

# TEWKESBURY BOROUGH COUNCIL

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| <b>Report to:</b>                | Standards Committee                  |
| <b>Date of Meeting:</b>          | 11 March 2024                        |
| <b>Subject:</b>                  | Code of Conduct Complaints Guidance  |
| <b>Report of:</b>                | Monitoring Officer                   |
| <b>Head of Service/Director:</b> | Monitoring Officer                   |
| <b>Lead Member:</b>              | Lead Member for Corporate Governance |
| <b>Number of Appendices:</b>     | 4                                    |

## **Executive Summary:**

The report details how Code of Conduct reports will be dealt with from the position of complainant, the Councillor in receipt of the complaint and the Sub-Committee dealing with the complaint. There are also criteria to assess the complaint.

## **Recommendation:**

**To NOTE the agreed procedure for investigating complaints and AGREE Appendices 1, 2, 3 and 4 for display on the Tewkesbury Borough Council website.**

## **Financial Implications:**

None arising from this report

## **Legal Implications:**

The Localism Act 2011 requires the Borough Council to have a process to deal with Code of Conduct complaints involving both Borough and Parish Council Members.

## **Environmental and Sustainability Implications:**

There are no issues arising from this report.

## **Resource Implications (including impact on equalities):**

The procedure will be operated in accordance with all Equalities legislation. There is no Equality Impact Assessment.

## **Safeguarding Implications:**

There are no safeguarding issues.

## **Impact on the Customer:**

This procedure offers greater transparency.

## **1.0 INTRODUCTION**

**1.1** The report asks the Committee to agree information sheets to go under the Tewkesbury Borough Council information about making a code of Conduct Complaint.

## **2.0 CODE OF CONDUCT COMPLAINTS**

**2.1** At its meeting on 16 October 2023, the Standards Committee adopted the following procedure for dealing with Code of Conduct complaints:

1. When the Monitoring Officer receives a Code of Conduct complaint he/she will share that complaint with the independent persons and consider their view on the complaint.
2. If there is thought to be substance to the complaint which may justify the cost to the public purse of a formal investigation, the Monitoring Officer will set up an Assessment Panel of three members of the Standards Committee to consider the complaint at a private, informal meeting that can be held on Teams.
3. The Assessment Panel can:
  - i) decide there is no potential breach of the relevant Code of Conduct;
  - ii) decide there is a potential breach of the relevant Code of Conduct but that it is not in the public interest for the matter to be investigated; or,
  - iii) decide that there is a potential breach of the relevant Code of Conduct and it is in the public interest for it to be formally investigated and for the investigation report to be considered at a Standards Committee Hearings Panel to be held in public.

**2.2** In order to offer guidance to those involved in a possible Code of Conduct complaint, it is proposed to publish the following appendices on the Tewkesbury Borough Council website:

- Appendix 1 - guidance for those thinking of making a complaint.
- Appendix 2 - guidance for Councillors in receipt of a complaint.
- Appendix 3 - information about how the complaint will be dealt with.
- Appendix 4 - criteria for assessing a complaint.

## **3.0 CONSULTATION**

**3.1** The Standards Committee and Monitoring Officer are charged under the Localism Act 2011 with dealing with Code of Conduct complaints, therefore, no other consultation is required.

## **4.0 ASSOCIATED RISKS**

**4.1** The process is more open than previously and therefore potentially open to greater scrutiny.

## **5.0 MONITORING**

**5.1** The Standards Committee will report on its work annually to the Council.

**6.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES**

**6.1** This relates to governance changes.

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**Background Papers:** Standards Committee Report and Minutes - 16 October 2023

**Contact Officer:** Monitoring Officer  
01684 272211 tom.clark@tewkesbury.gov.uk Officer

**Appendices:** Appendix 1 - Information for someone wishing to make a complaint  
Appendix 2 - Information for a Member in receipt of a complaint  
Appendix 3 - The process for dealing with a complaint  
Appendix 4 - The criteria to assess a complaint