

Report to: Annual Standards Committee

Date of Meeting: 16th May 2019

Report Title: Review of Investigations and Hearings Procedure

Report By: Chris Barkshire-Jones Chief Legal Officer and Statutory Monitoring Officer

Purpose of Report

To review the Standards Hearings and Investigations procedures originally adopted by Council in 2012.

Recommendation(s)

1. To agree the amended procedures for Standards Hearings and Investigations.

Reasons for Recommendations

The Standards Hearings and Investigation procedures have not been reviewed since 2012.

1. Background

1.1 Under the old Standards regime every complaint had to be referred to a sub assessment of the Standards Committee. This was held in private and consisted of three members of the whole Standards Committee. The reasoning behind this is that a private meeting is normally convened to seek Monitoring Officer (or Deputy Monitoring Officer) instruction as to whether an investigation is necessary or the matter ceases there. Also under that regime there used to be an appeal process so if an appeal came in the other half of the Standards Committee could hear it.

2. Current Procedure

2.1 There still could be a need for initial assessment from a meeting held in private. Although this can be by the whole Standards Committee. Decisions to be made here are instruction to the Monitoring Officer (or Deputy Monitoring Officer) to carry out further investigation, instruct the Monitoring Officer (or Deputy Monitoring Officer) to book a hearing in public or for the matter to cease there as the Standards Committee do not believe there is any breach. An additional decision for the Standards Committee to make is where there is a technical breach such as not declaring a personal interest. Obviously all decisions need to be decided on a case by case basis but if the councillor involved has remedied the technical breach a full public hearing should not be necessary. It is disproportionate in stress to those concerned and cost to the Council.

2.2 For some cases it may be necessary for the Monitoring Officer (or Deputy Monitoring Officer) to ask another Local Authorities Monitoring Officer or another Local Authorities Standards Committee to hear the complaint due to the sensitivity of the complaint or a conflict of interest.

2.3 The Localism Act 2011 gave the Monitoring Officer discretionary power to deal with complaints where in her opinion it does not warrant referral to a formal Standards Committee. In those cases it is usual practice for the Monitoring Officer (or Deputy Monitoring Officer) to liaise with the Chair of Standards Committee (or Vice-Chair in his / her absence) and one or both Independent Persons.

2.4 The Monitoring Officer brings an annual report to the Standards Committee to inform members of the Committee how many complaints have been received in the previous municipal year and how they have been dealt with.

3. New Procedure

3.1 The Code of Conduct Investigation Procedure set out at Appendix 1 sets out the procedure which will be followed once a decision has been taken by a sub-assessment committee that an allegation of misconduct by a member should be investigated further.

3.2 The Code of Conduct Hearings Procedure set out at Appendix 2 sets out the process which will be followed when a decision has been taken that a public hearing as to whether a councillor has breached the code of conduct is required. This would normally follow a private sub-assessment hearing where members of the Standards Committee will consider if a public hearing is necessary.

Wards Affected

None

Policy Implications

Have you checked this report for plain English and readability? Yes

Climate change implications considered? Yes

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

Equalities and Community Cohesiveness	No
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
Local People's Views	No
Anti-Poverty	No

Additional Information

Appendix 1 - Code of Conduct Investigation Procedure

Appendix 2 - Code of Conduct Hearings Procedure

Officer to Contact

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