



STANDARDS COMMITTEE

22 JANUARY 2009

Report of the Interim Head of Civic Democratic and Legal Services

HEARINGS PROCEDURE

Summary

1. The Standards Committee needs to ensure that it has in place all the necessary procedures to support the local determinations framework . This report sets out the procedures to be covered from the Assessment Sub Committee decision to investigate to the hearing in front of the Hearings Sub Committee.

Background

2. The local assessment of complaints was introduced from May 2008 by the Local Government and Public Involvement in Health Act 2007 which amended the Local Government Act 2000. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.
3. The regulations set out the framework for the operation of a locally-based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.
4. The Standards Committee has established the Assessment Sub Committee, the Hearings Sub Committee and the Review Sub Committee to consider complaints received by the authority. These sub committees have terms of reference and there is in addition a set of criteria for the Assessment Sub Committee when considering whether to ask for a complaint to be investigated. There is also a Monitoring Officer protocol for handling complaints.
5. At the moment, the Standards Committee has not adopted a procedure for dealing with cases where the Assessment Sub Committee decides to refer a complaint for investigation. Standards for England have published extensive guidance on this which has been used as the basis for cases so far and for the procedure attached as an appendix to this report.

Options

6. The Standards Committee is asked to comment on and agree the procedure attached as Annex 1 to this report. If the Standards Committee does not agree to a procedure there is a risk that hearings will not be conducted properly which may be prejudicial to members and complaints and to the reputation of the Council.

Analysis

7. The procedure attached at Annex 1 is designed to take the local determination process forward from the decision of the Assessment Sub Committee on the original complaint to the end of any hearing. It does not repeat the terms of reference of the various sub committees but needs to be read in the context of those terms of reference. The intention is that this procedure will be available on the Council's website and will also be sent out following the Assessment Sub Committee's decision.
8. The procedure does not cover detailed administrative processes which need to be undertaken by officers in support of the published process.
9. Standards for England has published extensive guidance on the procedures to follow but this is not accessible to most people and is silent in crucial areas such as the actual hearing. It is important that members are not disadvantaged by not understanding the process being adopted and it is also important that members of the public including complainants are aware of the way in which the Standards Committee carries out its responsibilities.
10. The other aim of the procedure is to ensure that by the time the case gets to the actual hearing, the issues in front of the Sub Committee are clear and understood. The aim is to avoid as far as possible the late submission of information and to ensure that matters in dispute are known so they can be the focus of the hearing.

Corporate Priorities

11. The Standards Committee's management of the local assessment framework contributes to its key role in maintaining high ethical standards. This in turn is an essential part of the 'Effective Organisation' strand of the Corporate Strategy. Effective ethical governance is a key aspect of corporate governance overall which is an important priority for the Council.

Implications

12. All relevant implications of the proposals have been considered. There are no implications in any of the areas.

Risk Management

13. The risks associated with agreeing the recommendation are very limited. There are more risks associated with a failure to agree as this would leave the Council without an adopted procedure for dealing with these cases which would be potentially damaging the Council's reputation and prejudicial to members against whom complaints have been made.

Recommendations

That the Standards Committee agrees to adopt the procedure attached as Annex 1 to this report.

Reason: In order to ensure that a proper process is adopted in managing complaints against members.

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	Report Approved	√	Date 06/01/10
Specialist Implications Officer(s) None			
Wards Affected: <i>List wards or tick box to indicate all</i>			All x
For further information please contact the author of the report			

Background Papers:

There are no documents which are required to be listed which have been used in the preparation of this report.

Annexes:

Annex 1: Procedures after the Assessment Sub committee