



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	AUDIT AND GOVERNANCE COMMITTEE – 18 OCTOBER 2023
Subject	APPOINTMENT OF STANDARDS HEARINGS SUB-COMMITTEE
Wards affected	None
Accountable member	Councillor Nigel Robbins, Chair of Audit and Governance Committee Email: nigel.robbins@cotswold.gov.uk
Accountable officer	Angela Claridge, Director of Governance and Development Email: Angela.Claridge@Cotswold.gov.uk
Report author	Andrew Brown, Democratic Services Business Manager Email: Democratic@Cotswold.gov.uk
Summary/Purpose	To invite the Committee to appoint members to the Standards Hearings Sub-Committee.
Annexes	Annex A – Nominated Members (to follow)
Recommendation(s)	That the Audit and Governance Committee resolves to: <ol style="list-style-type: none">1. Agree to establish the Standards Hearings Sub-Committee.2. Appoint the three members of the Audit and Governance Committee named in Annex A to the Standards Hearings Sub-Committee for the remainder of the current municipal year, in accordance with political proportionality (2 Liberal Democrat, 1 Conservative).3. Delegate authority to the Director of Governance and Development to determine who will be the Independent Person at a Standards Hearings Sub-Committee meeting and, where relevant, who will be the Town and Parish Council representative attending in an advisory capacity.
Corporate priorities	<ul style="list-style-type: none">• Deliver the highest standard of service
Key Decision	NO
Exempt	NO



COTSWOLD
DISTRICT COUNCIL

Consultees/ Consultation	Full Council on 20 September agreed in principle to the establishment of the Standards Hearings Sub-Committee.
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1. EXECUTIVE SUMMARY

- 1.1 Council on 20 September 2023 agreed in principle to the establishment of a Standards Hearings Sub-Committee of the Audit and Governance Committee. The Sub-Committee is now recognised in the Council's Constitution (Part B, 8.4) with responsibility for hearing and determining, in consultation with an Independent Person, allegations that an elected member of the district council or a town or parish council in the district area has breached their respective Council's Code of Conduct – if the allegations reach the hearing stage. The Audit and Governance Committee is now invited to formally establish the Standards Hearings Sub-Committee and to appoint members of the Committee to the Sub-Committee, in accordance with political proportionality.

2. BACKGROUND

- 2.1 The Council's Audit and Governance Committee is responsible for promoting and maintaining high standards of conduct. There are arrangements in place for dealing with complaints that an elected or co-opted member of the district council or a town or parish council within the district area has breached their council's Code of Conduct. The majority of code of conduct complaints do not progress to the hearing stage as they are either dismissed with at the assessment stage or dealt with by way of a local resolution. Previously if a code of conduct complaint progressed to the hearing stage (which hasn't happened for over two years) the complaint would be determined by the Audit and Governance Committee, which comprises seven members, plus an Independent Person attending as a consultee without voting rights. This was considered to be too large a body for conducting a fair and efficient hearing.
- 2.2 The Constitution Working Group, at its meeting on 27 July 2023, considered four options for how hearings could be dealt with. Those options were described in the report to Council. The preferred option, which the Constitution Working Group recommended to Council and Council agreed, was the establishment of a Standards Hearing Sub-Committee (of the Audit and Governance Committee) comprising 3-members plus 1 non-voting Independent Person. The Audit and Governance Committee is now responsible for appointing a Standards Hearings Sub-Committee.
- 2.3 Meetings of this sub-committee will take place as required.

3. APPOINTMENT OF STANDARDS HEARINGS SUB-COMMITTEE

- 3.1 The provisions of the Local Government Act 1972 relating to sub-committees apply to the Standards Hearings Sub-Committee, meaning the membership must be appointed for a specified period of time (usually the duration of a municipal year), from the membership of the appointing body (i.e. the Audit and Governance Committee) and in accordance with political proportionality. While the membership of the sub-committee will be fixed



substitutions will be allowed from within political groups. Any member substituting at a meeting of the Standards Hearings Sub-Committee would first need to undertake relevant training.

- 3.2** The political proportionalities on a three-member sub-committee are set out in the table below.

	Liberal Democrat	Conservative	Green	Independent	Total
Real entitlement	1.94	0.79	0.18	N/A	2.91*
Rounded entitlement	2	1	0	N/A	3
Seats allocated	2	1	0	0	3

**The total proportional entitlement of political groups is less than the number of seats on the sub-committee due to the impact that non-aligned Independent members have on overall proportionality.*

- 3.3** The Audit and Governance Committee is invited to appoint 2 Liberal Democrat Members and 1 Conservative Member to the Standards Hearings Sub-Committee. The nominated members are named in Annex A. The nominated members will be required to undertake relevant training prior to participating in any hearing.

4. INDEPENDENT PERSON AND TOWN AND PARISH COUNCIL REPRESENTATIVE

- 4.1** The Sub-Committee membership also includes an Independent Person acting as a non-voting consultee. The Council has appointed a pool of three Independent Persons who can act as consultees at each stage of the complaints process (i.e. initial assessment, investigation, and hearing). This report seeks a delegation to the Director of Governance and Development to determine which Independent Person will act as consultee at a meeting of the Standards Hearings Sub-Committee.
- 4.2** Council on 20 September 2023 considered whether hearings where the subject member is a town or parish councillor should be attended by a town and parish council representative in a non-voting advisory capacity. This is considered to be good practice. Council resolved to instruct officers to seek nominations for the position of town and parish council representative. These positions have not yet been filled and it is recommended that authority is granted to the Director of Law and Governance to determine who will act as town and parish representative at a hearing where the subject member is a town or parish councillor.

5. ALTERNATIVE OPTIONS



5.1 The Constitution Working Group considered the alternative options to a Standards Hearings Sub-Committee and those options were not preferred. The Audit and Governance Committee has a responsibility under the Constitution to appoint to the sub-committee and must do so in accordance with the principles of political proportionality.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications arising from this report.

7. LEGAL IMPLICATIONS

7.1 The statutory requirements relating to standards matters are set out at Chapter 7 of the Localism Act 2011 (the Act). Section 27 (8) of the Act provides that Standards matters as referred to in Chapter 7 are not the responsibility of the Executive and thus all Standards matters are a non-executive function (i.e. the responsibility of Full Council). Under Section 101 Local Government Act 1972, Full Council can arrange for the discharge of Non-Executive Functions to a committee or sub-committee.

7.2 The power to appoint a sub-committee rests with the appointing committee under Section 102 of the Local Government Act 1972.

7.3 Any non-elected Member of the Council included on a Standards Hearings Sub-Committee would be a Co-opted Member of the Council and, by virtue of Section 13 of the Local Government and Housing Act 1989, could not have voting rights.

8. RISK ASSESSMENT

8.1 Appointing a sub-committee in accordance with the provisions of the law and the Constitution will help to ensure that code of conduct complaints that progress to a hearing can be determined in a timely fashion.

9. EQUALITIES IMPACT

9.1 The Committee is advised to have due regard to the need to promote equality when appointing Sub-Committees with responsibility for determining code of conduct complaints.

10. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

10.1 There are no climate or ecological implications arising directly from the recommendations in this report.

11. BACKGROUND PAPERS

11.1 None.

(END)