

Report sponsor: Director of Legal, Procurement
and Democratic Services and Monitoring Officer
Report author: Democratic Services Officer

Amendment to the Councillor Complaints Procedure

Purpose

- 1.1 To seek approval for an amendment to the Procedures for the Assessment and Review of Allegations of Breaches of the Councillors' Code of Conduct.

Recommendation

- 2.1 To approve an amendment to the Procedures for the Assessment and Review of Allegations of Breaches of the Councillors' Code of Conduct, as outlined in paragraph 4.2 of the report.

Reason

- 3.1 To provide the Monitoring Officer with a reason for the dismissal of a complaint, where there is a lack of evidence that would prevent any investigation from reaching a firm conclusion.

Supporting information

- 4.1 At the meeting of the Standards Committee held on 24 January 2023, the Monitoring Officer spoke about a small number of complaints that it was proving difficult to resolve in accordance with the current complaints procedures and proposed that an additional reason for dismissal be added at paragraph 16 of those procedures. Members noted that this additional reason for dismissal broadly related to circumstances where there was a lack of evidence substantiating an allegation of misconduct.
- 4.2 The Standards Committee resolved:

To delegate authority to the Monitoring Officer to amend the proposed wording of the additional reason for dismissal at paragraph 16 of the Procedures for the Assessment and Review of Allegations of Breaches of the Councillors' Code of Conduct and that it then be circulated to the Committee for comment, before proceeding to Council for approval.
- 4.2 A minute extract of that meeting is attached at Appendix 1 of the report.

- 4.3 The Monitoring Officer subsequently consulted with the Members of the Committee on the following form of wording:

f) The complaint is such that it is unlikely that an investigation will be able to form a firm conclusion on the matter. This could be where neither the complainant or subject member have been able to provide substantiating evidence and where the Monitoring Officer, having given consideration to the severity of the allegation and having taken reasonable steps to identify any additional evidence that may exist, is of the opinion that there is no reasonable likelihood of a complaint being upheld. An example of this could be two conflicting accounts of a telephone conversation, with no means of independently verifying the contents of the call.

- 4.4 The draft Procedures for the Assessment and Review of Allegations of Breaches of the Councillors' Code of Conduct are attached at Appendix 2 of the report, with the amendment highlighted in yellow.

Public/stakeholder engagement

- 5.1 The members of the Standards Committee were consulted and have agreed the proposed amendment to the Complaints Procedure for referral to the Full Council.

Other options

- 6.1 To take no action.

Financial and value for money issues

- 7.1 None.

Legal implications

- 8.1 Under section 27 of the Localism Act 2011, the Council is required to have a Code of Conduct for its Councillors and to establish and maintain arrangements for dealing with complaints about their conduct.

Climate implications

- 9.1 None.

Socio-Economic Implications

- 10.1 None.

Other significant implications

11.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal		
Finance		
Service Director(s)	Emily Feenan - Director of Legal, Procurement and Democratic Services and Monitoring Officer	16/02/2023
Report sponsor		
Other(s)	Alex Hough – Head of Democracy	16/02/2023

Background papers:	None
List of appendices:	Appendix 1 – Minute extract 28/22 from the meeting of the Standards Committee held on 24 January 2023 Appendix 2 – Draft Procedures for the assessment and review of allegations of breaches of the Councillors' Code of Conduct