



Standards Committee Report

Report of: Monitoring Officer

Date: 24 June 2015

Subject: Establishment of Consideration and Hearing Sub-Committees

Author of Report: Dave Ross, Democratic Services

Summary:

To approve the establishment of Consideration and Hearing Sub-Committees following the adoption by Full Council of the revised Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members.

Recommendations:

That this Committee (i) establishes a Consideration Sub-Committee and a Hearing Sub-Committee in accordance with Article 9 of the Constitution to discharge the functions in relation to considering investigation reports and hearing complaints in accordance with the Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members adopted by Full Council on 25 March 2015;

(ii) agrees that the membership of the Sub-Committees shall be three Members plus one non-voting co-opted member should be present and, where a Parish or Town Council matter is being considered, a representative of the Parish or Town Councils should also be present; and

(iii) delegates authority to the Director of Legal and Governance to make the necessary arrangements for the meetings of the Consideration and Hearing Sub-Committees to be held as and when required.

Background Papers: NONE

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
NO Cleared by:
Legal Implications
NO Cleared by: Gillian Duckworth
Equality of Opportunity Implications
NO Cleared by:
Tackling Health Inequalities Implications
NO
Human rights Implications
NO:
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Area(s) affected
NONE
Relevant Cabinet Portfolio Lead
Councillor Ben Curran (Finance and Resources)
Relevant Scrutiny Committee if decision called in
Not applicable
Is the item a matter which is reserved for approval by the City Council?
NO
Press release
NO

ESTABLISHMENT OF CONSIDERATION AND HEARING SUB-COMMITTEES

1.0 Introduction

- 1.1 The meeting of this Committee on 22 January 2015 considered a revised Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members and this was adopted by Full Council at its meeting on 25 March 2015.
- 1.2 The revised Procedure included a process for investigations and consideration of the Investigating Officer's report by a Consideration Sub-Committee and, where necessary, a Hearing Sub-Committee to decide if there had been a breach of the Members' Code of Conduct. This report seeks formal approval to the establishment of the Sub-Committees.

2.0 Arrangements for the Sub-Committees

- 2.1 Where a complaint has been referred for investigation by the Monitoring Officer, the Consideration Sub-Committee will consider the Investigating Officer's report and, after taking the views of the Independent Person into account, can:-

(a) take no action where there is no evidence of a failure to comply with the Code of Conduct or

(b) take no action where there is no evidence of a failure to comply with the Code of Conduct but make a recommendation to the Authority with a view to promoting and maintaining high conduct of standards in general (e.g. proposed changes to internal procedures or training for Members) or

(c) ask the Monitoring Officer, where possible, to seek a local resolution to the complaint or

(d) refer the matter to a Standards Committee Hearing.

- 2.2 The Hearing Sub-Committee will meet to consider a referral of a complaint and the Investigating Officer's report by (a) the Consideration Sub-Committee or (b) the Monitoring Officer, in consultation with the Independent Person and Chair of the Standards Committee, if a local resolution has not been possible. The Sub-Committee will:-

- Make findings of fact
- Decide if there has been a breach of the Members' Code of Conduct
- Consider the remedies/sanctions available if there is a finding that the Member has breached the Code of Conduct and make recommendations accordingly.

- 2.3 The membership for both Sub-Committees shall be three Members drawn from the members of the Standards Committee. As set out in

Article 9 of the Constitution, the quorum of any Sub-Committee of the Committee is three Members and must include representatives of two political parties. The quorum arrangements also require that one non-voting co-opted member should be present at meetings of the Committee and where a Parish or Town Council matter is being considered, a representative of the Parish or Town Councils should also be present and it is proposed that these arrangements should continue for the Sub-Committees.

3.0 Recommendations

3.1 That this Committee (i) establishes a Consideration Sub-Committee and a Hearing Sub-Committee in accordance with Article 9 of the Constitution to discharge the functions in relation to considering investigation reports and hearing complaints in accordance with the Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members adopted by Full Council on 25 March 2015;

(ii) agrees that the membership of the Sub-Committees shall be three Members plus one non-voting co-opted member should be present and, where a Parish or Town Council matter is being considered, a representative of the Parish or Town Councils should also be present; and

3.2 (iii) delegates authority to the Director of Legal and Governance to make the necessary arrangements for the meetings of the Consideration and Hearing Sub-Committees to be held as and when required.

Monitoring Officer