



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Standards Committee

Wednesday, 6 September 2023

Report of Graham Watts, Monitoring
Officer

Procedure for dealing with complaints against Councillors

Report Author

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Purpose of Report

To provide the Standards Committee with an opportunity to consider proposed amendments to the Council's procedure for dealing with complaints against Councillors.

Recommendations

That the Standards Committee approves the revised procedure for dealing with complaints against Councillors and recommends to Full Council that this document forms part of the Constitution under Part 5 (Codes and Protocols).

Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	High performing Council
Which wards are impacted?	All Wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

1.1 There are no financial implications arising from this report.

Completed by: Richard Wyles, Section 151 Officer

Legal and Governance

1.2 There are no significant legal or governance implications not already referred to in the body of this report.

Completed by: Graham Watts, Assistant Director of Governance and Monitoring Officer

2. Background to the Report

2.1 The system of regulation of standards relating to Councillor conduct in England is governed by the Localism Act 2011. It is a requirement that the Council must have a Code of Conduct for Councillors, which must be consistent with the 'Seven Principles of Public Life': selflessness, honesty, integrity, objectivity, accountability, openness and leadership.

2.2 The Council adopted the Local Government Association Model Code of Conduct in November 2021.

- 2.3 Under Section 28 of the Localism Act 2011, the Council must have in place 'arrangements' under which allegations that an elected or co-opted Councillor of the authority, or of a Town or Parish Council within the principal authority's area, has failed to comply with the authority's Code of Conduct can be considered and decisions made on such allegations. It is for the principal authority to decide the details of those arrangements.
- 2.4 One of the responsibilities for the Standards Committee in accordance with its terms of reference is to 'approve procedures for the conduct of hearings into complaints against Members'.

3. Key Considerations

- 3.1 The Council currently has a procedure in place for dealing with Councillor complaints, as attached at **Appendix A** to the report, which meets the requirements of Section 28 of the Localism Act 2011.
- 3.2 In reviewing the Council's existing procedure alongside the Local Government Association guidance, it is not as comprehensive as it could be or consistent with the principles of the latest guidance.
- 3.3 The Monitoring Officer has undertaken a review of the procedure, taking into account the Local Government Association guidance, and has drafted a new procedure which is attached at **Appendix B** to the report. It is considered that this revised procedure is much easier to follow and understand, setting out clearly the different stages a complaint may progress through. Importantly, it also sets out the procedure that will be followed in the event that a Code of Conduct Hearing is necessary which is missing from the current procedure.
- 3.4 The Standards Committee is invited to consider the revised procedure for dealing with complaints against Councillors.

4. Other Options Considered

- 4.1 To retain the existing procedure for dealing with complaints against Councillors.
- 4.2 To amend the revised procedure for dealing with complaints against Councillors.

5. Reasons for the Recommendations

- 5.1 To provide the Council with a procedure for dealing with complaints against Councillors which is consistent with the latest Local Government Association guidance

6. Consultation

- 6.1 The Council's Independent Persons have been consulted on the content of the revised procedure for dealing with complaints against Councillors and are supportive of its adoption.

7. Background Papers

- 7.1 [Guidance on Member Model Code of Conduct Complaints Handling | Local Government Association](#)

8. Appendices

- 8.1 Appendix A – current procedure for dealing with complaints against Councillors
- 8.2 Appendix B – revised procedure for dealing with complaints against Councillors