

Review of Tandridge District Council's Standards Arrangements

Standards Committee Tuesday, 7 November 2023

Report of: Head of Legal Services & Monitoring Officer

Purpose: For recommendation

Publication status: Open

Wards affected: All Wards

Executive summary:

To seek the Standards Committee's approval of a revision of the Council's Arrangements for Dealing with Standards Allegations under The Localism Act 2011.

This report supports the Council's priority of: Building a better Council.

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Recommendation to Committee:

To recommend to Full Council the adoption of either:

Option A:

That the Council's Arrangements for Dealing with Standards Allegations under The Localism Act 2011 retains its current wording at Paragraph 11.1

or

Option B:

That the Council's Arrangements for Dealing with Standards Allegations under The Localism Act 2011 be amended to state, at Paragraph 11.1, that:

"The Hearings Panel is a Sub-Committee of the Council's Standards Committee. It will be comprised of three District Councillors serving on the Standards Committee."

... with a view to the chosen option also being reflected in the Standards Committee's Terms of Reference.

Reason for recommendation:

Currently there is a conflict between the Council's Arrangements for Dealing with Standards Allegations under The Localism Act 2011 and the Council's Constitution as to how the membership of a Standards Hearing Panel should be appointed. By approving one of the above options, this will provide consistency for the Committee's future governance arrangements.

Introduction and background

1. The terms of reference for the Standards Committee state that its responsibilities include:
 - a. Advising the Council on the adoption or revision of the Members' Code of Conduct.
 - b. Monitoring the operation of the Members' Code of Conduct ('the Code').
 - c. Making arrangements for investigating and determining complaints regarding alleged breaches of the Members' Code applicable to Tandridge District Council or one of the Parish Councils within the District.
2. The Council currently has in place Arrangements for Dealing with Standards Allegations (the Arrangements) which sets out how allegations that one or more of its Member of the District or Parish Council has breached the Code and how this can be investigated and decisions on allegations can be made.
3. The last revision to the Arrangements were approved by the Standards Committee on 15 March 2021.
4. The current version of the Arrangements contains a conflict with the Council's Constitution in relation to the appointment of a Hearing Panel.
5. The Arrangements states the following at paragraph 11.1:

The Hearings Panel is a Sub-Committee of the Council's Standards Committee. It will comprise three District Councillors. For each hearing, the Monitoring Officer, in consultation with the Chief Executive, will appoint three members of the Panel:

- *one Member will be a member of the Standards Committee who has received appropriate training*

• *the two remaining Members (not necessarily members of the Standards Committee) will be selected on the basis that they are disinterested in the matter under consideration.*

6. The Council's Constitution states the following at paragraph 4 of the Standards Committee Terms of Reference:

DELEGATION TO HEARINGS PANELS

Determination of complaints referred by an Investigating Officer regarding alleged breaches of the Members' Code of Conduct (applicable to Tandridge District Council or one of the Parish Councils within the District).

Such Panels shall comprise three District Councillors serving on the Standards Committee.

7. The two conflicting methods for calling a Hearing Panel has caused confusion in the past. It is therefore necessary for the Committee to recommend to Full Council how it would prefer to appoint a Standards Hearing Panel.
8. To assist the Committee, a review of the Standards procedures for the other District and Borough Councils in Surrey has highlighted that many appoint three members from their Standards (or equivalent) Committee. A summary of this review is attached to this report at Appendix B.
9. The Committee should also note that guidance from the Local Government Association states that the composition of the panel should be drawn from the main body of the Standards Committee.

Key implications

Comments of the Chief Finance Officer

This report contains no financial implications.

Comments of the Head of Legal Services

Hearings held by the Hearing Panel are quasi-judicial and the principles of natural justice and fairness must be upheld. The proposed changes are in line with these principles.

Section 28(6) Localism Act 2011 provides that a local authority must have in place arrangements under which allegations can be investigated and arrangements under which decisions on allegations can be made.

Equality

There are no equalities issues arising from this report. There is sufficient flexibility in the Arrangements to enable the Hearing Panel to accommodate any disability or equality issues and make reasonable adjustments to ensure fairness and accessibility on a case by case basis.

Climate change

None

Appendices

Appendix A - Council's Arrangements for Dealing with Standards Allegations under The Localism Act 2011

Appendix B - Overview of the standards procedures for other Surrey District and Borough Councils

Background papers

None

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