

Southend-on-Sea City Council
Report of Director of Legal Services and
Monitoring Officer
To
Standards Committee
On
28th February 2023

Report prepared by: Giles Gilbert

**Agenda
Item No.**

**Arrangements for dealing with complaints alleging a breach of
the Members' Code of Conduct for Members**

Part 1 Public agenda item

1. Purpose of Report

- 1.1 Following the adoption of the new Code of Conduct by Full Council on 24th March 2022, (that commenced in the new Municipal year in May 2022) the Monitoring Officer has reviewed Part 4(i) – Complaints against Members Rules in the Council's Constitution and updated these rules - commonly known as the "Arrangements for dealing with complaints alleging a breach of the Members' Code of Conduct for Members". The proposed updated Rules are attached with a view to making a recommendation to Council to adopt the same.

2. Recommendation

- 2.1 That the Council is recommended to approve the new updated version of Part 4(i) – Complaints against Members Rules attached at Appendix 1.

3. Background

- 3.1 The Council adopted a new Members' Code of Conduct on 24th March 2022 following a recommendation from the Standards Committee. At its meeting on 23rd March 2022 the Standards Committee recommended

"That a review of the current Complaints against Members Rules set out in Part 4(i) of the Constitution should commence without delay, overseen by the Standards Committee."

- 3.2 The Monitoring Officer has now undertaken this review and seeks the Standards Committee's comments with a view to seeking Council's approval to the updated Rules.

3.3 The Standards Committee will note that the new Rules are significantly shorter as they do not include the members code of conduct (which is already located in part 5 of the constitution). The “Arrangements for dealing with complaints alleging a breach of the Members' Code of Conduct for Members” within the new Rules have closely followed the [Local Government's Association Guidance on Member Model Code of Conduct Complaints Handling](#)

3.4 It is to be noted that the Council has an unusually high number of complaints. The updated Arrangements comply with the LGA's guidance and seeks to ensure that all complaints are dealt with as quickly and as efficiently as possible. The Guidance recommends that complaints ought to be informally resolved wherever possible and it is appropriate to do so. This in turn will ensure that the council's resources are properly concentrated on the most serious complaints.

4. Corporate Implications

4.1 Contribution to Southend 2050.

The 2050 Ambition underpins the collective vision for the future of the City including the development and demonstration of the Council's new Values and Behaviours, including acting with integrity, which are at the heart of the way the Council works together.

4.2 Finance implications

None

4.3 Legal Implications

4.3.1 Under Section 28 of the Localism Act 2011, the Council must have in place “Arrangements”, under which allegations that a Member or co-opted Member of the Council, or of a Committee or Committee of the Council, has failed to comply with the Members' Code of Conduct can be investigated and decisions made on such allegations.

4.3.2 These “Arrangements” set out how you may make a complaint that an elected or co-opted Member of Southend on Sea Borough Council (“the Council”) or Leigh on Sea Town Council (“the Town Council”) has failed to comply with the Members' Code of Conduct (“the Code”), and sets out how the Council will deal with allegations of a failure to comply with the Code.

4.4 People Implications

As set out above

4.5 Property Implications

None

4.6 Consultation

The LGA consulted on the Model Code and have provided updated guidance on the Arrangements.

4.7 Equalities and Diversity Implications.

The Code emphasises the importance of Councillor responsibility to ensure those with protected characteristics are protected from discrimination. The new Rules ensure a fair and transparent approach to considering any member complaints received.

4.8 Risk Assessment

No issues arising

4.9 Value for Money

No issues arising.

4.10 Community Safety Implications

None

4.11 Environmental Impact

None

5. Background Papers

[Guidance on Member Model Code of Conduct Complaints Handling | Local Government Association](#)

6. Appendices

Appendix 1 – Draft Complaints against Members Rules