



Agenda for Standards Committee Tuesday, 14th November, 2023, 2.30 pm

Members of Standards Committee

Councillors: E Rylance (Chair), J Bailey, I Chubb, T Dumper, S Hughes, J Loudoun, J Whibley.

Parish Representatives: P Stott and S Sexton

Independent Persons: D Kuh and P Coulter

Independent Representatives: R Wood, M Goscomb and K Bryant

Venue: Council Chamber, Blackdown House, Honiton

Contact: Debbie Meakin;

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Monday, 6 November 2023

This meeting is being recorded for subsequent publication on the Council's website and will be streamed live to the [East Devon District Council Youtube Channel](#)

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 **Revised Code of Conduct complaints procedure** (Pages 6 - 27)

8 **Update on Code of Conduct complaints received** (Pages 28 - 41)

9 **Revised template for reporting on Code of Conduct complaints** (Pages 42 - 44)

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[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 22 June 2023****Attendance list at end of document**

The meeting started at 10.02 am and ended at 11.43 am

1 Public speaking

None.

2 Minutes of the previous meeting

The minutes of the previous meeting held on 27 July 2022 were agreed.

3 Declarations of interest

None.

4 Matters of urgency

None.

5 Confidential/exempt item(s)

None.

6 Standards Committee Terms of Reference

The Monitoring Officer reminded the Committee of the terms of reference of the committee, including their role of promoting the governance and ethical standards of the Council.

The Committee can also convene sub committees for Assessment and Hearing of complaints. Article 9 of the Constitution also provide detail on the role of the committee.

The current terms of reference required updating to reflect committee number changes and membership accordingly.

RESOLVED that the updated Terms of Reference, alongside Article 9 of the Constitution, be brought back to the Committee at a future meeting.

7 Standards Committee Work Programme

The Committee were presented with a proposed work programme for the coming year.

Discussion on the plan of work included:

- Training on the Hearing process would take place prior to a hearing date, to ensure that the training was fresh for all involved before participating in a hearing;
- DALC offer would be explored on how they could contribute towards work on assisting town and parish councils in training, and on means of working together to help resolve

issues at an early stage before those issues became official complaints. DALC to be asked if they offer a “Parish Health Check” that could be a useful resource;

- Independent Persons could assist in any training delivered to Town and Parish Councils;
- A number of comments had already been received on revisiting the current Code of Conduct, and was listed for further discussion later in the meeting;
- Training offer should cover both in-person and online options to afford maximum flexibility;
- Refreshed Terms of Reference would be added to the programme.

RESOLVED that the Work Programme, with the addition of updated Terms of Reference, be agreed.

8 **Complaints Procedure**

The report from the Monitoring Officer covered the background to the changes in procedure agreed in February 2022. The process was amended to include the review of complaints by a Standards Assessment Sub Committee, in order to assist the assessment of the high number of complaints being received.

The Committee were reminded of the outline of the process and invited to consider if changes were required. They also received a comparison of the timescales between the current and former process, being 10 weeks and 4 weeks respectively for the initial assessment of the complaint. The LGA guidance given was for 3 weeks for this process.

The advantages and disadvantages of the current procedure were also set out.

Discussion from the committee included:

- 10 weeks for assessment was not acceptable, and to move to a 4 week target was more realistic;
- The change to the current procedure was intended to relieve the pressure on workload but had not delivered that intention;
- Straightforward cases should aim to be undertaken within the LGA’s guidance target;
- The complainant’s right to consult an Independent Person may impact on the timescale;
- Key to delivery was to have resources in place; there was still an outstanding solicitor post to fill, the post being able to then resolve the backlog of cases;
- Assistance from the Independent Persons and Independent Representatives on the backlog of complaints to assist the Monitoring Officer until resource is successfully employed;
- Balance required between education, intervention and the cost of dealing with complaints.

The Committee agreed that a report on proposed changes needed to be considered by them fully before recommending any change to the current procedure to Council for approval. Any change would be planned to put forward to Council for a decision at the earliest opportunity.

RESOLVED

1. that a report be brought to the Committee that outlines proposed changes to the complaints procedure that includes:
 - a. stage 2 complaints being assessed by the Monitoring Officer;
 - b. stage 2 complaints being assessed within the target timeframe of four weeks;
2. that the Independent Persons and Independent Representatives assist the Monitoring Officer on a case by case basis to help assist with a triage approach for the backlog of complaints.

9 **Standards Update**

The Monitoring Officer would be regularly reporting to the committee on any issues relating to ethical standards and code of conduct issues.

The regular reporting would also cover:

- Register of interests by District, Town and Parish Councillors
- Training of District, Town and Parish Councillors in relation to the Code of Conduct
- Code of conduct complaints

The committee were updated on the returns to date that were available to the Monitoring Officer. Work continued by the team to update online those register of interests received, as and when they were provided.

Discussion took place on the level of detail in respect of code of conduct complaints, that was provided to the Committee. Care had to be taken for any information in the public domain, to avoid any complainant or councillor to be identified. Detail on the type of complaint would assist the Committee in identifying trends in conduct, and focus improvements accordingly. The Committee therefore requested that the Monitoring Officer provided a template for reporting complaints that would cover detail for this purpose in a way that would prevent the identification of any individual.

The Monitoring Officer would work on a template that covered a number of factors as discussed, including the timescale for dealing with complaints, to bring back to the Committee for approval.

RESOLVED that the Committee note the update report.

Attendance List

Councillors present:

E Rylance (Chair)
I Chubb
T Dumper
S Hughes

Councillors also present (for some or all the meeting)

I Barlow
G Jung

Officers in attendance:

Debbie Meakin, Democratic Services Officer
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)

Councillor apologies:

J Bailey
J Loudoun
J Whibley

Chair

Date:



Report to: Standards Committee

Date of Meeting 14 November 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Review of Member Code of Conduct Complaints Procedures

Report summary:

At the last Standards Committee meeting, the Committee agreed to the Complaints procedures being reviewed by the Monitoring Officer, to enable the Monitoring Officer to carry out the local assessment of Code of Conduct complaints in consultation with the Independent Person.

A review has therefore been conducted of the current procedures and the opportunity taken to ensure that the procedures accord with guidance issued by the Local Government Association.

Members are invited to consider the new procedures and recommend their adoption, with or without changes, to Full Council.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

- (1) That the Standards Committee review the revised procedures and recommend them to Full Council for approval with or without amendments.

Reason for recommendation:

To ensure that the Code of Conduct complaints procedures are reviewed, up-to-date and in accordance with best practice.

Officer: Melanie Wellman email: 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 deal with Code of Conduct complaints.

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

At the last Standards Committee meeting, the Committee agreed to the Complaints procedures being reviewed by the Monitoring Officer, to enable the Monitoring Officer to carry out the local assessment of Code of Conduct complaints in consultation with the Independent Person where appropriate.

A review has therefore been conducted of the current procedures and the opportunity taken to ensure that the procedures accord with guidance issued by the Local Government Association. A fresh document has been produced for potential complainants, outlining the process that will be followed when a Code of Conduct complaint is submitted. This document is attached at Appendix A to this report.

With the exception of the complaints reverting back for local assessment to the Monitoring Officer in consultation with the Independent Person, and consequent improvement in the timescales for considering the complaints, no significant changes have been made. Instead the focus has been on producing a comprehensive document that sets out:-

- The process to be followed.
- The timescale for each stage, namely five working days for the initial assessment and 20 working days for the entire process of assessing the complaint. It also outlines the ability to extend those periods in appropriate circumstances.
- Explains the potential outcomes for individual complaints including no further action, other action or referral for investigation
- Updates the criteria against which to assess complaints
- Explains that there is no right of appeal but that the complainant can complain to the Local Government Ombudsman or judicially review the decision
- Deals with issues such as multiple complaints, referrals to the police, complainant confidentiality, confidentiality of the complaint, sanctions available and exceptional circumstances where it may be appropriate not to consult with the member at the initial assessment stage
- Updates the flow chart that outlines the process to be followed at Appendix C

The Committee is invited to consider the new guidance document and recommend its adoption, with or without changes, to Full Council.

Financial implications:

There are no financial implications directly arising from this report.

Legal implications:

Covered in the body of the report



INFORMATION AND GUIDANCE FOR POTENTIAL COMPLAINANTS

How to make a Complaint about the conduct of a District or Town/Parish Councillor in East Devon

CONTENTS OF THIS DOCUMENT:

1. Introduction to Code of Conduct complaints
2. Making a complaint
3. Stage 1 Assessment (Basic Criteria)
4. Stage 2 Assessment
5. Process at Stage 2
6. Outcomes
7. Result of Investigation
8. Other Important Information

Appendix A:	Summary of East Devon Code of Conduct
Appendix B:	List of Towns and Parishes in East Devon
Appendix C:	Flow Chart of Process
Appendix D:	Complainant confidentiality
Appendix E:	Sanctions

1. Introduction to Code of Conduct complaints

- 1.1 Section 27 of the Localism Act 2011 (the “Act”) requires a local authority to adopt a Code of Conduct to govern the conduct that is expected of its members (and co-opted members), when acting in their official capacity.
- 1.2 East Devon District Council (“the Council”) has adopted a Code of Conduct for councillors which is available using the following link: [Code of conduct - East Devon](#) or upon request from the Council’s Monitoring Officer. The behaviour covered by the Council’s Code is summarised in Appendix A.
- 1.3 The Council is responsible under the Act for dealing with complaints that district councillors in East Devon have breached the Code of Conduct.
- 1.4 The Council is also responsible for dealing with complaints that Town/Parish councillors in East Devon have breached their Code of Conduct. A full list of the Towns and Parishes in East Devon is set out at Appendix B. Town and Parish Councils can adopt the East Devon Code of Conduct or another code of their choosing. A copy is generally available upon the Town or Parish Council’s website or can be obtained from the Town or Parish Clerk.
- 1.5 This guidance sets out how you may make a complaint that an East Devon District councillor, or a Parish/Town Councillor has failed to comply with the relevant Council’s Code of Conduct. A flow chart of the process is contained at Appendix C. You are encouraged to read this guidance in its entirety before submitting your complaint.
- 1.6 The overall responsibility for considering written complaints against elected or co-opted councillors of East Devon District Council and the Town and Parish Councils within our area sits with East Devon District Council’s Standards Committee (the “Committee”). This Committee is a group of councillors appointed by East Devon District Council to help maintain and promote high ethical standards. In addition to councillors from East Devon District Council, parish council representatives and independent representatives are also co-opted onto this Committee. The Council also appoints independent persons to advise the Committee.
- 1.7 The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the register of councillor’ interests and who is responsible for administering the process in respect of complaints of alleged councillor misconduct on behalf of the Committee. Reference to “Monitoring Officer” shall include their nominated Deputy.

- 1.8 This guidance sets out how the Council will deal with your complaint once received.
- 1.9 Please note that trivial, frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.
- 1.10 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 and to avoid costly and time-consuming investigations/hearings.

2. Making a complaint

- 2.1 If you wish to make a complaint, please contact the Monitoring Officer at:

Email: monitoringofficer@eastdevon.gov.uk

Telephone: 01395 571688

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

- 2.2 In order to ensure that we have all the information which we need to process your complaint, we would strongly encourage you to use our online complaint form. Further details and an online form can be found on our [How to Complain about a Councillor](#) pages of our website or you can request a hard copy of the form to be posted to you if you do not have access to the internet.
- 2.3 Your complaint must be made in writing. If a disability prevents you from making your complaint in writing, we will offer to put your complaint into writing for you, and you will be asked to sign or otherwise indicate that you want to make a complaint in the terms set out. It will be your responsibility to provide any supporting documentation. If you are unwilling to sign the documentation or indicate your satisfaction, your complaint will be rejected unless the Monitoring Officer is satisfied that the circumstances justify an exception being made. We can also help if English is not your first language.
- 2.4 It is very important that anyone completing the form gives as much detail as possible as insufficient information may result in the complaint not progressing. The name of the councillor and the relevant paragraphs of the Code of Conduct that it is felt they have breached, should be included, together with a description of the event/actions that led to the alleged breach. Relevant evidence (such as email

exchanges, witness accounts or recordings) to support the alleged breach should be referenced / provided.

- 2.5 Potential complainants are encouraged to explore whether the matter can be resolved without the need to submit a formal complaint under this process. Please do speak to the Monitoring Officer who will be happy to advise you on the options available to you.
- 2.6 Complainants are also encouraged to think about the outcomes and / or remedies they are seeking.
- 2.7 We recommend that you use our online complaint form or provide a covering note summarising what you are complaining about, especially if your complaint includes a lot of supporting documentation. In the summary you should tell us exactly what each person you are complaining about said or did that has caused you to complain. If you are sending supporting documentation, please cross-reference it against the summary of your complaint.
- 2.8 You should be as detailed as possible and substantiate your complaint where you can. Although you are not required to prove your complaint at this stage of the process, you do have to demonstrate that you have reasonable grounds for believing that the councillor(s) complained about have breached the Code of Conduct.
- 2.9 You may wish to consider taking advice, for example from the Citizen's Advice Bureau.
- 2.10 Under the Council's Constitution, East Devon District Councillors should consult with the Monitoring Officer before making any complaint against another District or Town / Parish Councillor.
- 2.11 When you submit your complaint we will write to you to let you know we have received it, within three working days. The complaint process is set out in a flow diagram at Appendix C.
- 2.12 The assessment of a complaint will follow a two-stage process.

3. First Stage Assessment

- 3.1 The first stage is to establish whether or not we can deal with your complaint.
- 3.2 Once your complaint has been acknowledged, the Monitoring Officer will then consider whether the complaint meets the jurisdictional tests at the First Stage Assessment. The matters that will be considered at this stage of the process are:-
 - a) Your complaint must be about one or more named councillors of the authorities listed on the attached Appendix B.
 - b) Your complaint must be about conduct that occurred while the councillor(s) complained about were in office. Conduct of an individual before they were elected, co-opted or appointed to the

authority, or after they have resigned or otherwise ceased to be a councillor, cannot be considered.

- c) The councillor you are complaining about must be in office at the time of your complaint.
 - d) Your complaint must relate to matters where the councillor was acting as a councillor or representative of their council and therefore is not a private matter.
 - e) The complaint relates to councillor conduct (rather than, for example, the lawful actions of a parish council or the District Council's service provision) such that, if proven, it would be capable of amounting to a breach of the Code of Conduct.
- 3.3 The Monitoring Officer will advise you within five working days as to whether your complaint meets the First Stage Assessment and if so, the complaint will progress to the Second Stage Assessment.
- 3.4 When there is insufficient information to make a determination as to whether the conduct complained of may demonstrate a potential breach of the Code of Conduct, the Monitoring Officer may offer you a further ten working days to provide further information to support the complaint. If further information is not provided within ten working days of being requested or the further information is not sufficient to make a determination, the complaint will be rejected.
- 3.5 Complaints against a council as a whole will be rejected and need to be referred directly to the council in question for consideration. We can tell you who to contact. These complaints should be pursued through the relevant council's own internal complaints procedure. For example, if a complaint relates to a councillor's behaviour in relation to the determination of a planning application, this procedure will relate only to the councillor's conduct and will not comment on the decision relating to the planning application, save to the extent necessary to explain the decision in relation to the code of conduct complaint.
- 3.6 Complaints about the actions of people employed by the relevant council e.g. the clerk of a town or parish council, will also be rejected. Again, these complaints should be pursued through the relevant council's own internal complaints procedure.
- 3.7 This First Stage process will be completed within five working days.
- 3.8 If your complaint meets all of the First Stage Assessment criteria, it will proceed to the Second Stage Assessment.

4. Second Stage Assessment

- 4.1 Complaints that progress to the Second Stage will be assessed against criteria to determine whether there is some evidence which would suggest that there may have been a material breach of the Code of Conduct.

- 4.2 The criteria to be used in reaching a decision are set out below. Your complaint will usually be rejected at this stage if, in the opinion of the Monitoring Officer, any of the following criteria applies:
- a) It appears the complaint relates to a councillor acting in their private capacity;
 - b) The complaint is the same or substantially the same as a complaint previously dealt with whether submitted by you or some other person;
 - c) It is over 6 months since the alleged behaviour occurred and it would be unfair, unreasonable or otherwise not in the public interest to pursue unless there are, in the Monitoring Officer's opinion, exceptional circumstances, such as there has been a failure to declare a disclosable pecuniary interest which would warrant the complaint being progressed;
 - d) The allegation is anonymous and there are no exceptional compelling reasons to progress the complaint;
 - e) The allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:
 - the resources needed to investigate and determine the complaint are wholly disproportionate to the allegations; and/or
 - whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation.
 - f) The complaint appears on an objective basis to be malicious, vexatious, politically motivated or tit-for-tat or is part of a series of complaints from the complainant and it is not in the public interest to pursue it;
 - g) The councillor has remedied or made reasonable endeavours to remedy the issues to which the complaint relates and the complaint does not disclose sufficiently serious potential breaches of the Code of Conduct to merit further consideration;
 - h) The complaint is about a person who is no longer a councillor of a relevant council and there are no overriding public interest reasons to merit further consideration;
 - i) The complaint is from a councillor about another councillor of their council and the Monitoring Officer considers the allegations to be such that the issues between the councillors ought to be capable of resolution between them, whether with or without the assistance of their Clerk or some other person;
 - j) That a simple apology, training or conciliation would be the appropriate response;

- k) That a reasonable offer of local resolution is offered by the councillor but is rejected by you;
- l) It would otherwise be inappropriate to expend the Council's resources on determining the complaint having regard to the circumstances of the complaint, any previous related complaints and the public interest.

5. Process at the Second Stage

- 5.1 We will notify the councillor to whom the complaint relates, provide details of the complaint and invite them to make representations. These must usually be received by the Monitoring Officer within ten working days of the councillor receiving the notification.
- 5.2 The Monitoring Officer may also contact the clerk of the Town or Parish council, where appropriate and such other persons as the Monitoring Officer feels appropriate, to provide additional information.
- 5.3 The Monitoring Officer will assess the complaint, any representations by the councillor and any additional information requested. However, the purpose of this stage is not to conduct a formal investigation and only preliminary enquiries will be made, such as to establish whether a councillor was in fact present at the meeting to which the complaint relates.
- 5.4 On the completion of this initial assessment the Monitoring Officer will contact you to advise you whether your complaint relates to a potential breach of the code of conduct and what action is proposed, if any. The councillor will be similarly informed. This will happen within twenty working days of the date we receive your complaint or additional information (where requested).
- 5.5 The decisions that can be reached at this Stage are;
 - a) No further action should be taken in relation to the complaint;
 - b) The complaint should be dealt with through a process of informal resolution in the first instance; or
 - c) The matter should be referred for formal investigation.
- 5.6 In reaching a decision at the Second Stage, no finding of fact will be made.
- 5.7 The Second Stage will happen within twenty working days of receipt of your original complaint or of receipt of any further information requested by the Monitoring Officer to enable them to progress your complaint.
- 5.8 It is important to note that not every complaint that falls within the jurisdiction of the Standards Committee will be referred for investigation. The Monitoring Officer or the Standards Committee (as

appropriate) must decide whether this is appropriate. The Monitoring Officer will endeavour to resolve complaints without the need for a formal investigation wherever possible.

- 5.9 There may be rare occasions upon which a councillor will not be notified that a complaint has been made against them. In deciding not to notify the councillor, we will weigh up different factors and the Monitoring Officer will consult with the Independent Person when reaching this conclusion. For example, would telling the councillor risk the complainant being intimidated or evidence destroyed, or if the complaint seems to fall outside of the jurisdiction of the Code of Conduct is there any need to hear from the councillor? If the decision is made not to notify the councillor about the complaint but the councillor becomes aware of the complaint and wishes to know what has been alleged and the identity of the complainant, then this information will be provided to them (unless the complainant has requested confidentiality and the Monitoring Officer has agreed to this request).
- 5.10 Before making any decision at the Second Stage, the Monitoring Officer will discuss your complaint with an independent person. This is a person who has been appointed by the Council to assist in dealing with Code of Conduct complaints and who is independent of the District or Town/Parish Councils in East Devon. The Council has appointed two Independent Persons to assist with complaints. Members have the right to consult an Independent Person as part of the complaints process. They will be notified of this as part of the correspondence. Where possible, the Independent Person giving their views to the Monitoring Officer will be different from the one giving views to the Member, although it is acknowledged that this may not always be possible.

6. Outcomes

6.1 Informal Resolution (other action)

An informal resolution is a more proportionate way of dealing with relatively minor allegations, one-off incidents or underlying disagreements between individuals. It is important to note that dealing with a matter by informal resolution at the Stage 2 Assessment stage is making no finding of fact as there has been no formal investigation.

Matters which the Monitoring Officer might consider appropriate for informal resolution may include:

- the same particular breach of the Code by many councillors, indicating poor understanding of the Code and the authority's procedures;
- Less serious complaints where the Member wishes to put their actions right or where it would be beneficial to remind a Member(s) of the requirements of the Code of Conduct, matters that should be included on their Register of Interests or declarations of interest at meetings.

- Complaints where the public interest in conducting an investigation does not justify the costs of such an investigation.
- a general breakdown of relationships where other action such as mediation might help, including those between councillors and officers, as evidenced by a pattern of allegations of minor disrespect, harassment or bullying to such an extent that it becomes difficult to conduct the business of the relevant council;
- misunderstanding of procedures or protocols;
- misleading, unclear or misunderstood advice from officers;
- where the issue appears to be in the political arena and therefore appropriate for referral to a leader(s) of a political group to deal with or the town/parish council.
- lack of experience or training;
- interpersonal conflict;
- allegations and retaliatory allegations from the same councillors;
- allegations about how formal meetings are conducted;
- allegations that may be symptomatic of governance problems within the council, which are more significant than the allegations in themselves.

Informal resolution could either be directed at the councillor who is the subject of the complaint, the councillor and yourself as complainant, or at the council more generally.

Informal resolution can include such things as training, providing an apology, referral to a political group, withdrawing a remark, mentoring, conflict resolution, mediation.

Both yourself and the councillor will be consulted before a decision is made to proceed with informal resolution.

6.2 Referral for Investigation

If the Monitoring Officer (in consultation with the Independent Person) considers that the complaint is both very serious in terms of the potential breach of the code and an investigation is warranted in the public interest to establish the facts, then the Monitoring Officer or someone acting on their behalf will undertake this. Only very exceptionally will a complaint result in an investigation.

The Monitoring Officer will let all those involved know that this is the case and the process that will be followed.

At the end of an investigation, the investigator will issue a draft report and invite comments from the complainant and councillor. The Monitoring Officer will then issue a final report ("the Investigation Outcome report" which they send to the complainant, the councillor complained about, the Independent Person and the Clerk to the Town/Parish Council (where relevant).

7. Result of Investigation

The outcome of the investigation will form the basis of an Investigation Outcome Report which will be published and issued to all parties and will include the findings of the investigator.

7.1 On the basis of the report, the Monitoring Officer will decide whether:

- There has been no breach and therefore no further action will be taken;
- There have been one or more breaches, but no further action is needed;
- There have been one or more breaches, but the matters should be resolved in a way other than by a hearing such as local resolution; or
- That the matters be referred to a hearing.

7.2 Oral Hearing

In the event of an oral hearing, this hearing will generally be held in public and although it will be conducted on a relatively informal basis, both the investigator and the councillor complained about will be able to make representations and call witnesses. At the end of the hearing the Sub-Committee, after consulting with the Independent Person will decide whether, on the balance of probabilities, there has been a failure to comply with the Code of Conduct and what “sanction” or “sanctions” (if any) should be imposed.

If an oral hearing is required and reaches a finding that there has been a failure to comply with the Code, then there is a range of sanctions available as set out at Appendix E to this guidance. **It should be noted that under the Localism Act 2011, there is no ability to suspend or disqualify a councillor.**

8. Other Important Information

8.1 Ability to appeal

Although there is no right of appeal against the decisions of the Monitoring Officer or Sub-Committee, if you are unhappy with the procedures followed (as opposed to the outcome) then you are still entitled to complain to the Local Government Ombudsman or challenge a decision through the Courts by way of Judicial Review.

8.2 Withdrawing Complaints

A Complainant may ask to withdraw their complaint before it has been assessed or decided. In deciding whether to agree to the request the Monitoring Officer will consider:

- a) the Complainant’s reasons for withdrawal (e.g. whether there has been undue pressure or an apology given);
- b) whether the public interest in taking some action on the complaint outweighs the Complainant’s wish to withdraw it;

- c) whether action, such as an investigation, may be taken without the Complainant's participation.

8.3 Complaints about a matter that has already been assessed

There are occasions when a complaint is received on a matter that is the same or similar to one that has already been assessed. If this is the case, the complaint will be rejected. In these circumstances you will be sent a copy of the decision notice that has previously been issued. The name of the original complainant(s) will be redacted from the decision notice.

8.4 Multiple complaints about a councillor

There may be instances when a number of complaints are received about the same councillor from different complainants that relate to the same incident. When a complaint is substantially the same, it will be processed as a single complaint taking into consideration all the complaints received up to the time the complaint is processed. A single decision notice will be issued and will reflect the fact there has been more than one complainant associated with the matter, though all may not be named. If further complaints relating to the same matter are received after the complaint is being processed these will not be added to the complaint but the complainants will be advised that a complaint about this matter is already being considered.

If an investigation is deemed to be appropriate the Monitoring Officer may determine that, in the interests of efficiency, only one complaint should go forward for investigation, with the other Complainants being treated as potential witnesses in that investigation.

8.5 Behaviour that constitutes a criminal offence

Where a complaint is received which discloses behaviour that may constitute a criminal offence, the Monitoring Officer will determine whether to refer such allegations to the police or other appropriate body. If the conduct relates to the failure to declare a disclosable pecuniary interest, this will be done by initially undertaking the assessment of the complaint in the manner set out at the First Stage prior to referral, in order to determine if a potential failure to declare a disclosable pecuniary interest has occurred.

Where a complaint is referred to the police or some other body the Council will not take any action on the complaint, other than the referral, until the body to whom the complaint has been referred to, decide to take no action or any action they take, has been finally determined.

The Council will take such action as is necessary to ensure that it does not compromise the integrity of any investigation or proceedings undertaken by another body in relation to the allegations.

If the police or other body decide to progress the complaint, then no further action will be taken on the complaint by this Council. If they decide not to progress the complaint, the Council will proceed to consider the complaint at the Second Stage of the process (see paragraph 5 above).

Please note, that Complainants may refer criminal allegations directly to the Police if they so wish.

8.6 Complainant Confidentiality and anonymous complaints

The Council will not normally allow anonymous complaints as that would be against the principles of transparency and fairness and make matters more difficult to investigate. However, there may be exceptional compelling reasons as to why a Complainant's identity may be kept confidential provided certain criteria are met. Full details are set out at Appendix D.

8.7 Confidentiality of the Complaint

All information regarding the complaint will remain confidential to the parties involved except in certain circumstances where it proceeds to an investigation, or where the matter is referred to another body such as the police. The Complainant and Member are expected not to disclose information about the complaint to anyone else unless such publication is in accordance with this guidance or any associated document. Failure to comply with the confidentiality requirements could result in a breach of the Data Protection Act 2018 or a breach of the Member Code of Conduct. It could also lead to legal action being taken against you by the other party to the complaint or indeed by third parties if referred to in your complaint. You are therefore advised to take independent legal advice before considering releasing any information regarding this complaint.

8.8 Use of an alternative Monitoring Officer

The Monitoring Officer may, following consultation with the Chair of Standards and an Independent Person, refer any complaint to a Monitoring Officer of another authority where it is necessary or expedient to do so. Such examples may include complaints against senior councillors.

Appendix A

Behaviour covered by the East Devon District Council Code of Conduct

You can complain about a councillor breaking any part of their council's Code of Conduct. As each council can adopt their own code there is no longer a standard code of conduct that applies to all local authorities. This means you need to have seen the relevant code of conduct relating to the councillor about whom you wish to complain and confirm that the behaviour you wish to complain about is covered by the code. The Council cannot consider any complaints that fall outside of the relevant code of conduct.

The code that relates to councillors of East Devon District Council covers the following areas:-

- Treating others with courtesy and respect.
- Not bullying any person.
- Not harassing any person.
- Promoting equalities and not discriminating unlawfully against any person.
- Not compromising or attempting to compromise, the impartiality of anyone who works for or on behalf of the Council.
- Not intimidating any person likely to be involved in any investigation or proceedings about someone's misconduct.
- Not disclosing confidential information given in confidence or acquired or improperly using information gained as a result of their role for the advancement of those connected with them or preventing anyone from getting information they are entitled to by law.
- Not bringing their role or the Council into disrepute.
- Not using their position improperly, to their own or someone else's advantage or disadvantage.
- Not misusing the Council's resources.
- When using resources or authorising their use, acting in accordance with the Council's requirements and not used for political purposes.
- Undertaking Code of Conduct training and co-operating with any Code of Conduct investigation and/or determination.
- Not making trivial or malicious complaints against other councillors.

- Complying with any sanction imposed where they have been found to have breached the Code of Conduct.
- Failing to register or disclose their interests.
- Taking part in the discussion or making a decision where they have a “disclosable pecuniary interest”.
- Failing to register any gifts or hospitality (including its source) that they have received in their role or refused as a councillor worth over £50.

Any breaches in relation to requirements around “disclosable pecuniary interests” are matters for the Police as a criminal offence may have been committed. We suggest you speak to the Council’s Monitoring Officer first as they should be able to advise you whether or not it is a matter for the Police.

Although we have encouraged the Town & Parish Councils to adopt similar provisions they are not required to do so. Accordingly, their code may look quite different, so you do need to see a copy. The Clerk to the relevant Town or Parish Council should be able to provide you with a copy. Alternatively, once provided, we hold copies of all Town and Parish Council Codes on our website. The Code adopted by this Council is also available on our website at [Code of conduct - East Devon](#).

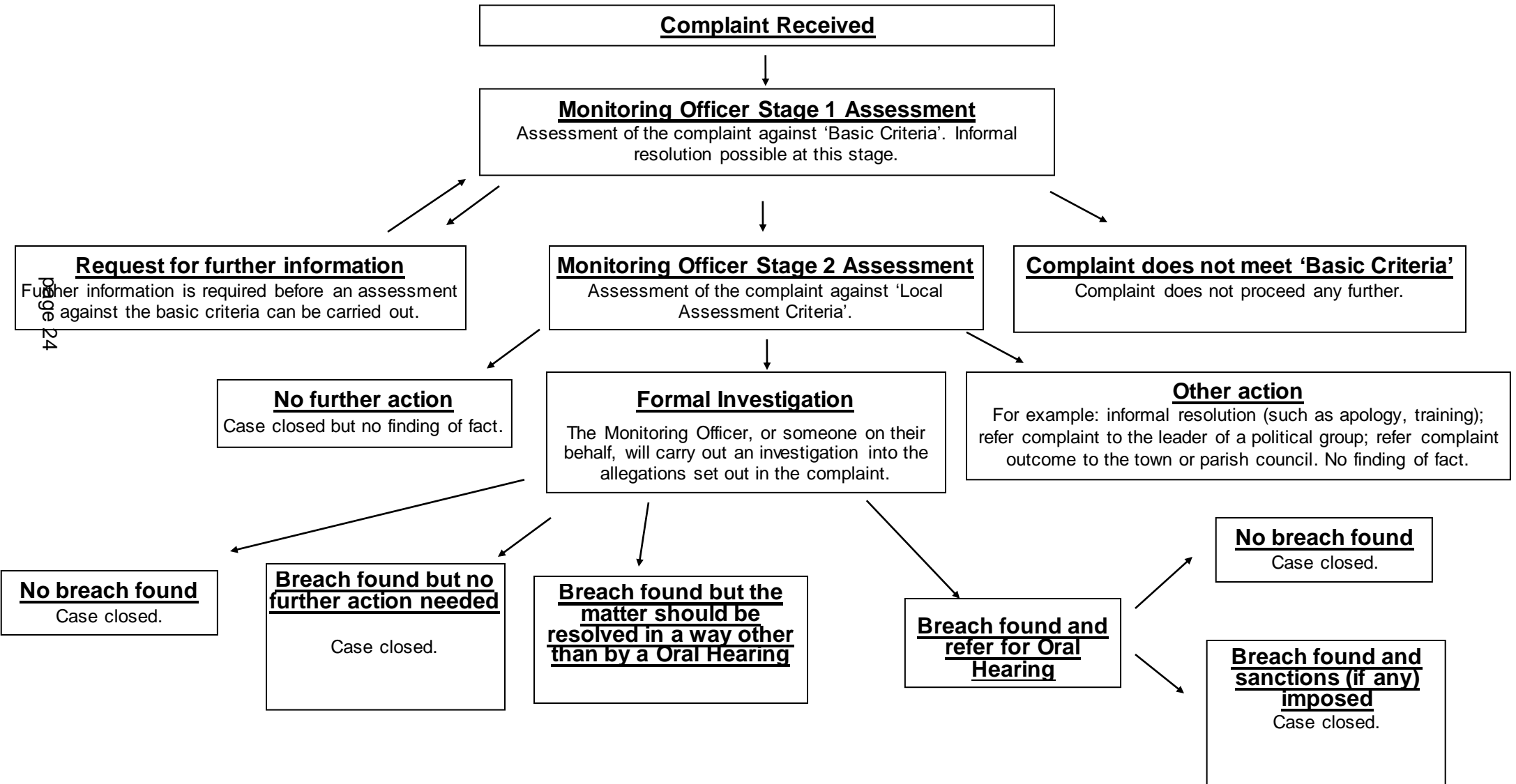
Appendix B

Towns and Parishes in East Devon

All Saints Parish Council
Awliscombe Parish Council
Axminster Town Council
Axmouth Parish Council
Aylesbeare Parish Council
Beer Parish Council
Bishops Clyst Parish Council
Bramford Speke Parish Council
Branscombe Parish Council
Broadclyst Parish Council
Broadhembury Parish Council
Buckerell Parish Council
Budleigh Salterton Town Council
Chardstock Parish Council
Clyst Honiton Parish Council
Clyst Hydon Parish Council
Clyst St George Parish Council
Colaton Raleigh Parish Council
Colyford Parish Council
Colyton Parish Council
Combpyne Rousdon Parish Council
Cotleigh Parish Council
Cranbrook Town Council
Dalwood Parish Council
Dunkeswell Parish Council
East Budleigh with Bicton Parish Council
Exmouth Town Council
Farringdon Parish Council
Farway Parish Council
Feniton Parish Council
Gittisham Parish Council
Hawkchurch Parish Council
Honiton Town Council
Kilminster Parish Council
Luppitt Parish Council
Lympstone Parish Council
Membury Parish Council
Monkton Parish Council
Musbury Parish Council
Newton Poppleford and Harpford Parish Council
Northleigh Parish Council
Offwell Parish Council
Otterton Parish Council
Ottery St Mary Town Council
Payhembury Parish Council
Plymtree Parish Council
Poltimore Parish Council
Rewe Parish Council
Rockbeare Parish Council
Seaton Town Council
Shute Parish Council
Sidmouth Town Council
Southleigh Parish Council
Stockland Parish Council
Stoke Canon Parish Council
Talatton Parish Council
Uplyme Parish Council
Upottery Parish Council
Upton Pyne Parish Council
Whimble Parish Council
Widworthy Parish Council
Woodbury Parish Council
Yarcombe Parish Council
West Hill Parish Council

Appendix C

Code of Conduct Complaint process Flow Chart



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Appendix D

Complainant Confidentiality

1. If you ask for your identity to be withheld, this request will be considered by the Monitoring Officer at the First Stage Assessment.
2. As a matter of fairness and natural justice, the councillor you complained about should usually be told who has complained about them and receive details of the complaint. However, in **very** exceptional circumstances, the Monitoring Officer may withhold your identity. Each case will be considered on its merits and the following will be taken into consideration:-
 - Whether on request from you, or otherwise, the Monitoring Officer is satisfied that:-
 - 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 your or their identity being disclosed or confirmation from an appropriate medical professional that this is the case, or
 - Whether the specifics of the complaint will disclose who has made the complaint even without confirming your identity; and
 - In some circumstances, the public interest in proceeding with the complaint may outweigh your wish to have your identity withheld. This would generally only apply where very serious allegations are being made.
3. If the Monitoring Officer decides to refuse your request for confidentiality, they will offer you the option to withdraw the complaint, rather than proceed with your identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh your wish to have your identity withheld.

APPENDIX E

Sanctions

The sanctions available to the Council are as set out below. In relation to the Town & Parish Councils in our area, we can only **recommend** a particular sanction to them but we do not have the power to enforce compliance.

We do not have the power to suspend or disqualify a councillor. The sanctions available are:-

- Report its findings to Council or Town/Parish Council for information;
- Issue (or recommend to Town/Parish to issue) a formal censure
- Recommending to the councillor's Group Leader (or in the case of ungrouped councillors, recommend to council) that he/she be removed from any or all Committees or Sub-Committees of the Council (or recommend such action to the Town/Parish Council);
- Recommending to the Leader of the Council that the councillor be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- Instructing the Monitoring Officer to (or recommend to the Town/Parish) to arrange training for the councillor;
- Removing from all outside appointments to which he/she has been appointed or nominated by the authority (or recommend to the Town/Parish Council);
- Withdrawing facilities (or recommend to the Town/Parish Council) provided to the councillor by the Council, such as a computer, website and/or email and internet access;
- Restricting contact (or recommend to the Town/Parish Council) to named officers or requiring contact be through named officers;
- Excluding the councillor from the Council's offices or other premises (or recommend to the Town/Parish Council), with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings;
- If relevant, recommend to council that the councillor be removed from their role as leader of the Council;
- If relevant, recommend to the secretary or appropriate official of a political group that the councillor be removed as group leader or other position of responsibility.

Neither the Hearings Sub-Committee nor the Monitoring Officer have the power to enforce compliance. If a member fails to comply with

any sanction, this may constitute a further breach of the Code of Conduct.

Standards Committee

Code of Conduct complaints update 12 July 2022 to 1 November 2023

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/C01 Cllr W 24.2.2022	EDDC	28.02.2022	21.04.2022	4.1 You must (a) treat others with courtesy and respect. Comments made about the complainant in a newspaper article.	Referred for 'other action' - apology to be given - and to be returned if not agreed. Not accepted by Cllr W and returned to ASC on 22.7.22. ASC decided no further action. Case closed.
2022/C02 Cllr V 28.2.2022	EDDC	01.03.2022	21.04.2022	4.1 You must (a) treat others with courtesy and respect; Comments made on social media	The Monitoring Officer to give advice to the subject member on the use of social media and to ask that the subject member reconsider offering an apology to the complainant. The subject member did not agree to apologise. Case closed.
2022/C03 Cllr A 23.2.2022	P/TC	28.03.2022	22.07.2022	Not declaring disclosable pecuniary and personal interests. 4.1 You must (a) treat others with courtesy and respect 5. You must not (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;	ASC decided the matter should be investigated by the MO. Investigation found that a breach had occurred and the sanction was a public apology. The Councillor did not accept the sanction and therefore the case was referred for independent investigation. Independent investigation report needs to be reviewed by the MO to progress.

				<p>(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>	
2022/C04 Cllr B 23.2.2022	P/TC	28.03.2022	22.07.2022	<p>Not declaring disclosable pecuniary and personal interests.</p> <p>You must</p> <p>(a) treat others with courtesy and respect.</p> <p>5. You must not</p> <p>(c) bully any person</p> <p>(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.</p> <p>Not treating the complainant with courtesy and respect and bullying in relation to in relation to the challenge to their declaration of interests at a meeting. Making inappropriate comments (sexual innuendo) at a meeting. Not including on their register of interest a relevant person's employment / business, their directorship of a community</p>	ASC decided no further action. Case closed.

				organisation and the leasing of Council premises.	
2022/C05 Cllr C 23.2.2022	P/TC	28.03.2022	22.07.2022	<p>Not declaring disclosable pecuniary and personal interests.</p> <p>You must (a) treat others with courtesy and respect.</p> <p>5. You must not (c) bully any person (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.</p> <p>Calling the complainant an idiot in correspondence. Their employment being incorrectly recorded in their register of interest and not registering their membership of a number of outside bodies as personal interests.</p>	ASC decided no further action. Case closed.
2022/C06 Cllr D 23.2.2022	P/TC	28.03.2022	22.07.2022	<p>Not declaring disclosable pecuniary and personal interests.</p> <p>You must (a) treat others with courtesy and respect.</p> <p>5. You must not (c) bully any person (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.</p>	ASC decided no further action. Case closed.

				Not treating the complainant with courtesy and respect and bullying in relation to the challenge to their declaration of interests at a meeting. Not including on their register of interest a relevant person's employment, their directorship of a community organisation and the leasing of Council premises, their land interests and their membership of a number of outside bodies as personal interests.	
2022/C07 Cllr E 14.3.2022	P/TC	18.03.2022	27.07.2022	4.1 (a) you must treat others with courtesy and respect. Making of inappropriate comments about the complainant at a Council meeting.	Apology not agreed. ASC decided no further action. Case closed.
2022/C08 Cllr F 28.3.2022	P/TC	20.04.2022	27.07.2022	4.1 (a) You must treat others with courtesy and respect. 5(c) You must not bully any person. Inappropriate comments about and behaviour towards to the complainant at a Council meeting.	Councillor resigned. Case closed.
2022/C09 Cllr G 05.04.2022	P/TC	N/A	N/A	Not confirmed	Queries raised as to the basis of the complaint and details of whether the subject member was acting as a Councillor. No response received Case closed
2022/C10 Cllr H 9.4.2022	P/TC	10.07.2022	27.07.2022	4.1 (a) you must treat others with courtesy and respect; and 5(f) you must not disclose information given to you in confidence by anyone, or information acquired by you which	ASC did not consider a breach to be evidenced so decided no further action. Case closed.

				<p>you believe, or ought reasonably to be aware, is of a confidential nature.</p> <p>That confidential information in relation to the complainant was revealed by the councillor. Inappropriate behaviours towards the complainant in a telephone call and a meeting. Not responding to correspondence.</p>	
2022/C11 Cllr I 11.4.2022	P/TC	10.07.2022	27.07.2022	<p>5(f) you must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature.</p> <p>That confidential information in relation to the complainant was revealed by the councillor.</p>	<p>ASC did not consider a breach to be found so decided no further action. Case closed.</p>
2022/C12 Cllr J 11.04.2022	P/TC	N/A	N/A	Not confirmed	<p>Complaint received from the Council via the Clerk. Queries raised as to the ability of the Council to complain without a decision to so do. Further queries raised with regard to the basis and detail of the complaint. No response received. Case closed</p>
2022/C13 Cllr K 04/05/2022	EDDC	27.05.2022	N/A	<p>4.1 (a) you must treat others with courtesy and respect</p> <p>Inappropriate comments made within a Council meeting</p>	<p>Complaint withdrawn. Case closed</p>
2022/C14 Cllr L 9.5.2022	EDDC	27.05.2022	27.07.2022	<p>5.1 You must not</p> <p>(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.</p>	<p>ASC decided no further action. Case closed.</p>

				Untruthful comments / misleading Council in relation to a particular issue.	
2022/C15 Cllr M 13.5.2022	EDDC	27.05.2022	27.07.2022	4.1 You must (a) treat others with courtesy and respect. Inappropriate and disrespectful comments made about the complainant.	ASC decided no further action. Case closed.
2022/C16					
2022/C17 Cllr O 9.6.2022	P/TC	21.06.2022	14.11. 2022	3.2 You must not (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. 3.2 You must not (f) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature. Released confidential council information (comprising two briefing papers sent only to councillors) to a person outside of the council. Used information provided solely to councillors for their own advantage to challenge the actions of the council.	ASC decided to refer for investigation but subsequently Councillor resigned. Case closed.
2022/C18 Cllr P 18.06.2022	EDDC	N/A	N/A	Not confirmed	Complaint form did not establish that councillor was acting as a councillor or set out the basis of the breach.

					Complainant asked for further information to enable the complaint to be assessed but this was not received. Case closed
2022/C19 Cllr Q 24.6.22	EDDC	08.07.2022	14.11.2022	Not declaring disclosable pecuniary and personal interests.	ASC decided other action – apology at public meeting. Case closed.
2022/C20 Cllr R 12.7.2022	EDDC	26.07.2022		4. You must (a) treat others with courtesy and respect including fellow council members, staff and members of the public; 5. You must not (h) conduct yourself in a manner <u>or</u> 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. Comments made in email	Complaint withdrawn after apology given. Case closed.
2022/C21 Cllr S 02.08.2022	P/TC	26.08.2022	14.11.2022	5.4 Confidentiality and access to information – as a councillor: 1. I do not disclose information: a) given to me in confidence by anyone b) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless i. I have received the consent of a person authorised to give it; ii. I am required by law to do so; iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person iv. or the closure is:	ASC decided to refer the matter for external investigation. Councillor then resigned. Case closed.

				<p>a. Reasonable and in the public interest; and</p> <p>b. Made in good faith and in compliance with the reasonable requirement of the Council; and</p> <p>Alleged disclosure of confidential information</p>	
2022/C22 Cllr T 10.08.2022	EDDC	01.09.2022	14.11.2022	<p>5.1.1 Not treating you with courtesy and respect</p> <p>5.2.1 Bullying</p> <p>5.8.1 Has intimidated / attempted to intimidate you as potential complainant.</p> <p>Inappropriate Facebook post</p>	<p>ASC decided other action and that the complainant should offer an apology. Apology given.</p> <p>Case closed.</p>
2022/C23 Cllr U 15.08.2022	EDDC	17.08.2022	14.11.2022	<p>6.1.1 I register and disclose my interests in accordance with Appendix B.</p> <p>Allegation of non registration and declaration of interest</p>	<p>ASC decided that there was insufficient evidence of breach and that no further action should be taken.</p> <p>Case closed.</p>
2022/C24 Cllr X 23.08.2022	P/TC	31.08.2022	14.11.2022	<p>5.2 Bullying, Harassment and discrimination – as a councillor</p> <p>1. I do not bully any person.</p> <p>2. I do not harass any person.</p> <p>3. I promote equalities and do not discriminate unlawfully against any person.</p> <p>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>Allegations of inappropriate behaviour towards Council staff and Councillors</p>	<p>ASC decided to refer the matter for external investigation. Councillor then resigned.</p> <p>Case closed.</p>
2022/C25	EDDC	N/A	N/A	None	Referred to corporate complaints.

Cllr Y 30.09.2022					Case Closed.
2022/C26 Cllr Z 21.09.2022	P/TC	30.09.2022	14.11.2022	<p>4. You <u>must</u> (a) treat others with courtesy and respect including fellow council members, staff and members of the public;</p> <p>5. You <u>must not</u> (h) conduct yourself in a manner <u>or</u> 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.</p> <p>Allegations of inappropriate behaviour towards Council staff and Councillors</p>	<p>ASC decided to refer the matter for external investigation. Councillor then resigned. Case closed.</p>
2022/C27 Cllr AA 21.09.2022	P/TC	30.09.2022	14.11.2022	<p>5.4 Confidentiality and access to information – as a councillor: 3. I do not prevent anyone from getting information that they are entitled to by law. Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances.</p> <p>Allegation that failed to comply with requirements relating to access to information.</p>	<p>ASC decided to refer the matter for external investigation. Councillor then resigned. Case closed.</p>
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>	<p>ASC decided other action and that the Councillor should apologise. For various reasons the apology has not happened and the complaint therefore now needs to be further considered.</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> <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>	
2022/C29 Cllr CC 05.10.2022	P/TC	17.11.2022	19.01.2023	<p>Section 5.1.2 – you failed to treat a council employee with courtesy and respect and respect for their role.</p> <p>Section 5.5 - by your conduct / adverse behaviour impacting on other Councillors and the Council (including the Clerk) you have lowered the public's confidence in the Council's ability to discharge its functions.</p> <p>Allegation of inappropriate comment at a Council meeting</p>	<p>ASC decided that the case should be referred for investigation by the Monitoring Officer. Complaint was passed to an external investigator but the Councillor then resigned.</p> <p>Case closed.</p>
2022/C30 Cllr DD 09.10.2022	P/TC	17.11.2022	19.01.2023	<p>Failure to disclose an interest.</p>	<p>ASC required further detail which was requested however then the Councillor resigned.</p> <p>Case closed.</p>
2022/C31 Cllr EE 16.11.2022	EDDC	21.11.2022	19.01.2023	<p>5.1.2 I treat Council employees, employees and representatives of partner organisations and those volunteering for the Council with courtesy and respect and respect for the role they play.</p> <p>5.2.1 I do not bully any person</p>	<p>ASC decided other action and that an apology should be given. The Councillor wasn't minded to give an apology. The Councillor did not stand for re-election.</p> <p>Case closed.</p>

				<p>5.5.1 I do not bring my role or Council into disrepute.</p> <p>Allegation of inappropriate comment at a Council meeting</p>	
<p>2022/C32 08.12.2022 Cllr FF</p>	EDDC	22.12.2022	N/A	<p>5.1 Courtesy and Respect - as a councillor: 5.1.1 I treat other councillors and members of the public with courtesy and respect.</p> <p>5.2 Bullying, harassment and discrimination - as a councillor: 5.2.1 I do not bully any person. 5.2.3 I promote equalities and do not discriminate unlawfully against any person</p> <p>5.5 Disrepute – as a councillor: 5.5.1 I do not bring my role or Council into disrepute.</p> <p>Allegation of inappropriate allegations in emails.</p>	<p>After stage 1 the Councillor stood down for other reasons. Case closed.</p>
<p>2023/1 24.5.2023 Cllr GG</p>	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>	<p>Other action agreed, namely an apology and training.</p>

2023/2 1.5.2023 Cllr HH	P/TC	24.07.2023	2.10.2023	4.1 You must (a) treat others with courtesy and respect. The Councillor copied the complainant into an email about them and was rude about the complainant.	ASC decided no further action. Case closed.
2023/3 21.07.2023 Cllr II	EDDC	19.09.2023	N/A	None set out in the complaint.	Complaint rejected at initial assessment. Case closed.
2023/4 3.08.2023 Cllr JJ	P/TC	17.09.2023	N/A	4.1 You must (a) treat others with courtesy and respect. 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. Councillor used a rude gesture in council meeting.	Complaint withdrawn as Councillor apologised. Case closed.
2023/5 24.08.2023 Cllr KK	EDDC	17.09.2023	12.10.2023	5.1 You must treat others with courtesy and respect including fellow council members, staff and members of the public. 5.2.1 I do not bully any person. 5. 4.3 I do not prevent anyone from getting information that they are entitled to by law.	ASC decided no further action. Case closed.

				5.6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.	
2023/6 12.09.2023 Cllr LL	P/TC			Failure to declare an interest in Council matter.	Complainant did not set out achievable sanctions in complaint. MO has gone back to ask what sanctions complainant would seek that can be achieved and complainant has confirmed an apology would be acceptable. Complaint now needs to proceed to stage 1.
2023/7 10.10.2023 Cllr MM	P/TC			Failure to declare DPI and 5.2.1 I do not bully any person. 5.2.2 I do not harass any person.	Complaint wasn't clear and further information was required. This has now been provided and complaint will proceed to Stage 1.
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.	Complaint wasn't clear and further information was required. This has now been provided and complaint will proceed to Stage 1.
2023/9 11.09.2023 Cllr OO	P/TC			No clear details yet provided.	Complaint is not clear currently and does not clearly set out specific breaches of the Code. Further information is therefore being requested from the complainant.
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.	ASC decided other action was appropriate, MO is in the process of agreeing that other action with the parties. If the other action is not agreed the complaint will be referred back to the ASC.

				<p>I exercise reasonable care and diligence.</p> <p>I ensure that public resources are used prudently in accordance with my Council's requirements and in the public interest.</p>	
<p>2023/11 09.01.2023 Cllr QQ</p>	<p>EDDC</p>			<p>Complaints sets out that code has been breached.</p>	<p>Complainant has been asked to specify and provide detail and evidence about specific breaches. Once further information is received complaint can proceed to stage 1.</p>



Report to: Standards Committee

Date of Meeting 14 November 2023

Document classification: Part A Public Document

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Review date for release N/A

Complaints Update Template

Report summary:

At the last Standards Committee meeting, the Committee discussed a revised template for updating on Code of Conduct complaints reports moving forward.

A review has therefore been conducted of the current template and a revised template is attached at Appendix A for Members approval.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

- (1) That the Standards Committee approve the revised template for providing updates on Code of Conduct complaints with or without amendments.

Reason for recommendation:

To ensure that the Committee are receiving regular updates, containing appropriate content, to ensure sufficient oversight by the Committee of Code of Conduct complaints.

Officer: Melanie Wellman email: 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 dealing with Code of Conduct complaints and to ensure oversight 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

At the last Standards Committee meeting, the Committee discussed the template for reporting on Code of Conduct complaints received moving forward. It was considered to be important that the report remained open and transparent, whilst ensuring confidentiality of individual complaints but also monitoring how the Council is performing in terms of dealing with complaints within the timescales outlined in the Council's adopted procedures moving forward.

A review has therefore been conducted of the current template and additional columns added to the update report so that the Committee have oversight as to how the Council is performing in terms of compliance with timescales for dealing with complaints and for monitoring any lessons learnt. A revised template is therefore attached at Appendix A for Members approval.

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

Period:

Case Ref	Town/Parish or District	Nature of Complaint e.g bullying, failure to declare interests etc	Decision	Timescales met (Y/N)	Reasons for any delay	Lessons Learnt/ next steps (where relevant)