

Leicester  
City Council

## **MEETING OF THE STANDARDS COMMITTEE**

**DATE: TUESDAY, 5 DECEMBER 2023**

**TIME: 5:30 pm**

**PLACE: Meeting Room G.02, Ground Floor, City Hall, 115 Charles Street,  
Leicester, LE1 1FZ**

### **Members of the Committee**

Councillor Dr Barton (Chair)

Councillor Joannou

Councillor Dr Moore

Councillor Whittle

Ms Fiona Barber (Independent Member)

Mr Mike Galvin (Independent Member)

Ms Jayne Kelly (Independent Member)

Ms Alison Lockley (Independent Member)

Mr Simon Smith (Independent Member)

### **Standing Invitees:**

Mr Michael Edwards (Independent Person)

Mr David Lindley (Independent Person)

Members of the Committee are invited to attend the above meeting to consider the items of business listed overleaf.

For Monitoring Officer

### **Officer contacts:**

Tel: 0116 454 6358, e-mail: [jacob.mann@leicester.gov.uk](mailto:jacob.mann@leicester.gov.uk)

Leicester City Council, 3rd Floor, Granby Wing, City Hall, 115 Charles Street, Leicester, LE1 1FZ

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- ✓ to respect the right of others to view and hear debates without interruption;
- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

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, **Democratic Support Officer on 0116 454 6358**. Alternatively, email [anita.james2@leicester.gov.uk](mailto:anita.james2@leicester.gov.uk), or call in at City Hall.

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**.

## **PUBLIC SESSION**

### **AGENDA**

#### **NOTE:**

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<http://www.leicester.public-i.tv>

An archive copy of the webcast will normally be available on the Council's website within 48 hours of the meeting taking place at the following link:-

<http://www.leicester.public-i.tv/core/portal/webcasts>

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**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed.

**3. REVIEW OF TERMS OF REFERENCE**

**Appendix A**

The Committee is asked to review the attached terms of reference.

**4. MINUTES OF PREVIOUS MEETING**

**Appendix B**

The minutes of the meeting of the Standards Committee, held on 27 April 2022 are attached and Members are asked to confirm that they are correct.

**5. BIENNIAL REPORT OF STANDARDS COMMITTEE  
JULY 2021 - JUNE 2023 ANALYSIS OF MEMBER  
COMPLAINTS**

**Appendix C**

The Monitoring Officer submits a report to dealing with Elected Member complaints for the period 1<sup>st</sup> July 2021 to 30<sup>th</sup> June 2023.

**6. ARRANGEMENTS FOR DEALING WITH STANDARDS COMPLAINTS AT LEICESTER CITY COUNCIL UNDER THE LOCALISM ACT 2011** **Appendix D**

The Monitoring Officer submits a copy of the current procedural 'arrangements', for review by the Committee.

A copy of the arrangements is attached and can also be accessed via the following link:

[arrangements-for-dealing-with-standards-complaints-july-2017.pdf](https://www.leicester.gov.uk/arrangements-for-dealing-with-standards-complaints-july-2017.pdf)  
(leicester.gov.uk)

**7. COMPLAINT AGAINST COUNCILLORS - UPDATE** **Appendix E**

The Monitoring Officer submits a report giving feedback on complaints against Councillors reviewed and/or determined since the last meeting and updating the Committee on progress with outstanding complaints against Councillors. The Committee is recommended to receive and note the report.

**8. ANY OTHER URGENT BUSINESS**

# Item 3

## STANDARDS COMMITTEE & SUB-COMMITTEES

### TERMS OF REFERENCE

1. To oversee and promote the Council's arrangements to ensure and maintain probity and the highest standards of governance in the conduct of business by members (including co-opted members) and officers.
2. To oversee and advise Full Council and the City Mayor on matters relating to the Council's corporate governance and ethical framework.
3. To receive the Council's annual Corporate Governance Review Statement.
4. To oversee, promote, monitor observance and recommend necessary change to Members' and officers' Codes of Conduct and Political Conventions.
5. To oversee and ensure the provision of appropriate training to Members and officers to enable them to adhere at all times to the provisions of the Council's Political Conventions and governance arrangements.
6. To appoint a subcommittee (the Standards Advisory Board or where appropriate, a Hearing Panel) to scrutinise, hear and determine appropriate allegations (as set out in the Authority's "Arrangements for dealing with Standards Complaints") that a Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct.
7. Save in exceptional circumstances, to accept the recommendations of the subcommittee who have determined that an Elected or Co-opted Member of the Council has failed to comply with the City Council's Code of Conduct for Members, including its recommendations as to the appropriate remedy or sanction for such breach.

8. To consider under Sections 1 and 2 of the Local Government and Housing Act 1989:-

(a) any application received from any officer of the Council for exemption from political restriction in respect of the post held by that officer and may direct the Council that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Council under Section 2(2) of that Act; and

(b) upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Council under Section 2(2) of the 1989 Act, and may direct the Council to include a post in that list.

9. Temporary appointments of Independent Members may be made in accordance with the law and upon appropriate advice from the Monitoring Officer

10. The Standards Committee:

- Composition - The Standards Committee shall comprise nine Members, made up of four Elected Councillors and five Independent Members. The Independent Members shall be co-opted non-voting members of the Standards Committee, and it shall be chaired by an Elected Councillor. The Councillor make-up of the Committee will, wherever possible, reflect the political balance of the Council
- Quorum – The quorum for a meeting of the Standards Committee shall be three Councillor Members
- Frequency of Meetings –The Standards Committee will meet as and when required.

11. The subcommittee (Standards Advisory Board and Hearing Panel):

- Composition – The subcommittee shall comprise nine Members, made up of four Elected Councillors and five Independent Members. The Independent Members shall be co-opted voting members of the Board, and it shall be chaired by an Independent Member.
- Quorum – The quorum for a meeting of the subcommittee shall be three, with a majority or equal number of Independent Members (with the Independent Chair having the casting vote)
- Frequency of Meetings – The relevant subcommittee will meet as and when required.

12. The role of the Independent Person (IP) – the Independent Person is not a member of either the Standards Committee or its subcommittees. He/she remains completely neutral to the political and scrutiny process and works closely with the Monitoring Officer on individual complaints at the initial decision and review phases. He/she does remain a standing invitee to meetings of the relevant subcommittee and, will attend subcommittee meetings to offer advice on the progression of individual complaints, which may or may not be adopted by the subcommittee.

Matters Reserved to the Committee:

1. All matters of significance in respect of policy, governance or training are reserved to the Committee.
2. All matters within the Terms of Reference of the Standards Committee which are not reserved to Full Council or this Committee, either by legislation, regulation or local determination, are delegated to the City Barrister and Head of Standards.







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# Item 4

## Minutes of the Meeting of the STANDARDS COMMITTEE

Held: WEDNESDAY, 27 APRIL 2022 at 5:30 pm

### P R E S E N T :

Councillor Dr Barton (Chair)

Councillor Rae Bhatia

### Also present:

Mr Mike Galvin	Independent Member
Ms Jayne Kelly	Independent Member
Ms Alison Lockley	Independent Member
Mr Simon Smith	Independent Member
Mr David Lindley	Independent Person

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### **23. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Dr Moore and Mr Michael Edwards.

### **24. QUORUM OF THE COMMITTEE**

The Monitoring Officer advised the Committee that it required three Councillors to be present for a quorum. Although a quorum was not present, the Committee could still continue to consider the business on the agenda; but any decisions could not be implemented until the minutes of the meeting were approved by the next quorate meeting of the Committee. It would not affect consideration of the draft reports as the Committee's comments would be incorporated into the final reports which would then be submitted to the Council for approval.

### **25. DECLARATIONS OF INTEREST**

Members were asked to declare any interest they may have in the business on the agenda. No such declarations were received.

## **26. MINUTES OF PREVIOUS MEETING**

RESOLVED: That the Minutes of the Standards Committee held on 8 November 2021 be confirmed as an accurate record.

## **27. CODE OF CONDUCT UPDATE**

The Monitoring Officer submitted the Draft Report of the Standards Committee on the Review of the Member Code of Conduct. Members were asked to note the report and make any amendments prior to it being submitted to the Council for approval.

In accordance with Rule 1 of Part 4B of the Constitution (Access to Information – Procedure Rules) the report was not available in the public domain as it was in ‘draft’ form and was only circulated to Members of the Committee. Members were advised that if they wished to discuss specific individuals or circumstances, the Monitoring Officer may need to advise them to exclude the public and press to enable the meeting to continue in private session.

The Monitoring Officer commented that the Committee had considered the 26 recommendations of the Committee for Standards in Public Life (CSPL) report in October 2020. The Committee had self-audited against those Best Practice points and recommended some changes to our Code of Conduct. Many of the 26 recommendations required legislative changes and the Government responded to the CSPL report in January 2022 declining to make any substantive changes to the existing law. The Committee had also reviewed the LGA Model Code of Conduct in November 2021, and the current draft report implemented the recommendations made by the Committee at that time. The Committee had recommended that the LGA Code of Conduct should not be adopted in its entirety parts of it should be added to the Council’s Code of Conduct.

The Committee commented that they were content with the changes that had been made and the Code of Conduct was clear and easily understandable.

Mr Lindley commented that he and Mr Edwards had discussed the changes and they felt it reflected their experience in dealing with complaints as well as pulling together other guidance.

Following comments made by the Committee the Monitoring Officer stated that:-

- He would change the heading for paragraph 6 of the Code of Conduct from ‘Other’ to ‘Validity of Acts’ to make it clear that the paragraph was a stand-alone paragraph and was not a follow on from paragraph 5 on Gifts and Hospitality.
- He would expressly cross-reference in the Code of Conduct the LGA Guidance, so that the latter could be used, as appropriate, to help to adjudicate on future complaints.
- The Code was embedded in the Council’s operations as all councillors

had mandatory training when elected to office and the code of conduct was one of those topics in the mandatory training programme. He also reported on complaints and outcomes to the Committee regularly and wrote to councillors after a complaint had been dealt with to include any suggestions for reparations. The Code of Conduct was approved by Council, so all councillors were aware of it and it was included in the Council's Constitution. Information on how to submit complaints against a councillor had its own dedicated platform on the website; so those looking for information did not have to search the whole of the webpages.

- If other councillors made comments on the suggested Code of Conduct when it was considered by Council, the Council would determine if those suggestions should be incorporated before the Code of Conduct was approved. If the Council meeting proposed amendments that were substantially different to those approved by the Standards Committee, then the Code should come back to this Committee before being finally approved by Council.
- Once the revised Code of Conduct had been approved, an all-member briefing could be arranged to explain the implications of changes to the Code.

**RESOLVED:**

That the report be received, and subject to the comment to change the heading of paragraph 6 in the Code of Conduct as outlined above, no further comments were made to the content of the draft report prior to the Monitoring Officer submitting the report to Council for approval

**28. BIENNIAL COMPLAINTS ANALYSIS**

The Monitoring Officer submitted the Draft Bi-Annual Report of the Standards Committee July 2019 - June 2021 which provided an analysis of cases referred. Members were asked to note the report and make any amendments prior to it being submitted to the Council for approval.

In accordance with Rule 1 of Part 4B of the Constitution (Access to Information – Procedure Rules) the report was not available in the public domain as it was in 'draft' form and was only circulated to Members of the Committee. Members were advised that if they wished to discuss specific individuals or circumstances, the Monitoring Officer may need to advise them to exclude the public and press to enable the meeting to continue in private session.

Mr Lindley, Independent Person, referred to paragraph 3.18 of the report where the manner of interaction between Councillors and their constituents had been radically altered by the various forms of lockdown and commented how well the culture of compliance with the Code of Conduct had been maintained during this difficult period, which had not been the same for a number of other local authorities.

The Committee liked the additional column to include details of where advice on reparation has been made.

RESOLVED:

That the report be received, and no comments were made to the content of the draft report prior to the Monitoring Officer submitting the report to Council for approval

**29. COMPLAINT AGAINST COUNCILLORS - UPDATE**

The Monitoring Officer submitted a report giving feedback on complaints against Councillors that had been reviewed and/or determined since the last meeting and updated the Committee on progress with outstanding complaints against Councillors.

RESOLVED:

That the report be received and noted.

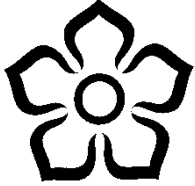
**30. ANY OTHER URGENT BUSINESS**

There were no items notified to be discussed.

**31. CLOSE OF MEETING**

The Chair declared the meeting closed at 6.10pm.

# Item 5



Leicester  
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WARDS AFFECTED  
All

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

STANDARDS COMMITTEE

5<sup>th</sup> December 2023

FULL COUNCIL

TBA

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**BIENNIAL REPORT OF STANDARDS COMMITTEE JULY 2021 - JUNE 2023  
ANALYSIS OF MEMBER COMPLAINTS**

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## Report of the Monitoring Officer

### 1. PURPOSE OF REPORT

- 1.1. This is the report of the Monitoring Officer, dealing with Elected Member complaints for the period 1<sup>st</sup> July 2021 to 30<sup>th</sup> June 2023. It provides a general overview of complaints for those years, broken down into two periods. Individual complaints themselves are treated confidentially, in accordance with the rules of natural justice. Publicity will attach to cases where they reach the stage of a (public) hearing, or when otherwise appropriate, for example if the misconduct occurred in a very public forum.
- 1.2. Appendix A provides a redacted summary of valid complaints.
- 1.3. Council have separately approved and revised two key documents (the “Code” and the “Arrangements”) which, respectively, set out the expected standards of behaviour of Elected Members and the procedural framework under which misconduct allegations are processed. The Code was last revised in 2022, and the Arrangements are being reviewed by the Standards Committee in 2023.
- 1.4. The Council has 55 Elected Members (54 Councillors and a directly elected Mayor)

### 2. RECOMMENDATIONS

- 2.1. For Standards Committee to note the report and make any recommendations
- 2.2. For Council to note the report

### 3. REPORT

#### Principles

3.1.1. The principles which underpin the Council's processes for dealing with Member misconduct complaint remain as follows:

- a. There should be simplicity to the scheme so that it is easily understood and transparent
- b. There should be flexibility at every stage of the process for informal resolution and / or robust decisions to be taken about "no further action"
- c. There should be Member involvement at key stages in the process
- d. There should be the involvement of Independent Members (IM) and the Independent Person (IP) at key stages of the process
- e. The Monitoring Officer should have greater powers to deal with complaints relating to the Code of Conduct
- f. All Members and co-opted Members shall cooperate with the application of these Arrangements, recognising that failure to do so can result in the incurring of wasted costs and reputational damage to the Council
- g. Rights for complainants to seek a "review" of a decisions at various stages should be limited, consistent with the reduced scope and severity of allowable outcomes that can be imposed under the new regime
- h. At any stage in the process where it is clear that a matter should be referred to the police this should be done and the local investigation should be suspended

#### 3.2. Volume

<b>No. of valid complaints lodged 1<sup>st</sup> July 2021 to 30<sup>th</sup> June 2022</b>	<b>7</b>
<b>No. of valid complaints lodged 1<sup>st</sup> July 2022 to 30<sup>th</sup> June 2023</b>	<b>6</b>

## **2021/22**

- 3.3. In the period July 2021 to June 2022 seven valid complaints were lodged, covering ten Elected Members. Two of these ten Members were complained about twice (though no inferences should be drawn from this fact). This means that 45 out of 55 Elected Members did not attract an allegation of misconduct that year.

## **2022/23**

- 3.4. In the period July 2022 to June 2023 six valid complaints were lodged, covering seven Elected Members. This means that 48 out of 55 Elected Members did not attract an allegation of misconduct that year.
- 3.5. The reference to “valid” complaints is deliberate, and it is to be noted that 13 actual referrals were made to the Monitoring Officer in 2021/22 and 29 such referrals were made in 2022/23. It follows that of these 42 “contacts” only 13 were complaints that progressed. The reasons for this included:
- Complaint too vague or general to constitute a valid complaint, and when invited by the Monitoring Officer to clarify the nature of the allegation, the prospective complainant declined to engage
  - Complaint revealed as false and malicious
  - Complaint more properly resolved through other action instigated by the Monitoring Officer (e.g., complaint wasn’t about standards, and complaint really only wanted progression/resolution of an operational matter)
  - Complaint already properly dealt with through other channels
  - Elected Member clearly not acting on the business of the Authority at the time (for example, was acting in private capacity on social media, or was acting on party political business)
- 3.6. In all cases where a prospective complaint is not treated as valid the Monitoring Officer is mindful to assess whether it is just and fair to abandon it, taking an appropriate steer from the Independent Person(s) where appropriate.
- 3.7. In relation to some of the invalid complaints the Monitoring Officer nonetheless can and does utilize his broader jurisdiction to offer advice to Councillors.
- 3.8. It is also worthy of note that in each of the two years being reported upon the Monitoring Officer witnessed the phenomenon of “group” complaints, meaning that he received multiple, often identically worded complaints about the same Elected Member(s) over the same issues. These were notable as follows:

- Complaints 11/2021 and 12/2021 were raised in the context of a pilot to introduce Residents' Parking Zones. Such Schemes are notorious for polarising views and attracting community-wide interest. There were more than two complainants across these two complaints.
- Similarly, complaints 05/2022; 06/2022; 14/2022 and 21/2022 were raised in the context of a pilot to introduce low-traffic/Safer Steets zones in one part of the City. Such schemes are notorious for polarising views and attracting community-wide interest. There were far more than four complainants across these four complaints
- Complaint 21/2022 attracted multiple, similarly worded complaints.

The Monitoring Officer's approach to these cases is to seek to agree the name of a "lead" complainant with whom to correspond during the investigative phase, but to write to all parties with the outcome. This is regarded as a proportionate means of balancing the interests of all parties, in recognizing the strength of feeling amongst residents whilst also not allowing sheer force of numbers to compel the complaint to take-on an inappropriate air of gravitas.

### 3.9. Source of Complaints

#### 2021/22

<b>Complaints from members of the public</b>	<b>7 (all)</b>
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#### 2022/23

<b>Complaints from members of the public</b>	<b>6 (all)</b>
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### 3.10. Nature of allegations

#### 2021/22

<b>Behaviour</b>	<b>3</b>
<b>Unhelpfulness</b>	<b>4</b>

#### 2022/23

<b>Behaviour</b>	<b>4</b>
<b>Unhelpfulness</b>	<b>2</b>

3.11. It is very difficult to draw any inferences from the categories used above due to the small sample size. The anonymized Appendix gives more insight into the nature of the allegations raised in the context of the complaints

### 3.12. Route

#### 2021/22

<b>Dealt with by I.P. and M.O.</b>	<b>5</b>
<b>Concluded after 'Review' by M.O. and second I.P</b>	<b>2</b>
<b>Externally investigated and withdrawn</b>	<b>0</b>
<b>Proceeded to Standards Hearing</b>	<b>0</b>

#### 2020/21

<b>Dealt with by I.P. and M.O.</b>	<b>5</b>
<b>Dealt with after 'Review' by M.O. and second I.P</b>	<b>1</b>
<b>Externally investigated</b>	<b>0</b>
<b>Proceeded to Standards Hearing</b>	<b>0</b>

3.13. Almost all complaints are dealt with by the Monitoring Officer in conjunction with one of the two Independent Persons. These complaints do not come to the attention of the Standards Committee or the Standards Advisory Board (a sub-committee of the Standards Committee which looks at specific complaints) save by way of anonymized and very brief update at each Standards Committee meeting.

3.14. A complaint is entitled to ask for a review of a first-stage outcome. The Council's published "Arrangements" allow for this right to be exercised in respect of all outcomes short of referral for independent investigation. A review is achieved by the Monitoring Officer sending the complaint to the second Independent Person, essentially for a second opinion as to outcome.

### 3.15. Outcome of allegations

#### 2021/22

<b>Rejected (not related to Code, or covered by another process)</b>	<b>1</b>
<b>Rejected (trivial, no public interest in pursuing, vexatious)</b>	<b>0</b>
<b>Rejected (no potential breach of Code disclosed)</b>	<b>4</b>
<b>Informal resolution (no breach, reparation desirable)</b>	<b>2</b>
<b>Informal resolution (low level breach, undesirable to take further)</b>	<b>0</b>
<b>Standards subcommittee hearing (outcome of 'no breach')</b>	<b>0</b>
<b>Standards hearing (outcome of 'breach')</b>	<b>0</b>

#### 2022/23

<b>Rejected (not related to Code, or covered by another process)</b>	<b>2</b>
<b>Rejected (trivial, no public interest in pursuing, vexatious)</b>	<b>0</b>
<b>Rejected (no potential breach of Code disclosed)</b>	<b>4</b>
<b>Informal resolution (no breach, reparation desirable)</b>	<b>0</b>
<b>Informal resolution (low level breach, undesirable to take further)</b>	<b>0</b>
<b>Standards hearing (outcome of ‘no breach’)</b>	<b>0</b>
<b>Standards hearing (outcome of ‘breach’)</b>	<b>0</b>

3.16. It is right to note that this biennial report reveals a higher number of complaints than the previous report. The view of the Monitoring Officer is that this is attributable to the return to normal levels of engagement and activity in the operational business of the Council, and the consequent engagement of Elected Members with the public in the post pandemic period.

### 3.17. Timeliness

The ‘Arrangements’ set the following timeframes:

Complaint received ► Acknowledged to Complainant (within 5 days) ► Acknowledged to Subject Member (within 5 further days) ► Initial filtering decision by M.O. and I.P (within 15 days) ► [Further Fact Finding] ► Outcome letter ► Review (within 15 days of request)

In cases referred for investigation ► Investigation (within 3 months of initial outcome letter) ► Hearing (within 3 months)

3.18. The figures for the number of days taken to deal with a complaint are included within Appendix A. A relevant variable is for cases where an initial filtering decision results in the Monitoring Officer undertaking some more fact finding before an outcome is recommended. This could either entail asking for more details from the complainant, or involve meeting with the Subject Member to discuss the allegations. These are not always achievable within the ten day window envisaged, though the Monitoring Officer is conscious that “drift” in speedily resolving complaints is of itself harmful.

3.19. The Monitoring Officer is confident that in all cases complainants and Subject Members are communicated with in such a way that they are not left in doubt as to what stage of the process has been reached in dealing with their complaint, and when outcomes will be reached. Where target timescales are likely to be exceeded, it is important to explain this to the parties involved in a complaint, and in those circumstances (where the delay is purposeful) it is more important to maintain contact and dedicate what time is needed to the resolution of the complaint than to comply with rigid timeframes. The 'Arrangements' grant a degree of flexibility to the Monitoring Officer to achieve this aim.

3.20. **Cost**

No detailed analysis of the cost of operating the complaints regime has been undertaken, and neither would it be easy to do so. The vast majority of cases are dealt with without recourse to the Standards Advisory Board or a commissioning of any specialist investigations. The work is therefore absorbed within the day-to-day work of the Monitoring Officer in conjunction with one of the two Independent Persons. Most of this work in turn is conducted over e-mail.

**4. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

**4.1. Financial Implications**

None

**4.2. Legal Implications**

The Council's regime for dealing with allegations of Elected Member misconduct allegations complies with the provisions of the Localism Act 2011. (Kamal Adatia, City Barrister, ext 1401).

**4.3. Climate Change Implications**

None

**5. OTHER IMPLICATIONS**

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities		

Policy		
Sustainable and Environmental		
Crime and Disorder		
Human Rights Act		
Elderly/People on Low Income		
Corporate Parenting		
Health Inequalities Impact		

**6. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972**

**7. REPORT AUTHOR**

7.1. Kamal Adatia, City Barrister and Head of Standards.



**COMPLAINTS UPDATE – July 2021 – June 2023**

Reference	Subject Member	Complainant	Nature of Complaint	Route	Outcome	Turnaround (working days)	Reparation/ Lessons/Comments
<b>July 2021 – June 2022</b>							
09/2021	Cllr 1	Public	Allegation that Cllr (Chair of meeting) was rude/discourteous during virtual meeting	MO/IP	Recommended informal resolution where code engaged but not breached	29	Cllr agreed to contact complainant and repair relationship damage caused by misunderstanding
10/2021	Cllr 2 & Cllr 3	Public	Lack of response from Ward Cllrs to concerns raised about tree problems	MO/IP	Resolved as a Councillor Enquiry rather than a complaint. Cllr 2 unintentionally failed to deal with the matter – thought had pursued, but confused it with another case. Cllr 3 did not pursue as Ward Cllrs share-out casework	18	Cllr 2 apologised and is happy to take-up the matter. Clear communication between Ward Cllrs is essential so that lacunas don't arise
11/2021	Cllr 4	Public	Wide-ranging complaint about Cllr's alleged lack of support to pursue a contentious Ward matter (Residents' Parking Zones)	MO/IP	Rejected - no breach of the Code. (i) Complainant was chasing Cllr repeatedly and unreasonably over the same issues that they were pursuing through multiple other channels; (ii) perfectly reasonable for Cllrs to secure answers to the issues through expert officers	22	Multiple identical complaints, suggesting coordination by residents.

Reference	Subject Member	Complainant	Nature of Complaint	Route	Outcome	Turnaround (working days)	Reparation/ Lessons/Comments
12/2021	Cllr 5	Public	Wide-ranging complaint about Cllr's alleged lack of support to pursue a contentious Ward matter (Residents' Parking Zones)	MO/IP	Rejected – no breach of the Code. Failure to attend local protest events is not a breach of the Code.	6	Multiple identical complaints, suggesting coordination by residents.
03/2022	Cllr 6 Cllr 7 Cllr 8	Public	Lack of contact and action from Ward Councillors, and issues with Adult Social Care services	MO/IP + Review	Rejected - No breach of code of conduct. Ward Cllrs share casework so that they don't repeat themselves. Ward Cllr had pursued matters as far as they could go. Corporate Complaints system picked up other issues.  Executive Lead Cllrs cannot be expected to intervene in operational casework.	42	Clearer communication may have avoided some of the frustration felt by the complainant
05/2022	Cllr 8 Cllr 10 Cllr 11	Public	Language used in letter by Ward Cllrs to residents regarding Road closure scheme	MO/IP + Review	Informal resolution - Code engaged but not breached. Language used in letter could offend, but any such effect was inadvertent. Cllrs advised send apology to anyone who was offended unintentionally. Agreed with IP would be disproportionate to send a demanded written apology to all residents.	69	Cllrs apologised to those who had complained about letter.



Reference	Subject Member	Complainant	Nature of Complaint	Route	Outcome	Turnaround (working days)	Reparation/ Lessons/Comments
06/2022	Cllr 12	Public	Allegation of biased and rude behaviour by Cllr at meeting re Road closure scheme	MO/IP	Rejected - No breach of conduct evidenced.	30	Multiple identical complaints, suggesting coordination.
<b>July 2022 – June 2023</b>							
08/2022	Cllr 13	Public	Lack of response and update from Cllr over Housing complaint	MO/IP + Review	Rejected - No breach of conduct evidenced.	13	Interaction between Councillor Enquiry process and Corporate Complaints process. It is reasonable that a Cllr relies on knowledge from one to inform the other.
11/2022	Cllr 14	Public	Cllr calling at complainant's following complaints by neighbours about building works/communal access - homeowner says he felt intimidated	MO/IP	Rejected - No breach of conduct evidenced.	31	
14/2022	Cllr 15	Public	Complaint about Cllr tweet on Social media	MO/IP	Rejected - No breach of conduct evidenced. Reference to	21	

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Reference	Subject Member	Complainant	Nature of Complaint	Route	Outcome	Turnaround (working days)	Reparation/ Lessons/Comments
			relating to Road closure scheme		behaviour of public was not necessarily directed at local residents		
17/2022	Cllr 16	Public	Cllr absent and not performing duties	MO/IP	Rejected - not a misconduct matter, MO possess no power to remove Cllr from office. Law deals with rules on disqualification.	9	Cllr was open about absence and alternative contact methods.  Multiple similar complaints received.
21/2022	Cllr 17 Cllr 18	Public	Alleged defensive and aggressive behaviour at public meeting called by the community	MO/IP	Rejected - No breach of conduct evidenced. Cllr 17 was right to challenge an attendee about filming the meeting, and Cllr 18 was not there in their Cllr capacity and so spoke as a community member.	44	
09/2023	Cllr 19	Public	Remarks reported to public meeting alleging that Cllr had criticised a local community facility	MO/IP	Council's member code of conduct is not engaged – Cllr spoke in a private political context to political colleagues. In any event, comment was not unreasonable	19	

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# Item 6

## **ARRANGEMENTS FOR DEALING WITH STANDARDS COMPLAINTS AT LEICESTER CITY COUNCIL UNDER THE LOCALISM ACT 2011**

### **A. CONTEXT**

These “Arrangements” set out how you may make a complaint that an Elected or co-opted Member of this Authority has failed to comply with the Authority’s Code of Conduct, and sets out how the Authority will deal with allegations of a failure to comply with the Authority’s Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “Arrangements” under which allegations that a member or co-opted member of the Authority or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Authority at any other stage, or by a Member against whom an allegation has been made

### **B. THE CODE OF CONDUCT**

The Council has adopted a Code of Conduct for members, which is available for inspection on the authority’s website and on request from Reception at the Civic Offices. <https://www.leicester.gov.uk/contact-us/comments-compliments-and-complaints/complaints-about-councillors>

### **C. PRINCIPLES UNDERLYING THE SCHEME**

The following principles should underpin Leicester City Council’s Arrangements:

- a. There should be simplicity to the scheme so that it is easily understood and transparent
- b. There should be flexibility at every stage of the process for informal resolution and / or robust decisions to be taken about “no further action”.
- c. There should be Member involvement at key stages in the process.
- d. There should be the involvement of Independent Members (IM) and the Independent Person (IP) at key stages of the process.

- e. The Monitoring Officer should have greater powers to deal with complaints relating to the Code of Conduct.
- f. All Members and co-opted Members shall cooperate with the application of these Arrangements, recognising that failure to do so can result in the incurring of wasted costs and reputational damage to the Council.
- g. Rights for complainants to seek a “review” of a decisions at various stages should be limited, consistent with the reduced scope and severity of allowable outcomes that can be imposed under the new regime
- h. At any stage in the process where it is clear that a matter should be referred to the police this should be done and the local investigation should be suspended.

## **D. THE PROCESS**

### **1. Who may complain?**

Complaints must be about Elected Members (to include the Elected Mayor) or co-opted Members and can be made by members of the public, Elected Members or officers of the Council. Where the Monitoring Officer lodges a complaint, it shall be made to the Standards Committee via the Deputy Monitoring Officer

### **2. To whom must a complaint be made?**

Complaints must be made to the Monitoring Officer by writing to:

The Monitoring Officer  
Legal Services Division  
Leicester City Council  
115 Charles Street  
Leicester  
LE1 1FZ

Or e-mail: [monitoring-officer@leicester.gov.uk](mailto:monitoring-officer@leicester.gov.uk)

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the Register of Members’ Interests and who is responsible for administering the system in respect of complaints of member misconduct on behalf of the Standards Committee

In order to ensure that all of the correct information is available to process the complaint they should preferably be submitted on the model complaint form, which can be downloaded from the authority’s website and is available on request from Reception at the Civic Offices.

The complainant should provide their name and a contact address or e-mail address, so that the Monitoring Officer can acknowledge receipt of the complaint and keep them informed of its progress. If the complainant wishes to keep their name and address confidential this should be discussed with the Monitoring Officer. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

Complaints should be lodged promptly, and normally within 3 months of the alleged breach occurring unless there are good reasons for the Monitoring Officer or Independent Person to accept a complaint lodged outside of this period.

### **3. How to complain?**

Complaints must be made in writing either by letter, e-mail or on-line. Anonymous complaints will not be accepted because of the difficulties they cause with investigation. Appropriate safeguards for employees of the Council wishing to make a standards complaint will be afforded in parallel to those that might apply under the whistle blowing policy. Safeguards will also be in place, at the discretion of the Monitoring Officer, to protect confidential or sensitive information about a complainant, the disclosure of which may cause, or be likely to cause, "serious harm"

The complainant should be encouraged (either through questions on the standard complaint form or through subsequent discussion for clarification) what remedy is sought. This will help to identify informal methods of resolution at the earliest stages.

### **4. What will happen to the complaint?**

The complaint will be acknowledged with the complainant within 5 working days

The complaint will also be notified (by sending a copy of the full complaint) to the subject Member within 5 further working days, save where there are exceptional or legal reasons for the Monitoring Officer agreeing with the complainant that there are elements of it, or the entirety of it, that must be kept confidential at this initial stage

Within 15 further working days the following actions will be taken by the Monitoring Officer, after consultation with the Independent Person:

- a. Revert to the complainant to seek further clarification.
- b. Refer the matter for further fact finding by Monitoring Officer (where further information is needed before deciding what route to follow).
- c. Reject the complaint on the grounds that it is not related to the Code of Conduct, or may be covered by another process
- d. Reject the complaint on the grounds that it discloses no breach or potential breach of the Code of Conduct

- e. Reject the complaint on the basis that it is (i) trivial or (ii) not in the public interest to pursue or (iii) vexatious (see Appendix 1 attached for definition).
- f. Recommend informal resolution where (i) Code engaged and not breached, but where some gesture of reparation would still be in the interests of fairness; or (ii) Code engaged but low-level breach only has occurred, such as not to warrant formal investigation
- g. Refer the matter for immediate further investigation.
- h. Refer the matter straight to the Standards Advisory Board where there is (i) clear evidence of a breach of the Code and (ii) it would be disproportionate and unnecessary to commission an investigation under g. above and (iii) informal resolution is not appropriate
- i. In exceptional cases, refer the matter to the Standards Committee or subcommittee thereof for a decision on a. to h. above on the grounds that the Monitoring Officer feels it would be inappropriate to make the decision himself/herself.

The complainant and the subject Member will receive a letter after expiry of the 5 days indicating which of the above outcomes is to be pursued.

By law the Subject Member has the right to consult with the Independent Person during the course of a complaint. Appendix 2 describes how this right is to be exercised.

**Matters referred for fact finding** - The Monitoring Officer will undertake this fact finding exercise by inviting the Member to attend for a discussion within 10 working days, or submitting information in writing. After obtaining the subject Member's factual account the Monitoring Officer will engage with the Independent Person (IP) to decide on next steps. The next steps will comprise either of outcomes c. to i. above.

**Informal resolution** - may incorporate acceptance by the subject Member that their behaviour was unacceptable and the offer of apology to the complainant, or other remedial action at the discretion of the Monitoring Officer (e.g. an offer of training). The outcome of 'informal resolution' does not require approval of the complainant or the subject Member (though the complainant may exercise a right to seek a "review" as per above).

Non-compliance with "informal" outcomes will be dealt with in accordance with Appendix 3 attached.

**Review of a complaint** - The complainant may seek a "review" of a decision only under outcomes c. to f. Such requests must be lodged with the Monitoring Officer within 5 working days of receipt of the outcome letter. Any Review will be undertaken by the Monitoring Officer, this time in consultation with a different Independent

Person. The Monitoring Officer will notify the Subject Member of the request for a “review” and the reasons given for it by the complainant. It will be a matter for the Monitoring Officer and the Independent Person if they wish to invite any comment or representations from the Subject Member at this point.

*In the case of all outcomes up to and including referral for investigation, the Monitoring Officer will report outcomes to the Standards Committee by updating report at each meeting*

**Investigation** - should the matter warrant detailed investigation, the Monitoring Officer will appoint an investigating officer. The Investigator will conduct a thorough review within three months. Upon receipt of the Investigator’s report by the Monitoring Officer (or by operation of the Monitoring Officer’s own report under route h above) the matter will be referred for further decision to the Standards Committee (acting through its Standards Advisory Board), this time with the mandatory requirement to consult the Independent Person, who may determine:

- no further action
- referral for hearing

The option of ‘no further action’ may only flow from an investigator’s own conclusion that no breach has occurred. If the Investigator (or Monitoring Officer) finds breaches, then the Board cannot decide, without a hearing, that no breach has occurred and no further action needs to be taken.

The option of ‘informal resolution’ is not available once a matter has been referred for Investigation (and the Investigator or Monitoring Officer finds breaches). Equally, where the Board refer a matter for hearing in order to establish if breaches have occurred (for example after disagreeing with an Investigator who concludes there have been no breaches) informal resolution will not, at that point, be a viable outcome because the matter has ceased to be dealt with ‘informally’.

## **Hearing Panel**

If the matter is referred for hearing then a Hearing Panel will be convened to hear the evidence, make findings of fact and determine appropriate outcomes. The Hearing Panel (like the Standards Advisory Board) is a sub-committee of the Council’s Standards Committee. The Independent Person is invited to attend all meetings of the Hearing Panel and his/her views are sought and taken into consideration before the Hearing Panel takes any decision on whether the Member’s conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of misconduct.

The Hearing Panel is an advisory committee and can only make recommendations to the main Standards Committee in individual cases that it has adjudicated upon. As its findings are advisory, they must be referred to the main Standards Committee for endorsement. This is achieved by way of written report.

The complainant and the subject member would be written to and given reasons for any decision following a formal investigation/hearing, and no rights of review shall be afforded, save the right to challenge the process by way of Judicial Review or referral to the Local Government Ombudsman if appropriate.

A Standards Advisory Board or a Hearing Panel may make a recommendation to the Standards Committee that an Investigative Report be made public, whether the Report concludes that breaches of the Code of Conduct have been established or not.

## **5. Outcomes**

The Hearing Panel may make recommendations to the Standards Committee for:

- a. Censure or reprimand the Member by letter
- b. Press release of findings
- c. Report findings to Council for information (with or without a subsequent motion of censure being proposed by Council)
- d. Recommendation to Group (or Full Council in the case of ungrouped Members) of removal from Committees/subcommittees of Council
- e. Recommendation to Elected Mayor that the Member be removed from The Executive, or from particular portfolio responsibilities
- f. Recommendation that the Member be removed from outside bodies to which they have been appointed by the Council
- g. Withdrawal of facilities provided to the Member by the Council
- h. Excluding the Member from the Council's offices or other premises (with the exception of accessing meetings of Council, Committees and subcommittees)
- i. Instructing the Monitoring Officer to arrange training for the Member

## **6. Revision of these arrangements**

The Council may by resolution agree to amend these arrangements at any time, and delegates to the Monitoring Officer and/or Chair of the Standards Committee the right to depart from these arrangements where he/she considers it is necessary to do so in order to secure effective and fair consideration of any matter

Kamal Adatia  
City Barrister & Head of Standards  
Approved by Council - 6 July 2017



## Vexatious Complaints – Member Misconduct process

Standards complaints are to be handled in accordance with the 'Arrangements for dealing with Standards Complaints at Leicester City Council'. This procedure was brought in following the new standards regime introduced by Chapter 7 of the Localism Act 2011.

One of the initial actions open to the Monitoring Officer (MO), after consultation with the Independent Person (IP), is to reject the complaint 'on the basis that it is:

*"... i) trivial or ii) not in the public interest to pursue or iii) **vexatious...**"*

No definition is provided within our Arrangements of 'vexatious'. The Localism Act and associated guidance make it clear that it is for the local authority to decide how they will investigate allegations for breach of conduct code and handle complaints. They do not specify what those arrangements must be.

Wherever possible, every effort should be made to find out what someone is complaining about, to investigate and respond. However, on occasion, complaints will be made that clearly do not substantiate claims or even justify further investigation. These types of complaints can be termed "vexatious complaints". It is important that the complaints procedure is correctly implemented and all elements of a complaint are considered as even repeated or vexatious complaints may have issues that contain some genuine substance.

It is important to note that it is the complaint itself that must be judged vexatious, oppressive or an abuse, not the complainant. Consideration of this ground should therefore focus primarily on the current complaint. The complainant's past complaint history may, however, be taken into account where it is relevant to show that the current complaint is vexatious, oppressive or an abuse.

The MO and IP should be able to demonstrate with evidence a reasonable belief that the complaint is vexatious, oppressive or an abuse of process before deciding to disapply the Standards process. Some assessment of the complaint will be required in order to demonstrate this.

- The LGO defines unreasonable and unreasonably persistent complainants as:  
*"those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's complaints"*
- Examples of unacceptable or vexatious behaviour, as defined by the LGO, include any action or series of actions which are perceived by the staff member to be

*“deceitful, abusive, offensive, threatening”* whether they are delivered verbally or in writing or a combination of the two.

For the purposes of the Member misconduct processes the definition of ‘vexatious’ should include both limbs described above (that is, those that constitute unreasonable interpersonal behaviour as well as those that constitute unreasonable abuse of the system). Both represent behaviour which can potentially frustrate the proper application of the Standards regime in the interests of the wider public.

**The following (non-exhaustive list) factors will be taken into account by the MO and IP when considering whether to classify a complaint as vexatious:**

- Refusing to specify the grounds of a complaint, despite offers of assistance;
- Refusing to co-operate with the complaints investigation process;
- Refusing to accept that certain issues are not within the scope of the Complaints Procedure (e.g. substantive Planning Approval decisions);
- Insistence on the complaint being dealt with in ways which are incompatible with the Arrangements or with good practice;
- Demanding special treatment / immediate repeatedly;
- Politically motivated complaints
- Changing the basis of the complaint as the investigation proceeds;
- Denying or changing statements made at an earlier stage;
- Introducing trivial or irrelevant new information at a later stage;
- Raising numerous, detailed but unimportant questions; insisting they are all answered;
- Covertly recording meetings and conversations;
- Submitting falsified documents from themselves or others;
- Adopting a ‘scatter gun’ approach: pursuing parallel complaints on the same issue;
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous Council staff, or detailed letters every few days, and expecting immediate responses;
- Submitting repeat complaints with minor additions/variations that the complainant insists make these ‘new’ complaints;
- Repeatedly arguing points with no new evidence
- Refusing to accept the decision as to how the complaint shall be progressed

**Process:**

More usually, consideration of designating a complaint as vexatious will arise at the early stages of receipt of a complaint. However, this should not impede the MO and IP from considering whether the designation of “vexatious” should apply at a later stage in any complaint.

Whenever the issue is raised, the IP and the MO must discuss the designation and reach a unanimous view. Exceptionally, where they cannot do so the second IP may be consulted and a majority view shall prevail.

The designation of a complaint as “vexatious” will be recorded with brief reasons given and communicated to the complainant and the Subject Member, with a right of “review” afforded as per the Arrangements.

Kamal Adatia  
City Barrister & Head of Standards  
October 2014

## **Protocol on the role of the Independent Person - meeting with Elected Members.**

This Protocol aims to set out the arrangements to be followed in the event that an Elected Member whom it is alleged has committed a breach of the Code of Conduct for Councillors seeks a meeting with the Independent Person (I.P.)

### **Background**

Section 28(7) Localism Act 2011 states:

(7) Arrangements put in place under subsection (6)(b) by a relevant authority must include provision for the appointment by the authority of at least one independent person—

(a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and

(b) whose views may be sought—

(i) by the authority in relation to an allegation in circumstances not within paragraph (a),

(ii) by a member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation,

The Parliamentary record (Hansard) reveals that one reason for a Member subject of a complaint seeking the views of the IP can be to express their concern about pressures that they might be facing from other Elected Members. The subject Member can raise with the IP their concerns about the conduct of other members in regards to the relevant complaint. This is addressed at point (ix) below.

The new “Arrangements” for dealing with complaints about the conduct of Councillors was established on 1 July 2012 and the principles of the new arrangements included:

- simplicity and transparency
- involvement of the I.P. at key stages of the process
- greater powers for the Monitoring Officer to deal with complaints relating to the Code of Conduct.

The right to “seek the views” of the IP therefore applies to any Elected Member who is the subject of a complaint. They may do this at any stage of the process except where a matter is referred to the police.

This right is separate to the right of the complainant to seek a “Review” of their complaint in the following circumstances as set out in our “Arrangements”:

- *rejection on grounds that complaint is not related to Code of Conduct, or is covered by another process*
- *rejection on grounds of being (i) trivial or (ii) not in the public interest to pursue or (iii) vexatious) or*
- *recommendation of informal resolution*

Such requests must be lodged with the Monitoring Officer within 5 working days of receipt of the outcome letter. Any Review will be undertaken by the Monitoring Officer, this time in consultation with a different Independent Person

The experience gained during the first year of the new Standards regime shows that Elected Members have in most cases been willing to accept the views of the Monitoring Officer (M.O.) and I.P. where informal resolution is the outcome. This outcome often involves offering to explain more fully the reason for adopting a course of action, offering an apology and/or offering a way forward.

However in any matter, whether it is proposed to be dealt with by informal resolution; is being “reviewed” or is one that proceeds to full investigation, the subject Member has a right to “*seek the views*” of the I.P. It is important that this engagement is defined and moderated so as to guard against:

- the Subject Member attempting to unduly influence the progress of the investigation by, for example, trying to explain “off the record” to the I.P. what they think of the complaint or how it should be resolved
- the Subject Member trying to compromise the independence of the I.P. by, for example trying to tell them things “in confidence” which are highly material to the investigation
- the Subject Member having false expectations of the purpose of exercising their right to seek the I.P.’s views
- the complainant being disadvantaged by the Subject Member’s exercise of their statutory right to seek the views of the I.P.

This Protocol therefore sets out the terms of engagement of such interaction, such as to promote transparency and preserve confidence in the Standards regime.

**Arrangements for a meeting between the duly appointed IP and an Elected Member subject of a complaint:**

- i. A Subject Member shall only be entitled to “seek the views” of the I.P. allocated to their complaint.
- ii. The right to speak with the I.P. will not apply where a decision has already been taken (and communicated) to dismiss the complaint. In such circumstances the Monitoring Officer can be approached to discuss any “lessons learned”
- iii. The right to speak with the I.P. will not apply where a complaint has been referred to the Police
- iv. The Subject Member shall make any request to “seek the views” of the I.P. through, and only through, the M.O. Where a Subject Member directly approaches the I.P., the I.P. will refer them back to the M.O. without further engagement
- v. The M.O. will arrange the meeting between the Subject Member and the I.P. at a date and time convenient to both, and on Council premises
- vi. The meeting shall be between the Subject Member and the I.P. only. No other attendees shall be permitted.
- vii. The I.P. will explain, at the outset the nature of their role at the meeting which is to answer questions about the investigative process, explain the types of questions that they will be addressing/have addressed before reaching an outcome and reiterate that they will NOT at that meeting express a concluded or tentative view on any of those matters
- viii. The purpose of the meeting will be for the Subject Member to better understand the investigative process and the reasons why the I.P. and M.O. have reached a particular outcome. It is NOT an opportunity for the Subject Member to attempt to exhort the I.P. to change their mind or to present “evidence” to them. I.P.s do not conduct “investigations” or “fact finding” exercises. These are done by the M.O. in cases that are not referred for formal investigation, or by the independent Investigator in cases referred for investigation.
- ix. The meeting may also be used by the subject Member as an opportunity to raise with the IP concerns they may have about any pressures that they might be facing from other Elected Members by virtue of the fact that these other Members know about the complaint. Whilst the IP may not have direct powers to intervene in such circumstances, they might be able to discuss with the MO any intervention (from the

MO) to try to preserve the integrity of the complaints process (such as the MO talking to the other Members or their political parties)

- x. The I.P. will report back to the M.O. after the meeting a summary of the discussion.
- xi. If the I.P. takes notes of the meeting these will be as an aide memoire for the I.P. only and will not act as a formal minute. The Subject member is free to make their own notes
- xii. If the Subject member, contrary to this Protocol, submits information or evidence that is material to the handling of the complaint, this information or evidence will be shared by the I.P. with the M.O. (and an Investigator where one is appointed) and acted upon appropriately.
- xiii. There will only be one such meeting per complaint, save in exceptional circumstances which are to be approved by the MO and the IP.

Kamal Adatia  
City Barrister & Head of Standards  
October 2014

### **Procedure for dealing with subject (Elected) Member who fails to act upon an outcome of “informal resolution”**

The Council’s “Code of Conduct” and associated “Arrangements” govern the principles and processes to be applied when a standards complaint is made alleging misconduct by an Elected Member. To date, most complaints have been resolved by “informal resolution”, an outcome which is applied in circumstances where a potentially valid complaint is made, but where it is not deemed to be in the interests of justice to proceed to a full investigation and where instead a fair and proportionate outcome can be achieved by some other action (often an apology, coupled with an offer to revisit the original topic i.e. a Ward issue). It is the judgement of the Monitoring Officer and Independent Person as to whether to conclude that “informal resolution” is appropriate (with or without the consent of the complainant and subject member).

The Standards Committee, at its meeting on 10<sup>th</sup> April 2014 endorsed the following process for dealing with cases where a Subject Member fails to co-operate with such a recommendation:

- Step 1 – The Subject Member shall be invited to a meeting with the Chair of Standards Committee, the relevant Independent Person and the Monitoring Officer to explain their reasons for non-compliance
- Step 2 – If compliance is not forthcoming after Step 1, the Chair of Standards Committee and the Monitoring Officer may refer the matter for further action (e.g. for the Subject Member’s political Group to take any action it deems appropriate)
- Step 3 – In addition to or as an alternative to Step 2 above, the Subject Member’s non-compliance may be treated as a fresh potential breach of the Code of Conduct and a new complaint lodged, this time with the Monitoring Officer as the complainant (and with the Deputy Monitoring Officer handling the complaint). There will be no direct involvement of the original complainant into this separate complaint.

Kamal Adatia  
City Barrister & Head of Standards  
October 2014



## COMPLAINTS UPDATE – November 2023

Reference	Subject Member	Complainant	Nature of Complaint	Route	Outcome	Turnaround (working days)	Reparation/ Lessons
09/2023	Cllr 1	Public	Remarks reported to public meeting alleging that Cllr had criticised a local community facility	MO/IP	Council's member code of conduct is not engaged – Cllr spoke in a private political context to political colleagues. In any event, comment was not unreasonable	19	
14/2023	Cllr 2	Cllr	Cllr conduct towards another Cllr during a meeting of Full Council	MO/IP	Informal resolution – Code engaged and a gesture of reparation was recommended.	66	Cllr 2 to made a written apology
19/2023	Cllr 3	Public	False information given at Full Council	MO/IP + Review	Rejected – no breach of the Code of Conduct. A disagreement about the veracity of facts asserted by a Cllr in good faith in response to a formal Question put at Council cannot found a breach of the Code	28	
28/2023	Cllr 4	Cllr	Appropriateness of language used in Tweet social media	MO/IP	Informal resolution – Code engaged and a gesture of reparation was recommended	2	Amended Tweet, as recommended, was sent though Cllr should have taken up the opportunity to do so when informally approached before complaint was lodged.

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Item 7

