

Somerset West and Taunton Council

Full Council – 6 September 2022

Procedure for dealing with Standards Allegations

This matter is the responsibility of the Leader of the Council, Cllr Federica Smith-Roberts

Report Author: Amy Tregellas, Governance Manager & Monitoring Officer, Kevin Williams and Lesley Dolan, Deputy Monitoring Officers

1 Executive Summary / Purpose of the Report

- 1.1 The current Standards regime was introduced by the Localism Act 2011, which was enacted on 1 July 2012.
- 1.2 It is a mandatory requirement of the Localism Act 2011 to have arrangements in place to investigate any allegations relating to the behaviour and conduct of Councillors where it is alleged that they have breached their Code of Conduct.
- 1.3 The opportunity has been taken to review the Council's arrangements for dealing with Standards Allegations as part of the Local Government Reorganisation work, in collaboration with the Monitoring Officers of the County and District Councils.
- 1.4 It is proposed that if this is approved by the Council, that the Monitoring Officer will work with the LGR Governance Workstream to determine when this will be introduced.

2 Recommendations

That the Council resolves:

1. To adopt the Procedure for dealing with Standards Allegations (Appendix A)
2. To adopt the revised Code of Conduct for Councillors complaint form (Appendix B)
3. That Appendix A and Appendix B be incorporated into the Council's Constitution and will replace the existing documents
4. That delegated authority is given to the Monitoring Officer to work with colleagues in the LGR governance workstream to determine when this will be introduced

3 Risk Assessment

- 3.1 Failure to have an appropriate procedure in place for dealing with Code of Conduct complaints about Councillors would be a breach of the Localism Act 2011, and the Council would not be able to demonstrate a robust ethical governance framework.

4 Background and Full details of the Report

- 4.1 The role of councillor in all tiers of local government is a vital part of our country's system of democracy. In voting for a local councillor, the public is imbuing that person and position with their trust. As such, it is important that councillors can be held accountable, and all adopt the behaviours and responsibilities associated with the role. The conduct of an individual councillor affects the reputation of all councillors.
- 4.2 It is, therefore, important to have appropriate arrangements in place for dealing with any complaints that are made in relating to the behaviour and conduct of Councillors where it is alleged, they have breached the Code of Conduct.
- 4.3 The Monitoring Officers of the County and District Councils have been working together through the Local Government Reorganisation (LGR) governance work stream. Reviewing the procedure for dealing with any Standards Allegations has been part of their workload. This has culminated with a Procedure for dealing with Standards Allegations (Appendix A) and a revised Code of Conduct for Councillors complaint form (Appendix B).
- 4.4 It is proposed that if this is approved by the Committee and recommended to Council, that the Monitoring Officer work with colleagues in the LGR governance workstream to determine when this will be implemented.
- 4.5 The LGR governance workstream are working on the transitional arrangements that will be put into place including a joint independent person panel to be in existence by the late autumn and some joining up of investigations by a date to be agreed.

5 Links to Corporate Strategy

- 5.1 Having a robust ethical governance framework is a fundamental part of delivering the Council's Corporate Strategy.

6 Finance / Resource Implications

- 6.1 None arising from this report

7 Unitary Council Financial Implications and S24 Direction Implications

- 7.1 There are no Unitary Council Financial Implications or S24 Direction Implications.

8 Legal Implications

- 8.1 The Localism Act 2011 requires Councils to have arrangements in place to investigate any allegations relating to the behaviour and conduct of Councillors where it is alleged that they have breached their Code of Conduct.

9 Climate and Sustainability Implications

- 9.1 None arising from this report

10 Safeguarding and/or Community Safety Implications

- 10.1 None arising from this report

11 Equality and Diversity Implications

11.1 None arising from this report

12 Social Value Implications

12.1 None arising from this report

13 Partnership Implications

13.1 None arising from this report

14 Health and Wellbeing Implications

14.1 None arising from this report

15 Asset Management Implications

15.1 None arising from this report

16 Data Protection Implications

16.1 None arising from this report

17 Consultation Implications

17.1 None arising from this report

Democratic Path:

- **Standards Committee – Yes.** The Standards Committee considered this report at a meeting on 26 July 2022. The Committee endorsed the report with the slight amendment of removing daytime and evening telephone numbers from the Complaint form (Appendix B) and asked instead that it be listed as landline or alternative telephone number (other than a mobile number which is also listed)
- **Cabinet/Executive – No**
- **Full Council – Yes**

List of Appendices

Appendix A	Procedure for dealing with Standards Allegations
Appendix B	Code of Conduct for Councillors complaint form

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