

Subject: Amendment of Hearing
Procedures

Status: For Publication

Report to: Standards Committee
Governance Working Group
Full Council

Date: 24th February 2009
To be confirmed
25th March 2009

Report of: Executive Director – Business

Portfolio

Holder: Finance and Resources

Key Decision: No

Forward Plan

General Exception

Special Urgency

1. PURPOSE OF REPORT

- 1.1 To update the current Standards Hearing procedures and to introduce a new Consideration / Pre hearing and Hearing Sub Committee for the determination of complaints about Members
- 1.2 To introduce a procedure for cases referred for investigation by the Monitoring Officer.

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective.
- Well Managed Council (Improvement, Community Network)

3. RISK ASSESSMENT IMPLICATIONS

- 3.1 It is important to ensure that all complaints about Members are handled consistently, transparently and fairly. To not have clear and transparent processes could lead to a loss in public confidence.

4. BACKGROUND AND OPTIONS

- 4.1 The Standards Committee has previously approved pre-hearing and hearing procedures based on guidance issued by the Standards Board. However, these procedures required updating in the light of the Standards Committee (England) (Regulations) 2008. New investigation, pre-hearing and hearing procedures, based on the Committee's existing practice, but updated to comply with the new Regulations are required to be considered.
- 4.2 The main purpose of adopting the procedure is to ensure the complaint process operates consistently, transparently and fairly. Moreover, it is important that complainants, Members and the public have confidence in the Committee's complaint-handling arrangements as well as understanding the process that will be followed.
- 4.3 The draft Terms of Reference are set out in Appendix 1 to the report.
- 4.4 The draft Composition of the Sub-Committee is set out in Appendix 2.
- 4.5 The proposed Consideration, Pre-hearing and Hearing procedure is attached at Appendix 3 to this report.
- 4.6 The proposed procedure for cases referred for investigation by the Monitoring Officer is attached at Appendix 4.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

- 5.1 No specific financial implications arising from the report.

6. MONITORING OFFICER

- 6.1 Nothing further to add to the report.

7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 7.1 No implications on human resource matters.

8. CONCLUSION

- 8.1 The Committee must establish a procedure to ensure that all complaints about Members are handled consistently, transparently and fairly.

9. RECOMMENDATIONS

- 9.1 That the Committee recommends to the Governance Working Group and Full Council that the Consideration Pre-Hearing and Hearings procedure as set out

in Appendix 1 to this report is adopted and the Constitution amended accordingly.

- 9.2 That the Committee recommends to the Governance Working Group and Full Council that the procedure for cases referred for investigation by the Monitoring Officer as set out in Appendix 2 to this report is adopted and the Constitution amended accordingly.

10. CONSULTATION CARRIED OUT

- 10.1 Portfolio Holder for Finance and Resources

11. EQUALITY IMPACT ASSESSMENT

Is an Equality Impact Assessment required No

Is an Equality Impact Assessment attached No

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

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No background papers