

Report of the Monitoring Officer

AMENDMENTS TO THE CONSTITUTION1. Purpose of report

To consider amendments to the Constitution regarding Portfolio Holders' Responsibilities in relation to the Council's Complaints Service to recommend to full Council that these be adopted.

2. Recommendation

The Committee is asked to:

1. **RECOMMEND to Council that the amendments to the Terms of Reference within the Constitution for the Portfolio Holder for Resources and Personnel, be approved.**
2. **NOTE the update on Member referrals to Planning Committee.**
3. **NOTE the update position Bramcote Bereavement Services Joint Committee Agreement.**

3. Detail

The Local Government and Social Care Ombudsman (LGSCO), in association with the Housing Ombudsman (HO), issued a draft Joint Complaint Handling Code in October 2023. The aim of the Code was to introduce consistency in the way that both bodies deal with complaints. The LGSCO and HO consulted with local authorities on its initial version of the Joint Code with a closing date of 23 November 2023. On consideration of the responses, the LGSCO informed authorities that it would not participate further in the Joint Code until 2027, while the HO stated that it would still require implementation in 2024.

Much of the Code (attached at **APPENDIX 1**) is currently contained within the process used at this Council. However, the new Code will allow for complaints to be considered 12 months after an event has taken place rather than the six-months allowed in the current guidance as agreed by the Governance, Audit and Standards Committee and previously recommended by the HO.

The Policy Overview Working Group gave consideration to the oversight and responsibility for Complaints. Currently, the Governance, Audit and Standards Committee under its terms of reference receives and scrutinise the Annual Complaints Report, and it was suggested that in order for wider Member engagement this continues to happen, in addition to submission of the report to Cabinet as recommended in the Code guidance. Further consideration was given to an appropriate Portfolio Holder overseeing the role and processes of complaints at the Council, and presenting reports and recommendations to Cabinet. As the Complaints Service currently sits under the Portfolio Holder for Resources and Personnel Policy, the Working Group considered that this Portfolio Holder be best placed to receive and challenge updates on the complaints process. The new responsibility for the Portfolio Holder would necessitate an inclusion in the Constitution under the Terms of Reference as follows:

‘To have lead responsibility for complaints to support a positive complaint handling culture.’

The Complaints Code will be considered by Cabinet at its meeting on 12 March 2024. Any updates from the meeting will be provided to the Governance, Audit and Standards Committee.

Member referrals to Planning Committee - Update

On 12 July 2023 Full Council resolved that Members be required to give 28 days’ notice and complete a form when referring items to Planning Committee for further consideration. The proposal was to formalise the planning referral process to ensure greater clarity for both Members and Planning Officers, and to fully detail the planning reasons why an application is being referred to Committee. The aim was to eradicate the potential for any referrals to be overlooked or human error to occur, as this issue has unfortunately arisen in the past. Therefore, any Planning Committee referral would have to be submitted through a specific form.

It was proposed that 28 days’ written notice by Members was required to make referrals to Planning Committee to enable all parties to the application to have sufficient time to prepare representations ahead of the Committee and to enable Planning Officers to manage their workloads.

The Head of Planning and Economic Development’s update is included at **APPENDIX 2**.

Bramcote Bereavement Services Joint Committee Agreement

The draft version of the Agreement has undergone its initial checks through this Council’s Legal Team. Erewash Borough Council have been consulted on timelines and it has been scheduled that the two Councils will consider the document at the relevant Committee meetings in May, before recommending to their respective Council meetings in July.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no financial implications to consider with any costs being contained within existing budgets.

5. Legal Implications

The comments from the Head of Legal Services and Deputy Monitoring Officer were as follows:

No comments

6. Human Resources Implications

There were no comments from the Human Resources Manager.

7. Union Comments

There were no Unison comments in relation to this report.

8. Data Protection Compliance Implications

There are no Data Protection issues in relation to this report.

9. Climate Change Implications

There were no climate change implications as a result of this report.

10. Equality Impact Assessment

As there is no change to policy an equality impact assessment is not required.

11. Background Papers

Nil.