen, J Philip, Mrs C P Pond, C C Pond, D Stallan, Mrs J H Whitehouse and G Waller

Other members present:

Apologies for Absence: A Watts and S Weston

Officers Present S G Hill (Assistant Director (Governance & Performance Management)), S Tautz (Democratic Services Manager) and M Jenkins (Democratic Services Assistant)

35. NOTES OF THE LAST MEETING

RESOLVED:

That the notes of the last Panel meeting held on 16 February 2015 be agreed.

36. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor C C Pond was substituting for Councillor S Weston.

37. DECLARATION OF INTERESTS

There were no declarations of interest made pursuant to the Code of Member's Conduct.

38. TERMS OF REFERENCE / WORK PROGRAMME

(a) Terms of Reference

The Panel's Terms of Reference were noted.

(b) Work Programme

The following regarding the Panel Work Programme was noted:

(i) Item 5 Articles of the Constitution

The Articles were currently being re-drafted.

(ii) Item 7 Constitution – Thresholds for Leases and Licences

A report would be submitted at a later meeting from the new manager of Estates.

39. AMENDMENTS TO THE COUNCIL'S COMPLAINTS SCHEME

The Panel received a report from the Assistant Director (Legal Services) regarding Amendments to the Council's Complaints Scheme.

The Council's complaints scheme had four stages, an investigation of a complaint at each stage was undertaken by the following:

- (a) Step 1 – Manager of the Service area concerned;
- (b) Step 2 – Director or Assistant Director;
- (c) Step 3 – Complaints Officer on behalf of Director of Governance; and
- (d) Step 4 – Member Complaints Panel

The Panel was informed that in 2006 the Local Government Ombudsman introduced the "12 week rule" which urged councils to complete every stage of a complaint within 12 weeks of their first receipt. Inability to do so meant the complainant had the right to bypass any remaining stages in the complaints procedure and instead take their complaint to the Ombudsman. However, the complaints procedure adopted by the District Council made it impossible to complete all four stages within 12 weeks. Investigations at Steps 1, 2 and 3 usually took around 3 – 4 weeks each to complete. A complainant remaining dissatisfied could request a further review, although it could take 7 – 8 weeks to organise a meeting of the Step 4 Member Complaints Panel.

Therefore complainants were advised that it was not possible to offer a Step 4 review within the 12 week time limit, therefore they had the right to bypass this and take their complaint to the Ombudsman. It was advised that since 2007 no complainants had requested a review of their complaint upon completion of the Step 3 part resulting in very few Panel meetings during this time.

Members noted that discontinuing Steps 1 – 3 would not resolve the problem because whichever two of the three stages were retained, would still require a total of around 8 weeks to complete, which would not leave enough time to organise a Complaints Panel review within the 12 week time limit. It was advised that no other local authority in Essex, or indeed the rest of the country, had as many stages for complaints or offered a final review by Members.

Members supported recommending the changes. It was advised that a report would be submitted the Overview and Scrutiny Committee and the Council.

RECOMMENDED:

That the Amendments to the Council's Complaints Scheme be recommended to the Overview and Scrutiny Committee.

40. CONSTITUTION REVIEW - COUNCIL PROCEDURAL RULES

The Panel received a report regarding the Constitution Review – Council Procedural Rules from the Assistant Director (Performance Management) Governance.

Following on from the last Panel meeting in February, Members made progress with the procedure rules commencing from Item 9 "Interests" paragraph 1.5 "Conflicts of Interest" to Item 12 "Questions by Members," 12.10 "Supplementary Question."

However the meeting was adjourned to the next scheduled meeting date of 17 March in order to complete the work on the procedure rules.

RESOLVED:

That the Panel meeting be adjourned to the next scheduled meeting date of 17 March to continue the work undertaken on the Council Procedure Rules.

41. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

It was advised that the report regarding Amendments to the Council's Complaints Scheme would be submitted to the forthcoming Overview and Scrutiny Committee.

42. COMMENTARY ON THE PANEL NOTES

Councillor J H Whitehouse raised a concern regarding the 16 February Panel notes tabled at this meeting which, she felt, should have included reference to the conclusions of the Panel in regard to Councillor B Surtees' submitted views on minority references at planning committees. However, officers advised that the notes had been agreed at the start of this meeting without comment at which point Councillor J H Whitehouse had not been in attendance, therefore a Panel resolution could not be altered afterwards.

43. FUTURE MEETINGS

The next Panel meeting would be held on 17 March at 7.00p.m.