

## **REPORT OF STANDARDS COMMITTEE 2/ 2024/2025**

### **FULL COUNCIL 18 November 2024**

Chair: Councillor Ibrahim Ali

#### **1. INTRODUCTION**

- 1.2 Full Council is being asked to approve changes to the Constitution relating to the Member Complaints Handling Protocol and to also approve a minor change to the Council Procedure rule on the submission date for public and Councillor Questions.

#### **2. Amendments to the Member Complaints Handling Protocol**

2.1 We considered the report as set out at appendix 1, and noted a review of the Protocol was undertaken to ensure that it operated in a way which supported the swift progression of complaints by expanding the ability of the Monitoring Officer to determine whether or not an investigation should be commenced immediately or referred to the Assessment Sub-Committee for a decision or allow the Monitoring Officer to determine that there should be no further action. The Monitoring Officer had reviewed complaints processes used in other Councils as part of the report to the Constitutional Working Group.

2.2 We noted that the Constitutional Working Group considered the report on 23rd February 2024 and agreed certain amendments. The Constitutional Working Group made further comments on 30<sup>th</sup> October 2024 and requested a flow chart of the process be put forward to provide us with an illustration of the changes. The revised scheme is appended as Appendix 2 and flow chart at Appendix 4.

We discussed the updates to the criteria for initial assessment of a Councillor complaint and noted that:

- Where there was a criminal offence or offence under Chapter 7 of Part 1 of the Localism Act 2011 reported, the Monitoring Officer could put this forward to investigation without the need to call a Standards Sub Assessment Committee. This action would be taken in consultation with the Chair and also reported up the Standards Committee as part of the Annual Councillor Complaints report.
- If there was a criminal investigation, then the complaint investigation would not start until after completion of the police investigation as set out in flow chart 2.
- It was quite difficult to deem a complainant vexatious and frivolous and there could be cases where a complainant was continually making complaints about a councillor or to a councillor about a casework matter and may become fixated on an issue even after the responses provided. There needed to be support and protection for councillors in this situation. In response it was noted that there were processes that could be followed under civil and criminal law if course of conduct and correspondence indicated harassment.

- If a complainant contact was indicating wider safeguarding issues, then contact could be made with the Adults safeguarding team to report this.
- There were also internal procedures for reporting residents that were displaying abusive and intimidating behaviour and there was a set criteria for convening a meeting with key services, in contact with the resident, and also including health and safety and legal services to determine a course of action on the rules of contact with the council and councillors.
- Councillors were also encouraged to report incidents with residents where they felt the behaviour was intimidating, abusive or could be considered as harassment on the health and safety link provided by Democratic services.
- There was a need for the Council to have a key message on zero tolerance of abusive and intimidating behaviour.
- Section 10 of the protocol, Action which may be taken where a member has failed to comply with the Code of Conduct, was considered and we noted that removing SRA's was a sanction but likely to be a political management issue as the Standards Sub Committee did not have the powers alone to take this action .

Subject to a minor typo in the tracked changes being rectified, the amendments to the Complaints Handling Protocol were agreed to be recommended to full Council for approval.

### **3. WE RECOMMEND**

That Full Council:

1. Approves the amendments to the Member Complaints Handling Protocol as set out in Appendix 2 and also approves publication of the updated version as set out Appendix 3.

### **4. Changes to Council Standing Orders section 10 on submission date for public and Councillor oral and written questions**

- 4.1 Standards Committee considered a report on changes to the Council Standing Orders section on submission date for public and Councillor oral and written questions to allow more time for the answers to be researched and reviewed to ensure that they are in line with the Council Standing Orders.
- 4.2 Given the increased number of questions and need to ensure that questions are fully researched, and responses considered in accordance with CSO section 10 on questions, officers requested an additional **2** days being added to the

timescale for submission/ notice of Council questions. This would mean amending 10.4a to allow 10 working days' notice of questions rather than 8 working days.

4.3 We noted that Constitution Working Group considered this change in submission date and there were some queries about how current and reflective this would allow questions to be in the run up to a Council meeting. However, given that the increase was only 2 days and there was an increase in the number of questions that could be asked this was not felt to be a considerable issue. It was also noted that there was provision for emergency motions for more pressing current local matters or that the Leader of the Council and Chief Executive can table reports on urgent local matters that would allow such questions to be put. Therefore, we agreed to recommend this change to Council Procedure rules for approval at Full Council

## **5. We Recommend that Full Council**

Approve changes outlined at Appendix 6 outlining track changes to the Council Procedure Rules and increasing the working days for notice of Council questions from 8 to 10 days.

## **Appendices**

**Appendix 1 - Standards cover report on Member Complaints Handling Protocol**

**Appendix 2 - Part5 Section A Protocol Complaints Against Members - \_track changes.**

**Appendix 3 Part5 Section A Protocol Complaints Against Members - Publication copy**

**Appendix 4 -Complaint process flow chart**

**Appendix 5 - Changes to Council Standing Orders section 10 on submission date for public and Councillor oral and written questions – Standards Report**

**Appendix 6 –Changesto CSO section 10**