



## Agenda for Standards Committee Thursday, 11th April, 2024, 10.00 am

### Members of Standards Committee

Councillors: E Rylance (Chair), J Bailey, I Chubb, T Dumper, S Hughes, J Loudoun, J Whibley, Kuh, P Coulter, R Wood, Goscomb, K Bryant, P Stott and Sexton

**Venue:** Council Chamber, Blackdown House, Honiton

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(or group number 01395 517546)

Wednesday, 3 April 2024

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1 Minutes of the previous meeting (Pages 3 - 5)

2 Apologies

3 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

4 Public speaking

Information on [public speaking](#) is available online

5 Matters of urgency

Information on [matters of urgency](#) is available online

6 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.

7 Member/Officer protocol (Pages 6 - 26)

8 Code of Conduct complaints update (Pages 27 - 44)

9 Work Programme update (Pages 45 - 47)

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report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chair has the power to control public recording and/or reporting so it does not disrupt the meeting.

Members of the public exercising their right to speak during Public Speaking will be recorded.

[Decision making and equalities](#)

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**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Standards Committee held at Council Chamber, Blackdown House, Honiton on 14 November 2023****Attendance list at end of document**

The meeting started at 2.30 pm and ended at 4.04 pm

**10 Minutes of the previous meeting**

The minutes of the previous meeting held on the 22 June 2023 were agreed, subject to the inclusion of attendance of Pauline Stott, Diana Kuh, Martin Goscomb; and apologies from Robert Wood.

**11 Declarations of interest**

None.

**12 Public speaking**

None.

**13 Matters of urgency**

None.

**14 Confidential/exempt item(s)**

None.

**15 Revised Code of Conduct complaints procedure**

The committee had previously agreed to the complaints procedure being reviewed by the Monitoring Officer, in light of the evaluation of the assessment process under procedures agreed back in February 2022.

The review also provided the opportunity to ensure that the procedures were in line with guidance issued by the Local Government Association. The revision would result in the assessment of the complaint being undertaken by the Monitoring Officer, in consultation with the Independent Person, rather than referral to an Assessment Sub Committee.

The procedure now set out clarity on:

- The process to be followed;
- Timescale of five working days for initial assessment, and twenty working days for the full assessment of the complaint as the target;
- The potential outcomes of the complaint;
- Updated criteria on assessment;
- Explanation of no right of appeal; and that other options are for the complainant to refer to the Local Government Ombudsman or seek judicial review;
- Complex and multiple complaints.

The committee discussion included:

- The use of the Assessment Sub Committee. Under the revised complaint procedure, this stage of assessment would be, in the vast majority of cases, undertaken by the Monitoring Officer. The Assessment Sub Committee would only be used in cases of exception, whereby the Monitoring Officer or Deputy Monitoring Officer could not be involved at that assessment stage. The committee agreed that reference to the use of the Assessment Sub Committee by exception should be referenced in the documentation.
- Section 2.2 and 2.3 of the documentation needed further work to clarify how a complaint could be submitted. Suggestions for refinement would be worked through by one of the Independent Representatives and the Monitoring Officer to amend these sections.
- Consistent references to the councillor being complained about were required through the document. Under the existing procedure, this individual was referred to as the “subject member”; however the committee concluded that using the reference “subject councillor” was clearer for the public to understand.
- An additional paragraph on the extension of deadlines in exceptional circumstances (8.9).
- Remove section 2.9 as it was not needed.

**Recommended to Council** that the reviewed Member Code of Conduct Complaints Procedures be approved, subject to the amendments discussed by the Standards Committee.

## 16 **Update on Code of Conduct complaints received**

The committee considered the update report on the complaints received between the 12 July 2022 to the 1 November 2023.

A full review of the existing complaints had been undertaken to ensure that the committee had a complete record. In response to questions, delays on some complaint processes had been due to the change in Monitoring Officer post and resourcing issues; along with some subject councillors leaving their position, therefore ending the complaint process. The committee were reassured that the handling of complaints was now in a good position going forward.

**RESOLVED** That the report be noted.

## 17 **Revised template for reporting on Code of Conduct complaints**

The Monitoring Officer outlined the changes to the reporting template, based on discussion by the committee at their last meeting. The reporting detail had been improved to provide a useful tool for the committee in evaluating themes and areas for review.

The committee proposed additional adjustments to the reporting template, including:

- Date of start and end of stage one; and completion of stage two. This would enable the committee to monitor the success rate of meeting the proposed new targets and understand resource impact;
- Quality of detail without revealing subject councillor or complainant;
- Welcoming the inclusion of the type of complaint, in order to aggregate that data to give the committee useful information in terms of patterns of behaviour.

The Chair welcomed the comments from the committee to move to improve the reporting, which would deliver information that would help inform the committee of what proactive work could be undertaken to improve councillor behaviour.

The committee agreed that further revision would be made by the Monitoring Officer, seeking agreement of the Chair on the report template. A populated report would be presented at the next meeting of the Committee. The Chair made clear that the report would continue to be reviewed as and when required by the committee.

**RESOLVED that the report template be amended in line with comments made by the committee, with the final agreement being made by the Chair.**

**Attendance List**

**Councillors present:**

E Rylance (Chair)  
T Dumper  
S Hughes  
J Loudoun

**Independent Persons:**

D Kuh  
P Coulter

**Independent Representatives:**

R Wood  
M Goscomb  
K Bryant

**Town and Parish Representatives:**

P Stott

**Councillors also present (for some or all the meeting)**

R Collins  
P Faithfull

**Officers in attendance:**

Debbie Meakin, Democratic Services Officer  
Andrew Melhuish, Democratic Services Manager  
Katie Webb, Property Lawyer  
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)

**Apologies:**

Cllr I Chubb  
Cllr J Whibley  
S Sexton, Town and Parish Representative

Chair .....

Date .....



Report to: Standards Committee

Date of Meeting 11 April 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Member/Officer Protocol

### Report summary:

Following recommendations of our External Auditors and feedback from the Peer Challenge team and the Centre for Public Scrutiny, the opportunity has been taken to redraft the Council's Member/Officer Relations Protocol to ensure that it complies with best practice and is up-to-date. The Protocol explains the roles of Members and Officers and sets out how they should work together and if any issues arise, to whom those issues should be reported.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

1. To recommend for adoption the new Member/Officer Relations Protocol.
2. To invite the Monitoring Officer to provide training to all Members on the Protocol once adopted.

### Reason for recommendation:

To ensure that we have a 'fit for purpose' updated Member/Officer Protocol is in place for the organisation.

Officer: Melanie Wellman, 01395 571688, melanie.wellman@eastdevon.gov.uk

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

**Equalities impact** Medium Impact

The Protocol itself and processes that underpin the Protocol are an important way of ensuring equality of treatment and ensuring that both Members and Officers are protected. An Equalities Impact Assessment will be completed before the Protocol is presented to Full Council for adoption.

### **Climate change** Low Impact

**Risk:** Medium Risk; failure to take action around poor Member/Officer behaviour is a Medium risk as we have an existing Policy and updating this policy keeps it current with best practice and therefore a continued mitigation against those risks occurring.

### **Links to background information**

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

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## **Report in full**

### **1. Background**

- 1.1 The Council has an existing Member/Officer Protocol, that sets out member and officers roles and responsibilities when working together. Following feedback from the Centre for Public Scrutiny, the Peer Challenge and a recommendation from Grant Thornton, our external auditors, the opportunity has been taken to entirely refresh our Member/Officer Protocol, drawing on good practice found in other Protocols to ensure that we have a Protocol that is relevant and appropriate to reflect East Devon District Council's specific ways of working. The proposed Protocol is shown at annex 1.
- 1.2 The draft Protocol has already been considered by the Constitution Working Group and their changes duly incorporated. As Member/Officer relations are a key element of the work of the Standards Committee, it is important that the Committee also has an opportunity to consider and inform the draft that is finally presented to Full Council.
- 1.3 The Protocol is a key document in the Constitution which explains how Councillors and Officers are indispensable to one another and how together they bring the critical skills, experience and knowledge required to manage an effective local authority. It explains how at the heart of this relationship is mutual respect and that councillor-officer relationships should be conducted in a positive and constructive way.
- 1.4 The Protocol clarifies what members can expect of officers and what officers can expect of members. It talks about the relationship in general and the need for relationships to be conducted in a positive and constructive way. It also requires members and officers to be open and transparent about any family relationships that they have by disclosing them to the Chief Executive.
- 1.5 Officer advice to Party Groups is covered in the Protocol and the manner in which such advice should be given, touching on issues such as advice in relation to budget proposals. It also clarifies the support provided to members and party groups.
- 1.6 A key element of the Protocol is access to information and the ability of a member to inspect Council documents. It specifically refers to the "need to know" principle which is about the right for members to inspect Council documents, so far as their access to documents is reasonably necessary to enable them to properly perform their duties as a member.
- 1.7 The Protocol also covers some key relationships such as the relationship between an officer and Cabinet member and Chairs of Committees, between the Leader and senior officers, Cabinet members and officers, Leader of the opposition and officers, Scrutiny members and officers.

Conduct at meetings of the Council and how officers and members should address each other is also covered.

- 1.8 The Protocol also details the process for the issuing of Press releases, the appropriateness of members and officers forming friendships on social media and correspondence between officers and members. It reinforces the need to involve ward members in external events and whenever the Council is consulting on an issue in their ward.
- 1.9 Finally, the Protocol sets out the procedure for reporting breaches of the Protocol which is to the Monitoring Officer in relation to member complaints and to the line manager in relation to officer complaints.

## **2 Conclusion**

- 2.1 The proposed new Member/Officer Protocol ensures that the Council has an up-to-date and robust Protocol in place which complies with best practice. Members are invited to consider the draft and recommend any changes.
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### **Financial implications:**

There are no financial implications to be added to this report.

### **Legal implications:**

This is an important Protocol that defines the relationship between members and officers. It is important that it is regularly reviewed and updated, to ensure it is robust and in accordance with best practice.



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## PROTOCOL FOR MEMBER/OFFICER RELATIONS

<b>Title</b>	<i>Protocol For Member/Officer Relations</i>
<b>Author</b>	<i>Monitoring Officer</i>
<b>Review dates</b>	
<b>EqIA conducted</b>	

<b>Version</b>	<b>Date</b>	<b>Description</b>
V1		

### Content:

1. Introduction
2. Members
3. Officers
4. The Relationship: General
5. Family Relationships
6. Officer advice to Party Groups
7. Provision of Support to Members and Party Groups
8. Members' Access to Information and to Council Documents
9. Officer – Cabinet/Chair Relationships
10. Specific Member Roles / Officer Relationships
11. Conduct at meetings
12. Press and Media
13. Correspondence
14. Involvement of local Councillors
15. Breaches of this Protocol
16. Monitoring, Review and Further Advice

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## **1. Introduction**

- 1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another. The Protocol's intention is to build and maintain good working relationships between Members and Officers as they work together.
- 1.2 A strong, constructive, and trusting relationship between Members and Officers is essential to the effective and efficient working of the Council.
- 1.3 This Protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these Codes is to enhance and maintain the integrity of Local Government and they therefore demand very high standards of personal conduct.
- 1.4 The following extract from the Local Government Association ("LGA") guidance on the 2020 Local Government Association Model Councillor Code of Conduct states that:

*"Both Councillors and officers are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective local authority.*

*At the heart of this relationship, is the importance of mutual respect. Councillor-officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between Councillors and officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of their respective roles and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.*

*Councillors provide a democratic mandate to the local authority and are responsible to the electorate whom they represent. They set their local authority's policy framework, ensure that services and policies are delivered and scrutinise local authority services.*

*Councillors of the Cabinet, chairs and vice chairs of committees have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such Councillors must still respect the impartiality of officers and must not ask them to undertake work of a party-political nature or compromise their position with other Councillors or other officers.*

*Officers provide the professional advice and managerial expertise and information needed for decision making by Councillors and to deliver the policy framework agreed by Councillors. They are responsible for implementing decisions of Councillors and the day-to-day administration of the local authority.*

*The roles are very different but need to work in a complementary way.*

*It is important for both sides to respect these differences and ensure that they work in harmony. Getting that relationship right is an important skill. That is why the code requires Councillors to respect an officer's impartiality and*

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*professional expertise. In turn officers should respect a Councillor's democratic mandate as the people accountable to the public for the work of the local authority.*

- 1.5 The provisions of this Protocol are designed to complement the LGA Guidance and LGA Model Code of Conduct and will be interpreted having regard to the requirements of the Members' Code of Conduct, the Officers' Code of Conduct, the Council's Whistleblowing Policy and the Council's policies, procedures and processes.
- 1.6 This Protocol sets out how the relationship works and what both Members and Officers can expect in terms of mutual respect and good working relationships. It also covers who they should go to if they have concerns and who is responsible for making decisions.
- 1.7 Definitions in this document:
  - a) **Members:** refers to elected or co-opted members, *also known as councillors*
  - b) **Chief Executive:** *refers to the Council's Chief Executive*
  - c) **Director:** *refers to officer(s) reporting directly to the Chief Executive*
  - d) **Senior Officer:** refers to members of the Council's Senior Leadership team *consisting of the Chief Executive, Directors, Assistant Directors and Service Leads*
  - e) **Officers:** refers to officers employed by the Council
  - f) **Administration:** refers to the ruling political group on the Council.
  - g) **Opposition Group:** refers to the largest political group in opposition on the Council.
  - h) **Party Group:** *refers to a political group or grouping of Members*
- 1.8 This Protocol is intended to assist Members and Officers, in approaching some of the sensitive circumstances which arise in a challenging working environment. The reputation and integrity of the council is significantly influenced by the effectiveness of Members and Officers working together to support each other's roles *and to deliver a one Council approach*. The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy.
- 1.9 Mutual respect between Members and Officers is essential to good Local Government. Overly close personal familiarity between individual Members and Officers can damage this relationship and can be perceived as inappropriate or favouritism by the public or other Members and Officers. *It is important none the less for Members and Officers to establish good working relationships.*
- 1.10 It is *also* important that any dealings between Members and Officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.

## **2. Members**

- 2.1 In line with the Members' Code of Conduct, a member must treat *everyone* with respect, must not bully or harass people and must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.

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2.2 Officers can expect Members:

- a) to give leadership and direction and to seek to further their agreed policies and objectives
- b) to take a final decision on issues based on advice
- c) to act within the policies, practices, processes and procedures established by the Council
- d) to work constructively in partnership with Officers acknowledging their separate and distinct roles and responsibilities
- e) to understand and support the respective roles and responsibilities of Officers and their associated workloads, pressures and reporting lines
- f) to treat them fairly and with respect, dignity and courtesy
- g) to act with integrity, to give support and to respect appropriate confidentiality
- h) to recognise that Officers work to the instructions of their Senior Officers and not to individual Members or Political Groups
- i) not to subject them to intimidation, harassment, or put them under undue pressure. Members will have regard to the seniority of Officers in determining what are reasonable requests, having regard to the relationship between the Member and Officer, and the potential vulnerability of Officers, particularly at junior levels
- j) not to request Officers to exercise their discretion *in a way that involves* acting outside the Council's policies and procedures
- k) not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the Council or in their role as a Member without proper and lawful authority *and in compliance with the Scheme of Delegation*
- l) not to use their position or relationship with Officers to advance their personal interest or those of others or to influence decisions improperly
- m) to comply at all times with the Members' Code of Conduct, the law, the Constitution and such other policies, procedures, protocols and procedures agreed by the Council.

2.3 It is important that Members of the Council:

- i. respect the impartiality of Officers and do not undermine their role in carrying out their duties
- ii. do not ask Officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an Officer being criticised for operating in a party-political manner
- iii. do not ask Officers to exceed their authority where that authority is given to them in law, by the Council or by their Senior Officers

2.4 The Head of Paid Service, the Monitoring Officer and the Chief Finance

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(section 151) Officers have specific responsibilities placed on them by law. These responsibilities go beyond their obligations as employees of the Council. Where an Officer is discharging their responsibilities under any statutory office Members shall not:

- a) improperly interfere with or obstruct the Officer in exercising those responsibilities
- b) victimise any Officer who is discharging or has discharged their responsibilities of Statutory Office
- c) compromise or attempt to compromise their impartiality and must allow them to carry out their duties in a neutral, non-biased and non-partisan way

### **3. Officers**

- 3.1 *In line with the Officers' Code of Conduct, an Officer must treat everyone with respect and must not bully or harass anyone.*
- 3.2 The primary role of Officers is to advise, inform and support all Members and to implement the lawfully agreed policies of the Council.
- 3.3 Officers are responsible for day-to-day managerial and operational decisions within the Council. Members should avoid inappropriate involvement in such matters.
- 3.4 In performing their role Officers will act professionally, impartially and with political neutrality. Whilst Officers will respect a Member's view on an issue, the Officer should not be influenced or pressured to make comments, or recommendations which are contrary to their professional judgement or views.
- 3.5 Officers must:
  1. implement decisions of the Council and its Committees which are lawful, which have been properly approved in accordance with the requirements of the law and the Council's Constitution and are duly recorded.
  2. work in partnership with Members in an impartial and professional manner
  3. treat Members fairly and with respect, dignity and courtesy.
  4. assist and advise all parts of the Council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
  5. respond to enquiries and complaints in accordance with the Council's procedures.
  6. be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
  7. if a safeguarding issue arises, ensure it is dealt with in accordance with the Councils' Safeguarding Policy
  8. act with honesty, respect, dignity and courtesy at all times.

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9. provide support and learning and development opportunities for Members to help them in performing their various roles.
10. not seek to use their relationship with Members to advance their personal interests or to influence decisions improperly.
11. comply, at all times, with the Officer Code of Conduct, and such other Policies or procedures approved by the Council.
12. Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on Officers' involvement in political activities.

#### **4. The Relationship: General**

- 4.1 Members and Officers are indispensable to one another. However, their responsibilities are distinct. Members are accountable to the public, whereas Officers are accountable to the Council as a whole.
- 4.2 At the heart of the Codes, and this Protocol, is the importance of mutual confidence and trust and also of civility. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party. It is also important that such dealings take place only when Members and Officers are acting in their official capacity. It is important that both parties respect the other's free time.
- 4.3 Members should not raise matters relating to the conduct or capability of an Officer, or of Officers collectively, in a manner that is incompatible with this Protocol at meetings held in public, on social media or in the press. Officers do not necessarily have the same right of reply to such comments as Members do and Members should take care not to abuse or exploit this imbalance.
- 4.4 A Member who is unhappy about the actions taken by, or conduct of, an officer should:
  1. avoid personal attacks on, or abuse of, the officer at all times
  2. ensure that any criticism is well founded and constructive
  3. ensure that any criticism is made in private
  4. take up the concern with the appropriate Senior Officer
  5. If the matter is of a particularly serious nature inform the Chief Executive.

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- 4.5 Neither should an Officer raise with a Member matters relating to the conduct or capability of another Officer or to the internal management of the service in a manner that is incompatible with the objectives of this Protocol.
- 4.6 Potential breaches of this Protocol are considered at paragraph 15 below.

## **5. Family relationships**

- 5.1 Any family relationships between Members and Officers (e.g., parent/child, spouse/partner) must be disclosed as soon as reasonably practicable to the Chief Executive who will then decide how far this needs to be disclosed to others.
- 5.2 A Member should not take up a decision-making role where it would give them decision-making responsibility for any Officer to whom they are related so as to avoid any perceptions or accusations of preferential treatment or a lack of objectivity.
- 5.3 If a Member or Officer is in any doubt about what is appropriate or not in relation to 5.1 or 5.2 above, then they should seek the advice of the Monitoring Officer.

## **6. Officer Advice to Party Groups**

- 6.1 There is statutory recognition for party groups and it is common practice for such Party Groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such considerations.
- 6.2 The support provided by Officers can take many forms, ranging from a briefing meeting with a member of the Cabinet or Chair prior to a Committee meeting, to a presentation to a full Party Group meeting. Whilst in practice such Officer support is likely to be in most demand from the Administration, such support is available to all party groups.
- 6.3 Any requests for advice or attendance are to be directed through the Group Leaders, Cabinet Members or Chairs for the relevant Committee. The request shall be made to the relevant Senior Officer or, in their absence, to their deputy or the next appropriate lower tier Officer. An Officer accepting an invitation to one Political Group or individual will not decline an invitation to advise another Political Group or individual on the same subject. However, the Officer is not obliged to offer to advise another Political Group on the same subject.
- 6.4 Certain points must however be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:
  - (i) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not expected to be present at meetings, or parts of meetings, when matters of *party* business are to be discussed;

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- (ii) Party Group Meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such, particularly having regard to the risk of challenge on the grounds of pre-determination;
- (iii) The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so;
- (iv) Similarly, where Officers provide information and advice to a Party Group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Council meeting, Committee or Sub-Committee when the matter in question is considered.

6.5 In relation to budget proposals;

- (a) The Administration shall be entitled to confidential discussions with Officers regarding options and proposals. These will remain confidential until determined by the Administration or until published in advance of the Executive /Council meetings, whichever is the earlier;
- (b) The opposition groups shall be entitled to confidential discussions with officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Cabinet/Council meetings, whichever is the earlier.

6.6 *Where Officers attend a Party Group meeting, only Members of the Council should be present.*

6.7 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group, unless agreed otherwise.

6.8 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

## **7 Provision of Support Services to Members and Party Groups**

7.1 Officers provide support services and resources to Members as agreed by the Council to enable them to undertake their various roles. This includes the provision of direct Personal Assistant support to the Leader and Chair of Council which is provided on a part-time basis.

7.2 The only basis on which the Council can lawfully provide support services (e.g., stationery, typing, printing, photocopying, transport, etc.) to Members is to assist them in discharging their role as Members of the



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Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private (including business) purposes.

## **8 Members' Access to Information and to Council Documents**

- 8.1 Members are free to approach any service area of the Council to provide them with such information, explanation and advice (about the service area's functions) as they may reasonably need in order to assist them in discharging their role as Members of the Council. This can range from a request for general information about some aspect of a service areas activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Senior Officer for the service area concerned.
- 8.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 8.3 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, Committee or Sub-Committee meeting. This right applies irrespective of whether the Member is a member of the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear in Part II (exempt) of the Agenda for meetings. Further details are contained in the Access to Information Procedure Rules in the Council's Constitution. Examples are documents that contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, contract and industrial relations negotiations, advice from Counsel and criminal investigations.
- 8.4 The common law right of Members is much broader and is based on the principle that any member has a prima facie right to inspect Council documents so far as their access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the Council. This principle is commonly referred to as the "need to know" principle.
- 8.5 The exercise of this common law right depends therefore upon the Member's ability to demonstrate that they have the necessary "need to know". In this respect a Member has no right to "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must be determined by the particular Director who holds the document in question (with advice from the Monitoring Officer).
- 8.6 In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the functions of that Committee) a Member's "need to know" will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal

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information about third parties) a Member will normally be expected to justify the request in specific terms.

- 8.7 Whilst the term “Council document” is very broad and includes, for example, any document produced with Council resources, it is accepted by convention that a Member of one party group will not have a “need to know”, and therefore a right to inspect, a document which forms part of the internal workings of another party group.
- 8.8 Members are expected to give reasonable notice of requests for information and to have regard to the cost of producing detailed information.
- 8.9 Further and more detailed advice regarding Members’ rights to inspect Council documents may be obtained from the Monitoring Officer.
- 8.10 Finally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member’s duties as a Member of the Council.
- 8.11 For completeness, Members do, of course, have the same right as any other member of the public to make requests for information under the Freedom of Information Act 2000.

## **9. Officer – Cabinet Member/Chair Relationships**

- 9.1 It is clearly important that there should be a close working relationship between the relevant Cabinet Member or Chair of a Committee and the Senior Officers who support that Portfolio or Committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers’ ability to deal impartially with other Members and other party groups.
- 9.2 Under the Constitution, individual Members of the Cabinet may, in some situations, take decisions. The Council has put in place mechanisms to ensure that the individual Cabinet Member seeks advice from relevant Members and Officers before making a decision within their delegated authority. This includes taking legal advice, financial advice and professional officer advice.
- 9.3 The Council’s delegation scheme and resolutions passed at Cabinet or Committee meetings may authorise a named Officer to take action, sometimes in consultation with one or more Members such as the Cabinet Member or Chair and Vice-Chair of a Committee. In these circumstances it is the Officer, rather than the Member, who takes the decision or action and it is the Officer who is accountable for it.
- 9.4 Finally, it must be remembered that Officers within a service are accountable to their Senior Officer and that, whilst Officers should always seek to assist a Cabinet Member or Chair (or indeed any Member) they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Senior Officer.

Please ignore the formatting issues with this document. These will be tied up at the end.

## 10. Specific Member Roles / Officer Relationships

### 10.1 Leader & Chief Executive / Senior Officers

The Leader *represents the Council and provides direction and leadership.*

The role encompasses:

- i. *Setting standards of conduct and expectations for their Party Group and resolving any instances of misconduct by a Member of that group.*
  - ii. Appointing their Cabinet *and Assistant Portfolio Holders* and allocating responsibilities to Cabinet Members and Officers under the Cabinet Scheme of Delegation.
  - iii. Encouraging all Members to play a full part in the running of the Council and being effective *representatives.*
  - iv. Working closely with the Chief Executive to ensure proper coordination of the Council's leadership and management. The Leader and Chief Executive have ultimate responsibility for the corporate working of the Council. They also have responsibility for ensuring that overall partnership working is effective.
- b. *The Chief Executive is responsible for the day to day running and management of the organisation working through the Leader, Deputy Leader and Chair of Council.*
- a) The Council will provide sufficient support and resources to enable the Leader to perform their role effectively.

### 10.2 Cabinet Members and Officers

- a) Cabinet Members will develop the expertise, knowledge of and responsibility for the service(s) allocated to them by the Leader. This includes taking decisions delegated to them by the Leader within the Cabinet Scheme of Delegation. The nature of this role means that Cabinet Members will work closely with their relevant Senior Officer(s) particularly on policy development, decision-making, service delivery and performance issues.
- b) For their area of responsibility, the Cabinet Member provides political focus and leadership for their Political Group and is the lead spokesperson and 'first' political contact for opposition group spokespersons, other Members of Council, the public, press and Officers.
- c) The Council will provide sufficient support and resources to enable the Cabinet Member to perform their role effectively.

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### 10.3 Leader of the Opposition and Officers

The Leader of the Party Group in main opposition on the Council has several key roles including:

- i. *Setting standards of conduct and expectations for their Party Group and resolving any instances of misconduct by a Member of that group*
- ii. supporting the democratic process by ensuring that the activities of the Administration are appropriately examined, contributed to and, where considered necessary, challenged through mechanisms provided for in law and within the Constitution;
- iii. bringing forward alternatives to policies or operational decisions proposed by the Administration, as appropriate;
- iv. giving political direction and leadership to their group of Members, setting standards of conduct and expectations and resolving any instances of misconduct by a member of that group referred to him/her by the Standards Committee / Hearing Sub-Committee;
- v. liaising with the leaders of other Political Groups on the Council.

The office-holder should establish effective working relationships with particularly the Chief Executive and Senior Leadership Team and other Officers, as appropriate.

The *Chair of Council* will provide appropriate support, resources and advice to enable the office-holder to perform their role effectively.

**In addition, other minority Group Leaders will play a similar role as set out above in respect of the Members of their own groups.**

### 10.4 Scrutiny Members and Officers

Members of the Council's three Scrutiny Committees, Overview, Scrutiny and Housing Review Board, shall:

- i. obtain the advice of the Monitoring Officer where they consider there is doubt about the vires for a decision or they consider a decision of the Leader, Cabinet, Cabinet Member or an Officer might be outside the policy and / or budget framework.
- ii. when considering calling Officers to give evidence, consult the relevant Senior Officer to identify as to the most appropriate Officer to attend.
- iii. when asking Officers to give evidence, confine questions, so far as possible, to questions of fact and explanation relating to policies and decisions. Officers may be asked to give a professional opinion, but Officers must not be asked questions relating to political views.

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- iv. where they consider it appropriate, ask Officers to explain and justify advice given to Members prior to decisions being taken and justify decisions they themselves have taken under the Council's Constitution.
- v. not question Officers in such a way as to be in breach of the Members' Code of Conduct nor deal with matters which are of a personal or disciplinary nature.

It is not the role of scrutiny to act as a disciplinary tribunal in relation to the actions of Members or Officers. Neither is it the role of Officers to become involved in what would amount to disciplinary investigations on a Scrutiny Committee's behalf. This means:

- (a) Questioning about the conduct of individuals should be in the sense of establishing the facts about what occurred in the making of decisions or implementing of Council policies, not to imply criticism or blame.
- (b) In these circumstances, it is for the Chief Executive to institute a formal enquiry, and Scrutiny Committees may ask (but not require) them to do so.

Scrutiny should not act as a "Court of Appeal" against decisions or to pursue complaints by individuals, as other procedures exist for this. These are internal, for example, the Council's corporate complaints procedure, and external/statutory, for example the Ombudsman or appeal to the Courts. However:

- (a) Scrutiny Committees may investigate the manner in which decisions are made but should not pass judgement on the merits or otherwise of a decision in individual cases.
- (b) They can comment on the merits of a particular policy affecting individuals.

Scrutiny Committees should provide written questions or details of indicative topics to someone invited to appear before the Committee to ensure they have adequate time to prepare for the meeting. In addition, invitees ought to be told the general line that further questioning is likely to take. Questioning should not stray outside the subject area that the Committee has previously indicated.

Officers shall:

- i. maintain political impartiality at all times when commenting on the Cabinet's / Council's policies and actions.
- ii. be prepared to explain and justify advice given to Members of the Cabinet and the Council prior to decisions being taken and justify decisions they themselves have taken under the Council's Constitution.
- iii. ensure that appropriate Officers appear before the relevant Council body.

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- 11.1 *Officers and Members will address each other respectfully at meetings of the Council.*
- 11.2 Officers should respect Members in the way they respond to Member' questions. Members should not question Officers in a way which could be interpreted as *intimidating or disrespectful*.
- 11.3 Proceedings must not be used to question the capability or competence of Officers, or to criticise them in public. Chairs and Members need to make a distinction between reviewing the policies and performance of the Council and its services and appraising the personal performance of Officers (particularly at scrutiny meetings.) The latter is not an appropriate role for Members.
- 11.4 Senior Officers have the right to present reports and give advice to Committees and sub-committees of the Council. All reports to Council meetings include the name of a contact officer and Members are encouraged to approach that Officer for any query or issue they wish to raise prior to the meeting.
- 11.5 Members on a Committee or sub-committee shall take decisions within the remit of that body and will not instruct Officers to act otherwise.
- 11.6 At meetings of the Council, a resolution may be passed which authorises a named Officer to take action between meetings in consultation with the Chair, other Member(s) of that body or other Officers. In these circumstances it is the Officer, not the Chair, who takes the action and is responsible for it. Neither the Chair nor any other Member, or group of Members, (other than Cabinet Members) has any legal power to take decisions on behalf of the Council; neither should they apply inappropriate pressure on the officer.

## **12. Press and Social Media**

- 12.1 Local Authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Council, explaining its objectives and policies to the electors and customers. Local Authorities use publicity to keep the public informed and to encourage public participation. The Council needs to tell the public about the services it provides. Good effective publicity should aim to improve public awareness of the Council's activities. Publicity is a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant.
- 12.2. The Council must comply with the provisions of the Local Government Act 1986 ("the Act") regarding publicity. All media relations work will comply with the national Code of Practice for Local Government Publicity. The Code is statutory guidance and the Council must have regard to it and follow its provisions when making any decision on publicity.
- 12.3 The Leader, Deputy-Leader, Executive Members and Chairs act as spokespersons for the Council in responding to the press and media and making public statements on behalf of the Council. The Leader, Deputy-Leader, Executive Members and Chairs should liaise with the Communications Team on all forms of contact with the press and media.

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- 12.3 All Council press releases should be in accordance with the Council's agreed guidelines and must be issued through the Council's Communications Team.
- 12.4 Any press release that may be necessary to clarify the Council's position in relation to disputes, major planning developments, court issues or individuals' complaints should be approved by the appropriate Director and/or the Monitoring Officer.
- 12.5 Members or Political Groups have the right to issue political press releases but these shall not be prepared or issued using the Council's resources of any kind. If a Member is contacted by, or contacts, the media on an issue, they should:
- a) indicate in what capacity they are speaking (e.g., as a local District Councillor, in a personal capacity, as a Cabinet Member, on behalf of the Council, or on behalf of a party group);
  - b) if necessary, and always when they would like a press release to be issued on a non-party political nature seek assistance from the Council's Communications Team;
  - c) consider the likely consequences for the Council of their statement (e.g. commitment to a particular course of action, image, allegations of predetermination);
  - d) never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
  - e) consider whether to consult other relevant Members; and
  - f) take particular care in what they say in the run-up to local or national elections to avoid giving the impression of electioneering, unless they have been contacted as an election candidate or political party activist.

It is important for Members to comply with their general obligations in the Code of Conduct when dealing with the press and media and recognise that as a representative of the Council their actions impact on how the Council as a whole is viewed by the public.

- 12.6 Lead Members with special responsibilities will receive training in handling the media and shall receive additional support as required and as appropriate for their roles from the Communications Team.
- 12.7 Any press release that may be necessary to clarify the Council's position in relation to disputes, major planning developments, court issues or individuals' complaints should be approved by the appropriate Senior Officer and/or the Monitoring Officer.
- 12.8 Members should have regard to their obligations under 4.3 above when making any statements to the press or media.
- 12.9 Members and Officers should carefully consider the appropriateness of forming friendships on social media or generally and whether this will infer a friendship between the Officer and Member that could create a perception of lack of objectivity.

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### **13.1 Use of Paper**

13.1.1 The paper containing the Council's corporate identity image must be used for all correspondence written on behalf of the Council. When Members are writing in their capacity as a Member they must make it clear whether they are writing on behalf of the Council or as the ward member. Members must never use paper or electronic communications containing the Council's corporate identity image for personal, party political or business matters.

### **13.2 Correspondence between Members and Officers**

- 13.2.1 Correspondence from an individual Member to an Officer will not normally be copied by the Officer to any other Member unless it is the intention of the Member that it should be so (e.g. representations made in relation to a planning application). Where, exceptionally, and having sought the advice of a Senior Officer, it is considered appropriate to copy the correspondence to another Member, then the original Member should be given prior notification and be told to whom it is proposed to be copied and the reasons for this proposed course of action. The decision of whether another Member should be sent the correspondence is ultimately for the Chief Executive to take.
- 13.2.2 Particular care needs to be taken with email correspondence where the Council's use of email policy should be followed. For example, when dealing with constituency email correspondence be careful when copying emails when using 'cc' or 'bcc' or 'reply to all'. Only copy your email to those people that really need to see it, don't inadvertently forward confidential information and don't forward a constituent's email to others even within the Council without having first obtained their consent.
- 13.2.3 The Leader, Deputy-Leader, Executive Members and Chairs act as spokespersons for the Council in responding to the press and media and making public statements on behalf of the Council. The Leader, Deputy-Leader, Executive Members and Chairs should liaise with the Communications Team on all forms of contact with the press and media.
- 13.2.4 Official letters or emails on behalf of the Council should normally be sent out under the name of the appropriate Officer, rather than under the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter or email to appear over the name of a Member, but this should be the exception rather than the norm. Letters or emails which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.
- 13.2.5 Correspondence to individual Members from Officers concerning regulatory matters such as planning, enforcement, licensing and environmental health matters should not be sent or copied to complainants or other third parties if they are marked "*private*", "*personal*" or "*confidential*". In doing so, the relevant Officer should seek to make clear what is to be treated as being shared with the Member in confidence only and why that is so.



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#### 14. Involvement of Local Ward Councillors

- 14.1 Whenever a public meeting (*not a formal Council/Committee meeting*) is organised by the Council to consider a local issue, all the Members representing the ward affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the relevant local ward Councillors should be notified at the outset of the exercise.

#### 15. Breaches of the Protocol

- 15.1 This paragraph of the Protocol should be read in conjunction with the Council's Whistleblowing Policy.
- 15.2 Where the relationship between Members and Officers breaks down or becomes strained, every effort will be made to resolve matters informally, through conciliation by an appropriate Senior Officer or Members.
- 15.3 Where a **Member** is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the relevant Senior Officer. Where the Officer concerned is a Director, the matter should be raised with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Monitoring Officer.
- 15.4 The Senior Officer will acknowledge the complaint and advise on next steps. The timescale for dealing with such a complaint will be in accordance with the Council's normal complaints procedure.
- 15.5 Members have a right to know if action has been taken to address a matter, but they must not, either:
- a) influence, or seek to influence, the level of disciplinary action to be taken against an Officer, nor
  - b) insist (nor be seen to insist) that an Officer is disciplined.
- 15.6 Members have a right to be told the outcome of any disciplinary case but have no entitlement to detailed information about the hearing or its conduct aside from those Members of the Employment Appeals Sub Committee where specific cases are considered by the Sub Committee.
- 15.7 Where an **Officer** feels that they have not been properly treated with respect and courtesy and wishes to make a complaint under the Members' Code of Conduct this should be made to the Monitoring Officer. In the event of the concerns being raised informally, the Monitoring Officer may refer the matter to the leader of the relevant party group or to the Member concerned. In the event of a formal complaint, the Monitoring Officer will consider whether the complaint should be referred for investigation, other action or whether no further action should be taken and the Council's procedures for dealing with Members' Code of Conduct complaints will be followed as set out in the Constitution.
- 15.8 Breaches of this Protocol by a Member may constitute a breach of the Members' Code of Conduct.

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15.9 Breaches of this Protocol by an Officer may be referred for disciplinary action.

## **16 Monitoring, Review and further Advice**

16.1 The application and implementation of this Protocol will be monitored and reviewed by the Council's Standards Committee in consultation with the Council's Monitoring Officer.

16.2 Further advice on the interpretation of this Protocol is available from the Monitoring Officer.

Report to: Standards Committee



Date of Meeting 11 April 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Code of Conduct Complaint Update

### Report summary:

To update the Standards Committee in relation to the Code of Conduct complaints received and/or progress made, since the last meeting in November 2023. It also provides an updated complaint form for member consideration.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

- (1) That the Standards Committee note the update and provide any feedback on the updated reporting template and Code of Conduct complaint form.

### Reason for recommendation:

To ensure that the Committee are receiving regular updates and have sufficient oversight of Code of Conduct complaints.

Officer: Melanie Wellman email: [monitoringofficer@eastdevon.gov.uk](mailto:monitoringofficer@eastdevon.gov.uk)

### Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

### Equalities impact Low Impact

The Code of Conduct complaints procedures apply equally to everyone. The process also ensures that anyone with a disability has the ability to make a complaint with the assistance of Council officers where needed

## Climate change Low Impact

**Risk:** Medium Risk; Poor member behaviour brings reputational damage. It is essential that there is a robust process in place for monitoring Code of Conduct complaints by the Committee.

**Links to background information** None

**Link to [Council Plan](#)**

Priorities (check which apply)

- Better homes and communities for all
  - A greener East Devon
  - A resilient economy
- 

## Report in full

1. The Committee receive regular updates on Code of Conduct complaints received by the Council in relation to District, Town and Parish Councillors.
  2. At the Standards Committee meeting in November 2023, the Committee discussed the template for reporting on Code of Conduct complaints moving forward. This report therefore provides an update on complaints in two parts. Appendix A updates on complaints made prior to the change in template. Appendix B sets out a new template, taking into account members comments at the last meeting, and includes details of complaints made since November 2023. It also provides a couple of charts giving a breakdown on the number of complaints between District/Parish and by type. Over time, we hope to increase the number of charts so that trends can be monitored.
  3. Members are invited to consider the updates. In terms of the updated template, Members are also asked to provide feedback on the new template and whether it meets the needs of the Committee.
  4. In terms of lessons learnt from recent complaints, it is clear that some of the delays in the process are due to complainants not providing all of the information needed to enable us to progress the complaint. In the circumstances, a review of the current Code of Conduct complaint form has been carried out and an updated draft is attached at Appendix C to this report. Members are invited to consider the updated form and provide feedback.
- 

## Financial implications:

There are no financial implications directly arising from this report.

## Legal implications:

There are no significant legal implications directly arising from this report

## Standards Committee

## Code of Conduct complaints update 2 November 2023 to 2 April 2024

Case #	TC/PC or EDDC member	Stage 1 Assessment	Date of Assessment Sub-Committee	Relevant paragraphs in Code of Conduct it is alleged has been breached and nature of complaint	Case Progress
2022/C03 Cllr A 23.2.2022	P/TC	28.03.2022	22.07.2022	<p>Not declaring disclosable pecuniary and personal interests.</p> <p>4.1 You must (a) treat others with courtesy and respect</p> <p>5. You <b>must not</b> (a) attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; (c) bully any person</p> <p>Not including on their register of interests a relevant person's employment, relevant person's contract with Council and the membership of outside bodies as personal interests. Not declaring or acting on disclosable pecuniary interest at meetings and conferring an advantage on their partner. Not treating the complainant with courtesy and respect or bullying them in relation to the challenge to their declaration of interests at a meeting.</p>	Historic case pre-dating the current Monitoring Officer. Due to the change in procedures and passage of time, a meeting is to be set up with the Independent Persons to discuss the complaint and next steps.
2022/C28 Cllr BB 13.10.2022	EDDC	11.11.2022	19.01.2022	<p>5.1.1 I treat other councillors and members of the public with courtesy and respect.</p> <p>5.2.1 I do not bully any person.</p> <p>5.2.2 I do not harass any person.</p>	Historic case pre-dating the current Monitoring Officer. Due to the change in procedures and passage of time, a meeting is to be set up with the Independent Persons to discuss the complaint and next steps.

				<p>5.2.3 I promote equalities and do not discriminate unlawfully against any person.</p> <p>5.2.4 I do not do anything which may cause the Council to breach a statutory duty or any of the equality enactments (as defined in section 33 of the Equality Act 2010).</p> <p>5.5.1 I do not bring my role or Council into disrepute.</p> <p>Allegation of inappropriate comment in a Council meeting</p>	
2023/1 24.5.2023 Cllr GG	EDDC	16.06.2023	N/A	<p>5.1.1 I treat other councillors and members of the public with courtesy and respect.</p> <p>5.2.3 I promote equalities and do not discriminate unlawfully against any person.</p> <p>5.2.4 I do not do anything which may cause the Council to breach a statutory duty or any of the equality enactments (as defined in section 33 of the Equality Act 2010).</p>	Other action agreed, namely an apology and training. <b>Case Closed.</b>
2023/6 12.09.2023 Cllr LL	P/TC			Failure to declare an interest in Council matter.	Complainant was rejected at Stage 1 as it did not set out a clear breach of the code of conduct. <b>Case Closed.</b>
2023/7 10.10.2023 Cllr MM	P/TC			Failure to declare DPI and	Complaint alleged potential criminal aspect and so the case was referred to the Police and therefore had to be put on

				5.2.1 I do not bully any person. 5.2.2 I do not harass any person.	hold. The Police have now confirmed they will not be taking any action and we can therefore proceed with the complaint. The Complainant has requested their details remain anonymous and we are currently considering this request in line with the complaint procedure.
2023/8 23.10.2023 Cllr NN	EDDC			You must not (h) conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.	Decision of no further action as the Subject Councillor was not considered to be acting in their capacity as a Councillor at the time of the alleged activity. <b>Case Closed.</b>
2023/9					<b>Complaint has now been split as it was against two Councillors – please see 2024/2 and 2024/3.</b>
2023/10 17.07.2023 Cllr PP	EDDC	17.09.2023	2.10.2023	3.3 In undertaking my role: I impartially exercise my responsibilities in the interests of the local community.  I do not improperly seek to confer an advantage, or disadvantage, on any person.  I avoid conflicts of interest.  I exercise reasonable care and diligence.  I ensure that public resources are used prudently in accordance with my Council's requirements and in the public interest.	Decision letter issued confirming that the agreed Council wide guidance and training would be provided. <b>Case Closed.</b>

2023/11 09.01.2023 Cllr QQ	EDDC			Complaint sets out that code has been breached.	Required clarification and information has not been provided by Complainant. <b>Case Closed.</b>



## Standards Committee Code of Conduct complaints update

Period: December 2023 to April 2024

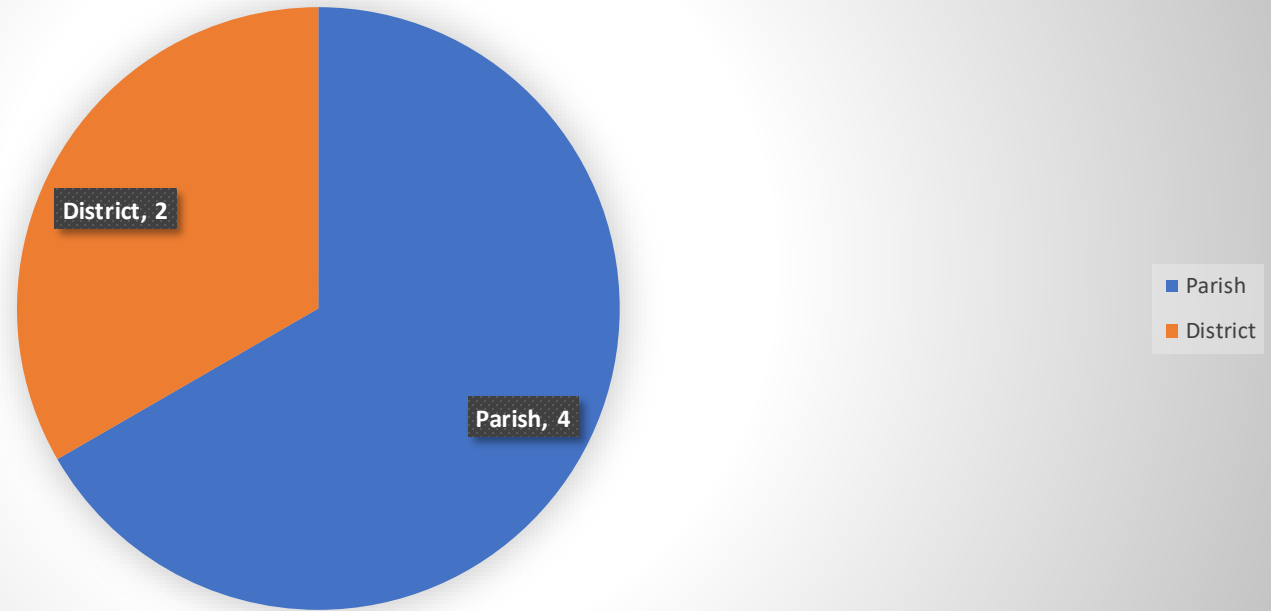
Case Ref	Parish (and towns) or District	Summary of Complaint	Area of Code breached	Date of first contact	Date Complaint received*	Date of Stage 1 decision	Rejected at Stage 1	Stage 1 Timescale met (Y/N)**	Date of Stage 2 decision	Stage 2 Timescale met (Y/N)**	Decision	Reasons for any delay	Lessons Learnt/ next steps (where relevant)
2023/12	Parish	Using position on outside bodies and failing to treat individual with respect	Courtesy and Respect  Bullying, Harassment and Discrimination  Confidentiality and access to information  Disrepute  Use of Position  Interests	14/11/2023	23/01/2024	08/02/2024	N	N					
2024/1	Parish	Rude to a member of public at a council meeting	Courtesy and Respect	02/02/2024	02/02/2024	05/02/2024	N	Y					
2024/2	Parish	Mistreatment and bullying of Council officer	Bullying, Harassment and Discrimination	11/09/2023	17/03/24	18/03/24	N	Y					
2024/3	Parish	Mistreatment and bullying of Council officer	Bullying, Harassment and Discrimination	11/09/2023	17/03/24	18/03/24	N	Y					

2024/ 4	District	Disrespect at a meeting and breaching confidentiality	Courtesy and Respect	23/02/2024	23/02/2024	11/03/2024	Y	N					Due to extent of background information that needed to be reviewed	
2024/ 5	District	Not copying complainant into emails and not delivering on promises	Courtesy and Respect	06/03/2024	18/03/2024									

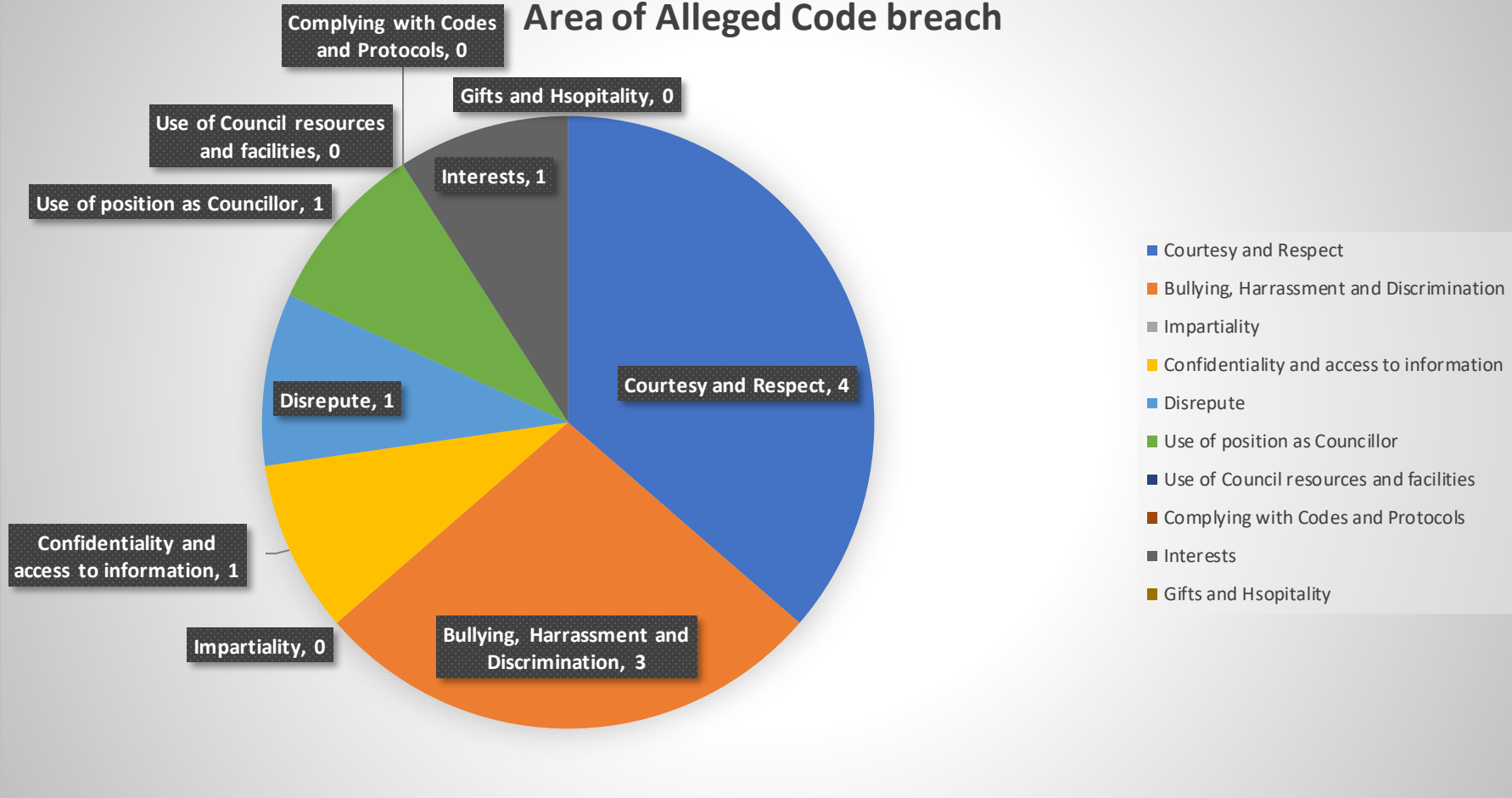
\*All information received to enable complaint to be progressed

\*\* Includes any extensions notified to parties for valid reasons

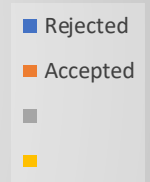
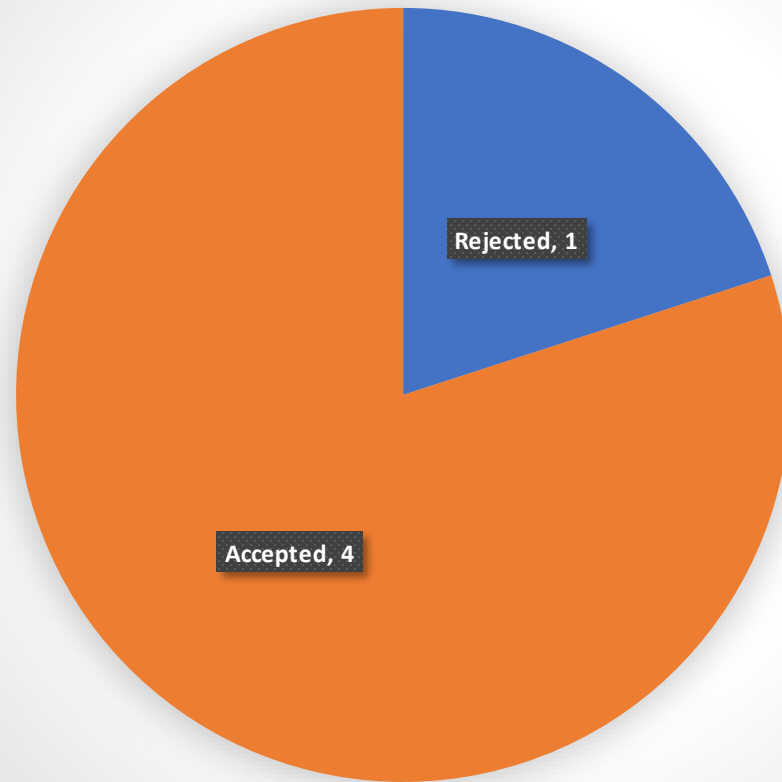
### Number of Parish and District complaints compared



### Area of Alleged Code breach



### Stage 1 Outcome





## Making a complaint about the conduct of a District or Town/Parish Councillor in East Devon

**Please use this form to make a complaint about the behaviour of a parish, town or district councillor in East Devon where you believe they have breached their Councillor's Code of Conduct.**

The Council, in accordance with the Localism Act 2011, has adopted a procedure for dealing with complaints. The procedure the Council has adopted is designed to be proportionate, timely and fair to both sides. Its overriding objective is to seek to provide pragmatic local solutions to local problems wherever possible.

A link to the complaint procedure can be found here [\(insert link\)](#). Please carefully review the procedure before submitting your complaint as it contains important information about what is required from you to enable us to progress your complaint. It also explains the process in full and sets out the outcomes that are possible through the process.

Once you have reviewed the complaint procedure, if you wish to make a complaint, we would first encourage you to discuss the matter with the Monitoring Officer. This initial discussion will enable us to understand the basis of your complaint and advise you if there is anything additional we may need from you to be able to proceed with your complaint. The Monitoring Officer can be contacted at:

Email: [monitoringofficer@eastdevon.gov.uk](mailto:monitoringofficer@eastdevon.gov.uk)

Telephone: 01395 571688

We can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.

**1. Your details**

Please provide us with your name and contact details. Anonymous complaints will only be considered in exceptional circumstances as detailed at Appendix D of the procedure.

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Daytime telephone:</b>	
<b>Mobile telephone:</b>	
<b>Email address:</b>	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people may see this form:

- Members of the Standards Committee
- Monitoring Officer of East Devon District Council or their deputy/legal team
- The Council's Independent Persons

A copy or brief summary of your complaint will also be shared with the Subject Councillor(s) you are complaining against. If we release a copy of the complaint form and any attachments, we will ensure that your contact details (address, telephone number, e-mail address) are removed. If you have serious concerns about your name and/or details of your complaint being released, please complete Section 6 of this Form and also discuss your reasons or concerns with the Council's Monitoring Officer.

**2. About you**

Please tell us which of the following best describes you:

- Member of the public
- An elected or co-opted member of an authority
- An independent member of the standards committee
- Member of Parliament
- District council, town or parish council employee
- Other – please specify .....

**3. Details of Subject Councillor**

Please provide us with the name of the councillor(s) you believe have breached the Code of Conduct and the name of their authority:

First name	Last name	Council name

**4. Summary of complaint**

**Brief Summary of the Complaint**  
 Please provide a brief summary of the nature of your Complaint.

**5. Details of complaint**

Please explain what the councillor has done that you believe breaches the relevant Code of Conduct and how you have evidenced the allegation.

It is important that you provide all the information you wish to have taken into account. For example:

- You should identify what made you think the councillor was acting in official capacity (i.e. was acting as a councillor rather than as a private individual).
- You should be specific, wherever possible, about exactly what you are alleging the councillor said or did. For instance, instead of writing that the councillor insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You must specify which sections of the relevant Code of Conduct you consider have been breached.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.



- You should provide any relevant background information including documents and correspondence if relevant to the complaint.

Please complete the below table. If your complaint consists of more than one allegation, or if you allege that the Subject Councillor has breached more than one paragraph of the relevant Code of Conduct, please ensure you provide all of the required information for each part to your complaint.

<p><b>The Allegation</b></p> <p>Please provide a detailed description of the allegation, explaining the relevant circumstances, and dates.</p> <p>Example: The Subject Councillor swore at me in a public Council meeting on 2 April 2023 when I raised a question about an item on the agenda.</p>	
<p><b>Section of the Code</b></p> <p>You must link each allegation to a specific section of the code of conduct.</p> <p>Example: The Councillor breached paragraph 5.1.1 of the East Devon District Council Code of Conduct by failing to treat me with respect.</p>	
<p><b>Evidence</b></p> <p>Please list all the evidence that you</p>	

<p>are providing in support of each allegation and attach it to your complaint.</p> <p>Example: Attach the minutes of the relevant Council meeting and a copy of the recording in which it can be seen that the Councillor swore at me.</p>	
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**6. Remedy**

The complaint process (link at the beginning of the form) details the sanctions available if a breach is found. The sanctions available are governed by the Localism Act 2011. For a brief summary of the sanctions available, please see Appendix E of the procedure.

The overriding objective of the complaints process is to seek to provide pragmatic local solutions to local problems wherever possible.

In the circumstances, after considering the procedure and the possible sanctions available, please indicate what action / outcome you are looking for or hoping to achieve in pursuing this complaint.

<p><b>Details of remedy / outcome sought.</b></p>          <p>Please tick the box if you are willing to accept an apology from the councillor(s) who you are complaining about. <input type="checkbox"/></p>
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**Only complete Section 7 if you are seeking for your identity to be kept confidential from the subject member.**

**7. Confidentiality**

In the interests of fairness and natural justice, we believe councillors who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary or copy of the complaint. We are unlikely to withhold your identity or the details of your complaint unless the Monitoring Officer considers as follows:

- You have reasonable grounds for believing that you or somebody closely connected to you, will be at risk of physical harm if your or their identity is disclosed; or
- You are reasonably concerned about the consequences to your employment or that of somebody closely connected to you, if your or their identity is disclosed; or
- That you or someone closely connected to you suffers from a medical condition and there is evidence of medical risks associated with you or their identity being disclosed and confirmation from a medical professional is provided confirming that this is the case.

We will also take into account whether the specifics of your complaint will disclose who has made the complaint even without confirming your identity. The Monitoring Officer will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will allow you the option of withdrawing your complaint.

However, it is important to understand that in certain very exceptional circumstances where the matter complained about is very serious, we may proceed with an investigation or other action and disclose your name even if you have expressly asked us not to. We will contact you where this situation arises to discuss the matter first.

Details of why we should withhold your name and/or the details of your complaint:
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**8. Please sign and date this form**

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**When you have completed this form, please return it to:**

The Monitoring Officer  
East Devon District Council  
Blackdown House  
Border Road  
Heathpark Industrial Estate  
Honiton  
EX14 1EJ

Email: [monitoringofficer@eastdevon.gov.uk](mailto:monitoringofficer@eastdevon.gov.uk)

**Data Protection**

Any personal information which you provide will be held and used by East Devon District Council for the purpose of processing your complaint that a councillor has breached their Code of Conduct. Your information will be shared with anyone necessary in accordance with the Council's complaint procedure ([attach link](#)) including the Subject Councillor (unless we have accepted that your complaint will be anonymised in accordance with section 7 above), and the Council's appointed Independent Person. Your information may also be shared within East Devon District Council for the purposes of carrying out our lawful functions. Otherwise your personal information will not be disclosed to anybody outside East Devon District Council without your permission, unless there is a lawful reason to do so, for example disclosure is necessary for crime prevention or detection [or investigation](#) purposes. Your information will be held securely and will not be retained for any longer than is necessary. There are a number of rights available to you in relation to our use of your personal information, depending on the reason for processing. Further detail about our use of your personal information can be found in the relevant Privacy Notice which can be accessed here ([attach link](#)).



Report to: Standards Committee

Date of Meeting 11 April 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Standards Committee Work Programme

### Report summary:

To receive an update regarding progress made in relation to the Committee's Work Programme for 2023/24

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

That the Standards Committee notes the update.

### Reason for recommendation:

To ensure that the Committee has a robust work programme in place and can monitor activity against that Work Programme at each meeting.

Officer: Melanie Wellman, Director of Licensing and Governance and Monitoring Officer, email [melanie.wellman@eastdevon.gov.uk](mailto:melanie.wellman@eastdevon.gov.uk)

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk; Agreeing a Work Programme for the Committee will ensure that important issues are not overlooked and that the Committee can monitor progress against that work programme.

**Links to background information** None

**Link to [Council Plan](#)**

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

## Purpose of Report

- The following table sets out progress in relation to the Work Programme for the Standards Committee for 2023/24. The Committee are invited to consider the update and any items that they would wish to see included in the 2024/25 work programme.

Description	Timetable	Responsible Officer	Comments
Annual Report from the Chair of the Committee regarding the work of the Committee	2024	Chair/Monitoring Officer	To be presented to the Committee in June 2024
Promote ethical standards by providing support and training in relation to the Code of Conduct to District Councillors , Parish Clerks and Councillors (as required);	Training provided to District Councillors in May/June 2023  Training to be provided to Town and Parish Councils in September 2023	Monitoring Officer	Complete
Receive conduct of hearings training	To be agreed	Monitoring Officer	None required
Investigate ways of resolving issues before they escalate to a formal complaint	To be agreed	Monitoring Officer	Ongoing
Promote ethical standards by engaging via the Chair of the Committee on a regular basis with the political leaders and Chief Executive of the Council	Twice a year	Chair	2023/2024 Annual report to be presented to a meeting of the Group Leaders in July 2024
Review the procedures relating to member Complaints made to the Council	23 June 2023	Monitoring Officer	Complete
Receive updates regarding Code of Conduct complaints		Monitoring Officer	Complete

Hear Standards complaints where an investigation has concluded there has been a breach of the Code and the Monitoring Officer refers the matter for hearing	As required	Monitoring Officer Sub-Committee of Standards Committee	None required
Consider dispensation applications	When applications have been received	Monitoring Officer	No applications received
Conduct a review of the Code of Conduct		Monitoring Officer	Propose considered as part of 2024/25 work programme
Receive an update on Standards issues	At each meeting – as required	Monitoring Officer	Complete
To receive regular updates on the gifts and hospitality accepted or refused by members and officers	Every six months	Monitoring Officer	Gifts and Hospitality is currently being reviewed by the Monitoring Officer and new Forms/Protocols and an update on gifts and hospitality received are proposed to be presented to Members at the June 2024 meeting.
To review Protocols relating to standards and behaviour	To be agreed	Monitoring Officer	Member/Officer Protocol on this agenda.

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**Financial implications:**

There are no financial implications to be added to this report.

**Legal implications:**

There are no substantive legal issues to be added to this report.