

Agenda Item

REPORT OF Senior Solicitor & Monitoring Officer

To: Standards Committee

Subject: Hearing Procedure

Date: 8 March 2017

Reference: JH

PURPOSE OF REPORT:

To consider the introduction of a hearing procedure for the determination of Standards Committee complaints in relation to the Members Code of Conduct.

1. INTRODUCTION

The Council does not currently have an adopted hearing procedure in relation to the determination of complaints under the Members Code of Conduct. While it is not essential to have such a procedure, it may assist the Committee in this role if it were to be given a more clearly defined structure.

2. REPORT

The purpose of this report is to give the Committee an opportunity to reflect on the recent Code of Conduct determination, and to decide whether or not to adopt a procedure to assist with the mechanics of any further determinations. While there is currently no formally adopted hearing procedure, an outline of some of the key steps was used as an aide memoir at the last determination. A copy of this is attached to this report for reference at **Appendix A**.

Also attached at **Appendix B** are copies of a 'Chairman's Guide to Standards Committee Hearings', and two documents entitled 'Form A' and 'Form B'. These documents were previously in use under the old Standards regime, before it was done away with by a change in legislation. They are reproduced now so that the Committee can consider whether it wishes to incorporate any or all aspects into a new procedure. Form A and Form B could be particularly helpful in establishing a clear record of disputed findings of fact and additional evidence in advance of the hearing.

3. IMPLICATIONS

Legal Implications

There are none identified

Financial Implications

There are none identified

Human Resources Implications

There are none identified.

Sustainability Implications

There are none identified

Equality/Diversity

There are none identified.

Risk Management

There are none identified

Compliance with Policies and Strategies

There are none identified

Ward Member and Lead Member Views

Cllr Ken Carroll: Any matters considered by the Committee should be done in a fair and consistent manner. Those attending a Standards Committee hearing may benefit from the additional predictability a written procedure provides.

4. CONCLUSIONS

The Committee is asked to consider whether it wants to adopt a hearing procedure, and if so, what it should contain.

5. RECOMMENDATIONS

That the Committee consider whether it wants to adopt a hearing procedure, and if so, what it should contain.

SUPPORTING INFORMATION

Consultations: Cllr Ken Carroll

Contact Officer: Jamie Hollis

Background Papers: Standards Committee Terms of Reference, Torridge District Council Members Code of Conduct.