



# INFORMATION AND GUIDANCE FOR POTENTIAL COMPLAINANTS

## How to make a complaint about the conduct of a District or Town/Parish Councillor in East Devon

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## **1. Introduction to Code of Conduct complaints**

- 1.1 Section 27 of the Localism Act 2011 (the “Act”) requires a local authority to adopt a Code of Conduct to govern the conduct that is expected of its members (and co-opted members), when acting in their official capacity.
- 1.2 East Devon District Council (“the Council”) has adopted a Code of Conduct for councillors which is available using the following link: [Code of conduct - East Devon](#) or upon request from the Council’s Monitoring Officer. The behaviour covered by the Council’s Code is summarised in Appendix A.
- 1.3 The Council is responsible under the Act for dealing with complaints that district councillors in East Devon have breached the Code of Conduct.
- 1.4 The Council is also responsible for dealing with complaints that Town/Parish councillors in East Devon have breached their Code of Conduct. A full list of the Towns and Parishes in East Devon is set out at Appendix B. Town and Parish Councils can adopt the East Devon Code of Conduct or another code of their choosing. A copy is generally available upon the Town or Parish Council’s website or can be obtained from the Town or Parish Clerk.
- 1.5 This guidance sets out how you may make a complaint that an East Devon District councillor, or a Parish/Town Councillor has failed to comply with the relevant Council’s Code of Conduct. A flow chart of the process is contained at Appendix C. You are encouraged to read this guidance in its entirety before submitting your complaint.
- 1.6 The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the register of councillor’ interests and who is responsible for administering the process in respect of complaints of alleged councillor misconduct on behalf of the Committee. Reference to “Monitoring Officer” shall include their nominated Deputy. The Monitoring Officer carries out the first and second stage of the assessment of a complaint.
- 1.7 The oversight of complaints against elected or co-opted councillors of East Devon District Council and the Town and Parish Councils within our area sits with East Devon District Council’s Standards Committee (the “Committee”). This Committee is a group of councillors appointed by East Devon District Council to help maintain and promote high ethical standards. In addition to councillors from East Devon District Council, parish council representatives and independent representatives are also co-opted onto this Committee. The Council also appoints independent persons to advise the Committee.
- 1.8 A sub-committee of the Standards Committee known as the Standards Assessment Sub-Committee (‘SASC’) has been set up to assist the Monitoring Officer in the assessment of the complaints, if necessary, in accordance with clause 5.4.

- 1.9 This guidance sets out how the Council will deal with your complaint once received.
- 1.10 Please note that trivial, frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.
- 1.11 The procedure the Council has adopted is designed to be proportionate, timely and fair to both sides. Its overriding objective is to seek to provide pragmatic local solutions to local problems wherever possible and to avoid costly and time-consuming formal investigations/hearings.

## **2. Making a complaint**

- 2.1 If you wish to make a complaint, we would first encourage you to discuss the matter with the Monitoring Officer. This initial discussion will enable us to understand the basis of your complaint and advise you of the process involved and what we will need from you to be able to proceed with your complaint. The Monitoring Officer can be contacted at

Email: [monitoringofficer@eastdevon.gov.uk](mailto:monitoringofficer@eastdevon.gov.uk)

Telephone: 01395 571688

Address: Monitoring Officer  
East Devon District Council  
Blackdown House  
Border Road  
Heathpark Industrial Estate  
Honiton  
EX14 1EJ

- 2.2 If following an initial discussion with the Monitoring Officer or a member of their staff, you still wish to proceed with making a formal complaint, your complaint must be made to us in writing (as opposed to verbally). The Council has an online complaint form that should be completed to ensure that we have all of the information that we need to progress your complaint. Further details and the online form can be found on our [How to Complain about a Councillor](#) pages of our website or if you are unable to complete the online form, you can request a hard copy of the form and the relevant guidance and this will be provided to you.
- 2.3 The Monitoring Officer can provide assistance to help you make your complaint if English is not your first language or if you need help because of a disability.
- 2.4 It is very important that anyone making a complaint gives as much detail as possible as insufficient information may result in the complaint not progressing. The name of the councillor (the 'Subject Councillor') and the relevant paragraphs of the Code of Conduct that it is felt they

have breached, should be included, together with a description of the event/actions that led to the alleged breach. Relevant evidence (such as email exchanges, witness accounts or recordings) to support the alleged breach should be referenced / provided.

- 2.5 Potential complainants are encouraged to explore whether the matter can be resolved without the need to submit a formal complaint under this process. Please do speak to the Monitoring Officer who will be happy to advise you on the options available to you.
- 2.6 Complainants are also encouraged to think about the outcomes and / or remedies they are seeking.
- 2.7 We recommend that you use our online complaint form or provide a covering note summarising what you are complaining about, especially if your complaint includes a lot of supporting documentation. In the summary you should tell us exactly what each person you are complaining about said or did that has caused you to complain. If you are sending supporting documentation, please cross-reference it against the summary of your complaint.
- 2.8 You should be as detailed as possible and substantiate your complaint where you can. Although you are not required to prove your complaint at this stage of the process, you do have to demonstrate that you have reasonable grounds for believing that the councillor(s) complained about have breached the Code of Conduct.
- 2.9 Under the Council's Constitution, East Devon District Councillors should consult with the Monitoring Officer before making any complaint against another District or Town / Parish Councillor.
- 2.10 When you submit your complaint we will write to you to let you know we have received it, within three working days. The complaint process is set out in a flow diagram at Appendix C.
- 2.11 The assessment of a complaint will follow a two-stage process.

### **3. First Stage Assessment**

- 3.1 The first stage is to establish whether or not we can deal with your complaint.
- 3.2 Once your complaint has been acknowledged, the Monitoring Officer will then consider whether the complaint meets the jurisdictional tests at the First Stage Assessment. The matters that will be considered at this stage of the process are:-
  - Your complaint must be about one or more named councillors of the authorities listed on the attached Appendix B.
  - Your complaint must be about conduct that occurred while the Subject Councillor(s) complained about were in office. Conduct of an individual before they were elected, co-opted or appointed to the

authority, or after they have resigned or otherwise ceased to be a councillor, cannot be considered.

- The Subject Councillor you are complaining about must be in office at the time of your complaint.
- Your complaint must relate to matters where the Subject Councillor was acting or could be perceived to be acting as a councillor or representative of their council and therefore is not a private matter.
- The complaint relates to councillor conduct (rather than, for example, the lawful actions of a parish council or the District Council's service provision) such that, if proven, it would be capable of amounting to a breach of the Code of Conduct.

3.3 The Monitoring Officer will advise you within five working days as to whether your complaint meets the First Stage Assessment and if so, the complaint will progress to the Second Stage Assessment.

3.4 When there is insufficient information to make a determination as to whether the conduct complained of may demonstrate a potential breach of the Code of Conduct, the Monitoring Officer may offer you a further ten working days to provide further information to support the complaint. If further information is not provided within ten working days of being requested or the further information is not sufficient to make a determination, the complaint will be rejected.

3.5 Complaints against a council as a whole will be rejected and need to be referred directly to the council in question for consideration. We can tell you who to contact. These complaints should be pursued through the relevant council's own internal complaints procedure. For example, if a complaint relates to a councillor's behaviour in relation to the determination of a planning application, this procedure will relate only to the councillor's conduct and will not comment on the decision relating to the planning application, save to the extent necessary to explain the decision in relation to the code of conduct complaint.

3.6 Complaints about the actions of people employed by the relevant council e.g. the clerk of a town or parish council, will also be rejected. Again, these complaints should be pursued through the relevant council's own internal complaints procedure.

3.7 This First Stage Assessment will be completed within five working days.

3.8 If your complaint meets all of the First Stage Assessment criteria, it will proceed to the Second Stage Assessment.

## **4. Second Stage Assessment**

4.1 Complaints that progress to the Second Stage will be assessed against criteria to determine whether there is some evidence which would suggest that there may have been a material breach of the Code of Conduct.

4.2 The criteria to be used in reaching a decision are set out below. Your complaint will usually be rejected at this stage if, in the opinion of the Monitoring Officer, any of the following criteria applies:

- It appears the complaint relates to the Subject Councillor acting in their private capacity.
- The complaint is the same or substantially the same (and involves the same event or set of circumstances) as a complaint previously dealt with whether submitted by you or some other person.
- It is over 6 months since the alleged behaviour occurred (or since the complainant became aware of the alleged behaviour) and it would be unfair, unreasonable or otherwise not in the public interest to pursue unless there are, in the Monitoring Officer's opinion, exceptional circumstances, such as there has been a failure to declare a disclosable pecuniary interest which would warrant the complaint being progressed.
- The allegation is anonymous and there are no exceptional compelling reasons to progress the complaint.
- The allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:
  - the resources needed to investigate and determine the complaint are wholly disproportionate to the allegations; and/or
  - whether, in all the circumstances, there is no overriding public benefit in carrying out a formal investigation.
- The complaint appears on an objective basis to be malicious, vexatious, politically motivated or tit-for-tat or is part of a series of complaints from the complainant and it is not in the public interest to pursue it.
- The Subject Councillor has remedied or made reasonable endeavours to remedy the issues to which the complaint relates, and the complaint does not disclose sufficiently serious potential breaches of the Code of Conduct to merit further consideration.
- The complaint is about a person who is no longer a councillor of a relevant council and there are no overriding public interest reasons to merit further consideration.
- The complaint is from a councillor about another councillor of their council and the Monitoring Officer considers the allegations to be such that the issues between the councillors ought to be capable of resolution between them, whether with or without the assistance of their Clerk or some other person.
- That a simple apology, training or conciliation would be the appropriate response.

- That a reasonable offer of local resolution is offered by the Subject Councillor but is rejected by you.
- It would otherwise be inappropriate to expend the Council's resources on determining the complaint having regard to the circumstances of the complaint, any previous related complaints, and the public interest.

## **5. Process at the Second Stage**

- 5.1 We will notify the Subject Councillor to whom the complaint relates, provide details of the complaint, and invite them to make representations. These must usually be received by the Monitoring Officer within ten working days of the Subject Councillor receiving the notification.
- 5.2 The Monitoring Officer may also contact the clerk of the Town or Parish council, where appropriate and such other persons as the Monitoring Officer feels appropriate, to provide additional information.
- 5.3 The Monitoring Officer will assess the complaint, any representations by the Subject Councillor and any additional information requested. However, the purpose of this stage is not to conduct a formal investigation and only preliminary enquiries will be made, such as to establish whether the Subject Councillor was in fact present at the meeting to which the complaint relates.
- 5.4 If the Monitoring Officer considers it appropriate or necessary, the complaint may be referred to the SASC for them to carry out the Second Stage Assessment.
- 5.5 On the completion of this initial assessment the Monitoring Officer will contact you to advise you whether your complaint relates to a potential breach of the code of conduct and what action is proposed, if any. The Subject Councillor will be similarly informed. This will happen within twenty working days of the date we receive your complaint or additional information (where requested).
- 5.6 The decisions that can be reached at this Stage are;
- No further action should be taken in relation to the complaint.
  - The complaint should be dealt with through a process of informal resolution in the first instance. or
  - The matter should be referred for formal investigation.
- 5.7 In reaching a decision at the Second Stage, no finding of fact will be made.
- 5.8 The Second Stage will happen within twenty working days of receipt of your original complaint or of receipt of any further information requested by the Monitoring Officer to enable them to progress your complaint.

- 5.9 It is important to note that not every complaint will be referred for formal investigation. The Monitoring Officer or the SASC (as appropriate) must decide whether this is appropriate. The Monitoring Officer will endeavour to resolve complaints without the need for a formal investigation wherever possible.
- 5.10 There may be rare occasions upon which a Subject Councillor will not be notified that a complaint has been made against them. In deciding not to notify the Subject Councillor, we will weigh up different factors and the Monitoring Officer will consult with the Independent Person when reaching this conclusion. For example, would telling the Subject Councillor risk the complainant being intimidated or evidence destroyed, or if the complaint seems to fall outside of the jurisdiction of the Code of Conduct is there any need to hear from the Subject Councillor? If the decision is made not to notify the Subject Councillor about the complaint but the Subject Councillor becomes aware of the complaint and wishes to know what has been alleged and the identity of the complainant, then this information will be provided to them (unless the complainant has requested confidentiality and the Monitoring Officer has agreed to this request).
- 5.11 Before making any decision at the Second Stage, the Monitoring Officer will discuss your complaint with an independent person. This is a person who has been appointed by the Council to assist in dealing with Code of Conduct complaints and who is independent of the District or Town/Parish Councils in East Devon. The Council has appointed two Independent Persons to assist with complaints. Subject Councillors have the right to consult an Independent Person as part of the complaints process. They will be notified of this as part of the correspondence. Where possible, the Independent Person giving their views to the Monitoring Officer will be different from the one giving views to the Subject Councillor, although it is acknowledged that this may not always be possible.

## **6. Outcomes**

### **6.1 Informal Resolution (other action)**

An informal resolution is a more proportionate way of dealing with relatively minor allegations, one-off incidents or underlying disagreements between individuals. It is important to note that dealing with a matter by informal resolution at the Stage 2 Assessment stage is making no finding of fact as there has been no formal investigation.

Matters which the Monitoring Officer might consider appropriate for informal resolution may include:

- The same particular breach of the Code by many councillors, indicating poor understanding of the Code and the authority's procedures.
- Less serious complaints where the Subject Councillor wishes to put their actions right or where it would be beneficial to remind a



Subject Councillor of the requirements of the Code of Conduct, matters that should be included on their Register of Interests or declarations of interest at meetings.

- Complaints where the public interest in conducting a formal investigation does not justify the costs of such an investigation.
- A general breakdown of relationships where other action such as mediation might help, including those between councillors and officers, as evidenced by a pattern of allegations of minor disrespect, harassment or bullying to such an extent that it becomes difficult to conduct the business of the relevant council.
- Misunderstanding of procedures or protocols.
- Misleading, unclear or misunderstood advice from officers.
- Where the issue appears to be in the political arena and therefore appropriate for referral to a leader(s) of a political group to deal with or the town/parish council.
- Lack of experience or training.
- Interpersonal conflict.
- Allegations and retaliatory allegations from the same councillors.
- Allegations about how formal meetings are conducted.
- Allegations that may be symptomatic of governance problems within the council, which are more significant than the allegations in themselves.

Informal resolution could either be directed at the Subject Councillor who is the subject of the complaint, the Subject Councillor and yourself as complainant, or at the council more generally.

Informal resolution can include such things as training, providing an apology, referral to a political group, withdrawing a remark, mentoring, conflict resolution, mediation.

Both yourself and the Subject Councillor will be consulted before a decision is made to proceed with informal resolution.

## 6.2 Referral for Formal Investigation

If the Monitoring Officer (in consultation with the Independent Person), or SASC considers that the complaint is both very serious in terms of the potential breach of the code and that a formal investigation is warranted in the public interest to establish the facts, then the Monitoring Officer or someone acting on their behalf will undertake this. Only very exceptionally will a complaint result in a formal investigation.

The Monitoring Officer will let all those involved know that this is the case and the process that will be followed.

At the end of a formal investigation, the investigator will issue a draft report and invite comments from the complainant and the Subject Councillor. The Monitoring Officer will then issue a final report (“the Investigation Outcome report”) which they send to the complainant, the Subject Councillor complained about, the Independent Person and the Clerk to the Town/Parish Council (where relevant).

## 7. Result of Formal Investigation

The outcome of the formal investigation will form the basis of an Investigation Outcome Report which will be published and issued to all parties and will include the findings of the investigator.

7.1 On the basis of the report, the Monitoring Officer will decide whether:

- There has been no breach and therefore no further action will be taken.
- There have been one or more breaches, but no further action is needed.
- There have been one or more breaches, but the matters should be resolved in a way other than by a hearing such as local resolution; or
- That the matters be referred to a hearing.

### 7.2 Oral Hearing

In the event of an oral hearing, this hearing will generally be held in public and although it will be conducted on a relatively informal basis, both the investigator and the Subject Councillor complained about will be able to make representations and call witnesses. At the end of the hearing the Hearing Sub-Committee, after consulting with the Independent Person will decide whether, on the balance of probabilities, there has been a failure to comply with the Code of Conduct and what “sanction” or “sanctions” (if any) should be imposed.

If an oral hearing is required and reaches a finding that there has been a failure to comply with the Code, then there is a range of sanctions available as set out at Appendix E to this guidance. **It should be noted that under the Localism Act 2011, there is no ability to suspend or disqualify a councillor.**

## 8. Other Important Information

### 8.1 Ability to Appeal

Although there is no right of appeal against the decisions of the Monitoring Officer, SASC or Hearing Sub-Committee, if you are unhappy with the procedures followed (as opposed to the outcome) then you are still entitled to complain to the Local Government

Ombudsman or challenge a decision through the Courts by way of Judicial Review.

## 8.2 Withdrawing Complaints

A complainant may ask to withdraw their complaint before it has been assessed or decided. In deciding whether to agree to the request the Monitoring Officer will consider:

- The complainant's reasons for withdrawal (e.g. whether there has been undue pressure or an apology given).
- Whether the public interest in taking some action on the complaint outweighs the complainant's wish to withdraw it.
- Whether action, such as a formal investigation, may be taken without the complainant's participation.

## 8.3 Complaints about a matter that has already been assessed

There are occasions when a complaint is received on a matter that is the same or similar to one that has already been assessed. If this is the case, the complaint will be rejected. In these circumstances you will be sent a copy of the decision notice that has previously been issued. The name of the original complainant(s) will be redacted from the decision notice.

## 8.4 Multiple complaints about a councillor

There may be instances when a number of complaints are received about the same Subject Councillor from different complainants that relate to the same incident. When a complaint is substantially the same, it will be processed as a single complaint taking into consideration all the complaints received up to the time the complaint is processed. A single decision notice will be issued and will reflect the fact there has been more than one complainant associated with the matter, though all may not be named. If further complaints relating to the same matter are received after the complaint is being processed these will not be added to the complaint but the complainants will be advised that a complaint about this matter is already being considered.

If a formal investigation is deemed to be appropriate the Monitoring Officer may determine that, in the interests of efficiency, only one complaint should go forward for formal investigation, with the other complainants being treated as potential witnesses in that investigation.

## 8.5 Behaviour that constitutes a criminal offence

Where a complaint is received which discloses behaviour that may constitute a criminal offence, the Monitoring Officer will determine whether to refer such allegations to the police or other appropriate body. If the conduct relates to the failure to declare a disclosable pecuniary interest, this will be done by initially undertaking the assessment of the complaint in the manner set out at the First Stage

prior to referral, in order to determine if a potential failure to declare a disclosable pecuniary interest has occurred.

Where a complaint is referred to the police or some other body the Council will not take any action on the complaint, other than the referral, until the body to whom the complaint has been referred to, decide to take no action or any action they take, has been finally determined.

The Council will take such action as is necessary to ensure that it does not compromise the integrity of any investigation or proceedings undertaken by another body in relation to the allegations.

If the police or other body decide to progress the complaint, then no further action will be taken on the complaint by this Council. If they decide not to progress the complaint, the Council will proceed to consider the complaint at the Second Stage of the process (see paragraph 5 above).

Please note, that complainants may refer criminal allegations directly to the Police if they so wish.

#### 8.6 Complainant Confidentiality and Anonymous Complaints

The Council will not normally allow anonymous complaints as that would be against the principles of transparency and fairness and make matters more difficult to investigate. However, there may be exceptional compelling reasons as to why a complainant's identity may be kept confidential provided certain criteria are met. Full details are set out at Appendix D.

#### 8.7 Confidentiality of the Complaint

All information regarding the complaint will remain confidential to the parties involved except in certain circumstances where it proceeds to a formal investigation, or where the matter is referred to another body such as the police. The complainant and Subject Councillor are expected not to disclose information about the complaint to anyone else unless such publication is in accordance with this guidance or any associated document. Failure to comply with the confidentiality requirements could result in a breach of the Data Protection Act 2018 or a breach of the Code of Conduct. It could also lead to legal action being taken against you by the other party to the complaint or indeed by third parties if referred to in your complaint. You are therefore advised to take independent legal advice before considering releasing any information regarding this complaint.

#### 8.8 Use of an alternative Monitoring Officer

The Monitoring Officer may, following consultation with the Chair of Standards and an Independent Person, refer any complaint to a Monitoring Officer of another authority where it is necessary or expedient to do so. Such examples may include complaints against senior councillors.

## 8.9 Extension to deadlines

The Monitoring Officer may, in certain circumstances extend any timeframe or deadline in this procedure where it is considered necessary and appropriate. If the Monitoring Officer is minded to extend a particular deadline, they will firstly write to all parties to inform them of the new deadline and the reasons for the extension.

# Appendix A

## Behaviour covered by the East Devon District Council Code of Conduct

You can complain about a councillor breaking any part of their council's Code of Conduct. As each council can adopt their own code there is no longer a standard code of conduct that applies to all local authorities. This means you need to have seen the relevant code of conduct relating to the Subject Councillor about whom you wish to complain and confirm that the behaviour you wish to complain about is covered by the code. The Council cannot consider any complaints that fall outside of the relevant code of conduct.

The code that relates to councillors of East Devon District Council covers the following areas:-

- Treating others with courtesy and respect.
- Not bullying any person.
- Not harassing any person.
- Promoting equalities and not discriminating unlawfully against any person.
- Not compromising or attempting to compromise, the impartiality of anyone who works for or on behalf of the Council.
- Not intimidating any person likely to be involved in any investigation or proceedings about someone's misconduct.
- Not disclosing confidential information given in confidence or acquired or improperly using information gained as a result of their role for the advancement of those connected with them or preventing anyone from getting information they are entitled to by law.
- Not bringing their role or the Council into disrepute.
- Not using their position improperly, to their own or someone else's advantage or disadvantage.
- Not misusing the Council's resources.
- When using resources or authorising their use, acting in accordance with the Council's requirements and not used for political purposes.
- Undertaking Code of Conduct training and co-operating with any Code of Conduct investigation and/or determination.
- Not making trivial or malicious complaints against other councillors.

- Complying with any sanction imposed where they have been found to have breached the Code of Conduct.
- Failing to register or disclose their interests.
- Taking part in the discussion or making a decision where they have a “disclosable pecuniary interest”.
- Failing to register any gifts or hospitality (including its source) that they have received in their role or refused as a councillor worth over £50.

Any breaches in relation to requirements around “disclosable pecuniary interests” are matters for the Police as a criminal offence may have been committed. We suggest you speak to the Council’s Monitoring Officer first as they should be able to advise you whether or not it is a matter for the Police.

Although we have encouraged the Town & Parish Councils to adopt similar provisions they are not required to do so. Accordingly, their code may look quite different, so you do need to see a copy. The Clerk to the relevant Town or Parish Council should be able to provide you with a copy. Alternatively, once provided, we hold copies of all Town and Parish Council Codes on our website. The Code adopted by this Council is also available on our website at [Code of conduct - East Devon](#).

# Appendix B

## Towns and Parishes in East Devon

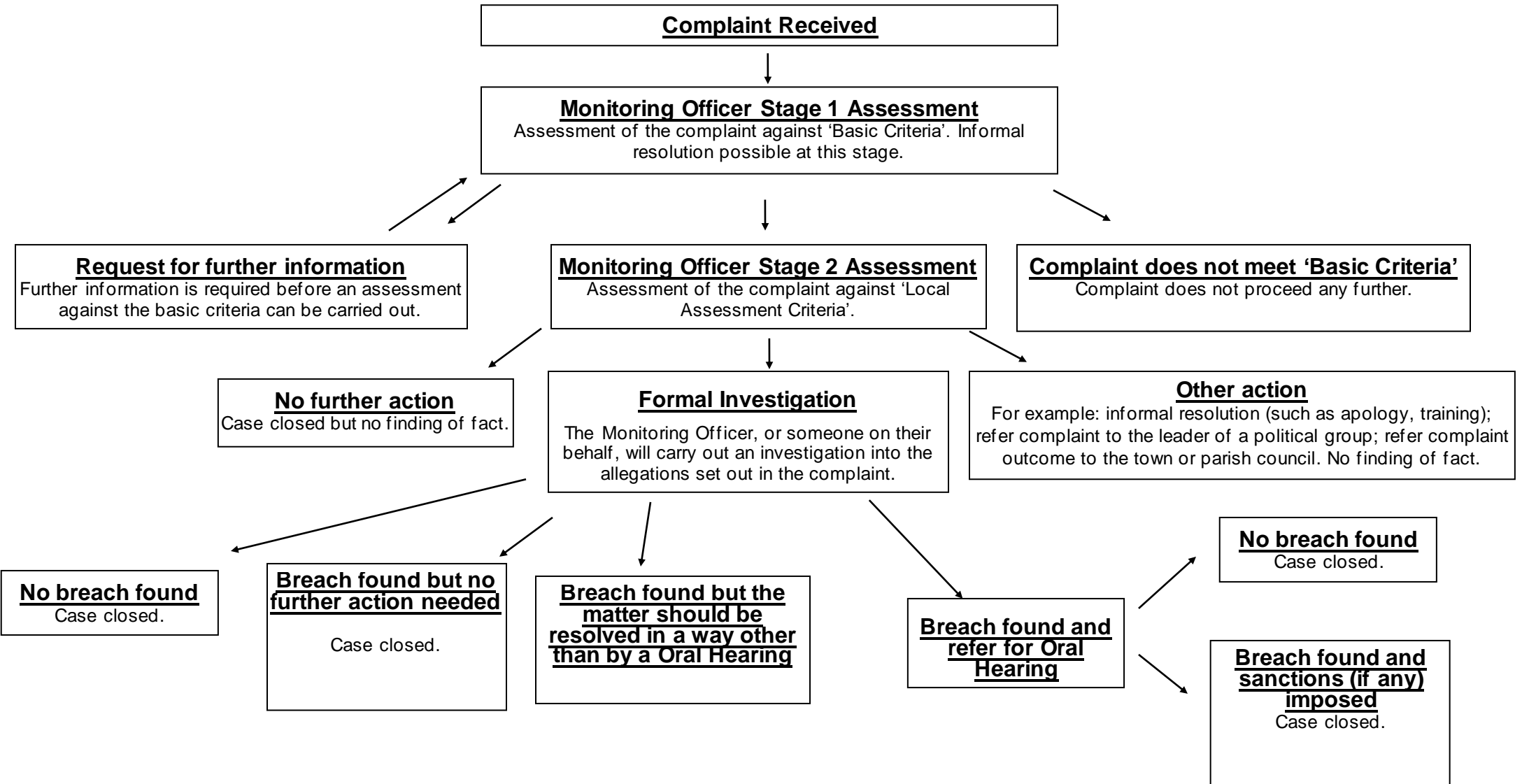
All Saints Parish Council  
Awliscombe Parish Council  
Axminster Town Council  
Axmouth Parish Council  
Aylesbeare Parish Council  
Beer Parish Council  
Bishops Clyst Parish Council  
Bramford Speke Parish Council  
Branscombe Parish Council  
Broadclyst Parish Council  
Broadhembury Parish Council  
Buckerell Parish Council  
Budleigh Salterton Town Council  
Chardstock Parish Council  
Clyst Honiton Parish Council  
Clyst Hydon Parish Council  
Clyst St George Parish Council  
Colaton Raleigh Parish Council  
Colyford Parish Council  
Colyton Parish Council  
Combyne Rousdon Parish Council  
Cotleigh Parish Council  
Cranbrook Town Council  
Dalwood Parish Council  
Dunkeswell Parish Council  
East Budleigh with Bicton Parish Council  
Exmouth Town Council  
Farringdon Parish Council  
Farway Parish Council  
Feniton Parish Council  
Gittisham Parish Council

Hawkchurch Parish Council  
Honiton Town Council  
Kilmington Parish Council  
Luppitt Parish Council  
Lympstone Parish Council  
Membury Parish Council  
Monkton Parish Council  
Musbury Parish Council  
Newton Poppleford and Harpford Parish Council  
Northleigh Parish Council  
Offwell Parish Council  
Otterton Parish Council  
Ottery St Mary Town Council  
Payhembury Parish Council  
Plymtree Parish Council  
Poltimore Parish Council  
Rewe Parish Council  
Rockbeare Parish Council  
Seaton Town Council  
Shute Parish Council  
Sidmouth Town Council  
Southleigh Parish Council  
Stockland Parish Council  
Stoke Canon Parish Council  
Talatton Parish Council  
Uplyme Parish Council  
Upottery Parish Council  
Upton Pyne Parish Council  
Whimble Parish Council  
Widworthy Parish Council  
Woodbury Parish Council  
Yarcombe Parish Council  
West Hill Parish Council



# Appendix C

## Code of Conduct Complaint process Flow Chart



# Appendix D

## Complainant Confidentiality

1. If you ask for your identity to be withheld, this request will be considered by the Monitoring Officer at the First Stage Assessment.
2. As a matter of fairness and natural justice, the Subject Councillor you complained about should usually be told who has complained about them and receive details of the complaint. However, in **very** exceptional circumstances, the Monitoring Officer may withhold your identity. Each case will be considered on its merits and the following will be taken into consideration:-
  - Whether on request from you, or otherwise, the Monitoring Officer is satisfied that:-
    - You have reasonable grounds for believing that you or somebody closely connected to you, will be at risk of physical harm if your or their identity is disclosed, or
    - You are reasonably concerned about the consequences to your employment or that of somebody closely connected to you, if your or their identity is disclosed, or
    - That you or someone closely connected to you suffers from a medical condition and there is evidence of medical risks associated with your or their identity being disclosed or confirmation from an appropriate medical professional that this is the case, or
    - Whether the specifics of the complaint will disclose who has made the complaint even without confirming your identity; and
    - In some circumstances, the public interest in proceeding with the complaint may outweigh your wish to have your identity withheld. This would generally only apply where very serious allegations are being made.
3. If the Monitoring Officer decides to refuse your request for confidentiality, they will offer you the option to withdraw the complaint, rather than proceed with your identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh your wish to have your identity withheld.

# APPENDIX E

## Sanctions

The sanctions available to the Council are as set out below. In relation to the Town & Parish Councils in our area, we can only **recommend** a particular sanction to them but we do not have the power to enforce compliance.

**We do not have the power to suspend or disqualify a councillor.** The sanctions available are:-

- Report its findings to Council or Town/Parish Council for information.
- Issue (or recommend to Town/Parish to issue) a formal censure.
- Recommending to the councillor's Group Leader (or in the case of un-grouped councillors, recommend to council) that he/she be removed from any or all Committees or Sub-Committees of the Council (or recommend such action to the Town/Parish Council).
- Recommending to the Leader of the Council that the Subject Councillor be removed from the Cabinet or removed from particular Portfolio responsibilities.
- Instructing the Monitoring Officer to (or recommend to the Town/Parish) to arrange training for the Subject Councillor.
- Removing from all outside appointments to which he/she has been appointed or nominated by the authority (or recommend to the Town/Parish Council).
- Withdrawing facilities (or recommend to the Town/Parish Council) provided to the Subject Councillor by the Council, such as a computer, website and/or email and internet access.
- Restricting contact (or recommend to the Town/Parish Council) to named officers or requiring contact be through named officers.
- Excluding the Subject Councillor from the Council's offices or other premises (or recommend to the Town/Parish Council), with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- If relevant, recommend to council that the Subject Councillor be removed from their role as leader of the Council.
- If relevant, recommend to the secretary or appropriate official of a political group that the Subject Councillor be removed as group leader or other position of responsibility.

**Neither the Hearings Sub-Committee nor the Monitoring Officer have the power to enforce compliance. If a Subject Councillor fails to**

**comply with any sanction, this may constitute a further breach of the Code of Conduct.**