

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	Y	26/01/26
Commissioner engagement (if report focused on issues of concern to Commissioners such as Finance, Assets etc)	N	
Relevant Group Head review	Y	10/02/26
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)	LH	10/02/26
Risk comments (circulate to Lee O’Neil)	LO	16/02/26
Legal comments (circulate to Legal team)	LH	10/02/26
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	10/02/26
S151 Officer commentary – at least 5 working days before MAT	T.Collier	15/02/26
Confirm final report cleared by MAT		

Standards Committee

25 February 2026

Title	Revised arrangements for dealing with allegations of a breach of the Members Code of Conduct
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	No
Exemption Reason	N/A
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Committee decision.
Recommendations	Committee is asked to: Approve the revised arrangements for dealing with standards allegations under the Localism Act 2011, including the procedure rules for the Hearing Sub-Committee.
Reason for Recommendation	A review of the Council's arrangements has been undertaken and a revised process and procedures developed in light of external recommendations, to give clarity to all those involved as to what to expect when a complaint is made.

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

What is the situation	Why we want to do something
<ul style="list-style-type: none"> The Localism Act 2011 requires that Local Authorities must have arrangements in place for making and investigating complaints against councillors alleging breaches of the Code of Conduct. The contents of the arrangements are a matter for the local authority. 	<ul style="list-style-type: none"> External review commissioned in relation to a Standards Hearing process contained several recommendations relating to the Council's current arrangements.

<ul style="list-style-type: none"> The Council's current arrangements were adopted in March 2022. 	
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> Adopt revisions to our arrangements to improve and clarify the process for all parties involved. 	<ul style="list-style-type: none"> Adopt the revised arrangements and associated appendices, as appended to this report.

2. Key issues

- 2.1 This report seeks adoption of revised arrangements for dealing with standards allegations under the Localism Act 2011, including procedure rules for the Hearing Sub-Committee of the Standards Committee.
- 2.2 The proposed revised arrangements and Sub-Committee procedure rules are intended to assist all parties involved and reflect the recommendations which arose in the course of the external review of the Standards Hearing process.
- 2.3 The Localism Act 2011 requires that Local Authorities must have arrangements in place for making and investigating complaints against councillors alleging breaches of the Code of Conduct. Apart from a requirement that the arrangements include provision to seek the views of an Independent Person, the contents of the arrangements are a matter for the Local Authority.
- 2.4 It is important that the arrangements are clear, concise, and informative. [The arrangements are a public document](#) which advises those wishing to make a complaint, and those subject to a complaint, how to make a complaint and what to expect from the process.
- 2.5 The Standards Committee has been delegated by Council to:
- keep an overview on the arrangements for dealing with complaints under the Code of Conduct, making alterations and publishing them where it considers necessary; and
 - devise such further protocols and procedures as are necessary for the efficient management of complaints which have to be considered by a Hearings panel.
- 2.6 Initial review of the Council's arrangements had been undertaken in late 2024 – early 2025. A fresh start approach had been used in revising the arrangements, in preference to piecemeal changes throughout the existing document, with the aim of providing a clearer and more informative document.
- 2.7 In undertaking that initial review, regard had been given to the Local Government Association's Member Model Code of Conduct [Complaints Handling guidance](#) and procedures adopted by other local authorities. In addition, the draft had been consulted on with the Council's Independent Persons and Paul Hoey of Hoey Ainscough Associates, who has provided support, advice and guidance on the Standards framework both to this Council and nationwide for many years.
- 2.8 Due to operational reasons, work on the revised arrangements had been postponed until the latter part of 2025. A report brought to this Committee on

22 October 2025 (agenda item 8) contained certain recommendations in relation to the Council's arrangements. The Committee vote did not reach a majority and therefore no decision had been made.

- 2.9 Article 10 of the Constitution sets out functions and areas of responsibility for Chief Officers; more specifically under para 10.3(d) the Monitoring Officer is required to "... contribute to the promotion and maintenance of high standards of conduct through provision of advice and support to the Standards Committee."
- 2.10 This reports and the proposal within it are brought to this Committee pursuant to the obligation in Article para 10.3(d) of the Constitution.
- 2.11 The revised arrangements have been presented to the Committee System Working Group on 26 January and have its full support.

Main points in the proposed revised arrangements

- 2.12 Clarity is provided at section 3. of the arrangements, on the initial assessment by the Monitoring Officer and the circumstances under which they may dismiss a complaint, after consultation with the Independent Person, fairly, objectively and without undue delay. The revised arrangements retain the right of the Monitoring Officer to refer a matter to a Standards Sub-Committee to make the initial assessment where the Monitoring Officer has a conflict of interest, or the matter is particularly high-profile.
- 2.13 Detailed guidance is included on Public Interest considerations (Appendix A to the arrangements) in relation to a decision whether to investigate a complaint.
- 2.14 A non-exhaustive list of circumstances under which no action will be taken as a result of the complaint are included as Appendix B to the arrangements.
- 2.15 The procedures following referral by the Monitoring Officer to the Assessment Sub-Committee (Appendix C to the arrangements) include clarity on:
 - (a) the ability of the Member complained about to submit their comments on the allegations to the Sub-Committee by 2 working days before it meets, if they wish, and
 - (b) that neither the Member nor the complainant will be invited to attend the Sub-Committee meeting but will be provided with a copy of the report to be considered by the Sub-Committee.
 - (c) That there is no right of appeal for the complainant or the member against the decision of the Assessment Sub-Committee.
- 2.16 The Investigation procedures at Appendix D confirm that the Investigating Officer's report remains confidential until, at least, a decision is made whether to convene a Standards Sub-Committee hearing.
- 2.17 The procedure rules to govern Hearing Sub-Committees (Appendix E of the arrangements) have been expanded to give more detail and clarity to those involved as to what to expect, before and at the Hearing. Hearings held by the Sub-Committee are a formal administrative process and the procedure rules have been developed to ensure principles of natural justice and fairness are upheld. Provided that the principles of natural justice are upheld, and the proceedings are fair and in the public interest, the Chair of the Sub-

Committee may exercise discretion in amending the order of business. The role of the Independent Person is also clarified for avoidance of doubt (para 2 of Appendix E of the arrangements).

- 2.18 The Hearing Sub-Committee procedure rules now include guidance to assist the Sub-Committee's deliberations at Annex A to Appendix E of the arrangements.

3. Options appraisal and proposal

Option 1 – approve the revised arrangements as proposed. **Recommended**

- 3.1 It is considered that the revised arrangements appended to this report provide improved clarity to all parties about the process which will be followed when an allegation of a breach of the Code of Conduct is received by the Monitoring Officer. The revised arrangements seek to provide for a response to complaints in a timely manner, fairly, transparently and in the public interest. The risks of failing to uphold the principle of natural justice in the conduct of a Hearing, is mitigated by adopting detailed procedure rules for the Hearing Sub-Committee.

The revised arrangements incorporate recommendations resulting from an external review intended to bring the Council's arrangements in line with best practice.

Option 2 – Do nothing. **Not recommended**

- 3.2 The Council's current arrangements are satisfactory and align with Government guidance. However, experience has shown that in reality the procedures followed in the assessment stage are more detailed than set out in the arrangements and that the lack of detailed procedures for Hearings has led to misunderstandings about what happens at the Hearing and the responsibilities of each party to the Hearing.

4. Risk implications

- 4.1 Regular review of arrangements for dealing with alleged breaches of the Members' Code of Conduct helps to satisfy the statutory duty to promote and maintain high standards of conduct by Members. Effective processes help to maintain and provide assurance of strong ethical governance and safeguard the Council from damage to reputation.

5. Financial implications

- 5.1 Whilst there are no financial implications arising from this report, there are costs associated with the investigation of Code of Conduct complaints, which vary from case to case, as well as costs for holding Sub-Committee Hearings. These costs are met from existing budgets.

6. Legal comments

- 6.1 The Localism Act 2011 (section 28(6)) requires local authorities to adopt arrangements for dealing with Member Code of Conduct complaints. Although the procedure for Hearings does not need to be published, by doing so,

ensures transparency and indicates the Council's commitment to good governance.

- 6.2 Section 28(7) of the same Act provides that the views of the Council's Independent Person must be sought and taken into account before the Council makes its decision on an allegation that it has investigated. The same section provides that any councillor who is being investigated may also seek the views of the Independent Person.
- 6.3 This report does not raise any additional legal issues.

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 the 2026-27 budget. As stated above there are costs associated with the investigation of Code of Conduct complaints which are met from existing budgets.

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 arising directly from this report.

10. Equality and Diversity

- 10.1 The Council's Standards regime complies with equalities legislation and there is sufficient flexibility in the arrangements and procedure rules to enable the Hearing Sub-Committee to accommodate any disability or equality issues and make reasonable adjustments to ensure fairness and accessibility on a case-by-case basis.

11. Sustainability/Climate Change Implications

- 11.1 None for the purposes of this report.

12. Other considerations

- 12.1 No other considerations have been identified.

13. Timetable for implementation

- 13.1 The revised arrangements will be effective immediately upon approval by the Standards Committee and the website will be updated accordingly.

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: There are none.

Appendices:

**Annex 1 – Arrangements for dealing with allegations of misconduct – track
change**

**Annex 2 – Arrangements for dealing with allegations of misconduct – clean
copy**