

TO: STANDARDS COMMITTEE - 14 FEBRUARY 2007
SUBJECT: FORMAT OF STANDARDS COMMITTEE HEARINGS
FROM: LEGAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To recommend to Council a procedure for Standards Committee hearings to deal with investigations passed to the Council from the Standards Board for England.
- 1.2 To provide members with an update on the latest information received on the amendments to the Code of Conduct.

2. BACKGROUND

- 2.1 At the training session of 25 January 2007 for Standards Committee members it was requested that the procedure discussed at the session be drawn up by officers and submitted to this Committee for recommendation to Council for approval.
- 2.2 The draft procedure, attached as appendix A, is based on the procedure used by the Council for considering applications under the Licensing Act 2003. It was thought that this was the best process as it allowed the meeting to be open to the public and allowed members the assurance of receiving legal advice whilst making their decision.
- 2.3 The long awaited proposals for a revised Code of Conduct and related matters have been published by the Standards Board for consultation only and any impact of the consultation suggestions will be summarised for members in the oral presentation of this report.

3. POLICY AND BUDGET FRAMEWORK

- 3.1 The content of the report does not affect the Council's policy and budgetary framework of the Council.

4. RECOMMENDATIONS

- 4.1 The procedure for Standards Committee hearings to deal with investigations passed to the Council from the Standards Board for England, as set out at Appendix A, be recommended to Council for approval.

Simon Best
Head of Legal Services

BACKGROUND PAPERS

Standards Committee determinations; Guidance for Monitoring Officers and Standards Committees, by the Standards Board for England.

Areas in District Directly Affected: None

Key Decision: *No*

Included in Forward Plan: *No*

For further information about this report please contact:

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Standards Committees hearings procedure

General Introduction

The hearing will take place within three calendar months of the date of receipt by the Council's Monitoring Officer receiving the report from the Ethical Standards Officer (ESO) at the Standards Board for England.

A copy of the report will be passed to the member(s) who the allegation has been made about.

A hearing will be organised not less than 14 days after the member(s) received a copy of the report from the Monitoring Officer. The member(s) will be asked if they disagree or agree with any findings of the report, and they will be represented by another person at any hearing that may take place..

If the member against whom the complaint is made does not attend the Committee can still consider the case.

The hearing would normally take place in one sitting or consecutive sittings of no more than one working days e.g. two half days.

Make up of the panel

The panel to determine the case will be made of at least three members of the Standards Committee, who have received the necessary training.

The panel will comprise of at least one independent member and if the case relates to a parish or town councillor then a parish or town council member of the Committee must be on the panel.

Prior to the hearing

Once the panel membership has been set a pre-hearing meeting will be arranged to consider:

- The comments from the member(s) who the complaint is against on the ESO report;
- Decide if a hearing is necessary in light of the above;
- Decide the evidence they want to hear about during the hearing;
- Decide what parts (if any) will be heard in private;
- Decide if any information or parts of the ESO's report should withheld from the public;
- Decide on any witnesses which may need to be called.
- An officer may be asked to assist the Panel by presenting the case against the accused Member. The Monitoring Officer or Deputy Monitoring Officer will be advise the Panel.
- Any variations to the model procedure required by matters or circumstances particular to the case.

An agenda and report will be published and sent to all parties concerned in the case. This report will be available to the public.

At the hearing

The meeting will generally follow the order stated below:

- The Chair will introduce the meeting and ask everyone to introduce themselves.
- The Chair will explain the procedure
- The Officer presenting the case against the member will outline the case before the panel
- The Member complained about will then outline their case and comment upon the allegations.
- The Panel may then question the Member to assist in the understanding of relevant facts or suggestions.
- The Member may then ask witnesses to present evidence to assist the Panel to understand the events complained of.

- The panel will then question witnesses presented in support of the Member.
- Witnesses who have evidence which does not support the Member's case will then be called.
- The Member complained about will then be given the opportunity to question the witnesses
- The officer presenting the case against the member will be asked to sum up.
- The Member complained about will then be asked to sum up
- The Committee will retire to another meeting room with the Monitoring Officer or Deputy Monitoring Officer (who will provide advice if requested) to form their decision
- The Committee will return to the meeting room and the Monitoring Officer or Deputy Monitoring Officer will outline the decision that they have made, the reasons for the decision, along with the rights of appeal.

After the hearing

All parties concerned will be notified of the decision in full within 5 working days of the meeting.