

**REPORT TO THE MEETING OF CONSTITUTIONAL REVIEW
COMMITTEE ON 8 June 2022**

Status: Public

Title: Review of Arrangements for Dealing with Complaints Under the Members' Code of Conduct – Part 5 of The Constitution

Originator: Babs Morris (Interim Monitoring Officer)

Where from: Review following adoption of New Model Code of Conduct at Council on 21 February 2021

Where to next: Council - 20 June 2022

1 Purpose of Report

1.1 To seek approval to amend the Arrangements for Dealing with Complaints Under the Members' Code of Conduct contained in Part 5 of the Council's Constitution.

2 Recommendations:

2.1 **To recommend to Council the amendment of the Arrangements for Dealing with Complaints Under the Members' Code of Conduct in accordance with Appendix A to this Report.**

3 Summary of Reasons for the Recommendations

3.1 An embedded framework exists in the Council's Constitution to deal with arrangements for dealing with District and Town and Parish Council Standards Complaints against Councillors in respect of allegations of breach of the Code of Conduct which the Council has adopted. It is necessary to amend these arrangements following adoption of a new model code of conduct and to bring it in line with good practice.

4 Impact on Communities

4.1 Good governance and all that entails is expected by the Community. The highest level of conduct is therefore expected by the public from their democratically Elected Members together with having the assurance that the Council has in place procedures to deal with allegations of misconduct should they arise.

5 Key Facts

- 5.1 At the Council Meeting on 21 February 2022 Council resolved to adopt a New Leicestershire wide Model Code of Conduct.

The Constitution

In light of the adoption of a new Code of Conduct there is a need to amend the Guidance that supports it which is set out in Part 5 of the Council's Constitution, in particular the Arrangements for Dealing with Complaints Under the Members' Code of Conduct.

The suggested amendments can be seen in Appendix 1 as tracked changes.

Members attention is drawn to the fact that in future Standards Complaints against Harborough District Council Members will not automatically be referred by the Monitoring Officer to the Standards Sub-Committee for them to decide if the complaint should be investigated. As with Town and Parish Complaints, the Monitoring Officer will assess the complaint against the Assessment Criteria and after consultation with the Independent Person take a decision as to whether a formal investigation merited. This will enable Complaints that do not meet the Assessment Criteria to be dealt with quickly and therefore concluded without the need to convene the Standards Sub-Committee which entails significant time and resources.

Other suggested amendments relate to the inclusion of additional timescales and a provision which ensures that clarity as to who is the Complainant is established at the earliest point in the procedure.

6 Legal Issues

- 6.1 Good arrangements for dealing with Standards complaints are an essential part of achieving good governance and should always be reviewed to ensure they are fit for purpose.

7 Resource Issues

- 7.1 None in respect of amending the Arrangements.

8. Equality Implications

- 8.1 Any changes to the Arrangements take into account the Council's duties under the Equality Act 2010 and carry out an Equalities Needs Assessment.

9 Impact on the Organisation

- 9.1 Enables strong governance to be maintained.

10 Community Safety Implications

10.1 None

11. Carbon Management Implications

11.1 None

12. Risk Management Implications

12.1 None

13 Consultation

13.1 None

14 Options Considered

14.1 None

15 Background Papers

15.1 None

Previous report(s): *None*

Information Issued Under Sensitive Issue Procedure: *N*

Ward Members Notified: *N*

Appendices:

1. Arrangements for Dealing with Complaints Under the Members' Code of Conduct – Part 5 of The Constitution