

Guildford Borough Council

Report to: Council

Date: 23 January 2025

Ward(s) affected: All

Report of Joint Strategic Director Democracy, Law and People and Monitoring Officer

Author: Deborah Upton, Interim Head of Governance

Email: Deborah.upton@guildford.gov.uk

Report Status: Open

Proposed Changes to the Arrangements for dealing with allegations of misconduct by councillors and co-opted members

1. Executive Summary

- 1.1 Both Councils currently operate with a different Code of Conduct and have different arrangements in place for the Monitoring Officer to deal with complaints of misconduct by councillors. This report is proposing one set of arrangements for both Councils to adopt.
- 1.2 The Joint Constitutions Review Group considered this report at its meeting held on 16 December 2024 and recommended to both the Corporate Governance & Standards Committee and Waverley's Standards & General Purposes Committee that they recommend the adoption of the revised arrangements by their respective councils.
- 1.3 The Corporate Governance & Standards Committee, at its simultaneous meeting with Waverley's Committee, on 16 January 2025 will be considering this matter and the Committee's recommendation will be included on the Supplementary Agenda Pack for the Council meeting.

2. Recommendation to Council

Subject to the comments and recommendation of the Corporate Governance and Standards Committee, the Council is asked to resolve:

That the revised Arrangements for dealing with Allegations of Misconduct by Councillors and Co-Opted Members, as set out in Appendix 1 to this report, be adopted.

3. Reason for Recommendation:

- 3.1 Having one set of Standards Arrangements will make the process clearer for residents and members, as well as officers who manage standards complaints.

4. Purpose of Report

- 4.1 The Council, on the recommendation of the Corporate Governance & Standards Committee, is asked to consider the adoption into the Constitution of the revised Standards Arrangements, as set out in **Appendix 1**, which will replace the existing Arrangements.

5. Strategic Priorities

- 5.1 This report will assist in the delivery of the priorities within the Council's Corporate Strategy, in particular a resilient and well managed Council, and will support the collaborative working agenda.

6. Background

- 6.1 In order to support Councils, the Local Government Association (LGA) produced a Model Councillor Code of Conduct in December 2020, for Councils to adopt in whole and/or with local variations. Waverley Borough Council adopted the LGA model Code, and Guildford Borough Council Code is being asked to consider adopting it in place of the current Code of Conduct for Councillors.
- 6.2 To accompany the Code, the LGA have produced extensive guidance and procedures for Monitoring Officers on how to investigate

complaints, deal with informal resolutions and other matters. The revised Standards Arrangements set out in **Appendix 1** have taken the LGA guidance into account, as they help to bring consistency for members and complainants.

- 6.3 The revised Arrangements are broadly similar to those currently used by both Councils, but the timescales set out in the revised arrangements are shorter, in line with those recommended by the LGA. A copy of the main changes for both Councils is set out in **Appendix 2**.

7. Consultations

- 7.1 The Deputy Monitoring Officers have been consulted and agree with the proposed Standards Arrangements.
- 7.2 The Joint Constitutions Review Group has considered this report and recommended that the Corporate Governance & Standards Committee and Waverley's Standards & General Purposes Committee recommend the adoption of the revised Standards Arrangements by their respective councils.
- 7.3 The Corporate Governance & Standards Committee will consider this matter on 16 January 2025, and their recommendation will be included in the Supplementary Agenda Pack for this Council meeting.

8. Key Risks

- 8.1 There is a risk of inconsistency in the application of standards arrangements as they are different across both Councils. The high level of guidance produced by the LGA helps to support the arrangements and ensure consistency.

9. Financial Implications

- 9.1 There are no financial implications resulting from this report.

10. Legal Implications

10.1 Local authorities, including parish councils, have a duty, under s.27 Localism Act 2011 (the Act), to promote and maintain high standards of conduct by their members and co-opted members. These standards arrangements will support the Monitoring Officer to ensure consistency.

11. Human Resource Implications

11.1 There are no direct HR implications.

12. Equality and Diversity Implications

12.1 There are no equality and diversity implications arising from this report. This report has given due regard to the requirements of the Public Sector Equality Duty (Equality Act 2010) when making any recommendations concerning constitutional arrangements.

13. Climate Change/Sustainability Implications

13.1 There are no climate change or sustainability implications.

14. Summary of Options

14.1 The Council may:

- (a) adopt the revised arrangements; or
- (b) decide that no changes are required.

15. Background Papers

Current Standards Arrangements – GBC & WBC

16. Appendices

Appendix 1: Proposed Aligned Standards Arrangements for GBC & WBC

Appendix 2: Comparison of WBC/GBC Arrangements with the
Proposed Aligned Arrangements