

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

AUDIT AND GOVERNANCE COMMITTEE – 25 SEPTEMBER 2024



Title of Report	REVIEW OF THE ARRANGEMENTS FOR DEALING WITH COMPLAINTS ABOUT COUNCILLORS	
Presented by	Elizabeth Warhurst Head of Legal and Support Services and Monitoring Officer	
Background Papers	Current Arrangements for Dealing with Councillor Complaints Current Flowchart of Complaint Procedure	Public Report: Yes
Financial Implications	There are no direct financial implications arising.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	The Localism Act 2011 requires the Council to adopt Arrangements for dealing with complaints about Members' conduct. The Council already has these Arrangements in place, based on LGA Guidance, however, it is prudent to keep these Arrangements under review to ensure they still reflect best practice since their adoption in 2022.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	There are no direct staffing or corporate implications arising.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To ask the Committee to consider the work of the Governance Working Group on the review of the Arrangements for Dealing with Councillor Complaints and accompanying Flowchart, and to recommend their adoption to Council.	
Recommendations	THAT AUDIT AND GOVERNANCE COMMITTEE: <ol style="list-style-type: none"> 1. NOTES THE WORK OF THE CROSS-PARTY WORKING GROUP IN CONDUCTING THE REVIEW OF THE ARRANGEMENTS FOR DEALING WITH COMPLAINTS ABOUT COUNCILLORS; 2. CONSIDERS THE PROPOSED AMENDMENTS TO THE ARRANGEMENTS, SUMMARISED IN THE REPORT AND AT APPENDIX A AND ILLUSTRATED AT APPENDIX B, AND THE PROPOSED CHANGES TO THE FLOWCHART AT APPENDIX C; 3. RECOMMENDS THE AMENDMENTS TO THE ARRANGEMENTS AND FLOWCHART TO COUNCIL AT ITS MEETING ON 5 NOVEMBER 2024 FOR ADOPTION WITH EFFECT FROM 6 NOVEMBER 2024 	

	4. RECOMMENDS TO COUNCIL THAT THE MONITORING OFFICER IS GIVEN AUTHORITY TO UPDATE THE CONSTITUTION TO GIVE EFFECT TO THE AMENDMENTS REQUIRED AS A CONSEQUENCE OF REVIEWING THE ARRANGEMENTS, AS SET OUT AT APPENDIX D.
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1.0 BACKGROUND

- 1.1 s27(2) of the Localism Act 2011 requires each local authority to adopt a members' code of conduct, and s28(6) also requires there to be arrangements under which allegations against Members can be investigated, and decisions can be made. The Council adopted its Code of Conduct and Arrangements on 24 February 2022.
- 1.2 It is considered good practice to review the procedures from time to time, especially as there has been a recent increase in the number of complaints being referred to the Monitoring Officer, and sub-committees being convened to consider complaints.
- 1.3 Full Council on 5 November 2024 will consider the report on the review of the Arrangements.

2.0 METHOD OF REVIEW

- 2.1 A cross-party member working group was established to work on the review of the Arrangements. The Governance Working Group comprised of Councillors Everitt, Rogers, Simmons (Chair), Smith and Sutton, and met on the following dates:
 - 10 July 2024
 - 31 July 2024
- 2.2 The Working Group had agreed its terms of reference at the meeting of the Group held on 10 July 2024. At that meeting, the Group also agreed the timetable for the review of the Arrangements and the way that it wished to see information presented to it. The appendices to this report reflect the approach agreed by the working group. Appendix A shows the proposed changes summarised in a schedule of changes. Appendix B contains a copy of the Arrangements with the revisions having been made, and shows the proposed changes as tracked changes. This enables Members to see the proposed changes in one place and in the context of the Arrangements as a whole. Appendix C shows the updated version of the flowchart which accompanies the Arrangements. Appendix D sets out the necessary amendments to the Council's Constitution, resulting from the review of the Arrangements (discussed further below).
- 2.3 Members have provided invaluable insight and constructive challenge to the review process and are thanked for their time and work on this project.

3.0 SUMMARY OF MAIN CHANGES PROPOSED

- 3.1 The schedule of changes to the Arrangements is provided at Appendix A. A copy of the updated Arrangements (with tracked changes) is provided at Appendix B, with the updated Flowchart at Appendix C. The proposed changes cover the following:
 1. Updating the name of the Arrangements and the Flowchart.
 2. Removing the provisions relating to appeals, including removing the Review Committee stages of the current procedure. If adopted, this will also require a change

to the Constitution, to remove the references to 'Review Sub-Committee' where it occurs in Part 2 Section D7, as well as in the definitions section of the Constitution. An extract from the Constitution showing the proposed amendments in tracked changes is provided at Appendix D to this report.

3. If the complaint progresses to requiring the involvement of an external investigator, amendments have been made to allow the investigator to set their own investigation plan, rather than prescribing what they should include in this.
4. Removing the chairperson's ability to use their discretion as to whether the complainant or subject member can observe a meeting held in closed session.
5. Tidying up the provisions regarding confidential complaints and adding wording to ensure a decision to keep the identity of a complainant confidential is kept under review.
6. An additional provision to acknowledge that an appropriate summary of the outcome would still need to be published for meetings dealing with exempt or confidential information.
7. The addition of a provision to acknowledge that Sub-Committees may co-opt a parish member for decisions concerning a parish matter, to reflect the provision for this in the Constitution.
8. General tidying up of numbering and typing errors, updating the Council's address, adding defined terms and capitalisation.

3.2 It is proposed that the changes are adopted from 6 November 2024.

Policies and other considerations, as appropriate	
Council Priorities:	A well-run council which is trusted by customers to provide its services.
Policy Considerations:	It is a legal requirement to have a Members' Code of Conduct and Arrangements for dealing with complaints.
Safeguarding:	N/A
Equalities/Diversity:	N/A
Customer Impact:	A clear yet comprehensive set of Arrangements will enable customers to understand the process if they wish to complain about the conduct of a Councillor, to provide assurance that all legitimate complaints will be investigated thoroughly and fairly. The revised Arrangements and Flowchart will be available for members of the public to access online, or at the Council offices as per the address within the Arrangements.
Economic and Social Impact:	N/A
Environment, Climate Change and zero carbon:	N/A
Consultation/Community Engagement:	N/A
Risks:	The Arrangements are a legal requirement. Having compliant Arrangements which set out the process for dealing with complaints may reduce the risk of any challenge to NWL processes.

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