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**Report of Helen Lynch, Head of Legal and Democratic Service and  
Monitoring Officer**

**Electoral division(s) affected:**

None.

**Purpose of the Report**

1. To inform Members of proposed revisions to the Local Assessment Procedure and the Local Determination Procedure.

**Executive summary**

2. The Localism Act 2011 requires that the Council adopt arrangements for dealing with complaints of breach of the Code of Conduct by both County Council Members and Parish Council Members. This is currently done through the Local Assessment Procedure and the Local Determination Procedure (the Procedures).
3. The Council's Local Assessment Procedure was adopted in 2012 and has been periodically updated since its inception with the most recent update in March 2022. The Council's Local Determination Procedure was adopted in July 2016 and identified in the Committee's work programme for review in March 2023.
4. This report details the proposed changes to those Procedures, which includes combining the Local Assessment Procedure and Local Determination Procedures into one single document entitled Procedure for Member Code of Conduct Complaints.

## **Recommendations**

5. The Standards Committee is recommended to:

- (a) Comment on and the proposed draft Procedure for Member Code of Conduct Complaints, which will replace the existing Local Assessment and Local Determination Procedures; and
- (b) Recommend to Council that it adopts the Procedure for Member Code of Conduct Complaints with effect from 1 April 2023.

## **Review of the Procedures and Proposed Changes**

6. It is good practice to periodically review such arrangements to ensure that they remain fit for purpose. Accordingly, the Local Assessment and Local Determination Procedures (attached at Appendix 2 and 3 respectively) have been reviewed and it is proposed that the two documents are combined into a single document entitled "Procedure for Member Code of Conduct Complaints". A copy of the revised Procedure is attached at Appendix 4.
7. The proposal to combine the Procedures, is to enable the arrangements for dealing with Member Code of Conduct complaints to be located in one place, making them more user friendly. If the documents are to be combined, the title needs to be updated so that it is clear the Procedure relates to the handling of complaints generally and not one part of the process.
8. In addition to combining the two procedures, it is proposed that the presentation of the documents is updated to reflect the current corporate style with the Council's logo and colour scheme. This together with the introduction of hyperlinks will make the Procedure easier to navigate and more user friendly.
9. It is proposed to make some limited substantive changes to the Procedure. These include provision for the Monitoring Officer or Deputy Monitoring Officer to nominate an Officer to deputise on their behalf in relation to the initial assessment of complaints and also advising at Hearing Panels of the Standards Committee. The Monitoring Officer or Deputy Monitoring Officer will retain oversight of the handling of complaints.
10. It is proposed to include a list of considerations to be taken into account when deciding if/how a complaint should progress. The considerations, which are set out at paragraph 3.3 include:
  - Where the Member Code of Conduct is not engaged or, the conduct is unlikely to amount to a breach of the Code of Conduct.
  - Where a complaint is more than 3 months old and there is no good reason for the delay.
  - Where multiple complaints have been submitted of a similar nature.
  - Where the complaint has already been subject of an investigation or other action either at the Council or another regulatory authority in the last 3 years.
  - Where the complaint appears to be malicious, politically motivated or tit-for-tat.
  - Where the Subject Member has already apologised or offered a remedy.

11. Where one or more of the criteria at paragraph 3.3 are met, complaints will only be considered if the Monitoring Officer considers it proportionate, taking into account the potential outcome of a complaint.
12. It is also proposed to update the Procedure to reflect that where multiple complaints are submitted against the same Subject Member and/or arise out of the same facts, they may be dealt with under a single decision notice. This is again to assist with the proportionate discharge of the complaints process. The proposed changes are included at paragraph 3.5 of the Procedure. It is proposed that Paragraph 3.5 should state that where complaints are submitted concerning the same Member and/or are similar in nature they may be considered under one decision notice. Often where multiple complaints are submitted the Monitoring Officer or a person deputising on their behalf will consider them under one decision notice. The wording has been added to reflect the process that is undertaken.

### **Conclusion**

13. The Standards Committee are invited to consider the revised Procedure and recommend it to Council for adoption at the annual meeting on 29 March 2023.

### **Background Papers**

None

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## **Appendix 1: Implications**

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### **Legal Implications**

The Council has a duty under section 28 of the Localism Act 2011 to ensure that arrangements are in place under which allegations relating to the Code of Conduct can be investigated and decisions can be made. The Procedure for Member Code of Conduct Complaints ensures that this is complied with.

### **Finance**

None.

### **Consultation**

None.

### **Equality and Diversity / Public Sector Equality Duty**

The Council has a legal obligation to ensure that documents which are published on its website are accessible in accordance with the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018. The Procedure for Member Code of Conduct Complaints ensures compliance with this obligation.

### **Climate Change**

None.

### **Human Rights**

None.

### **Crime and Disorder**

None.

### **Staffing**

None.

### **Accommodation**

None.

### **Risk**

None.

### **Procurement**

None.