

# **WAVERLEY BOROUGH COUNCIL**

## **STANDARDS COMMITTEE**

**1 FEBRUARY 2021**

---

**Title:**

**Review of arrangements for dealing with standards allegations against Councillors  
and Co-opted Members under the Localism Act 2011**

---

**Portfolio Holder:** Councillor John Ward, Leader of the Council

**Head of Service:** Robin Taylor, Policy and Governance, and Monitoring Officer

**Key decision:** No

### **Purpose and summary**

1.1 This report proposes changes to the Council's arrangements, as set out within the Constitution, for how the Monitoring Officer deals with complaints submitted to him or her alleging breaches of the Councillor Code of Conduct. The Standards Committee are invited to consider and debate the proposed changes before agreeing what changes, if any, should be recommended to Full Council for adoption.

### **2. Recommendation**

It is recommended that the Standards Committee consider and debate the proposed changes before agreeing what changes, if any, should be recommended to Full Council for adoption.

### **3. Reason for the recommendation**

To ensure the Council's arrangements for handling standards allegations reflect

### **4. Background**

4.1 Citizens have the right, under Waverley's Constitution, to complain to the Monitoring Officer if they have evidence which they think shows that a Councillor has not followed their code of conduct.

4.2 The arrangements apply to Waverley Borough Councillors and Town and Parish Councillors and co-opted members in the Waverley area.

4.3 The arrangements are set out within the Constitution. Paragraph 12 of the existing arrangements confirm that they should be kept under review.

4.4 The changes proposed aim to learn from the Monitoring Officer's experience of complaints and hearings since the arrangements were last reviewed. As well as considering how easy it has been to operate the arrangements, the Monitoring

Officer has considered feedback received from those who have been involved in the process, including complainants, councillors, colleagues and independent persons.

4.5 Annexe 1 shows the proposed changes as tracked changes. The following summarises the main changes proposed:

- I. Inclusion of an Executive Summary of arrangements with the process divided into 9 numbered 'steps'. As well as describing the stage this summary identifies what the possible outcomes are, including when the process may end and why. The intention is to ensure everybody involved understands where they are in the process at any given time.
- II. Reference to the role of the Independent Person at the top of the document.
- III. Confirmation that complaints by Borough Councillors about Borough Councillors will be referred to the relevant group leader(s) for resolution and only referred back to the Monitoring Officer if it has been impossible to resolve the matter within 28 days.
- IV. Confirmation that complaints by Town or Parish Councillors about Councillors at the same Town or Parish Council will only be considered by the Monitoring Officer if the Town or Parish Clerk has been given the opportunity to resolve them first. Where they have not, the complaint will initially be referred to the Town or Parish Clerk and only referred back to the Monitoring Officer if it has been impossible to resolve the matter within 28 days.
- V. Confirmation that complainants' identities (but not contact personal details) will be disclosed to subject members in most circumstances. The provision for the Monitoring Officer to agree, on an exceptional basis, for a complainant's identity to be withheld has been retained but further detail has been added to the guidance to confirm the circumstances under which this would be considered, including the application of the public interest test and only after consulting with the Independent Person.
- VI. Confirmation that many complaints can be resolved with an investigation, for example by advice being issued by the Monitoring Officer.
- VII. Confirmation that most complaints, if investigated, will be investigated on an informal basis and that formal investigations are relatively rare.
- VIII. Confirmation that other officers or act on the Monitoring Officer's behalf, at his or her discretion, in dealing with complaints.
- IX. Specific target timescales for responding to initial complainants and for dealing with matters on an informal basis whilst recognising this will depend on availability of others.

- X. Confirmation that the Monitoring Officer reserves the right to progress the complaint in the absence of input from any party, especially where it is clear that individuals are deliberately choosing not to engage or to engage unreasonably slowly with the process.
- XI. Clarification that hearing papers will be published 5 clear working days in advance of the meeting.
- XII. Confirmation that appeals against panel hearings decisions need to be submitted within 10 working days of the conclusion of the panel hearing.
- XIII. Confirmation that the Ombudsman will only consider complaints once they have been through the Council's own processes.

4.6 In addition, a number of other smaller changes have been made to try and improve the document.

## **5. Relationship to the Corporate Strategy and Service Plan**

5.1 The council is required by law to set out its arrangements for handling standards allegations and to keep these under review.

## **6. Implications of decision**

### **6.1 Resource (Finance, procurement, staffing, IT)**

There are no costs arising from revisions to the arrangements for handling standards allegations. As is currently the case, there may be costs associated with investigations into standards allegations.

### **6.2 Risk management**

N/A

### **6.3 Legal**

The council is required by law to set out its arrangements for handling standards allegations and to keep these under review.

### **6.4 Equality, diversity and inclusion**

There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010. However, Ombudsmen investigations can help to ensure that the Council delivers its services to all customers in a fair and equal way, and that any shortfall is rectified immediately.

### **6.5 Climate emergency declaration**

There are no direct implications for the council's climate emergency declaration.

**7. Consultation and engagement**

7.1 N/A

**8. Other options considered**

8.1 N/A

**9. Governance journey**

9.1 Any changes to the arrangement will be subject to the agreement of the Full Council.

**Annexes:**

Annexe 1 – Revised Arrangements for dealing with standards allegations against Councillors and Co-opted Members

---

**Background Papers**

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

---

**CONTACT OFFICER:**

**Name: Robin Taylor, Head of Policy and Governance**

**Telephone: 01483523108**

**E-mail: [robin.taylor@waverley.gov.uk](mailto:robin.taylor@waverley.gov.uk)**