

Additional Paper - Review of the Arrangements for Dealing with Complaints about Councillors

Purpose

This additional paper has been prepared in response to the Audit and Governance Committee's request at its meeting on 4 February 2026 for further explanation as to why a three-month time limit is being proposed rather than the six-month period referenced in LGA guidance in respect of the proposed additional initial test being added to the current Arrangements for Dealing with Complaints about Councillors. It is intended to support Full Council's consideration of the amendment by setting out the rationale discussed by the Working Group and the practical reasons for adopting a shorter timeframe.

The Proposed Amendment

The proposed amendment is to introduce a fourth stage into the initial tests, such that if the events or behaviour to which the complaint relates took place more than 3 months ago, the complaint would not proceed unless there were exceptional circumstances.

The LGA Guidance on Member Model Code of Conduct Complaints Handling discusses the criteria for complaints handling, and suggests "[an] authority may therefore wish to set a time limit for receiving complaints of say six months under normal circumstances."

Some questions were raised in the Audit and Governance Committee meeting as to why we were not proposing a timeframe which aligned with this guidance.

The guidance, however, is not mandatory and itself makes it clear that the six-month time limit is a suggestion which does not have to be followed. When the proposed amendment was discussed in the Working Group, research was presented to show how other Councils manage the filtering of complaints due to the passage of time, with some not including a time frame at all, and a variety of different timeframes for those who did utilise this, ranging from one month to one year. Various Councils which do refer to a time limit express the importance of ensuring those involved are able to remember the incident clearly enough to provide credible evidence, and ensuring there is no unfair prejudice as a result of the delay. This was also emphasised by the Monitoring Officer, who explained that older complaints often arise as a reaction to a new disagreement or incident, rather than the original issue itself, which risks unfair retrospective scrutiny of conduct long after recollections have faded. Complaints should be made promptly as delay risks reliability and can be unfair to those involved.

The proposed three-month timeframe therefore reflects the importance of ensuring that investigations are based on reliable memory and evidence, that councillors are not unfairly prejudiced by stale allegations and that the complaints process remains timely and effective. The proposed amendment to the Arrangements does allow for

complaints outside of the timeframe to be allowed in “exceptional circumstances”. A careful assessment of the initial tests is already undertaken for all complaints received, so the addition of the fourth test would be considered in the same way.

The Working Group therefore reached the consensus that a three-month time limit for complaint submission would be reasonable and fair, which would help to maintain clarity and integrity in the process. It also reflects good administrative practice by encouraging prompt reporting, aligning with several other local authorities who have adopted shorter time limits for similar reasons.