



STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

25 November 2020

SUBJECT:	Establishing the Standards Panel and Standards Appeal Panel
REPORT OF:	Director of Law and Governance

REPORT SUMMARY

The purpose of this report is for the Committee to formally establish the Standards Panel and Standards Appeal Panel in accordance with the Council's Constitution (Part 2, Article 8), and paragraph 14.3 of Part 3B Responsibility for Functions, and the Protocol for Dealing with Complaints against Members.

RECOMMENDATION/S:

The Constitution and Standards Committee be recommended to approve that

- (1) a Standards Panel and Standards Appeal Panel be formally established pursuant to paragraph 14.3 of Part 3B Responsibility for Functions of the Council's Constitution;
- (2) each political group through their Group Leader/Deputy Group Leader or Party Spokesperson be requested to confirm the names of the Members who shall be their representative members on the Standards Panel and Standards Appeal Panel to the Director – Law and Governance / Monitoring Officer urgently (if that has not already been done); and
- (3) where a representative Member, proposed/confirmed under (2) above, is unavailable to attend a proposed meeting of the Standards Panel or Standards Appeal Panel but that meeting can be attended by all other persons required, then the relevant political group through their Group Leader/Deputy Group Leader or Party Spokesperson shall promptly confirm another representative member who is able to attend that meeting.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The establishing of the Standards Panel and Standards Appeal Panel is required under the Council's Constitution and the Protocol for Dealing with Complaints against Members.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 No other options were considered.

3.0 BACKGROUND AND KEY ISSUES

- 3.1 The role and purpose of the Standards Panel and Standards Appeal Panel are set out in paragraph 14.3 of Part 3B - Responsibility for Functions of the Constitution – set out at Appendix 1 to this report.
- 3.2 A Standards Panel is required in order to progress an ongoing standards matter.
- 3.3 While no Standards Appeal Panel is required at this time, it may be required during the Municipal Year and therefore it is considered appropriate to establish one now.
- 3.4 The Members' Code of Conduct and Protocol for Dealing with Complaints against Members are set out at Appendix 2 and 3 respectively for reference.
- 3.5 Moreover, the Committee is asked to re-affirm the procedure for dealing with matters before the Standards Panel and Standards Appeal Panel set out at Appendix 4.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are none arising directly from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 The Council has a duty to promote high standards of conduct by members and put in place appropriate arrangement to deal with complaints against members.
- 5.2 Under Section 27 of the Localism Act 2011, the Council "must promote and maintain high standards conduct by Member and Co-opted Members of the authority".
- 5.3 In discharging the duty the Council must (under Section 27 of the Localism Act 2011) adopt a code dealing with the conduct that is expected of Members and Co-opted Members of the Council when they are acting in that capacity.
- 5.4 The Council must (under Section 28 of the Act) also have in place arrangements under which allegations can be investigated; and decisions on allegations can be made.

6.0 RESOURCE IMPLICATIONS: ICT; STAFFING AND ASSETS

6.1 There are none arising directly from this report.

7.0 RELEVANT RISKS

7.1 There are no identified risks arising directly from this report.

8.0 ENGAGEMENT / CONSULTATION

8.1 The Members' Code of Conduct and Protocol for Dealing with Complaints against Members was developed, prepared and approved by Members and Council.

9.0 EQUALITIES IMPLICATIONS

9.1 There are none arising directly from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 No direct climate implications.

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APPENDICES

1. Part 3B - Responsibility for Functions of the Constitution;
2. Members' Code of Conduct;
3. Protocol for Dealing with Complaints against Members; and
4. Procedure for dealing with matters before the Standards Panel and Standards Appeal Panel.

REFERENCE MATERIAL

NONE

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Standards and Constitutional Oversight Committee	11 June 2019