

Advice note from the Head of Legal Services

At the Audit and Standards Committee of 23 November a question was raised during consideration of the report on the quarterly update of the ethical framework. The question raised was about why a complaint against Cllr Iszatt was not included in the report

The quarterly ethical framework reports are based on the requirements set out in the Localism Act 2011, which requires Local Authorities to have in place a Councillor Code of Conduct and a procedure for dealing with complaints alleging a breach of the Code. The relevant sections of the Localism Act are set out below.

The Monitoring Officer's quarterly report to the Audit and Standards Committee provides the number of code of conduct complaints received and dealt with during the preceding quarter. The complaint concerning Cllr Iszatt did not allege a breach of the Councillor Code of Conduct but was a matter of electoral law pursuant to the Local Government Act 1972. It was not therefore a complaint which was appropriate for inclusion in a report about ethical standards.

Localism Act 2011

S27 (1) Provides a duty for Local Authorities to promote and maintain high standards of conduct by Members and Co-opted Members of the authority.

S27(2) Provides that in discharging its duty a Local Authority must adopt a Code of Conduct dealing with the conduct that is expected of Members and Co-opted Members of the authority when they are acting in that capacity.

S27 (6) Provides Local Authorities must have in place:-

- (a) arrangements under which decisions on allegations (*of a breach of the Code of Conduct*) can be made and
- (b) arrangements under which decision on allegations can be made.

Nathalie Boateng

2 December 2021