

TEWKESBURY BOROUGH COUNCIL

Report to:	Standards Committee
Date of Meeting:	16 October 2023
Subject:	Procedure for Code of Conduct Complaints and Increase to the Number of Independent Persons and Parish Councillors on the Standards Committee
Report of:	Monitoring Officer
Head of Service/Director:	Monitoring Officer
Lead Member:	Lead Member for Corporate Governance
Number of Appendices:	None

Executive Summary:

To develop a new procedure to deal with Code of Conduct complaints that present potential breaches of the Members Code of Conduct and to make a recommendation to Council in relation to the number of independent persons and Parish Councillors on the Standards Committee.

Recommendation:

1. To **ADOPT** the procedure for dealing with Code of Conduct complaints as set out at Paragraph 2.1 of the report.
2. To **RECOMMEND TO COUNCIL** that:
 - the number of independent persons on the Standards Committee be increased from two to three; and
 - the number of Parish Councillors on the Standards Committee be increased from one to three.

Financial Implications:

There is a small cost of setting up these meetings and there will be costs in terms of remuneration for the additional members of the Committee.

Legal Implications:

The Standards Committee and Monitoring Officer are charged under the Localism Act 2011 with dealing with Code of Conduct Complaints relating to Tewkesbury Borough Council Members, and any Members of Town and Parish Councils within the Borough Council area.

Environmental and Sustainability Implications:

There are no implications raised by this report.

Resource Implications (including impact on equalities):

This adds a further stage to the work dealing with complaints of some substance but does have the benefit of involving Standards Committee Members at an early stage.

Safeguarding Implications:

Provides a wider appearance on matters that could raise safeguarding issues.

Impact on the Customer:

Gives the complainant the reassurance that the decision making is wider than the view of the Monitoring Officer and the independent persons.

1.0 INTRODUCTION

- 1.1 The report sets out a process that will involve members of the Standards Committee looking at Code of Conduct complaints of potential substance at the assessment and review stage of the process, ahead of any formal investigation thought to be in the public interest to undertake, bearing in mind the cost to the public purse of such an investigation.

2.0 REVISED PROCEDURE FOR STANDARD COMMITTEE COMPLAINTS

- 2.1 In order to allow Standards Committee members a greater involvement in complaints at an earlier stage, it is proposed that the following procedure be adopted:

1. When the Monitoring Officer receives a Code of Conduct complaint, he/she will share that complaint with the independent persons and consider their view on the complaint.

2. If there is thought to be substance to the complaint which may justify the cost to the public purse of a formal investigation, the Monitoring Officer will set up an Assessment Panel of three Members of the Standards Committee to consider the complaint, at a confidential, informal meeting that can be held remotely via Teams.

3. The Assessment Panel can:

- i) decide there is no potential breach of the relevant Code of Conduct;
- ii) decide there is a potential breach of the relevant Code of Conduct but that it is not in the public interest for the matter to be investigated; or,
- iii) decide that there is a potential breach of the relevant Code of Conduct and it is in the public interest for it to be formally investigated and for the investigation report to be considered at a Standards Committee Hearings Panel to be held in public.

3.0 INCREASE TO THE NUMBER OF MEMBERS ON THE STANDARDS COMMITTEE

- 3.1 In order to ensure sufficient independent person involvement, it is recommended that the number of independent persons on the Standards Committee be increased from two to three on a four year term; and that the number of Parish Councillors be increased from one to three to seek to ensure that a Parish Councillor can be involved in the panel.

4.0 CONSULTATION

- 4.1 These proposals have been discussed with the current independent persons and the Chair of the Standards Committee.

5.0 ASSOCIATED RISKS

- 5.1** It involves members of the Standard Committee at an early stage which runs the risk of people being conflicted out of later stages of the process.

6.0 MONITORING

- 6.1** The Standards Committee will present an annual report to Council.

7.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

- 7.1** The Borough Council is required to have a Monitoring Officer and deal with Member Code of Conduct complaints at both Borough and Parish level.

Background Papers: The law and guidance on dealing with Code of Conduct complaints.

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Appendices: None