

East Herts Council

Date of Meeting: 18 January 2023
Report by: Head of Legal and Democratic Services
Report title: Review of Councillor Complaints Handling Procedure
Ward(s) affected: All

Summary

- The report covers the review of the Councillor Complaints Handling Procedure (herein 'the Procedure') under the Localism Act 2011.
- The current Procedure was last reviewed by the Standards Committee in August 2011 and approved by Council in September the same year.
- East Herts adopted the LGA Model Councillor Code of Conduct on 12th May 2021, and so it is appropriate that the Procedure be reviewed also.

RECOMMENDATIONS that:

- (a) Consider comments from the Standards Committee and the Independent Person, as shown at Appendix A, and endorse the recommended actions shown.**
- (b) Adopt the revised Councillor Complaints Handling Procedure, as amended by recommendation (a), contained at Appendix B**

1.0 Proposal(s)

- 1.1 It is contained within the terms of reference of the Standards Committee that the Committee will advise Council upon the contents of, and requirements for, codes/protocols/other

procedures relating to standards or conduct throughout the council¹.

- 1.2 It is further the role of the Standards Committee to maintain an oversight of the council's arrangements for dealing with complaints².
- 1.3 Pursuant to this, and it considering it prudent to do so, the Standards Committee considered the matter at its meeting on 5th January 2023 and recommend to Council that the revised Councillor Complaints Handling Procedure contained at Appendix B be adopted.

2.0 Background

- 2.1 The existing Councillor Complaints Procedure, contained at Appendix C, has remained unchanged since it was adopted by Council in September 2011.
- 2.2 Since then, East Herts has adopted the new LGA Model Code of Conduct, and it is therefore timely that the Procedure setting out how complaints made under it is also reviewed.
- 2.3 Some notable changes in the revised Procedure are as follows:
 - 2.3.1 A requirement that complainants complaining against Parish or Town Councillors first seek a local resolution before it progresses further with the Monitoring Officer. A majority of the standards complaints received relate to local councils which may be possible of resolution at that level, however there is currently no mechanism by which to formally encourage this in the first instance; providing there is still the ability to make a complaint to the principal Council (i.e. East Herts Council) should this fail. This will likely lead to

¹ [Para 7.4.1 \(j\) of the Constitution](#)

² [Para 7.4.1 \(k\) of the Constitution](#)

much quicker resolutions to some complaints due to them not needing to be considered by the Monitoring Officer.

2.3.2 Clearer definition of the different stages to a complaint, including the Initial Assessment Stage, Investigation Stage and Sub-Committee Stage, detailing what happens in each.

2.3.3 More detail around the hearing process, including the introduction of a Case Management Hearing stage to allow for a smoother eventual Final Determination Hearing.

2.3.4 A clearer explanation of the role of the Independent Person.

2.4 The revised Procedure is much cleaner, easier to follow and comprehensive than the current version.

3.0 Reason(s)

3.1 To ensure an updated Procedure is in place that complements the new LGA Model Code of Conduct and to maintain effective arrangements within the Council.

4.0 Options

4.1 The current Procedure could be retained; however, as it is over a decade old this would not be the most effective option.

5.0 Risks

5.1 Up to date and appropriate policy frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

6.0 Implications/Consultations

6.1 None

Community Safety

No

Data Protection

Yes – The Procedure makes several references to the importance of confidentiality and how to treat information received by the Monitoring Officer during the course of a complaint.

Equalities

Yes – Good governance and high ethical standards of conduct ensure that local government decisions are taken in the public interest.

Environmental Sustainability

No - There are no environmental implications to this report.

Financial

No - There are no capital or revenue implications arising from the content of this report. Complaints are dealt with by the Monitoring Officer and Deputy Monitoring Officer, with some referrals externally should the Procedure indicate that this is appropriate or because of resource implication within the Directorate in dealing with this in-house.

Health and Safety

No

Human Resources

No

Human Rights

No - The work outlined within the report is within the caseload of the Monitoring Officer. Implications are otherwise touched on under financial implications above

Legal

Yes – Council is to receive advice from the Standards Committee under paragraph 7.4.1(j) of the Constitution on the contents of and requirements for codes/protocols/other procedures relating to standards or conduct throughout the council.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

- 7.1 Appendix A – Comments from the Standards Committee.
- 7.2 Appendix B – Revised Councillor Complaints Handling Procedure.
- 7.3 Appendix C – Existing Councillor Complaint Procedure.

Contact Member

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As above