

Report – Policy and Resources Committee

Revised Complaints Procedure

To be presented on Thursday, 7th September 2023

*To the Right Honourable The Lord Mayor, Aldermen and Commons
of the City of London in Common Council assembled.*

SUMMARY

This report sets out proposals for a revised Complaints Procedure with regard to any future Member on Member complaints under the Code of Conduct.

At their most recent meeting held towards the end of July, the newly constituted Member Development and Standards Sub-Committee were asked to consider, and subsequently unanimously approved, the proposed revisions which would emphasise the role of the Chief Commoner and the Aldermanic Chairs in resolving future disputes between Members.

These changes were subsequently approved by the Chairman and Deputy Chairman of your Policy and Resources Committee under urgency and are now presented here for wider approval. If supported, the changes will be implemented without further delay and will allow the Court to focus on the best possible form of conflict resolution between Members going forward.

Recommendations

That Members approve the revised Complaints Procedure as set out at Appendix 1.

MAIN REPORT

Background

1. On 21st July 2023, the newly constituted Member Development and Standards Sub-Committee met for the first time. Amongst the items of business considered was a joint report of the Comptroller and City Solicitor and the Town Clerk & Chief Executive updating members on various standards matters. Amongst these, was a proposal to revise the existing Complaints Procedure such that any future Member on Member complaints should be referred, in the first instance, to either the existing or a past Chief Commoner still on the Court or to one of the Aldermanic Chairs as appropriate.
2. The role of the Chief Commoner has traditionally included a concern for the welfare and conduct of Common Councillors, and the Chair of the General Purposes Committee of Aldermen and the Chair of the Nominations Committee of Aldermen perform a similar function in relation to Aldermen. An amendment to the current Complaints Procedure was therefore proposed by the Chief Commoner, to incorporate a Pre-Complaint Protocol. This would emphasise the existing alternative avenue for

Members to resolve concerns about the conduct of other Members, through the Chief Commoner and the Aldermanic Chairs, and the need to exhaust that process before a formal complaint is made.

3. As per historic practice, a Member with a concern about the conduct of an Alderman would be directed to seek assistance from one of the Aldermanic Chairs in the first instance, and a Member with a concern about the conduct of a Common Councillor would be directed to the Chief Commoner. The proposed text envisages that the Chief Commoner may, where appropriate, nominate a former Chief Commoner who is still on the Court to deal with the matter. This is designed to address any potential conflicts of interest, or personality clashes, with a view to achieving the best possible outcome in any given case.
4. This proposal has been prompted by a feeling that there have been too many Member on Member complaints, that tend to escalate and become divisive on the Court of Common Council, and lead to tit for tat complaints. The proposed change would further highlight that the Court is very keen to focus on conflict resolution where possible. It is important to note that any Member will still be able to make a complaint to the Panel of Independent Persons, once they have tried this other route. Members will also still be able to go straight to the Panel with a complaint, if there are exceptional circumstances. This will have no impact on complaints from any other sources i.e. Co-opted Members, Officers, members of the public.
5. A revised Complaints Procedure with the proposed amendments highlighted as tracked changes is attached at Appendix 1 to the report. The main additions are at paragraphs 3, 14(iii), 21 and 22. The changes to the complaint form at Appendix 2 are not tracked but are contained in a new section 3 relating to the Pre-Complaint Protocol.
6. The Panel of Independent Persons and other stakeholders, including the Aldermanic Chairs and former Chief Commoners still on the Court, have been consulted on the proposals and are content.
7. It is proposed that, before any changes to the Complaints Procedure are implemented, a separate Pre-Complaint Protocol document will be drawn up by the Chief Commoner and the Aldermanic Chairs, which will provide more detail for Members on how they will manage their part of the process.
8. The matter is now for consideration by the Court of Common Council.

Conclusion

9. An increase in the number of Member on Member complaints, their escalation and divisive impact on the Court has resulted in a proposal from the new Member Development and Standards Sub-Committee that, if supported, will emphasise the existing alternative avenue for Members to resolve concerns as to the conduct of other Members, through the Chief Commoner and the Aldermanic Chairs, and the need to exhaust that process before a formal complaint is made. These proposed changes

would be reflected within the Complaints Procedure and are now set before Members this day for final consideration.

Appendices

Appendix 1 – Draft Complaints Procedure showing proposed tracked changes

Appendix 2 – Draft Complaint Form

All of which we submit to the judgement of this Honourable Court.

DATED this 17th day of August 2023.

SIGNED on behalf of the Committee.

Deputy Christopher Hayward
Chairman, Policy and Resources Committee