

West Surrey Shadow Authority		
Report title: Arrangements for Dealing with Allegations of Misconduct by Councillors and Co-Opted Members		
Report to: Constitution Sub-Committee		
Date: 6 August 2026		
Executive Portfolio Holder: Cllr. Victoria Kiehl Contact Email: Victoria.Kiehl@westsurrey.gov.uk		
Report of Statutory Officer: Susan Sale, Interim Monitoring Officer Contact Email: Susan.Sale@westsurrey.gov.uk		
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Wards affected: All Ward councillors informed: Yes		
Exempt from publication: No		
Key Decision: No	If a Key Decision, date registered on Forward Plan: N/A	
Report cleared for publication by:		
People Workstream	N/A	N/A
Equalities Impact Assessment complete	N/A	N/A
Senior Responsible Officer (or their delegate)	N/A	N/A
S151 Officer	Susan Sale on behalf of Vicky Radford	3 Aug 26
Monitoring Officer	Susan Sale	3 Aug 26
Executive Portfolio Holder consultation	Cllr Kiehl	3 Aug 26
Committee Chair consultation	Cllr Wilson	3 Aug 26
Head of Paid Service	Susan Sale on behalf of Andy Brown	3 Aug 26

1. Executive Summary

- 1.1** This report sets out suggested arrangements for dealing with allegations of member misconduct under the Code of Conduct, for adoption into the Constitution.
- 1.2** If the revised arrangements are accepted, they will replace the current Part 4:5 Part A: Arrangements for Dealing with Allegations and Determinations of Complaints Under Section 28(6) Localism Act 2011 and Appendix 1 - Sub Committee Hearing Procedure for determination of allegations about the Member Code of Conduct.

2 Recommendations:

- 2.1** That the Constitution Sub-Committee resolves to recommend that the Standards Committee:

Recommend to the Shadow Authority that the revised Standards Arrangements set out in Appendix One and Appendix Two to this report are agreed and that the Constitution be amended accordingly.

That the Standards Committee resolves to recommend that the Shadow Authority resolves to:

Adopt the revised Standards Arrangements set out in Appendix 1 and Appendix Two to this report into the Constitution with immediate effect.

3 Reason(s) for recommendation:

- 3.1** Having published Standards Arrangements will make the process clear for residents, members and officers, promote consistency in decision making, support the efficient and proportionate resolution of complaints and provide greater transparency in how allegations are handled.
- 3.2** The Localism Act 2011 requires Councils to have arrangements under which allegations can be investigated and decisions made. Although the Act does not expressly require those arrangements to be in the Constitution, the constitution is intended to describe how the shadow Authority operates and how decisions are made. Having the arrangements in the Constitution and showing the decision making, supports the overall purpose of the Constitution.
- 3.3** The revised arrangements are more operationally detailed and set out timescales and procedures rather than just the framework.

4 Next steps

- 4.1** If this report is approved by the Constitution Sub-Committee, then it will be considered by the Standards Committee who will decide whether to recommend the changes to the Shadow Authority at its next meeting.

5 Exemption from publication

- 5.1** This report is not exempt from publication.

6 Background and Proposal

- 6.1** In order to support Councils, the Local Government Association (LGA) produced a Model Code of Conduct in December 2020, for Councils to adopt in whole and/or with local variations. They keep this Code under annual review to ensure it continues to be fit- for-purpose, incorporating advances in technology, social media and changes in legislation.
- 6.2** West Surrey Council adopted its Code of Conduct at its meeting on 21 May 2026, and the Code is based on the LGA model code.
- 6.3** 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 have taken the LGA guidance into account, as they help to bring consistency for members and complainants.
- 6.4** The Council already has an adopted set of Standards Arrangements at 4.5 of the Constitution and the proposed revisions in the Appendices are a more developed and operational version rather than a fundamentally different procedure. The main differences are:-

Area	Current Constitution	Proposal
Level of Detail	High level procedure setting out powers and principles	Comprehensive operational procedure with step by step process for complainants and members

Initial Assessment	More concise with greater discretion over the procedure	Sets out the tests to be followed, public interest consideration and detailed rejection criteria
Timescales	Fewer timescales	Deadlines specified for all stages
Confidentiality	Core constitutional procedures	Detailed provisions on anonymity, confidentiality requests and disclosure
Informal resolution	Refers to this but in less detail	Extensive process including consultation, compliance and escalation
Investigations	Provides the framework	Full process including appointment reports and consultation with Independent Person
Hearings	Establishes Sub-Committee and its powers	Detailed hearing procedure including pre-hearing, witnesses, evidence, representation and deliberation
Sanctions	Lists available powers	Comprehensive list with aggravating and mitigating factors

7 Consultation

- 7.1 The portfolio holder has been consulted and her comments will be reported to the Sub-Committee.

8 Key Risks

- 8.1 There is a risk of a lack of transparency if the Council does not have a published set of arrangements. There is also a risk that complaints are not raised because members of the public are not aware of what happens to

them or have concerns about the process. The revised set of Arrangements sets out in more detail how the process will operate for both complaints and hearings.

9 Options

- 9.1** Not to agree any revision to the published arrangements.
- 9.2** To agree a revised set of arrangements. The Sub-Committee could recommend changes to the proposed arrangements.
- 9.3** To agree the proposed arrangements set out in Appendix One and Two. This is the preferred option as they are in line with recommended good practice and they support the LGA Code of Conduct.

10 Issues for consideration

10.1 Financial Implications

- 10.1.1 There are no financial implications to this report.

10.2 Section 151 Officer Commentary

- 10.2.1 There is nothing to add to the report

10.3 Legal Implications

- 10.3.1 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.

10.4 Monitoring Officer Commentary

- 10.4.1 The arrangements will support the Monitoring Officer and any designated deputy in carrying out their statutory duties.

10.5 People/Human Resources Implications

- 10.5.1 There are no HR implications.

10.6 Equality and Diversity Implications

- 10.6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 10.6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 10.6.3 The Equalities Comprehensive Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.
- 10.6.4 This duty has been considered in the context of this report and it has been concluded that there are no equality and diversity implications arising directly from this report.

10.7 Climate Change and Sustainability Implications

- 10.7.1 There are no implications arising from this report.

10.8 Stakeholders Implications

- 10.8.1 The arrangements for the shadow Authority will not apply to Parish Councils as these are still subject to the Sovereign Council's jurisdiction.

11 Overview & Scrutiny Comments

- 11.1 N/A

12 List of Appendices

12.1 Appendix 1 – Revisions to Part 4:5 Part A: Arrangements for Dealing with Allegations and Determinations of Complaints Under Section 28(6) Localism Act 2011

12.2 Appendix 2 - Revisions to Part 4:5 Appendix 1- Sub Committee Hearing Procedure for determination of allegations about the Member Code of Conduct.

13 List of Background papers

13.1 LGA – Guidance on Member Model Code of Conduct Complaints Handling