

Standards Committee

11 June 2025



Title	Amendments to the Constitution – new Protocol on relations between Members
Purpose of the report	To make a recommendation
Report Author	Linda Heron, Monitoring Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Council decision.
Recommendations	Committee is asked to: 1. Consider and approve the proposed Protocol on relations between Members; and 2. Recommend to Council that the Protocol on relations between Members is adopted in the Constitution.
Reason for Recommendation	To ensure that the Constitution is an effective and up to date document and to support high standard of conduct by councillors.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none">Councillors have requested some changes to the Scheme of Delegations to Officers (part 3(d) of the Constitution) to clarify principles for Council decision making.	<ul style="list-style-type: none">To ensure the Constitution supports high standards of conduct by councillors.
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none">Recommend the changes as set out in Appendix 1.	<ul style="list-style-type: none">Seek Council approval for the proposals.Once approved, the Constitution will be updated and published on the website.

- 1.1 This report seeks a recommendation to Council to approve proposed amendments to part 5(c) of the Constitution, which have the support of most of the Committee System Working Group.

2. Key issues

- 2.1 The Committee System Working Group (CSWG) is responsible for considering whether any amendments are required to the Constitution and making recommendations on these to the Standards Committee.
- 2.2 The current Protocol on Member – Officer Relations has been in place for some time and can be found in part 5(c) of the Constitution.
- 2.3 The Council is required to promote and maintain high standards of conduct by its elected members (section 27 of the Localism Act 2011), and to this end the Council has adopted Councillor Code of Conduct setting out the expected standards of behaviour.
- 2.4 The Council is also required to have in place arrangements for dealing with and investigating allegations of misconduct under the Councillor Code of Conduct (section 28 of the Localism Act 2011). These arrangements are set out on the Council's website under "Making a complaint against a councillor".
- 2.5 In view of the increased number of complaints under the Councillor Code of Conduct received during the municipal year 2024-25 and following feedback from this Committee at its meeting on 12 February 2025, it is proposed to adopt a new Protocol on relations between Members as part of the Council's Constitution.
- 2.6 The proposed changes to the Constitution were discussed with the Committee System Working Group in April 2025.

3. Constitutional amendments and options analysis

- 3.1 It is proposed to introduce a new section in part 5(c) of the Constitution titled "Protocol on relations between Members" and which is set out in full in Appendix 1.
- 3.2 The proposed new Protocol is seeking to promote, support and maintain effective and respectful working relationships between the elected members without impacting on legitimate political debate.
- 3.3 Briefly, the Protocol sets out guiding principles in section 3 and contains a section on matters relating to political debate in (section 4), meetings between Group Leaders (section 5), access to information (section 6), conflict resolution (section 7) and pre-election period (section 8).
- 3.4 **Option 1:** to approve the new Protocol on relations between Members and recommend to Council that the Protocol be adopted in the Constitution.

The proposed Protocol will enable the Group Leaders to handle and resolve a large proportion of complaints between members without the referral to the Monitoring Officer. This will strengthen the Council's ability to promote and maintain high standards of conduct by its elected members.
- 3.5 **Option 2:** to make amendments to the proposed Protocol on relations between Members.

The proposed Protocol has been discussed with the Committee System Working Group. Each Group Leader then wider consulted on the proposals within their respective Group, and the majority of the Groups confirmed support.

- 3.6 **Option 3:** to not approve the proposed Protocol on relations between Members.

The Council will continue to rely on the existing framework for promoting and maintaining high standards of conduct by its elected members and the complaints between councillors that would have been dealt with by the Group Leaders under the proposed Protocol will need to be referred to the Monitoring Officer for assessment and investigation.

4. Financial management comments

- 4.1 None in the context of this report.

5. Risk management comments

- 5.1 None arising directly from this report.

6. Procurement comments

- 6.1 None arising directly from this report.

7. Legal comments

- 7.1 The Council has a statutory duty to promote and maintain high standards of conduct by its elected members (s.27 of the Localism Act 2011).
- 7.2 It is considered that the proposals in this report will meet one of the purposes of the Constitution as set out in Article 1 para 1.3:

(4) help councillors represent their constituents more effectively

- 7.3 Amendments to the Constitution are a matter for full Council decision.

8. Other considerations

- 8.1 None.

9. Equality and Diversity

- 9.1 No specific implications arising directly from this report.

10. Sustainability / Climate Change Implications

- 10.1 None.

11. Timetable for implementation

- 11.1 A recommendation from Standards Committee will be considered by Council at its meeting on 17 July 2025.
- 11.2 The amendments will take effect upon agreement by Council and the Constitution will be updated and published as soon as reasonably practicable.

12. Contact

- 12.1 Linda Heron, Group Head Corporate Governance l.heron@spelthorne.gov.uk

Please submit any material questions to the Mayor and Officer Contact by two days in advance of the meeting.

Background papers: None.

Appendices:

Appendix 1 – Protocol on relations between Members