



<b>REPORT OF:</b>	<b>Director of HR, Legal &amp; Corporate Services</b>
<b>TO:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>15<sup>th</sup> March 2017</b>

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**SUBJECT: Establishment of a Standards Hearings Panel**

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## **1. PURPOSE OF THE REPORT**

To enable the Standards Committee to consider the establishment of a Standards Hearings Panel for the local hearing of complaints against members.

## **2. RECOMMENDATIONS**

The Committee is asked:

2.1 That the Standards Committee establish a Sub-Committee, constituted in accordance with the Council's Arrangements for dealing with complaints that Council Members have failed to comply with the Code ("the Arrangements"), to act as a Hearings Panel for the local hearing of complaints against Members.

2.2 That the Standards Committee delegates to the Hearings Panel the function to determine complaints, referred to it under the Arrangements.

2.3 Considers the draft procedure for the Hearings Panel for adoption (Appendix).

## **3. BACKGROUND**

In July 2012 the Council adopted a new Code of Conduct for Members ("the Code") in accordance with the requirements of the Localism Act 2011, together with arrangements for dealing with complaints that Council Members have failed to comply with the Code ("the Arrangements").

Under the Arrangements there are a number of stages through which a complaint that a Member has breached the Code should pass. The first of these is an 'Initial Assessment' stage at the conclusion of which the Monitoring Officer, having consulted with the Council's Independent Person, will decide whether to reject the complaint, seek informal resolution of the matter or refer the complaint for formal investigation. Where a complaint is referred for investigation, the Monitoring Officer will appoint an Investigation Officer to investigate the matter in accordance with the Monitoring Officer's guidance on investigating allegations of breach of the Code. Where the Investigation Officer's final report concludes that there is sufficient evidence of a failure by the Member concerned to comply with the Code, the Monitoring Officer, having reviewed the report and consulted with the Independent

Person, will either seek local resolution of the matter or send it for local hearing before the hearing panel.

The Arrangements provide that a local hearing panel shall be a sub-committee of the Standards Committee. They further state that the membership of the sub-committee will comprise of at least one of the Independent Members of the Standards Committee along with three elected Members of the Standards Committee drawn from at least two different political parties.

Following the adoption of the new Code, a detailed procedure for the local hearing of complaints by a hearing panel has yet to be adopted. A draft procedure for the Hearings Panel has been produced and is attached to this report (Appendix).

#### **4. RATIONALE**

To hold local hearings of complaints against Members the Hearings Panel must be formally established in accordance with the Arrangements adopted by Council. In order to ensure fairness in determining such complaints the Hearings Panel must follow a procedure that accords with the principles of natural justice.

#### **5. LEGAL IMPLICATIONS**

The statutory provisions for the Standards Framework are set out in the Localism Act 2011. The Committee's role, functions and powers are contained in the Council's Constitution. This includes the adoption of such procedures for the hearing and determination of any complaints as the Committee considers appropriate, and to appoint a Hearings Panel of the committee for the purposes of conducting a local hearing into any complaint referred by the Monitoring Officer.

The Council has delegated to the Hearings Panel powers to take action in respect of Subject Members as may be necessary to promote and maintain high standards of conduct. The range of actions available to the Hearings Panel are referred to in the Arrangements and also reflected in the draft Hearings Panel Procedure.

#### **6. POLICY IMPLICATIONS**

A governance framework in local authorities is necessary to promote and maintain high ethical standards, and to ensure public confidence. This includes adopting adequate procedures for local hearing of complaints against Members, and where it is found that a Member has failed to follow the Code of Conduct to take appropriate action.

## **7. FINANCIAL IMPLICATIONS**

None contained in this report.

## **8. CONSULTATIONS**

The Council's arrangements for promoting and maintaining high standards of conduct have been consulted with Members through briefing sessions prior to formal adoption by Council in July 2012. The Standards Committee may provide views and comments on the draft procedure before formal adoption.

### **Chief Officer/Member**

Contact Officer: Asad Laher, Deputy Council Solicitor/Deputy Monitoring Officer

Date: 31<sup>st</sup> January 2017

Background Papers:

**Appendix:** Blackburn with Darwen Borough Council Standards Committee - Hearings Panel Procedure (draft)