



Update to Arrangements for Dealing with Standards Allegations

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Lead Member/Relevant Portfolio Holder	Chair of Audit & Standards Committee

Corporate Priority:	Theme 5 Right Conditions to support delivery & Theme 6 Engaging and connected Council
Wards Affected:	(All Wards);
Date of consultation with Ward Member(s):	12 March 2025
Exempt Information:	No

1 Summary

- 1.1 This report seeks to align the previously agreed amendments to the Council's Arrangements for Dealing with Allegations under the Standards Regime and recommends some minor amendments to those rules to reflect best practice.
- 1.2 The report also recommends minor amendments to the Procedure Rules which apply to hearings of allegations under the Standards Regime.

2 Recommendations

That Committee:	
2.1	Notes the proposed amendments to the Arrangements for Dealing with Allegations under the Standards Regime and the Hearings Procedure Rules,
2.2	Considers whether any further or other amendments should be made to the Arrangements and Rules, and,
2.3	Recommends that Council adopts those amendments, subject to any modification recommended by the Committee.

3 Reason for Recommendations

- 3.1 To ensure that the Constitution is consistent with the previously agreed amendments to the Regime.
- 3.2 To further update the Arrangements to reflect additional issues which have been identified.
- 3.3 To further modify the Rules applying to hearings to ensure that they reflect the law, the Arrangements and best practice.

4 Background

- 4.1 The Localism Act 2011 requires local authorities to adopt a Code of Conduct and have in place Arrangements under which allegations against members can be investigated and under which decisions on allegations can be made. Members will be aware that in 2022 the Council carried out a review of these Arrangements which were adopted on 30 November 2022. Following adoption of those revised arrangements consequential amendments were also required to the Council's Constitution to reflect and fully give effect to that decision.

5 Main Considerations

- 5.1 Officers recently reviewed the Constitution and identified that some of those changes remain outstanding meaning that there were some inconsistencies requiring amendment. Although the Monitoring Officer has delegated authority to make consequential changes to the Constitution to give effect to Council decisions, it was decided that, although the Arrangements had been reviewed relatively recently, it was important to ensure that they remain up to date. When undertaking that process officers identified several minor changes that were required both to ensure clarity and that best practice is followed.
- 5.2 The changes to the arrangements for dealing with councillor complaints were agreed in November 2022 and were based upon guidance from the LGA. They provide a fair and robust procedure for complainants and those who are the subject of complaints.
- 5.3 The procedures of the Audit and Standards Sub-Committee need to be accurate and clear and reflect the current arrangements for dealing with councillor complaints. Legislation requires the Constitution to be kept up to date.
- 5.4 The recommended changes to the hearing procedure rules are set out in Appendix 1 and a tracked changes version of the rules appears at Appendix 2. In summary, the changes to the procedure rules:
 - 5.4.1 Clarify the rights of representatives.
 - 5.4.2 Reinforce the legal requirement for the Committee to decide whether it is in the public interest to exclude the public or hold the hearing in private.
 - 5.4.3 Grant discretion to the Committee to allow late written representations in exceptional circumstances.
 - 5.4.4 Clarify the role of the Independent Person during the hearing.
 - 5.4.5 Clarify the hearing process including in relation to questioning of parties.
 - 5.4.6 Expressly require the Committee to give reasons for their decision.
- 5.5 The recommended changes to the Arrangements for Dealing with Allegations are set out in Appendix 3. In summary, the changes to the Arrangements are:

- 5.5.1 Expressly allow the Monitoring Officer to recuse himself from considering whether a complaint should be investigated and refer the matter to the Committee where that Officer considers it appropriate to do so.
- 5.5.2 Expressly refer to steps that may be taken to assist those who are not able to set out a complaint in writing.
- 5.5.3 To include an additional informal remedy of providing advice to Members against whom a complaint has been made.

6 Options Considered

- 6.1 Do nothing; however, there is a risk that any inconsistency in the Council's Arrangements and Rules would lead to an unfair process being followed when considering allegations against members.

7 Consultation

- 7.1 The proposed amendments have been considered by the Constitution Review Working Group who have assisted in formulating their content. The Chair of the Committee has also been consulted.

8 Next Steps – Implementation and Communication

- 8.1 If approved by Committee, the proposed changes will be considered by Full Council on 27 March and, if adopted, be incorporated into the Council's Constitution. As is usual practice, any report to Council will include a recommendation which allows the Monitoring Officer to make any necessary consequential amendments to the Constitution.

9 Financial Implications

- 9.1 There are no financial implications arising directly from this report. The costs incurred under the Standards Regime are currently met from existing budgets.

Financial Implications reviewed by: Interim Assistant Director for Resources

10 Legal and Governance Implications

- 10.1 The legal implications are largely set out in the body of the report. The changes which are proposed to the rules and arrangements ensure compliance with the Localism Act 2011 and that the hearing process is fair to all parties.
- 10.2 The 2011 Act states that the responsibilities of a local authority under Chapter 7 of Part 1 of that Act are not to be the responsibility of the local authority's executive. The proposed changes must therefore be considered by this Committee before recommending them to Full Council.

Legal Implications reviewed by: Monitoring Officer.

11 Equality and Safeguarding Implications

- 11.1 The proposed amendments to the Arrangements include a minor change which support those who are unable to make written complaints, e.g. due to a disability, to do so. The proposed amendments also incorporate changes which ensure that a thorough, yet fair and balanced process is followed in relation to allegations against Councillors which ensures fairness to all parties including those with protected characteristics.
- 11.2 There are no other equalities and safeguarding implications arising from this report.

12 Data Protection Implications (Mandatory)

A Data Protection Impact Assessments (DPIA) has not been completed because there are no risks to the rights and freedoms of natural persons.

13 Community Safety Implications

13.1 There are no community safety implications arising directly from this report.

14 Environmental and Climate Change Implications

14.1 There are no environmental or climate change implications arising directly from this report.

15 Other Implications (where significant)

15.1 There are no other implications arising from this report.

16 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Failing to ensure consistency between the Constitution and previously agreed changes to the rules.	Very Low	Marginal	4
2	Failing to ensure that the Arrangements and Rules are kept up to date.	Very Low	Marginal	4

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low				
	2 Very Low		1, 2,		
	1 Almost impossible				

Risk No	Mitigation
1, 2,	Incorporating the amendments recommended in this report will ensure that the Council's arrangements for dealing with standards allegations are consistent and that any allegations which proceed to a hearing are conducted fairly

17 Background Papers

17.1 Documents considered by Constitution Review Working Group.

18 Appendices

18.1 Appendix 1 – Clean Copy Updated Procedure Rules

18.2 Appendix 2 – Update to Arrangements for Dealing with Standards Allegations

18.3 Appendix 3 – Highlighted Update to Arrangements for Dealing with Standards Allegations