

Committee Report Checklist

Please submit the completed checklists with your report. If final draft report does not include all the information/sign offs required, your item will be delayed until the next meeting cycle.

Stage 1

Report checklist – responsibility of report owner

ITEM	Yes / No	Date
Councillor engagement / input from Chair prior to briefing	N/A	
Commissioner engagement (if report focused on issues of concern to Commissioners such as Finance, Assets etc)	Y	
Relevant Group Head review	Y	
MAT+ review (to have been circulated at least 5 working days before Stage 2)	N/A	
This item is on the Forward Plan for the relevant committee	N	
	Reviewed by	
Finance comments (circulate to Finance)	TC	13/10/25
Risk comments (circulate to Lee O'Neil)	LH	12/10/25
Legal comments (circulate to Legal team)	LH	12/10/25
HR comments (if applicable)	N/A	

For reports with material financial or legal implications the author should engage with the respective teams at the outset and receive input to their reports prior to asking for MO or s151 comments.

Do not forward to stage 2 unless all the above have been completed.

Stage 2

Report checklist – responsibility of report owner

ITEM	Completed by	Date
Monitoring Officer commentary – at least 5 working days before MAT	L Heron	12/10/25
S151 Officer commentary – at least 5 working days before MAT	T. Collier	13/10/25
Confirm final report cleared by MAT		

Standards Committee

22 October 2025

Title	Update on external review
Purpose of the report	To make a decision
Report Author	Linda Heron, Group Head Corporate Governance and Monitoring Officer
Ward(s) Affected	All Wards
Exempt	Report – No Appendices – Yes
Exemption Reason	Appendices A and B contain exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006 Paragraph 1 and 2 – Information relating to any individual or any information which is likely to reveal the identity of an individual.
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Committee decision.
Recommendations	Committee is asked to: 1. Consider options in section 3 of this report; and 2. Approve recommendation in sections 3.1 and 3.2 of this report.
Reason for Recommendation	The Committee is asked to make a determination in order to finalise matters relating to the Standards Sub-Committee Hearing on 17 October 2024

1. Executive summary of the report *(expand detail in Key Issues section below)*

What is the situation	Why we want to do something
At the meeting on 12 February 2025 members of this Committee raised concerns about the Standards Sub-Committee Hearing which took place on 17 October 2024 (“the Hearing”)	To promote transparency and integrity in public office and to ensure that decisions are made fairly
This is what we want to do about it	These are the next steps

External review of the Hearing was commissioned to address the concerns raised	Consider the external review report and make a determination
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2. Key issues

- 2.1 In view of the concerns raised at the Committee meeting on 12 February the Monitoring Officer commissioned Hoey Ainscough Associates Limited to carry an independent review of the Hearing process. Hoey Ainscough Associates Limited is a an independent nationally recognised practice offering support to all tiers of local government on the full spectrum of matters relating to governance and the Localism Act 2011 local standards framework for members.
- 2.2 In the course of the review, the investigator has had full access to the electronic file relating to this matter, the information published by the Committee Services including the report and the supporting documentation considered at the Hearing. In addition, the investigator conducted their own interviews with the officers and councillors as deemed appropriate.
- 2.3 The report in full is enclosed in Appendix A. The findings are set out in paras 90 – 115 (inclusive), the conclusions are set out in paras 116 – 123 (inclusive), and recommendations are set out in paras 124 – 127 (inclusive).
- 2.4 In view of the procedural failings identified by the report, the Monitoring Officer obtained an external legal advice from the governance experts at Bevan Brittan LLP. The advice is set out in Appendix B. Please note this advice is private and confidential and subject to legal privilege and **must not** be shared or distributed further. Failure to do so will be treated as a breach of confidentiality under the Member Code of Conduct and will result in the withdrawal of the Council's indemnity in the event of resulting liabilities, claims and damages.

3. Options appraisal and proposal

- 3.1 Option 1 (recommended) – determine that the decision made by the Hearing stands, is final, cannot be re-opened and no further action shall be taken.

Whilst the review report identified certain procedural failings in respect of the Hearing, none of the failings had been identified as substantial or serious; likewise, the report does not indicate that the failings were such so as to impair the decision-making process. The subsequent legal opinion clearly states that there are no grounds for setting the Hearing decision aside, and that to do so would expose the Council to significant risk.
- 3.2 Option 2 (recommended) – accept the recommendations set out in paras 124 – 127 (inclusive) of the report in Appendix A.

The recommendations in paras 124 – 127 (inclusive) of the report seek to enhance arrangements within the local standards framework for members and present an opportunity to improve governance and demonstrate a positive approach to continuous improvement. This will also assist the

Council to discharge its duties under the relevant provisions in the Localism Act 2011 in a more effective and transparent way.

- 3.3 Option 3 (not recommended) – do not accept the recommendations set out in paras 124 – 127 (inclusive) of the report in Appendix A.

By not accepting these recommendations and not addressing the points raised and undertaking the relevant updating, the Council will continue to rely on the arrangements which potentially may expose the Council's decisions to challenge.

- 3.4 Option 4 (not recommended) – determine that the decision made at the Hearing be set aside and refer the matter back for rehearing.

Neither the report nor the subsequent legal opinion indicate that the Hearing decision is unsafe and should be set aside. In fact, section 4.2 of the legal opinion provides detailed explanation and the rationale why the Hearing decision should not be referred back for rehearing.

4. Risk implications

- 4.1 Each of the options has its own risk implications as set out below.

- 4.2 Option 1:

- (a) Reputational risk: whilst the procedural failings which have been identified by the external review are not considered substantial and did not materially affect the fairness of the Hearing and its decision, the perception and public trust may be affected. This risk can be mitigated by clear and transparent explanation of the rationale for the decision.

- 4.3 Option2:

- (a) Operational risk: review and implementation of the recommendations as set out in section 3.2 above will require changes to the existing processes and will require resource allocation and training. This risk can be mitigated by prioritising resource allocation and outsourcing where necessary.

- 4.4 Option 3:

- (a) Corporate risk: not taking into account and not implementing expert recommendations may be construed as a lack of commitment to continuous improvement and addressing governance issues. As a wider implication this may also be construed as contrary to the aims of the Governance theme in the emerging Improvement and Recovery Plan, which Plan is in accordance with the Best Value Report Recommendation 9.
- (b) Legal risk: potential legal challenge as per comments in section 3.3 above.
- (c) Reputational risk: not addressing the identified governance issues are likely to lead to erosion or loss of public trust and confidence in local government generally and the Council in particular.

These risks can be mitigated by not proceeding with Option 3.

4.5 Option 4:

- (a) Corporate risk: disregarding advice from the subject matter expert and referring this matter to rehearing may be construed as a lack of commitment to sound decision making and governance.
- (b) Legal risk: high risk of exposure to legal challenge, liability and employment related claims.
- (c) Financial risk: potential costs relating to rehearing and / or legal challenge by the complainant and / or employment related claims (including professional fees and officer time).
- (d) Reputational risk: high risk of adverse publicity relating to the rehearing and / or legal challenge by the complainant and / or employment related claims.

These risks can be mitigated by not proceeding with Option 4.

5. Financial implications

The financial implications of the options are set out. The recommended options do have additional budgetary implications.

6. Legal comments

- 6.1 Under section 27 of the Localism Act 2011 the Council has a duty to promote and maintain high standards of conduct by its members.
- 6.2 The Localism Act 2011 (section 28(6)) requires local authorities to adopt arrangements for dealing with Member Code of Conduct complaints. By reviewing and updating the arrangements, the Council indicates its commitment to good governance.

Corporate implications

7. S151 Officer comments

- 7.1 The S151 Officer confirms that all financial implications have been taken into account and that the recommendations are fully funded from within the current and future years budget.

8. Monitoring Officer comments

- 8.1 The Monitoring Officer confirms that the relevant legal implications have been taken into account.

9. Procurement comments

- 9.1 There are no procurement implications directly arising from this report.

10. Equality and Diversity

- 10.1 There are no implications directly arising from this report.

11. Sustainability/Climate Change Implications

11.1 None arising directly from this report.

12. Other considerations

12.1 None arising directly from this report.

13. Timetable for implementation

13.1 The decision of this Committee will be implemented without delay.

14. Contact

14.1 Linda Heron, Group Head Corporate Governance and Monitoring Officer
(l.heron@spelthorne.gov.uk)

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

Background papers: None.

Appendices:

Appendix A – Report prepared by Verina Wenham of Hoey Ainscough Associates
Limited dated 11 October 2025

Appendix B – Private and confidential advice notice from Bevan Brittan LLP dated 16
September 2025