

**Teignbridge District Council  
Governance Committee  
Tuesday 30<sup>th</sup> June 2026  
Part i**

## **Annual Review of the Code of Conduct Complaints Process**

### **Purpose of Report**

To provide the opportunity for Members to review the Code of Conduct Complaints Process and Arrangements for dealing with Standards Complaints.

### **Recommendation(s)**

The Committee RESOLVES to:

- (1) Review the Code of Conduct Complaints Process and Arrangements for dealing with Standards Complaints Document.
- (2) Consider the benchmarking information relating to appeals and investigations.
- (3) Consider further revisions to the process in the meeting.
- (4) If necessary, delegate authority to the Monitoring Officer to make revisions to the process and documents in Appendix 2 and 3.

### **Financial Implications**

No financial implications arise from this report.

Charlie Fisher – Democratic Services Manager & Monitoring Officer

Email: [charlie.fisher@teignbridge.gov.uk](mailto:charlie.fisher@teignbridge.gov.uk)

### **Legal Implications**

The Localism Act 2011 requires the Council to adopt a Code of Conduct which the Council complies with and to deal with arrangements for reviewing complaints. The details of the arrangements for the operation of the Code of Conduct are the responsibility of the Council.

Charlie Fisher – Democratic Services Manager & Monitoring Officer

Email: [charlie.fisher@teignbridge.gov.uk](mailto:charlie.fisher@teignbridge.gov.uk)

### **Risk Assessment**

No direct risk implications arise from this report, Breach of the Code of Conduct is Corporate Risk and the Committee contributes to the mitigation of this risk.

Charlie Fisher – Democratic Services Manager & Monitoring Officer

Email: [charlie.fisher@teignbridge.gov.uk](mailto:charlie.fisher@teignbridge.gov.uk)

### **Environmental/ Climate Change Implications**

No direct environment or climate change implications arise from this report.

Charlie Fisher – Democratic Services Manager & Monitoring Officer

Email: [charlie.fisher@teignbridge.gov.uk](mailto:charlie.fisher@teignbridge.gov.uk)

### **Report Author**

Charlie Fisher – Democratic Services Manager & Monitoring Officer

[charlie.fisher@teignbridge.gov.uk](mailto:charlie.fisher@teignbridge.gov.uk)

### **Executive Member**

Councillor Richard Keeling – Leader

## **Appendices**

1. Benchmarking investigations procedures
2. Code of Conduct Complaints Process
3. Arrangements for dealing with Standards Complaints.

### **1. Introduction/Background**

The Localism Act 2011 requires for local authorities to have mechanisms in place to deal with allegations and complaints against councillors in relation to the Code of Conduct.

The Council adopted its current Code of Conduct in 2021 and the Code of Conduct Complaints process in November 2023. This is supported by the Arrangements document, agreed by the Governance Committee in October 2025.

### **2. Code of Conduct Complaint Process**

The Council agreed the process in November 2023 and this process has been operational since then. There is a 9 stage process, depending on the route of the complaint. However, the vast majority of cases do not reach stage 9 and are instead dealt with in Stage 2 and Stage 6.

It is good practice to continue to review the process to ensure it is operational and still meets the needs of complainants and subject members.

### **3. Benchmarking Review of Appeals Decisions**

The then Standards Committee were briefed in July 2025 on the current process and the views of the then Monitoring Officer on the appeals system, which currently allows for appeals at Stage 2 (Validity Check), Stage 6 (Decision pathway) or Stage 9 (Governance Committee finalisation).

The Monitoring Officer has completed a benchmarking exercise to other Local Authorities in the South West regarding appeal stages for Members to consider

- Cornwall Council – No right of appeal of the initial rejection decisions if the complaint is invalid. Reviews accepted only at later stages for valid complaints.
- Plymouth City Council – No right of appeal against the decision of the Monitoring Officer or Committee.
- South Hams and West Devon – No right of appeal against the decision of the Monitoring Officer or Audit and Governance (Hearing) Sub-Committee.
- East Devon – No right of appeal against the decisions of the Monitoring Officer, Standards Assessment Sub Committee or Hearing Sub Committee.
- North Devon – No right of appeal of the decision of the Monitoring Officer and/or Standards Hearing Panel
- Mid Devon – Only for Sub-Committee Hearings to determine if the procedures were correctly followed and not the complaint itself.

- Devon – No right of appeal against the decision of the Standards Committee or the Monitoring Officer's decision.
- Somerset – No right of appeal against the decisions of the Monitoring Officer or Panel Standards Hearing Sub-Committee.

The benchmarking of other local authorities in the South West highlights that the Council's stages for appeal are lenient, where many other local authorities do not allow any rights of appeal to any decision. Those local authorities instead refer complainants or subject members to the Local Government Ombudsman or Judicial Review.

The Committee should determine whether this is acceptable to them or if the process should be revised.

#### **4. Arrangements for dealing with Standards Complaints**

The Committee approved the current arrangements document on 2<sup>nd</sup> October 2025, giving more guidance to Members, the Public, the Monitoring Officer, Authorised Officers and Independent Persons on the operation of the Code of Conduct Complaints Procedure.

The LGA guidance on Member Model Code of Conduct Complaints Handling highlights the need for transparency about the conduct of councillors and the mechanisms for dealing with alleged breaches. It recommends the use of a two-stage test in assessing complaints; 1 - the jurisdictional test and 2 - a local criteria assessment, to ensure that both the complainant and subject member know and understand how a decision has been reached in relation to a code of conduct complaint and that each complaint is reviewed fairly and against the same criteria.

Alongside the LGA Guidance, we have looked at the arrangements of neighbouring authorities and the criteria they use in assessing complaints.

#### **Investigations Framework**

The Chair and Vice Chair of the Committee asked the Monitoring Officer following the Governance Committee meeting on 23<sup>rd</sup> April 2026 to review the Investigations procedure within the Council's arrangements document and benchmark to other local authorities under a range of headings.

#### **Benchmarking to other Local Authorities**

The Monitoring Officer has completed a benchmarking exercise to other Local Authorities in the South West regarding Investigations framework and guidance for Members to consider. This is detailed in Appendix 1.

The benchmarking review found that Teignbridge's arrangements document and how we conduct investigations similar in nature to how other Council's operate. This element is optional within our guidance so it is for the Committee to review and determine if any revisions are required. The Committee have ownership of the Arrangements Document so can make revisions to it without Full Council approval.

## **5. Implications, Risk Management and Climate Change Impact**

Implications and risks are covered on page 1 of the report.

## **4. Alternative Options**

This is the opportunity to review the current process; Members do not have to recommend changes to the process. The legal requirement is that we have a process. Any changes to the adopted Code of Conduct itself have to be referred to Full Council for approval.

## **5. Conclusion**

The Committee is asked to receive the report and the information contained within and consider whilst deliberating the issue.

## Appendix 1: Benchmarking Investigations Procedure

Local Authority	Investigations Process in place?	Who can be appointed to investigate?	Operational elements of investigation?	Interviews or further information	Report Template or Framework?	Review/QA of the report?
Teignbridge	Yes	Anyone external to the Council, appointed by Monitoring Officer	Decided by the appointed investigator	Optional – for the investigator to determine.	No	No
Cornwall	Yes	Anyone appointed by the Monitoring Officer	Decided by the appointed investigator	Optional – for the investigator to determine.	No – other than coming to a conclusion on the breach.	No
Plymouth	Yes	Anyone appointed by the Monitoring Officer	Decided by the appointed investigator	Optional – for the investigator to determine	No	No
South Hams and West Devon	No	Monitoring Officer or someone appointed by them	Process refers to an Investigation Hearing, where interviews will take place and a report from the investigating officer is considered. Report template (4 bullet points what the report will set out).			
Torbay	Yes - Mentions guidance from the Standard Board of England	Not specified.	Refers to guidance from the Standard Board of England.	Process refers to a Hearing Sub Committee, where interviews will take place.		By the Standards Sub committee in preparation for a hearing
Exeter	Not published					
East Devon	Yes	Monitoring Officer or someone on their behalf	Not specified	Not specified	Not specified	Not specified
Mid Devon	Yes	Anyone appointed by the Monitoring Officer	Decided by the appointed investigator	Optional – for the investigator to determine.	Yes	Not specified
North Devon		Monitoring Officer or someone appointed by them	Decided by the appointed investigator	Optional – for the investigator to determine.	No – other than coming to a conclusion on the breach.	Not specified

Local Authority	Investigations Process in place?	Who can be appointed to investigate?	Operational elements of investigation?	Interviews or further information	Report Template or Framework?	Review/QA of the report?
Torrige	Not published					
Devon County	Yes	Anyone appointed by the Monitoring Officer	Investigation procedure in place	For the investigator to determine but referred to in the procedure.	No	Investigation progress reviewed every 2 weeks. Monitoring Officer to review draft report.
Somerset Council	Yes	Anyone external to the Council, appointed by Monitoring Officer	Decided by the appointed investigator	For the investigator to determine.	Yes.	No

References:

1. Teignbridge Arrangements for Dealing with Standards complaints
2. Cornwall - [Code of Conduct complaints - Cornwall Council](#)
3. Plymouth - [Arrangements for dealing with standard complaints](#)
4. South Hams - [How will a complaint be dealt with? | South Hams District Council](#)
5. West Devon - [How will a complaint be dealt with? | West Devon Borough Council](#)
6. Torbay - [LOCAL ASSESSMENT OF COMPLAINTS ABOUT THE CONDUCT OF A MEMBER](#)
7. East Devon - [How to make a complaint about the conduct of a district councillor](#)
8. Mid Devon – Appendix K of the Constitution [Mid Devon District Council Constitution \(January 2026\)](#)
9. North Devon - [The Monitoring Officer and complaints about councillors | North Devon Council](#)
10. Devon County Council - [Protocol for dealing with investigations into standards allegations under the Localism Act 2011 - Democracy in Devon](#)
11. Somerset Council - [Complaints about Councillors](#)