

## Revised Member Complaints Process

Report of the Director of Legal and Democratic Services

### **Recommendation:**

That the Committee be asked to endorse the revised Member Complaints Process, based on the Local Government Association Model Code, for recommendation to the Council, prior to publication to the Council's website.

### **1) Summary**

1.1 As part of the wider work being undertaken to review Governance procedures in the Council, it was recommended that the Council's Code of Conduct and the process of dealing with Members Complaints be reviewed.

1.2 A wholesale review of both processes have therefore been undertaken, at Member Development Days and by the Governance Working Group and the Standards Committee.

1.3 The aim of the work strand was to ensure that both the Council's Code of Conduct and the processes for reviewing and dealing with complaints against elected Members were appropriate and fit for purpose.

### **2) Introduction and Background (Code of Conduct)**

2.1 Both the Council's Code of Conduct and the mechanisms for dealing with complaints have been regularly reviewed in the past.

2.2 The Standards Committee (4th November 2021) had reviewed the Local Government Association (LGA) Model Code of Conduct and agreed at the time that a revised Code of Conduct would be produced rather than adopting the LGA Model Code in its entirety. At that time, the Council's Code had been regularly updated in the previous two years in line with national best practice and it therefore covered most elements (and in some case more) than the LGA Model Code.

2.3 At the Committee meeting in March 2022, the Standards Committee considered an updated Code of Conduct based on Members' suggestions at the meeting in November 2021. These updates aimed to strengthen the current Code by inclusion and consideration of issues such as introductory statements, clearer definitions, application of the Code, social media, strengthening harassment definitions, gifts and hospitality and compliance with the Code and sanctions as well as declarations of interests.

2.4 The new Code was adopted by the Council in May 2022.

2.5 At the Member Development Day in November 2023, a Mentimeter was undertaken to assess and take views on the Code. The consensus of opinion was that the Code was fit for purpose and sensible but that the arrangements for dealing with complaints required further consideration.

2.6 Following that Member day, the Standards Committee conducted its annual review of the Code of Conduct in March 2024. Members felt the Code had been thoroughly reviewed and RESOLVED it was appropriate and fit for purpose for Devon.

### **3) Introduction and Background (Councillor Complaints Process)**

3.1 The Standards Committee in March 2022 had reviewed the process for dealing with Member Complaints, whilst also considering the LGA Guidance on Complaints Handling. This was a very detailed document designed to assist monitoring officers, to carry out investigations, giving advice on matters such as carrying out interviews and how these should be conducted and how a report should be compiled for example.

3.2 At that time, the Committee did not adopt the LGA guidance but agreed some changes which were intended to streamline and clarify the process by reducing the wordy nature of it and also incorporate an assessment criteria and public interest tests as appendices to the guide.

3.3 The revised wording of the complaints process was presented to the Standards Committee on 8 July 2024. However, a number of changes had been suggested so the Committee agreed to defer the item to allow these changes to be considered.

### **4) Consultations / Representations / Technical Data**

4.1 In March 2024, the Governance Working Group undertook its first review of the Council's current Code of Conduct and complaints procedure and set out what some other Local Authorities used as their processes. The purpose was to consider whether a more streamlined, transparent, and effective process that encouraged member co-operation would be a better fit and also reflect some of the complexities of the complaints received in recent times.

4.2 The Governance Working Group considered the feedback from the Member Development day about the current complaints process. Whilst some of the comments were supportive of the current regime (sufficient, adequate, fair), others felt it was slow, disproportionate, intimidating and unfair, demonstrating the need for review.

4.3 Some of the suggestions for improvement included more flexibility, a hearings style approach, for Independent Persons to attend hearings, template documents and decision notices.

4.4 The Governance Working Group held a discussion at its meeting on 13 May 2024 and considered an initial draft for arrangements for dealing with standards allegations under the Localism Act.

4.5 Some of the highlights of the new guidance was that more control should be given to the Monitoring Officer to ensure complaints that were petty or vexatious in nature could be resolved at an earlier stage. Complaints could be resolved mid-way through a process if appropriate to do so, rather than there being no mechanism for the Monitoring Officer to take a pragmatic view if matters changed during the course of an investigation. Members were also supportive of the move towards a 'hearings' style rather than the current closed Committee process. The Member under investigation would be able to attend the hearing as would the Independent Person, but hearings would still remain closed to the public.

4.6 Members also felt breaches of the code should be transparent on the website and supported the approach of publication thereof on a Members profile page, with reference to any decision notices.

4.7 The Governance Working Group noted that the revised document would be circulated to all Members ahead of the Member Development Day, on the 11th of June, for final feedback.

4.8 The Director of Legal and Democratic Services undertook a further Mentimeter and all Members present were supportive of the proposed changes.

4.9 An initial draft of the Councillor complaints process had been shared with the Standards Committee on the 8<sup>th</sup> July 2024, but the Committee agreed to defer the item pending consideration and clarification of some of the proposed wording.

## **5) Proposals / Changes to the Complaints Procedure**

5.1 The revised complaints process is attached for review and discussion.

5.2 This revised guidance sets the context for complaints and how they should be submitted, addresses issues of confidentiality, the preliminary tests that will be applied including legal thresholds, initial assessments and the public interest.

5.3 Also included in the new process is a revised complaints form, protocol for dealing with investigations into Standards allegations under the Localism Act 2011, Decision Notice (Appendix 1), Investigation plan (Appendix 2), draft statement template (Appendix 3), Interview plan (Appendix 4), Investigation plan review (Appendix 5), Decision Notice to cease an Investigation (Appendix 6) and a Comments Assessment Matrix (Appendix 7).

5.4 Members will note that some of the appendices attached to the guidance are documents intended to support the investigation process and will be used in the main by investigating officers. Nonetheless, it is important the Committee has sight of the whole suite of documents to be used to complete a complaint against an Elected Member of Devon County Council.

## **6) Strategic Plan**

6.1 This proposal aligns to the Council's Strategic Plan 2021 – 2025. The proposal supports the commitment of ensuring that the Council makes good decisions and is transparent and supports being a trusted and inclusive Council that hears the voices of communities and listens and learns.

## **7) Financial Considerations**

7.1 There are no financial considerations.

## **8) Legal Considerations**

8.1 Under Section 37 of the Localism Act 2011, the Council must prepare and keep up to date a Constitution, which includes the Code of Conduct.

8.2 Standards for England, the former national regulator, was abolished in 2012 and in common with all Councils across the country, the Council became responsible for administering its own code of conduct. Under Section 28 of the Localism Act 2011, local authorities (other than parish and town councils) must have in place 'arrangements' under which allegations of failure to comply with the authority's Code of Conduct can be considered and decisions made on such allegations.

## **9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)**

9.1 There are no environmental related issues.

## **10) Equality Considerations**

10.1 There are no equality related issues.

## **11) Risk Management Considerations**

11.1 No risks have been identified.

## **12) Summary / Conclusions / Reasons for Recommendations**

12.1 The Standards Committee is asked to note the detailed work of the Governance Working Group and Members in undertaking this review. The recommended changes to the complaints framework have been carefully considered and are therefore commended to the Committee for their endorsement and subsequent recommendation to the Council for adoption.

**Name** - Director of Legal and Democratic Services – Maria Price

**Electoral Divisions:** All

**Local Government Act 1972: List of background papers** - NIL

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## **Arrangements for dealing with Standards Allegations under the Localism Act 2011**

### **1. Context**

These “Arrangements” set out how to make a complaint that an Elected or Co-opted member of this authority has failed to comply with the authority’s Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct. There is a separate procedure for dealing with Whistleblowing complaints.

Under the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a Member or Co-opted member of the authority, or of a Committee or Sub-Committee, has failed to comply with the Code of Conduct, can be investigated and decisions made on such allegations.

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a subject member.

### **2. The Code of Conduct**

The Council has adopted a Code of Conduct for members, which is available for inspection on the [authority's website](#) (section 6a of the Constitution) and on request from [committee@devon.gov.uk](mailto:committee@devon.gov.uk)

### **3. Making a complaint**

To make a complaint, please write to or email –

Monitoring Officer Director of Legal And Democratic Services (Maria Price – [monitoringofficer@devon.gov.uk](mailto:monitoringofficer@devon.gov.uk))

The Monitoring Officer is a statutory and senior officer of the authority who has a legal responsibility for maintaining the register of members’ interests and who is responsible for administering the system in respect of complaints of member misconduct.

In the event of there being a conflict of interest in relation to both the Monitoring Officer and Deputy Monitoring Officer, the Monitoring Officer will, in consultation with the Chief Executive, seek to appoint another Deputy Monitoring Officer, or alternatively, refer the matter to a Monitoring Officer from another Authority.

Complaints should be submitted using the Complaint Form for Allegation of Breach(es) of Code of Conduct for Members.

In order to ensure that all the information needed to be able to process a complaint is included, please complete and send the complaint form, which can be downloaded from the authority's website ([insert form](#)), and is available on request from [members.services@devon.gov.uk](mailto:members.services@devon.gov.uk)

The complainant should provide their name and a contact address or email address, so that the complaint can be acknowledged and they can be kept informed of its progress. The subject member will, in normal circumstances, be told from the outset who has complained about them.

If the complainant wants to keep their name and address / email confidential, they should indicate this in the space provided on the complaint form. This request will be considered by the Monitoring Officer prior to the Member being notified that a complaint has been made.

Each request for confidentiality will be considered on its merits and in determining such a request the following will be considered:

- Whether the complainant reasonably believes that they, or those connected to them, will be at risk of harm if their identity is disclosed.
- Whether the complainant is alleging harassment, bullying, or victimisation.
- That the complainant is reasonably concerned about the consequences to their employment, or those connected to them if their identity is disclosed.
- That the complainant, or somebody closely connected to them, suffers from a medical condition and there is evidence of medical risks associated with their identity being disclosed or confirmation from an appropriate medical professional that that is the case.

If it is not considered appropriate to grant a request for confidentiality the complainant will be offered the opportunity to withdraw the complaint rather than proceed with it. Complainants must recognise that maintaining confidentiality may hinder the effectiveness of any investigation.

The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so. These are complaints where the complainant cannot be identified i.e. submission of a unsigned letter or an email with no name / address etc.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it and will keep you informed of the progress of your complaint.

#### **4. Staff Complaints Against Elected Members**

Any member of staff (including schools staff) within Devon County Council can report information to the Monitoring Officer and / or make a complaint against an Elected Member. In line with section 3, they can request their details be kept confidential, and this is a matter for the Monitoring Officer.

## **5. Will your complaint be investigated?**

### **Preliminary tests**

The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. This decision will normally be taken within 10 working days of receipt of your complaint.

The complaint will be assessed by the Monitoring Officer, or in their absence the Deputy Monitoring Officer, in consultation with the Independent Person (see paragraph 12 – ‘Who is the independent person?’ for further information) against the Stage One Legal Threshold set out in paragraph 5.1 and, if applicable, the Stage Two Initial Assessment test set out in paragraph 5.2 below.

#### **5.1 Stage One - Legal Threshold:**

- (a) Was the person complained of a Member of the Council at the time of the alleged conduct?
- (b) Was the person complained of acting in the capacity of a County Councillor at the time of the alleged conduct?
- (c) If the facts could be established as a matter of evidence, could the alleged conduct be capable of a breach of the Code of Conduct in force at the material time?

Complaints about Councillors when they are acting in a private capacity cannot proceed and the Monitoring Officer will not progress complaints relating to dissatisfaction with the Council’s decisions, policies and priorities.

If the complaint fails one or more of the Stage One Legal Threshold tests, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, normally within 10 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer’s decision.

#### **5.2 Stage Two – Initial Assessment**

If the complaint satisfies the Stage One Legal Threshold test, the Monitoring Officer will then apply the following Initial Assessment criteria test:



- (a) The complaint is a 'repeat complaint', unless supported by new or further evidence substantiating or indicating that the complaint is exceptionally serious or significant;
- (b) No or insufficient information/evidence to substantiate the complaint has been submitted by the Complainant;
- (c) The complaint is malicious, trivial, politically motivated or 'tit-for-tat' and the complaint doesn't disclose sufficiently serious potential breaches of the code;
- (d) The Complainant is unreasonably persistent, malicious and/or vexatious;
- (e) The alleged misconduct happened more than 6 months ago;
- (f) The complaint is relatively minor and dealing with the complaint would have a disproportionate effect on both public money and officers' and Members' time and it is more appropriate for the matter to be discussed with the Group Leader and/or Chief Whip in accordance with paragraph 16;
- (g) The circumstances have changed so much that there would be little benefit arising from an investigation or other action;
- (h) The complaint has been the subject of an investigation or other action and there is nothing more to be gained by further action being taken;
- (i) The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter, e.g. where there is no firm evidence on the matter;
- (j) The complaint is about a deceased person;
- (k) The complaint is about a person who is no longer a Councillor.

If one or more of the Stage Two Initial Assessment test applies to the complaint, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, normally within 10 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer's decision.

If the complaint identifies alleged criminal conduct or breach of other regulations by any person, the Monitoring Officer may also refer the matter to the Police and other regulatory agencies. The Monitoring Officer has the ability to raise any such matter with the whips.

If none of the criteria in the Stage Two Initial Assessment apply, the Monitoring Officer will go on to apply the Public Interest Test at 5.3.

### **5.3 Stage 3 – Public Interest Test**

Public interest is regarded as "something which is of serious concern and benefit to the public". It has also been held that the public interest does not mean what is of interest to the public, but what is in the interest of the public.

The Council is of the view that it should not use its resources to investigate matters which are trivial or which have little or no impact upon the public. It is important that the Council focuses on investigations where matters are serious and capable of undermining the relationship between councillors and the public they serve such as; corruption, bullying, damaging the Council's public image, bringing the Council into disrepute, or the misuse of power in public office.

When applying the public interest test, the Monitoring Officer and Independent Person shall consider each of the following public interest factors set out below. These factors are not exhaustive, and not all may be relevant in every case.

The weight to be attached to each of these factors, and the factors identified, will also vary according to the facts and merits of each case.

- the seriousness of the breach, for example, has the Subject Member brought the Council seriously into disrepute? The more serious the breach the more likely investigation and referral for further hearing is required. Robust challenge is, however, part of a Members role and a balanced approach therefore needs to be taken;
- has the Subject Member deliberately sought personal gain for themselves or another person? If there is evidence of this, it is likely that the complaint will be investigated and referred for further hearing;
- are the circumstances of the alleged breach such that a Subject Member has misused a position of trust or authority and caused harm to a person? If there is evidence of this it is likely that the complaint will be investigated and referred for further hearing;
- was the breach motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity? If a Subject Member's conduct is believed to be motivated by any form of discrimination it is likely that the complaint will be investigated and referred for further hearing;
- is there evidence of previous similar behaviour on the part of the Member? If so and the matter complained about is serious enough it is likely that the complaint will be investigated and referred for further hearing;
- is the alleged breach such that an investigation or referral to the Standards Committee is required to maintain public confidence in elected Members? If so it is likely that the complaint will be investigated and referred for further hearing
- and is investigation or referral to the Standards Committee a proportionate response? namely, would the cost of an investigation or

hearing by the Standards Committee be regarded as excessive when weighed against any likely sanction?

## **6. What happens once the Monitoring Officer has reached a decision?**

Where the Monitoring Officer has taken a decision, they will inform the complainant of their decision and the reasons for that decision. The Monitoring Officer must consult with the Independent Person before deciding whether or not a formal investigation should be undertaken.

Where the Monitoring Officer requires additional information in order to come to a decision, they may request further information from the complainant, and may request information from the subject member against whom the complaint is directed.

The subject member, may speak to the Independent Person at any stage in the process. This could be to provide a view on the complaint itself, the process under which the complaint will be dealt with or to provide a view on any other query the subject member may have relating to the complaint. An Independent Person's role is not to act as an 'advisor' to the Subject Member. The Independent Person cannot tell a Subject Member what to do, but is able to give their views on the facts of the case, on the alleged breach and the process.

### **Local Resolution**

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the subject member accepting that their conduct fell short of the usual standards expected and they offer an apology, or other remedial action.

Where the subject member or the authority make a reasonable offer of local resolution, but the complainant does not agree with that offer, the Monitoring Officer will take account of those views, in consultation with the Subject Member, in deciding whether the complaint merits formal investigation.

The Monitoring Officer will complete a decision notice, whether or not a matter is to be investigated, which will outline the reasons for the decision.

The Monitoring Officer will normally only decide to investigate a complaint about alleged conduct that happened within six months of the date of receipt of the complaint.

## **7. Referral for Investigation**

If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer/Officers, who may be another senior officer of the authority, an officer of another authority or an external investigator. However, investigators external to the Authority will only be used in a very limited number of circumstances. Occasions such as these will be when an investigation requires someone who is completely independent of either Devon County Council or any Local Authority. The Monitoring Officer will need to make a judgement balancing the resources of the Council and the scale and nature of the complaint.

The Investigating Officer will decide whether they need to meet or speak to the complainant to understand the nature of the complaint and so the complainant can explain their understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The investigation will be completed in accordance with the Protocol for Dealing with Investigations into Standards Allegations under the Localism Act 2011, which is appended to these arrangements.

The Investigating Officer would normally write to the subject member against whom the complaint has been made and provide them with details of the complaint, within 5 working days of being appointed.

The Subject Member has the opportunity to provide an explanation of events, identify any documents they believe the Investigating Officer needs to see and who should be interviewed. This should be done within 10 working days of receiving the details of the complaint from the Investigating Officer.

In exceptional cases, where it is appropriate to keep the complainant's identity confidential or disclosure of details of the complaint to the subject member might prejudice the investigation, the Monitoring Officer can delete the complainant's name and address from the papers given to the subject member.

The Investigating Officer may ask the subject member to attend an interview about the complaint. The subject Member may be accompanied if they chose to bring someone to support them. The interview may be audio recorded or recorded on Teams if the meeting takes place remotely. Agreement on recording such meetings, by either party, will be sought in advance.

The disclosure of any evidence to anyone involved in the investigation at any stage is a matter for the Investigating Officer. However, the Investigating Officer must have regard to the rules of natural justice and ensuring fairness to all parties concerned. Any concern about the disclosure of evidence, particularly to

the subject Member, must be discussed with the Monitoring Officer, and the Subject Member informed.

If at any point during the investigation, the Investigating Officer forms the opinion that the investigation should cease, they will consult with the Monitoring Officer, who may consult the Independent Person and take a decision to stop the investigation at any stage.

The Investigating Officer will endeavour to complete their investigation within 8 weeks (40 working days). However, they *may*, if they consider it to be in the interests of natural justice and fairness, extend the timetable based upon factors such as:

- Medical reasons relating to the Subject Member. The Investigating Officer may wish to see evidence which specifically addresses why the subject member cannot engage in the investigation. The Investigating Officer will also maintain the confidentiality of personal health matters;
- To allow the Subject Member to seek legal advice and representation;
- In consideration of any personal or family circumstances of the subject member that impacts on their availability or ability to engage at the initial stage.
- Other exceptional circumstances determined on a case by case basis e.g. availability of a key or material witness.

Any extension will be determined by the Investigating Officer who will confirm the new timetable and notify the relevant parties.

The Investigating Officer reserves the right to proceed with the investigation in the absence of engagement of the subject member if they are satisfied that reasonable opportunity has been given to the subject member to engage in the process.

At the end of their investigation, the Investigating Officer will produce a draft report and will send a copy of that draft report, in confidence, to the Monitoring Officer. The Monitoring Officer, if satisfied with the report, will then send the draft report to the complainant and the Subject Member normally within 5 working days.

The background evidence gathered during the course of the investigation should be listed as background papers / evidence within the Report. These do not usually form part of the Report in their raw form, unless the contents are deemed essential to understanding the investigation and outcome. These are not usually disclosed to the complainant or the subject member at this stage, but a request can be made to view them, subject to any confidentiality issues being observed.

The complainant and the subject member will be given a period of 10 working days to comment on the draft report. All comments should be directed to the Investigating Officer for consideration.

The Investigating Officer, having received and taken account of any comments made on the draft report and undertaking any further investigation they consider relevant and appropriate. The Investigating Officer will send their final report to the Monitoring Officer, within 10 working days.

**8. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Member Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to the complainant and to the subject member, notifying them that they are satisfied that no further action is required, and provide both with a copy of the Investigating Officer's final report. If the Monitoring Officer has concerns about the conduct of an investigation or the investigation report, they may ask the Investigating Officer to reconsider their report. The Monitoring Officer may consult the Independent Person about this and the subject Member should be informed.

**9. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Member Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Standards Committee or, after consulting the Independent Person, seek local resolution.

**9.1 Local Resolution**

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult with the Independent Person and with the complainant. If the complainant does not agree with the suggested resolution, the Monitoring Officer will take account of their views in deciding whether to proceed with the local resolution or refer it for a local hearing. It is, however, the Monitoring Officer's decision. The purpose of the local resolution is to ensure higher standards of conduct for the future. Such resolution may include the subject member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the authority.

The range of resolutions that can be imposed is wide and each resolution will be tailored to fit the particular behaviour that has resulted in a breach of the Member Code of Conduct, for example, training on a specific issue. The Monitoring Officer will set a reasonable timescale for compliance with the local resolution.

If the subject member complies with the suggested resolution, within the timescale set by the Monitoring Officer, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action. If the subject member fails to comply with the resolution within the timescale set, the matter will be referred to the Standards Committee.

The breach of the Member Code of Conduct and the resolution imposed will be publicised on the subject member's profile on the Council's website for a period to be determined by the Monitoring Officer, which is to be no less than the time required for compliance with any sanction. If a subject member fails to comply with a sanction in the timescale set, the information will remain on the profile until compliance is achieved.

## **9.2 Local Hearing**

If the Monitoring Officer considers that local resolution is not appropriate, or the subject member concerned is not prepared to undertake the suggested resolution, then the Monitoring Officer will report the Investigating Officer's report to the Standards Committee which will conduct a local hearing before deciding whether the subject member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the subject member. The local hearing will normally take place within 30 working days of the decision to proceed to a local hearing being made.

Within 5 working days of the decision being made to proceed with a local hearing, the Monitoring Officer shall provide the complainant and the subject member with a copy of the bundle containing the supporting evidence.

The Monitoring Officer will conduct a "pre-hearing process", requiring the subject member to give their response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Standards Committee may issue directions as to the manner in which the hearing will be conducted.

At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the subject member has failed to comply with the Member Code of Conduct. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the Committee. The subject member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Committee as to why they consider that they did not fail to comply with

the Member Code of Conduct. There is no cross examination, but points of clarification can be raised if required. Both the complainant and subject member will be asked to sum up at the end of the hearing.

If the Committee, with the benefit of any advice from the Independent Person, conclude that the subject member did not fail to comply with the Member Code of Conduct, they may dismiss the complaint. If the Committee concludes that the subject member did fail to comply with the Code of Conduct, the Chair will inform the subject member of this finding and the Committee will then consider what action, if any, the Committee should take as a result of the subject member's failure to comply with the Code of Conduct.

In doing this, the Committee will give the subject member an opportunity to make representations to the Committee, and in line with above, with the benefit of any advice from the Independent Person.

#### **10. What action can the Standards Committee take where a member has failed to comply with the Member Code of Conduct?**

The Council has delegated to the Standards Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Standards Committee, will publish the breach of the code of conduct and the sanction imposed on the subject member's profile on the Council's website for a period of time to be determined by the Committee, which is to be no less than the time required for compliance with any sanction. If a subject member fails to comply with a sanction in the timescale set, the information will remain on the profile until compliance is achieved. The Committee will also report its findings to Council for information.

The Standards Committee may –

- 10.1 Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that the subject member be removed from any or all Committees or Sub Committees of the Council;
- 10.2 Recommend to the Leader of the Council that the subject member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 10.3 Instruct the Monitoring Officer to arrange training for the subject member;
- 10.4 Recommend to Council to remove the subject member from all outside appointments to which they have been appointed or nominated by the authority;



- 10.5 Consider withdrawing facilities provided to the subject member by the Council, such as a computer, website and/or email and Internet access, but only if the breach of the Code warrants such a sanction. There would be a requirement to ensure constituents were represented and solutions needed to ensure this continued;
- 10.6 Exclude the subject member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 10.7 Recommend to the Council that the Subject Member be issued with a formal censure (i.e. the issue of an unfavourable opinion or judgement or reprimand) by motion.
- 10.8 Instruct the Monitoring Officer to apply the informal resolution process.
- 10.9 Recommend the Council to issue a press release or other form of publicity.
- 10.10 Recommend that the subject member makes an apology at the next full Council meeting.
- 10.11 Take such steps as appropriate, reasonable and proportionate to the particular conduct that amounted to the breach of the code of conduct.

The Standards Committee has no power to suspend or disqualify the subject member or to withdraw Members' or special responsibility allowances.

## **11. What happens at the end of the hearing?**

At the end of the hearing, the Chair will state the decision of the Committee as to whether the subject member failed to comply with the Member Code of Conduct and as to any actions which the Committee resolves to take.

As soon as reasonably practicable thereafter, and normally within 5 working days, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Committee, and send a copy to the complainant and to the subject member and will make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

If the Subject Member complies with the sanction imposed by the Standards Committee, within the timescale set, the Monitoring Officer will report the matter to the Standards Committee for information. If the Subject Member fails to comply with the sanction within the timescale set, the matter will be referred to the Standards Committee and Full Council for information.

## **12. Who are the Standards Committee?**

The Standards Committee is appointed each year by the Council. Details of the current membership of the Committee can be found on the Council's website - [Standards Committee - Democracy in Devon](#).

The Independent Persons are invited to attend all meetings of the Standards Committee and their views are sought and taken into consideration before the Standards Committee takes any decision on consideration of an investigation report on whether the Subject Member's conduct constitutes a failure to comply with the Member Code of Conduct and as to any action to be taken following a finding of failure to comply with the Member Code of Conduct.

## **13. Who is the Independent Person?**

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post and is appointed formally by the Council.

A person cannot be "independent" if they –

- 13.1 Are, or have seen within the past 5 years, a member, co-opted member or officer of the authority;
- 13.2 Are a relative, or close friend, of a person within paragraph 13.1 above.

For this purpose, "relative" means –

- 13.2.1 Spouse or civil partner;
- 13.2.2 Living with the other person as husband and wife or as if they were civil partners;
- 13.2.3 Grandparent of the other person;
- 13.2.4 A lineal descendent of a grandparent of the other person;
- 13.2.5 A parent, sibling or child of a person within paragraphs 13.2.1 or 13.2.2;
- 13.2.6 A spouse or civil partner of a person within paragraphs 13.2.3, 13.2.4 or 13.2.5; or
- 13.2.7 Living with a person within paragraphs 13.2.3, 13.2.4 or 13.2.5 as husband and wife or as if they were civil partners.

## **14. Publication of Standards Investigations**

The Council acknowledges that there is a need to balance the public interest in transparency of these types of matters with the requirement of fairness to a member who is subject to an allegation.

The contents of the initial assessment of a complaint and the investigation will remain confidential.

When a matter progresses to a local hearing before the Committee of the Standards Committee, in 'Part II or closed' session and information relating thereto will be considered exempt under the provisions of the Local Government (Access to Information) Act 1985 and Schedule 12A of the Local Government Act 1972, subject to the application of the public interest test, as appropriate.

Data protection requirements will be complied with and may prevent the public disclosure of information relating to complaints. Consideration will also be given to the disclosure of the papers prior to and or after the hearing and whether any redactions of the papers need to be made.

## **15. Access to Information during an Investigation**

During an investigation and any subsequent hearing, it is important to ensure that information and evidence that has been gathered, is kept confidential in order to protect the integrity of the process. With that in mind, the access to certain information will be restricted.

### **15.1 Subject Access Requests**

The Data Protection Act 2018 and UK GDPR entitles individuals (both members of the public and employees) to access personal data held about them by Devon County Council. These requests are referred to as Subject Access Requests.

There are certain circumstances where the Council can legitimately withhold personal information, if one of the exemptions within the Data Protection Act applies. Information which has been obtained during an investigation under these arrangements is likely to be exempt, under the Act, as it is likely that disclosure would prejudice the prevention and detection of crime and/or prejudice certain regulatory functions.

Therefore, if a Subject Access Request is made during an investigation, relating to information relevant to the investigation, it is unlikely that it will be granted. The final decision will be made by the Monitoring Officer in consultation with the Council's Information Governance Team and if necessary, the Data Protection Officer.

## **15.2 Freedom of Information Requests**

The Freedom of Information Act 2000 places a statutory requirement on Devon County Council to provide information to the public. Any individual has a right to request information held by the Council, regardless of where they reside. This right also extends to employees, pressure groups, businesses, politicians and members of the press. There are certain circumstances where information is exempt from disclosure. Information which has been obtained during an investigation under these arrangements is likely to be exempt as it is likely that the information is being held for the purposes of a criminal investigation; is or has been held for criminal proceedings conducted by a public authority; or was obtained or recorded for various investigative functions and relates to the obtaining of information from confidential sources.

The information described is exempt only where the public authority has a duty, or the power, to carry out investigations. The Council does have a duty and/or power to carry out an investigation in accordance with the Localism Act 2011, therefore, if a Freedom of Information Request is made during an investigation, relating to information relevant to the investigation, it is unlikely that it will be granted. The final decision will be made by the Monitoring Officer in consultation with the Access to Information Team of the Council.

## **16. Revision of these arrangements**

The Council may by resolution agree to amend these arrangements, and delegate to the Chair of the Standards Committee, in consultation with the Monitoring Officer as appropriate, the right to depart from these arrangements in exceptional circumstances (as far as they relate to the business of the Standards Committee for the administration of the fair hearing of a matter) where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

There shall be a desktop review of the Code of Conduct and these Arrangements undertaken by the Committee annually.

## **17. Appeals**

There is no right of appeal against a decision of the Standards Committee.

If the Complainant or Subject Member feels that the authority has failed to deal with the complaint properly, they may seek independent legal advice.

## Glossary of Key Terms

Complainant(s)	The person/people making the complaint.
Preliminary tests and assessment stages.	The process undertaken by the Monitoring Officer to determine if a complaint merits formal investigation. There are three assessment stages; legal threshold, initial assessment and public interest.
Local Hearing	A meeting of the Standards Committee at which they consider whether the “Subject Member” has breached the code of conduct.
Independent person	The Council must appoint at least one Independent Person and seek that person’s views before it takes a decision on a complaint that it has decided to investigate. The Independent Person’s views can also be sought by the Council on any other issue in the complaints handling process. The Independent Person will also provide, on request, procedural advice to a Subject Member.
Investigator	The person appointed by the Monitoring Officer to undertake a formal investigation. This may involve the appointment of an investigating officer, who may be another officer of the council, an officer of another council or an external investigator.
Monitoring Officer	The Monitoring Officer is a senior (statutory) officer of the council who has statutory responsibility for maintaining the register of councillors’ interests and who is responsible for administering the system in respect of complaints of councillor misconduct.
Public Interest	Public interest considerations are part of the assessment of the complaint.
Subject Member	The Councillor against whom an allegation has been made.
UK GDPR	The UK General Data Protection Regulation (Regulation (EU) 2016/679)

# COMPLAINT FORM

## Allegation of Breach(es) of Code of Conduct for Members

### Your details

1. Please provide us with your name and contact details. Anonymous complaints may be investigated if they indicate a potentially exceptionally serious or significant matter and the complaint is accompanied by sufficient documentary or other supportive evidence.

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Contact telephone:</b>	
<b>Email address:</b>	
<b>Signature:</b>	
<b>Date of complaint:</b>	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people will see this Form:

- The Monitoring Officer of the authority and appropriate officers supporting the Monitoring Officer.
- The Independent Person
- Standards Panel and parties to any Hearing

A summary of your complaint will be shared with the subject member and their representative.

If you have serious concerns about your name and a summary, or details of your complaint being released, please complete **Section 6** of this Form and you may also discuss your reasons or concerns with the Council's Monitoring Officer.

Reference to member also includes a co-opted member of the Council.

**2. Please tell us which complainant type best describes you:**

- A member of the public
- An elected or co-opted Member of the Council
- An independent member of the Standards Committee
- A Member of Parliament
- Chief Executive or Council employee, contractor or agent of the Council.
- A Monitoring Officer
- Other ( )

**3. Equality Monitoring Form - Please complete the Form attached at the back.**

**4. Please provide us with the name of the Member(s) you believe have breached the Code of Conduct for Members of the Council:**

Title	First name	Last name

**5. Please explain in this section (or on separate sheets) what the Member is alleged to have done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct. You should also supply dates, documentary evidence and details of any witnesses that you believe would substantiate the alleged breach(es).**

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer or Deputy Monitoring Officer when they decide whether to take any action on your complaint. For example:

□ You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said or did to insult you.

□ You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.

□ You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.

□ You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).

□ If your allegation(s) relate to behaviour or conduct that occurred some time ago clearly explain why your complaint was not made earlier.

Please provide us with the details of your complaint.

***Complete on separate sheet(s), as necessary***

Please identify, if possible, which part of the Members Code of Conduct you consider has not been complied with.



**Only complete this next section if you are requesting that your identity is kept confidential**

6. In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless there are exceptional circumstances that indicate that this should be done (please see Information for Potential Complainants).

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer/Deputy will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your personal and complaint details even if you have expressly asked us not to.

Please be aware that there is a Confidential Informant Process for

Devon County Council employees; any member of staff within Devon County Council can report information anonymously to the Monitoring Officer who may authorise an investigation. The Informant may be interviewed as part of the investigation process, but will not need to reveal that they are the complainant. It will then be for the Investigator to confirm or otherwise the facts of the matter and come to a conclusion. Please see a copy of the Council's 'Arrangements for dealing with standards allegations under the Localism Act 2011' or speak to the Monitoring Officer for full details.

**Please provide us with details of why you believe we should withhold your name and/or the details of your complaint.**

7. **Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint.**

(Continue on separate sheet(s), as necessary)

8. **Please indicate whether you have raised your complaint directly with the Member concerned and if so what response you received.**

(Continue on separate sheet(s), as necessary)

**Additional Information**

9. Complaints must be submitted in writing. This includes electronic submissions. Please use this Form to submit your complaint.
10. In line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.
11. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.
12. Once a valid complaint relating to an alleged breach of the Code of Conduct for Members has been received by the Monitoring Officer, it will be considered in accordance with these Arrangements. You will be notified of the decision and any further stages in the process.

**Please return your completed form to:**

13. [members.services@devon.gov.uk](mailto:members.services@devon.gov.uk) Monitoring Officer

**Equality Monitoring Form  
Information for Monitoring Purposes Only**

**Ethnic Classification Categories to be used by DCC**

**1. White**

- British
- Irish
- Any other White background (please write in)

**2. Mixed**

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed background (please write in)

**3. Asian or Asian British**

- Indian
- Sikh
- Pakistani
- Bangladeshi
- Any other Asian background (please write in)

**4. Black or Black British**

- Caribbean
- African
- Any other Black background (please write in)

**5. Other ethnic group**

- Chinese
- Yemeni
- Any other (please write in)

# Protocol for Dealing with Investigations into Standards Allegations under the Localism Act 2011

## 1 Context

This protocol is to be used when conducting investigations into standards allegations under the Localism Act 2011. It should be read in conjunction with the Council's Arrangements for dealing with standards allegations under the Localism Act 2011.

## 2 Steps of the investigation Initial Decision

The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. This decision will normally be taken within 10 working days of receipt of the complaint. The Monitoring Officer must consult with the Independent Person before deciding whether a formal investigation should be undertaken.

The Monitoring Officer will complete a decision notice, which can be found at appendix 1, whether or not a matter is to be investigated, which will outline the reasons for the decision. This will be sent to the:

- Complainant
- Member against whom the complaint was made
- Investigator

If the Monitoring Officer decides that the complaint merits investigation, investigators will be appointed.

### **Investigation Procedure**

At the beginning of the investigation an investigation plan will be completed by the investigators overseen by the Monitoring Officer, which can be found at appendix 2. The plan will identify key dates, behaviour alleged, the relevant parts of the code of conduct, issues for determination, evidence required/obtained and the witnesses to be interviewed.

When witnesses are interviewed, a statement will be taken from them which they will be able to check and sign. The format for such a statement can be found at appendix 3.

It is likely that the subject member will be interviewed at the end of the investigation; however this will be decided on a case by case basis. The interview may be tape recorded or recorded on MS Teams if the interview takes place remotely, unless the subject member objects to this. This ensures that there is no ambiguity as to the matters discussed in interview. A template interview plan can be found at appendix 4

The investigation will be reviewed on a fortnightly basis by the investigators, in consultation with the monitoring officer. The investigation review sheet will be completed on each occasion, which can be found at appendix 5.

If at any point during the investigation, the Investigating Officer forms the opinion that the investigation should cease, they will consult with the Monitoring Officer, who may consult the Independent Person and take a decision to stop the investigation at any stage. The Monitoring Officer will complete a Decision Notice to Cease an Investigation, which can be found at appendix 6.

### **Completion of Investigation**

At the end of their investigation, the Investigating Officer will produce a draft report and will send a copy of that draft report, in confidence, to the Monitoring Officer. The Monitoring Officer, if satisfied with the report, will then send the draft report to the complainant and the subject member within 5 working days. At this stage the complainant and the subject member can identify any matter in that draft report which they disagree with or which they consider requires more consideration and will be given a period of 10 working days to comment on the draft report.

Having received any comments, the Investigating Officer will assess them and complete a Comments Assessment Form which can be found at appendix 7. Once the Investigating Officer has completed this analysis and made any necessary amendments to the report, the Investigating Officer will send their final report to the Monitoring Officer.

## APPENDIX 1

### **Decision Notice of The Monitoring Officer for Dealing with Standards Allegations Under the Localism Act 2011**

**Reference:**

**Complainant(s):**

**Subject Member:**

**Person Conducting the Assessment :**

**Date of Assessment:**

#### **Complaint**

On [insert date], the Monitoring Officer considered a complaint from [insert name of complainant] concerning the alleged conduct of [insert name of councillor], a member of Devon County Council. A general summary of the complaint is set out below.

#### **Complaint summary**

[Summarise complaint in numbered paragraphs]

#### **Consultation with Independent Person**

[Summarise the Independent Person's views in numbered paragraphs]

#### **Stage One - Legal Threshold**

The Monitoring Officer shall determine whether any of the Stage One – Legal Threshold criteria test are met as set out in paragraph 5.1 of the Arrangements.

#### **Stage Two Initial Assessment**

The Monitoring Officer shall determine whether any of the Stage Two – Initial Assessment criteria test are met as set out in paragraph 5.2 of the Arrangements.

## Public Interest Test

The Monitoring Officer shall apply the Public Interest Test in accordance with paragraph 5.3 of the Arrangements.

### **Decision**

Having consulted and considered the views of the Independent Person, the Monitoring Officer decided to [refer the complaint for investigation] [offer a local resolution] [take no further action].

At this stage, the Monitoring Officer is not required to decide if the Members Code of Conduct has been breached. They are only considering if there is enough information which shows a potential breach of the Code of Conduct that warrants referral for investigation.

### **If referring for Investigation**

The Monitoring Officer considers that the alleged conduct, if proven, may amount to a breach of the following paragraphs of the Code of Conduct. The Monitoring Officer has appointed [insert name] as the Investigating Officer.

Please note that it will be for the Investigating Officer to determine which paragraphs are relevant, during the course of the investigation.

### **Parameters of Investigation**

[Include brief instruction to investigators on the scope of the investigation; possible witnesses, relevant documents, issues to focus on and timescales]

### **If referring for Local Resolution:**

The terms of the local resolution are as follows [insert terms that subject member must comply with]

Compliance with these terms is required within [insert weeks] of this decision notice.

If the subject member fails to comply with the local resolution, the matter will be referred to a sub-committee of the Standards Committee for hearing.

### **If No further action**

The Monitoring Officer has decided that no further action will be taken in relation to this complaint and therefore the matter is concluded.

### **Notification of decision**

This decision notice is sent to the:

- Complainant
- Subject Member
- Investigator

### **Appeal**

There is no right of appeal against the Monitoring Officer's decision.

**Signed:**

**Date:**

**Print name:**

Monitoring Officer of Devon County Council.

**The Monitoring Officer  
Devon County Council  
County Hall**



## APPENDIX 2 - Investigation Plan For Dealing with Standards Allegations Under the Localism Act 2011

Case No:

<b>Date received by monitoring officer:</b>	
<b>Date referred to investigator:</b>	

<b>Subject member:</b>		<b>Complainant:</b>	
<b>Authority:</b>	Devon County Council	<b>Investigator:</b>	

**Target for monitoring officer's receipt of draft report**

<b>Date due:</b>	
<b>Notes</b>	

**Target for issue of draft report**

<b>Date due:</b>	
<b>Notes</b>	

**Target for issue of final report**

<b>Date due:</b>	
<b>Notes</b>	

**Case analysis**

<b>Behaviour alleged</b>	
--------------------------	--

<b>Relevant Code paragraphs</b>	
<b>Issues for determination</b>	
<b>Evidence required</b>	
<b>Evidence obtained</b>	

**Possible witnesses**

<b>Name of Witness</b>	
<b>Issue they may address</b>	
<b>Date of interview</b>	

**Possible witnesses**

<b>Name of Witness</b>	
<b>Issue they may address</b>	
<b>Date of interview</b>	

**Possible witnesses**

<b>Name of Witness</b>	
<b>Issue they may address</b>	
<b>Date of interview</b>	

**Other Matters**

**Identify any thoughts/lines of inquiry not outlined in the table and also highlight any problems in the referral process.**

**Completed by:**

**Date:**

APPENDIX 3

**Statement of .....**

Interview Date:		Place of Interview:	
People Present:			

This statement consisting of ..... pages is true to the best of my knowledge and belief.

I understand that I may be required to give evidence should a hearing be held. I also understand that this statement may be used in all procedures related to this matter and other connected matters. I am aware that a copy of this statement may be disclosed to others as part of these and related proceedings.

I am the above named person and understand that I have been asked to provide this statement in relation to allegations made against [name of subject member]....

**I have been asked about the allegation that .....**

--

Signed.....

Dated .....

**APPENDIX 4**  
**Interview Plan For Dealing with Standards Allegations Under the**  
**Localism Act 2011**

**Case No:**

<b>Interviewee:</b>	
---------------------	--

<b>Subject member:</b>		<b>Interviewer:</b>	
<b>Authority:</b>	Devon County Council	<b>Date:</b>	

<b>Nature of complaint</b>

<b>Purpose of interview</b>

<b>Facts already established (which relate to purpose of interview)</b>

**Facts to be established** (which relate to purpose of interview)

--

**Record of disclosure to witness before interview**

--

**Planned disclosure to witness during interview**

--

<b>Areas to be covered in interview</b>	<b>Key questions</b>

# APPENDIX 5 - Investigation Plan Review Sheet For Dealing with Standards Allegations Under the Localism Act 2011

Case No:

<b>Date:</b>	
<b>Investigator:</b>	

<b>Subject member:</b>		<b>Complainant:</b>	
------------------------	--	---------------------	--

## Reason for Review

<input type="checkbox"/>	New allegation
<input type="checkbox"/>	Additional witnesses / evidence required
<input type="checkbox"/>	Periodic Review

## Details relating to above

--

## Review of Targets

<b>Revised draft report target:</b>	
<b>Revised date of final report target:</b>	

## Reasons for revisions

--

Completed by:  
Date:

## **APPENDIX 6 - Decision Notice of The Monitoring Officer for Dealing with Standards Allegations Under the Localism Act 2011 to Cease an Investigation**

**Reference:**

**Complainants:**

**Subject Member:**

**Person Conducting the Assessment:**

**Date of Assessment:**

### **Complaint**

On [insert date], the Monitoring Officer considered a complaint from [insert name of complainant] concerning the alleged conduct of [insert name of councillor], a member of Devon County Council. A general summary of the complaint is set out below.

### **Complaint summary**

[Summarise complaint in numbered paragraphs]

### **Original Decision**

Having consulted and taken into account the views of the Independent Person, the Monitoring Officer decided to refer the complaint for investigation on the [insert date].

### **Investigation Summary**

The investigation began on the [insert date]. To date, the investigation has revealed that [insert brief description of what has happened in the investigation so far].

### **Decision to Cease Investigation**

Having consulted and taken into account the views of the Independent Person, the Monitoring Officer decided to cease the investigation. The reasons for this decision are as follows [insert reasons].

### **Consultation with Independent Person**

[Summarise the Independent Person's views in numbered paragraphs]



**Notification of decision**

This decision notice is sent to the:

- Complainant
- Member against whom the complaint was made
- Investigator

**Appeal**

There is no right of appeal against the Monitoring Officer's decision.

**Signed:****Date:****Print name:**

Monitoring Officer of Devon County Council

**The Monitoring Officer**

**APPENDIX 7 - Comments Assessment Matrix For Dealing with Standards Allegations Under the Localism Act 2011**

**Case No:**

<b>Date:</b>			
<b>Investigator:</b>			
<b>Subject member:</b>			<b>Complainant:</b>
<b>Comments Made by:</b>			
<b>Date Received:</b>			

<b>Comment Received</b>	<b>Response</b>	<b>Amendment Necessary?</b>