



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL - 25 SEPTEMBER 2024
Subject	REVIEW OF STANDARDS ARRANGEMENTS
Wards affected	None
Accountable member	Councillor Nigel Robbins, Chair of the Audit and Governance Committee Email: Nigel.Robbins@cotswold.gov.uk
Accountable officer	Angela Claridge, Director of Governance & Development (Monitoring Officer) Email: Democratic@Cotswold.gov.uk
Report author	Ana Prelici, Governance Officer Email: Democratic@Cotswold.gov.uk
Summary/Purpose	To consider the adoption of procedure rules for the Standards Hearings Sub-Committee and a review of the Council's arrangements for dealing with complaints under the Code of Conduct.
Annexes	Annex A – Draft Code of Conduct Complaint Handling Arrangements Annex B – Draft Procedure for the Standards Hearing Sub-Committee
Recommendation(s)	That Council resolves to: 1. Approve the updated arrangements for dealing with code



	<p>of conduct complaints;</p> <p>2. Approve the procedure for the Standards Hearing Sub-Committee and to delegate authority to the Director of Governance & Development to make minor amendments to the procedure.</p>
Corporate priorities	<ul style="list-style-type: none">• Delivering Good Services
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Audit and Governance Committee Democratic Services Business Manager Chief Executive Chair of Audit and Governance Committee Independent Persons for Standards

1. EXECUTIVE SUMMARY AND BACKGROUND

- 1.1 The Localism Act 2011 requires the Council to have complaint handling arrangements in place. These enable an individual to make a formal complaint that an elected or co-opted member of Cotswold District Council, or a Town or Parish Council within the district area, has failed to comply with their Council's Code of Conduct for Members. The complaint handling arrangements seek to ensure that complaints are dealt with fairly and are resolved informally where appropriate.
- 1.2 On 17 March 2021, the Council adopted arrangements for assessing allegations under the code of conduct. The requirement of these arrangements is that they be reviewed at least every three years. A review has been undertaken by officers overseen by the Director of Governance and Development.
- 1.3 This report presents the updated arrangements for dealing with code of conduct complaints, and a procedure for the Standards Hearing Sub-Committee,
- 1.4 The revised arrangements for code of conduct complaints and proposed Standards Hearing Procedure were taken to the Audit and Governance Committee on 23 July. The Committee resolved to recommend the both the arrangements and procedure, delegating authority to the Director of Governance to make amendments to the latter in light of legal advice given to a neighbouring authority and shared with the Council.

2. ARRANGEMENTS FOR DEALING WITH CODE OF CONDUCT COMPLAINTS

- 2.1 The Council adopted its arrangements for dealing with code of conduct complaints on March 2021. The review requirements of these arrangements is that they be reviewed every 3 years thereafter. In compliance with this requirement and the adoption of the Gloucestershire- Wide Code of Conduct in March 2023, a 'light touch' review of these arrangements has been carried out.

- 2.2 In light of the increased number of complaints received by the Council, a Governance Officer has been seconded from the Democratic Services team to assist the Monitoring Officer with code of conduct complaints for seven hours per week. With this additional capacity, some processes have been updated to ease the administrative burden on the Monitoring Officer, in particular carrying out correspondence.
- 2.3 The revised arrangements at Annex A have been reviewed as follows;
- The name and introduction has been updated to reflect that the code of conduct also applies to co-opted members of committees.
 - At 1.3 of the Arrangements, the Independent Persons have been updated to reflect current appointments.
 - In light of updated processes, an additional paragraph (2.2) has been added to ensure that complaints contain sufficient information.
 - The time scale of a month for the Investigating Officer to produce their report was unrealistic, considering that interviews often need to be carried out before the production of the draft report. The timescale were revised to ensure investigations were dealt with in a timely manner.
- 2.4 Notwithstanding any circumstances in which the arrangements warrant an earlier review e.g. new legislation introduced by the Government, the arrangements will next be reviewed in 2027.
- 2.5 **PROCEDURE FOR STANDARDS HEARING SUB-COMMITTEE**
- 2.6 Under the Council's Constitution, one of the Audit and Governance Committee's roles is to appoint a Standards Hearings Sub-Committee to conduct hearings following any formal investigation into an allegation that a Member of the District Council or a Town or Parish Council within the district area has failed or may have failed to comply with their Council's Code of Conduct for Members.

- 2.7 A Standards Hearing Sub-Committee was established in the Council's Constitution by full Council on 20 September 2023. The previous procedure for Standards Hearing Sub-Committees adopted by the Council predates the Localism Act 2011 and is no longer current. The proposed procedure for this sub-committee is provided at Annex B.
- 2.8 There is no legal requirement to have a procedure for Standards Hearing Sub-Committee, but having a procedure is matter of good practice to ensure that practices are robust thereby reducing risk to the Council.
- 2.9 The Audit and Governance Committee on 23 July 2024 considered the draft standards hearing procedure rules and resolved to recommend it to full Council for adoption. Following that committee meeting a neighbouring authority received legal advice in respect of a standards hearing which was shared with the Council. With the agreement of the Chair of the Audit and Governance Committee that advice was used to inform revisions to the draft standards hearing procedure rules and the revised version was circulated to the Members of the Audit and Governance Committee. Council is also recommended to delegate authority to the Director of Governance and Development (Monitoring Officer) to make any minor amendments to the procedure after its approval.
- 2.10 The Council's Constitution also allows a Town and Parish representative to attend a hearing of the Standards Hearing Sub-Committee on a voluntary basis where the allegations concern Town or Parish Councillors. Work was undertaken with the Gloucestershire Association of Parish and Town Councils (GAPTC) to identify suitable candidates for this representative role but no interest was expressed. Subsequently the Council will look to directly approach suitable representatives.

3. ALTERNATIVE OPTIONS

3.1 The Audit and Governance Committee could decide to not recommend that the Code of Conduct Handling Arrangements to full Council for approval, but doing so would forgo compliance with the requirement that these are reviewed every three years.

3.2 The Audit and Governance Committee could decide to not recommend the Procedure for the Standards Hearing Sub-Committee to full Council, but this could increase the risk of legal challenge if a hearing was required.

4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications resulting directly from this report.

5. LEGAL IMPLICATIONS

5.1 The Localism Act 2011 requires the Council to have a Code of Conduct which sets out the standards expected of Members whenever they act in their official capacity. The Code must also have in place a suitable procedure at a local level to investigate and determine allegations that elected Members and co-opted Members of the district council or town and parish councils within the district area have breached the Code of Conduct.

6. RISK ASSESSMENT

6.1 If the Council fails to adopt and maintain a Code of Conduct and a process for the investigation of complaints that are fit for purpose, robust and transparent then there are risks to the Council's reputation and to the integrity of its corporate governance and decision-making processes.

7. EQUALITIES IMPACT

7.1 Equalities and Human Rights issues are taken into account in the handling of Code of Conduct complaints.



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8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 8.1 There are climate implications as a result of independent persons who do not live in the Cotswold District needing to travel to Cirencester for in person meetings. However, the nature of the role means that these are likely to be infrequent. This will also be mitigated by using virtual meetings wherever possible. The impact is therefore considered minimal.

9. BACKGROUND PAPERS

- 9.1 None.

(END)