



## Audit and Standards Committee Report

---

**Report of:** Director of Legal and Governance and Monitoring Officer

---

**Date:** 24 February 2022

---

**Subject:** Review of the Procedure for Dealing with Standards  
Complaints and Members Code of Conduct

---

**Author of Report:** Sarah Hyde,  
Democratic Services Team Manager

---

### Summary:

The Code of Conduct and Procedure is reviewed on an annual basis by the Monitoring Officer in consultation with the Independent Persons. This report set out any revisions that are recommended for the Committee to consider.

---

### Recommendations: That the Committee:

- (a) Comments on the proposed revisions to the Procedure for Dealing with Standards Complaints;
  - (b) With the inclusion of any additional revisions arising from the meeting, recommends to Full Council the adoption of the revised Procedure and that the Constitution is amended accordingly; and
  - (c) Refers the revised Procedure to the Parish and Town Councils for consideration and adoption.
- 

### Background Papers:

Report by the Committee on Standards in Public Life on Local Government Ethical Standards dated January 2019

Report to Audit and Standards Committee on 24<sup>th</sup> October 2019

Review of Members Code of Conduct Report dated 30<sup>th</sup> July 2020

---

**Category of Report:** OPEN

## Statutory and Council Policy Checklist

<b>Financial Implications</b>
NO
<b>Legal Implications</b>
YES Cleared by: Gillian Duckworth
<b>Equality of Opportunity Implications</b>
NO
<b>Tackling Health Inequalities Implications</b>
NO
<b>Human rights Implications</b>
NO
<b>Environmental and Sustainability implications</b>
NO
<b>Economic impact</b>
NO
<b>Community safety implications</b>
NO
<b>Human resources implications</b>
NO
<b>Property implications</b>
NO
<b>Area(s) affected</b>
None
<b>Is the item a matter which is reserved for approval by the City Council?</b>
YES
<b>Press release</b>
NO

# REVIEW OF THE PROCEDURE FOR DEALING WITH STANDARDS COMPLAINTS AND MEMBERS CODE OF CONDUCT

## 1.0 INTRODUCTION

- 1.1 The latest version of the Procedure for Dealing with Standards Complaints was approved by Full Council in January 2021.

## 2.0 BACKGROUND

- 2.1 The Local Government Association (LGA) published a new model code of conduct for all councils to consider using in December 2020. The model code strengthened the best practice around bullying and harassment and social media.
- 2.2 In September 2019, an Ethical Standards Workshop was held to look at whether the Authority was meeting the best practice and what needed to be done on the areas that did not meet best practice.
- 2.3 15 areas of best practice were assessed against the current practice of the Council and put into a 'traffic light' system. The workshop added a definition of bullying and harassment and a section on the use of social media. The amount for gifts and hospitality was reduced to £10, which was in line with the officer's code. Following this, recommendations were made to the Members Code of Conduct and subsequently approved by full Council in January 2021.
- 2.4 In November 2021, a Complex Complaints Workshop was held at the request of the Committee. Invited to attend the workshop were members of the Audit and Standards Committee, the co-opted member of Audit and Standards Committee, the Independent Persons, and representatives of the Town/Parish Councils. The purpose of this workshop was to review the process of complex member complaints that are referred for investigation and recommend any potential changes to the procedure for dealing with member complaints.
- 2.5 Observations were made by members of the workshop concerning the complaints process as a whole. The procedure itself was seen to be satisfactory but would require a few tweaks to clarify certain points. Most of the observations raised were factors that were needed to support the process of an investigation.
- It was felt extra capacity was needed when a complaint was referred for investigation.
  - More support should be offered to the member and complainant during an investigation.
  - Independent Person advice should be made available to the Subject Member if requested, this needs to be reflected in the procedure.
  - External Counselling for Members needs to be signposted more clearly.
  - A summary of Standards Complaints brought to the Committee on a 6 monthly basis.

### **3.0 REVISIONS TO THE CODE OF CONDUCT AND PROCEDURE**

3.1 Extensive revisions in line with the best practice recommendations were made to both the Members' Code of Conduct and the Procedure last year. Therefore, the only proposed revisions to be made are from observations made in the Complex Complaints Workshop that was held in November 2021.

3.2 An amendment is proposed to the procedure to clarify that Independent Person advice is available to the Subject Member if requested.

At paragraph 3 of the procedure, an insertion will be made at 3.3 to include

*3.3 An elected Member who is the subject of a Standards Complaint is entitled to advice from an Independent Person, any request shall be made via the Monitoring Officer.*

3.3 At paragraph 10 of the procedure an amendment is proposed to show the request to submit a report of Standards complaints every 6 months.

*10.1 An annual report and half yearly interim report will be submitted to the Audit and Standards Committee with a summary of all Standards Complaints received and their outcome.*

3.4 All the proposed amendments are shown as tracked changes in **Appendix A**, this also includes minor typographical changes to the document.

3.5 There are no proposed amendments to the Members' Code of Conduct. The Members' Code of Conduct is attached at **Appendix B**.

### **4.0 LEGAL IMPLICATIONS**

4.1 As the Code of Conduct and Procedure are included in the Constitution, any changes would require approval at Full Council. The revised Procedure would also need to be approved by the Parish and Town Councils.

### **5.0 FINANCIAL IMPLICATIONS**

5.1 There are no financial implications.

### **6.0 EQUALITIES IMPLICATIONS**

6.1 There are no equalities implications.

### **7.0 RECOMMENDATIONS**

7.1 That the Committee:-

- (a) Comments on the proposed revisions to Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members;

- (b) With the inclusion of any additional revisions arising from the meeting, recommends to Full Council the adoption of the revised Procedure and that the Constitution is amended accordingly; and
- (c) Refers the revised Procedure to the Parish and Town Councils for consideration and adoption.

**Gillian Duckworth, Monitoring Officer/Director of Legal and Governance**

This page is intentionally left blank