

Standards Committee

07 March 2024

Agenda item number 7

The Role of the Standards Committee

Report by Monitoring Officer

Purpose

To introduce the Standards Committee to its purpose and role, and to update the Committee about the Authority's Code of Conduct procedures.

Recommendation

To note the report.

1. Introduction

- 1.1. The Authority has a duty to promote high standards of conduct under Section 27 of the Localism Act 2011 (the Act)¹. To this end, the Authority, like all local authorities, must adopt a Code of Conduct, which is based on the seven principles of public life, as required by Section 28 of the Act.²
- 1.2. The Authority has adopted a Code of Conduct and, in the last year, has revised its procedures for dealing with complaints under the Code of Conduct. Until recently, the Authority itself had responsibility for all Code of Conduct and standards issues, including deciding how to manage and deal with complaints. Most local authorities have a dedicated Standards Committee to deal with the Code of Conduct and Standards, as a smaller number of members can deal more effectively with the issues which arise. Following a complex complaint which was resolved at the beginning of 2023, the consultant who investigated the complaint, Mark Heath, recommended that the Authority set up a separate Standards Committee.

2. Standards Committee

- 2.1. The Standards Committee ("the Committee") comprises seven members and includes a combination of both Secretary of State and local authority members. The Committee is required to hold a minimum of one meeting per annum which will probably take place in March. Additional meetings will be called when necessary.

¹ <https://www.legislation.gov.uk/ukpga/2011/20/section/27/enacted>

² <https://www.legislation.gov.uk/ukpga/2011/20/section/28/enacted>

- 2.2. The Committee has a number of functions as set out in its [terms of reference](#), but its main purpose is to promote and maintain high standards of conduct within the Authority. The Committee has the primary responsibility of dealing with and monitoring complaints which allege breaches of the Code of Conduct by members of the Authority.
- 2.3. The Committee has overall oversight of, and responsibility for, all matters relating to the Code of Conduct and standards at the Authority. However, the assessment and initial management of any complaints has been delegated to the Monitoring Officer (MO) in conjunction with the Independent Person (IP). The MO will report back to the Committee on a regular basis, both about any complaints, progress, conclusion etc, and about any recommended changes to procedures or changes in legislation and government guidance etc. The Committee has an important function in promoting continuous improvement in standards and conduct at the Authority.

3. Complaints procedure

- 3.1. The Authority's Arrangements for dealing with complaints under the Code of Conduct for Members (the Arrangements) can be found on the Authority's [website](#).
- 3.2. Complaints against members will be reviewed by the MO, following consultation with the IP within a month of a complaint. The MO will undertake an initial assessment against a range of criteria (see para 4.2 of the Arrangements) to determine whether a complaint should be accepted for investigation, dealt with informally or rejected.

Investigation

- 3.3. Where the complaint requires investigation, the MO is required to appoint an Investigating Officer. The Investigating Officer will provide a final report with one of two findings; (1) there is not a failure to comply with the Code; or (2) there is a failure to comply with the Code.
- 3.4. Where findings are made that there is not a failure to comply with the Code, the MO will review the report. If the MO is satisfied with the report, they will write to the parties within 10 working days with a copy of the report. If the MO is not satisfied with the report, the Investigating Officer may be asked to reconsider their report and conclusions.
- 3.5. Where findings are made that there is a failure to comply with the Code, the MO will review the report and either send the matter for Hearing before the Hearings Sub-Committee or seek a Resolution Without Hearing.
- 3.6. Resolution without a Hearing is used where matters can reasonably be resolved without a hearing. The MO will consult with the IP and the Complainant to agree a fair resolution and may involve one or more of the resolutions listed in Paragraph 12.4 of the Arrangements. There are occasions when it is not possible to resolve a complaint other than by a Hearing.

- 3.7. Hearings will be dealt with by the Hearings Sub-Committee and take place on paper or require the attendance of parties. The MO will liaise with the parties to arrange a date for the hearing and decide, in consultation with the Independent Person, whether it can be done on paper. The MO is responsible for arranging a pre-hearing process and obtaining written responses from the member who is the subject of the complaint.

Hearings Sub-Committee

- 3.8. The Hearings Sub-Committee is a sub-committee of the Standards Committee and comprises three members, one of whom is elected as Chair. Membership will be arranged as and when a Hearing arises. The MO will also provide training and support to the Hearings Sub-Committee in advance of a Hearing.
- 3.9. The IP will also attend, and their views must be sought and taken into consideration before the Hearings Sub-Committee takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any sanction to apply.
- 3.10. The Hearings process and the role of the Hearings Sub-Committee are set out in detail in Sections 13 and 14 of the Arrangements.

4. Role of the Independent Person

- 4.1. Under Section 28(7) of the Act, the Authority is required to appoint at least one independent person whose views are to be sought and considered by the Committee before it makes a decision on an allegation that it has decided to investigate³.
- 4.2. The IP may also be consulted by the MO during the assessment of or dealing with any aspect of, a complaint, in accordance with the Arrangements. Any member who is subject to a complaint also has the right to consult the Independent Person.
- 4.3. The appointment of an IP is a statutory requirement, and their role is to provide an independent view about complaints and to function as a source of independent support to members against whom allegations are made. They also provide an important check and balance for the MO and for members in decisions on allegations.

Author: Estelle Culligan

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Background papers: none

³ <https://www.legislation.gov.uk/ukpga/2011/20/section/28/enacted>