

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