

<b>Report of:</b>	<b>Meeting</b>	<b>Date</b>
Mary Grimshaw, Monitoring Officer	Standards Committee	16 March 2023

<b>Procedures for dealing with alleged breaches of the Code of Conduct</b>
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## **1. Purpose of report**

- 1.1** To present to members an updated procedure for dealing with complaints regarding alleged breaches of the Councillor's Code of Conduct.

## **2. Outcomes**

- 2.1** The adoption of the procedure as amended.

## **3. Recommendations**

- 3.1** Members are requested to consider the procedure with amendments set out in Appendix 1.

## **4. Background**

- 4.1** Following adoption of the current Code of Conduct at Full Council on 27 January 2022 which is based on the Local Government Association's Model Code the procedure for dealing with complaints has been reviewed and updated to ensure that it is up to date and in line with the new Code.
- 4.2** The LGA Guidance on Member Model Code of Conduct Complaint Handling has also been taken into consideration with the review and update.

## **5. Key Issues and proposals**

- 5.1** Many of the amendments are minor to bring the procedure up to date with the new Code of Conduct and to make the process easier to follow. Specific changes include the following:
- 5.1.1** Update of the general principles and obligations to be followed when acting as a councillor in section 2 to bring in line with the wording within

the Code of Conduct.

- 5.1.2** Clarification regarding the Monitoring Officer and Independent Persons' roles within section 4.
- 5.1.3** Stages in the procedure (1 – 4) aim to provide greater clarity and make the process easier to follow. The LGA guidance encourages informal resolution where possible and appropriate and stage 2 provides information as to how this is incorporated into the process.
- 5.1.4** A section has been included to set out that a summary of complaints received is reported to Standards Committee at least annually.

<b>Financial and legal implications</b>	
Finance	None arising directly from this report.
Legal	The council has a legal duty to respond to complaints made against councillors alleging breaches of the Code of Conduct and have in place suitable procedures for handling and investigating complaints. The council is also responsible for having arrangements in place to investigate and determine allegations against parish councillors.

### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report for those issues marked with an X.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	<b>x</b>
equality and diversity	<b>x</b>
sustainability	<b>x</b>
health and safety	<b>x</b>

<b>risks/implications</b>	<b>✓ / x</b>
asset management	<b>x</b>
climate change	<b>x</b>
ICT	<b>x</b>
data protection	<b>x</b>

### **Processing Personal Data**

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a 3<sup>rd</sup> party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
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<b>List of background papers:</b>		
name of document	date	where available for inspection
None		

**List of appendices**

Appendix 1 - Procedures For Dealing With Alleged Breaches Of The Code Of Conduct By Councillors