

Agenda Item No:

Report to: Standards Committee

Date of Meeting: 4 December 2008

Report Title: REVIEW OF PROCEDURES FOR INVESTIGATION AND DETERMINATION OF COMPLAINTS

Report By: Jayne Butters
Borough Solicitor

Purpose of Report

The report seeks the approval of Standards Committee to revised procedures for investigation and determination of complaints

Recommendation(s)

1. That the revised procedures are adopted with immediate effect;
2. That the Committee appoints a Consideration and Hearings Sub-Committee

Reasons for Recommendations

The recommendations take account of the revisions required by the Standards Committee (England) Regulations 2008 and Standards Board Guidance.

Background

Standards Committee (England) Regulations 2008

1. These Regulations are made to give effect to and regulate the local assessment of complaints alleging failure to comply with the member Code of Conduct. They also make provision for investigation of such allegations and determination and imposition of sanctions by the Standards Committee.
2. It is necessary to amend the existing procedures for local investigation and determination of complaints to take account of the Regulations and the Standards Board Guidance. The Regulations require that Standards Committee has regard to Standards Board Guidance in the conduct of hearings. The Standards Board Guidance, which will be added to the ring-binder of documents supplied to

members in assessment, review or hearings meetings, can be accessed on www.standardsboard.gov.uk.

Standards Committee Hearings

3. Members are aware of the Policy and Procedure relating to the Assessment of Complaints alleging breach of the Code of Conduct which was adopted by Committee in June 2008.
4. Under that Policy, the Committee appointed two sub-committees, the Assessment Sub-Committee and the Review Sub-Committee. The Regulations require that the membership of the two Sub-Committees be different when considering the same complaint.
5. There is no prohibition on members, who have previously considered the matter either on the Assessment Sub-Committee or the Review Sub-Committee, sitting on the committee or sub-committee which undertakes the hearing. This is on the basis that the consideration at the assessment or review stage was based on the complaint alone and when the matter comes for hearing the Committee or Sub-committee will have the benefit of the Investigating Officer's report and the evidence of any witnesses called.
6. The Regulations permit Standards Committee to appoint a sub-committee to conduct the consideration of reports (ie where the Investigating Officer has made a finding of no failure to comply with the Code of Conduct) and to conduct full hearings. The Standards Board Guidance suggests that the Committee appoints a Consideration and Hearings Sub-Committee, though the Committee is able to undertake these functions under the Regulations.
7. Members are requested to consider whether they wish to appoint a sub-committee for this purpose or to retain this function for the full Committee. If a sub-committee is to be appointed, it is suggested that it consists of three members, an independent chair and at least one councillor to comply with the Regulations. To maintain flexibility it is suggested that the appointment of members be from the pool of Standards Committee members.
8. Alternatively, members may consider that the full Committee should undertake this function. The full membership of the Committee is 8 and the Committee is politically balanced.

Revised Procedures for Investigations and Hearings

9. Committee is referred to the revised procedures set out in Appendices A and B. The proposed amendments take account of the changes required by the Regulations and the Standards Board Guidance. The revisions are shown on the documents for ease of reference.
10. Committee is requested to adopt the revised procedures with immediate effect.



Wards Affected

None

Area(s) Affected

None

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	Yes
Organisational Consequences	Yes

Supporting Documents

Appendix A - Procedure for Investigation of Complaints
Appendix B - Procedure for hearing of Complaints by Standards Committee
Standards Committee (Regulations) 2008 No. 1085
Standards Board Guidance - Standards Committee Determinations.

Officer to Contact

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Appendices A and B to this report could not be published on the Council's website because they are web pages. Hard copies may be obtained from Elaine Wood, Principal Committee Administrator, telephone 01424 451717, email ewood@hastings.gov.uk.

