

Best practice recommendations following Independent Standards Review

	Recommendation	Comments
BPR1	That members of the Audit and Standards Committee receive training on conducting standards hearings and on chairing particularly in a regulatory/quasi judicial context.	<p>Training was provided to all members on 04 May 2022. Further training will be delivered following the elections in 2023</p> <p>Parish Council training was undertaken on 13 October 2022 with the PH and Chair of A&S attending.</p>
BPR2	That members of the Audit and Standards Committee receive periodic reports on standards issues.	An annual report has been introduced for A&S Committee. Regular reports will be provided to the A&S Chair at the scheduled update meetings
BPR3	That unless a complainant advises that they are unable to do so, they be required to submit details of their complaint in writing and be encouraged to use the Councils standard template code of conduct complaint form.	<p>A new complaint form has been drafted which has been reviewed by CRWG. It is being presented to A&S for feedback as part of the process review.</p> <p>Equalities legislation will always need to be taken into account and therefore if a complainant is unable to complete the form they will be provided assistance (reasonable adjustments will be made as per the legislation).</p>
BPR4	The MO should use best endeavours to resolve complaints informally wherever it is practicable to do so.	<p>The new process now has an initial filtering element – see part 6 of guidance:</p> <p><i>6.1 The Monitoring Officer will make an initial assessment based on the criteria set out below:</i></p> <p><i>6.1.1 Is the complaint against one or more named councillors of the authority or of a parish or town council the authority is responsible for;</i></p>

		<p>6.1.2 <i>Was the named councillor in office at the time of the alleged conduct;</i></p> <p>6.1.3 <i>Does the complaint relate to matters where the councillor was acting as a councillor or representative of the authority and it is not a private matter;</i></p> <p>6.1.4 <i>Would the complaint, if proven, would be a breach of the Code under which the councillor was operating at the time of the alleged misconduct.</i></p> <p>6.2 <i>If the complaint fails one or more of these tests it cannot be investigated as a breach of the Code, and the complainant will be informed that no further action will be taken in respect of the complaint.</i></p> <p>6.3 <i>The Monitoring Officer will inform the Complainant, the Subject Member (and in the case of a complaint about a Parish Councillor to the Clerk of the Parish Council) of the decision and the reasons for that decision in writing.</i></p>
BPR5	The Council consider adopting criteria for the initial assessment of complaints	The criteria has been developed in line with the LGA guidance – see above

BPR6	If group leaders are to be informed of complaints against members of their political group on the initial receipt of such a complaint, this be made clear in the complaints process and the reference to confidentiality be amended accordingly	The initial letters to subject members will be amended to include this element
BPR7	Where, on the initial assessment of a complaint, concerns are identified regarding potential safeguarding issues, a potential criminal offence or other regulatory breach, the Council has a clear policy as to how the matter will be handled.	The Council is under a duty to report safeguarding and criminal matters to the relevant authorities. This is in line with the LGA guidance for the model code of conduct. This is set out in the policy.
BPR8	The complaints process be clarified regarding the time period within which the subject member should respond to a complaint where informal resolution is not considered appropriate. The IP not be consulted until that response is received or the time period for responding has elapsed.	<p>This has been built into the new process:</p> <p><i>Complaints will be acknowledged within 5 working days.</i></p> <p><i>The Monitoring Officer may request further clarity or additional information and will provide a 2-week window for this information to be provided.</i></p> <p><i>The Monitoring Officer will make an initial assessment within 10 working days where possible.</i></p> <p><i>Where the complaint is accepted the Monitoring Officer will review the complaint and notify the Subject Member who will be provided between 2-4 weeks to respond</i></p> <p><i>The Monitoring Officer will consider the representations from the Subject Member and the Independent Person and provide a decision within 20 working days of the receipt of the representations.</i></p> <p><i>The LGA recommends the process should be concluded within 6 months of a complaint</i></p>

		<i>being referred for an investigation wherever possible.</i>
BPR9	Any response by the complainant be identified separately from the substance of the complaint when seeking the views of the IP on initial assessment.	This is part of the process
BPR10	A separate assessment decision notice be produced by the Assessment Subcommittee in addition to the minutes of the meeting setting out the complaint, what elements have been referred for investigation and reasons. For transparency it could also include the views of the IP.	Noted – to be implemented for future sub-committees
BPR11	The Council's arrangements be amended to make clear that the Assessment Subcommittee will normally exclude press and public (on the grounds that it is considering personal information and the members right to privacy outweighs the public interest in disclosure at this stage)	The Constitutional Review Working Group will review the Audit & Standards Procedure and Rules where necessary and make this element explicit
BPR12	The member the subject of an investigation be expressly advised of their right to consult the IP.	This is part of the process
BPR13	The subject member and the complainant be asked to comment on the investigator's draft report prior to a final report being issued, particularly where the facts are in dispute	Noted – this is part of the process
BPR14	Consideration be given to introducing a pre-hearing process to case manage the conduct of the hearing. This could be done in writing, face to face or virtually.	A chairs meeting is arranged prior to all sub-committees
BPR15	The procedure rules for the conduct of hearings be sent to all parties involved in the process including the subject member, their representative, the investigating officers and witnesses in advance of the hearing. We would recommend that this be done at least 14 days before the hearing is scheduled to take place.	This is part of the process
BPR16	The arrangements be reviewed to clarify whether or not the IP is required to attend the hearing.	The IP is requested to attend all hearings in person. Extenuating circumstances will be considered on a case by case basis and alternative arrangements will be considered
BPR17	The agenda for the hearing subcommittee should include a covering report, the investigating officers report to include the schedule of evidence, the members written response (identifying any facts in dispute), any representations made by the member and all supporting documents including the rules of procedure, the code of conduct and any supporting documents as well as any views expressed by the IP	Noted – this will be incorporated into future sub-committee hearings

BPR18	The flowchart, complaints process and procedure rules be reviewed to ensure consistency. Clarification be provided as to whether or not there is a right of appeal from a hearing subcommittee decision and, if so, how that is to be exercised	Ongoing – will be finalised following A&S meeting
BPR19	The constitution to be amended to reflect the revised arrangements and to confer a clear remit and delegated powers to the Audit and Governance Committee, the Standards Subcommittee and MO.	Subject to any feedback from the A&S Committee, the CRWG will be asked to review the procedure rules
BPR20	Consideration be given to the appropriateness of including the Chair or Vice Chair in consultation on assessment decisions taken by MO, discontinuation of investigations and consideration of draft reports.	Noted
BPR21	Where the Subcommittee, having considered the circumstances of a particular case, considers that broader action to improve governance could be taken, such as training for all members, this be expressed by way of a consequential recommendation to Council rather than being termed a sanction.	Noted
BPR22	Consideration be given to the adoption of the LGA's new model code of conduct when the underpinning guidance has been published.	A locally amended code was adopted by Council and became effective on 01 April 2022

Recommendation as to any considerations to be made when reviewing the process, and the Council's Constitution, in light of the release of the new LGA model Code of Conduct

	Recommendation	Comments
R1	The model code, if adopted, will simply substitute a revised code for the existing code. It will not of itself require any changes to be made to the process or the constitution.	A locally amended code was adopted by Council and became effective on 01 April 2022
R2	The model code includes detailed guidance, now published which will assist members in fully understanding the Code's requirements. In addition, the LGA will shortly issue comprehensive guidance on the standards process. This will provide an important reference point for questions of procedure and includes best practice advice on key points.	The LGA guidance has been reviewed and a local guide has been created which will be used in conjunction with this more detailed LGA guidance where necessary