

Legal Services, Law & Governance

Report of: Director of Law & Governance and Monitoring Officer

Meeting of: Standards Committee

Date: 9 July 2024

Subject: Review of Arrangements for Dealing with Standards Allegations

1. Synopsis

- 1.1. To seek the Standards Committee's approval of a revision of the council's Arrangements for Dealing with Standards Allegations (June 2012) ("the Procedure") to ensure that it is up to date, accessible and fit for purpose.

2. Recommendations

- 2.1. To approve the Procedure as set out in **Appendix A**.

3. Background

- 3.1. The Standards Committee is responsible for:
 - a) Advising the council on the adoption or revision of the council's Member Code of Conduct ("the Code");
 - b) Considering whether complaints of breach of the Code should be investigated and hearing complaints which have been investigated.
 - c) Agreeing procedures for investigation of complaints of breach of the Code.
- 3.2. The system of regulation of standards of councillor conduct in England is governed by the Localism Act 2011. Local authorities must have in place arrangements under which allegations that a member has failed to comply with the authority's code of conduct can be investigated and decisions on allegations be made. As part of those arrangements, they must appoint at least one Independent Person whose views must be sought and taken into account before making a decision on an allegation that it has decided to investigate.

- 3.3. The council has adopted a Code of Conduct for its members which is in Part 6 of the Constitution which is on the council's website.
- 3.4. The council has in place Arrangements for Dealing with Standards Allegations which sets out how allegations that one or more of its members has failed to comply with the Code can be investigated and decisions on allegations can be made. The Procedure is published on the council's website.
- 3.5. The current version of the Procedure, drafted in June 2012, was updated and approved by the Standards Committee on 27 June 2023.
- 3.6. Officers reviewed the current Procedure against the Local Government Association's Member Model Code of Conduct Complaints Handling guidance and have reviewed the Procedures of other (London) local authorities.
- 3.7. Officers brought the revised version of the Procedure to the 15 March 2023 and 27 June 2023 Committee meetings.
- 3.8. The Independent Person, Luke Rigg, was consulted in the re-drafting of the Procedure in 2023. The Independent Person also attended the Committee meeting on 15 March 2023 and provided his views.
- 3.9. Officers made further amendments to the Procedure, incorporating feedback obtained from the Committee and the Independent Person at the last meeting on 15 March 2023.
- 3.10. Officers recommend the Standards Committee to provide its approval of the current version of the Procedure at **Appendix A**.

4. Implications

4.1. Financial Implications

There are no financial implications.

4.2. Legal Implications

Under Section 28 of the Localism Act 2011, local authorities (other than parish and town councils) must have in place 'arrangements' under which allegations that an elected or co-opted councillor of the authority or of a town or parish council within the principal authority's area has failed to comply with the authority's Code of Conduct can be considered and decisions made on such allegations. It is for the principal authority to decide the details of those arrangements, but they must appoint at least one Independent Person whose views are to be taken into account before making a decision on a complaint that they have decided to investigate.

4.3. **Environmental Implications and contribution to achieving a net zero carbon Islington by 2030**

There are no environmental implications.

4.4. **Equalities Impact Assessment**

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

There is no impact on equalities matters at this stage.

5. Conclusion and reasons for recommendations

5.1. The Committee is asked to consider and approve the Procedure.

Appendix:

Appendix A – Arrangements for Dealing with Complaints under the Members' Code of Conduct (2023)

Background papers: None

Final report clearance:

Authorised by: **Alison Stuart, Director of Law & Governance and Monitoring Officer**

Date: 1 July 2024

Legal Implications Author: **Sonal Mistry, Senior Lawyer (Governance)**

Tel: 020 7527 3833

Email: sonal.mistry@islington.gov.uk