



<b>REPORT OF:</b>	<b>The Monitoring Officer</b>
<b>TO:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>15<sup>th</sup> March 2017</b>

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**SUBJECT:   Hearing Panel Arrangements – Complaint received re Councillor**

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

To provide an update to the Standards Committee in relation to the complaint made against a Councillor for an alleged breach of the Code of Conduct, and to make the arrangements for a meeting of the Hearings Panel.

## **2. RECOMMENDATIONS**

The Committee is asked to:

2.1 Note the Monitoring Officers action to refer the matter of the Complaint into the conduct of a Councillor to a Hearing Panel.

2.2 To nominate the Members of the Standards Committee to form a Hearing Panel to consider the matter of the Complaint into the conduct of a Subject Councillor as referenced in the report.

## **3. BACKGROUND**

The Committee has a role in promoting and maintaining high standards of conduct by councillors/members.

The Council Constitution sets out how matters such as complaints received in respect of alleged breaches of the Code of Conduct for Members should be addressed and handled ('Arrangements for dealing with complaints about the Code of Conduct for Members' – Part 5, Section 1 refers). **Appendix A**

At their meeting on 8<sup>th</sup> February 2017, the Standards Committee considered a report under part 2 where the Monitoring Officer sought a view from the Standards Committee in respect of the outcome of an Investigating Officers report relating to a complaint about the conduct of a Councillor.

The Committee resolved that they would recommend the Monitoring Officer to report the Investigating Officers findings to a Hearings Panel.

This report asks the Standards Committee to make the arrangements for that hearing.

## Constitution of the Hearings Panel

A report also on this Agenda sets out the establishment of the Standards Hearings Panel for the local hearing of complaints against members

As outlined in that report the Hearings Panel is a sub-committee of the Council's Standards Committee. The Council has decided that it will comprise of at least one of the independent members co-opted to the Standards Committee and three members of the Council drawn from at least two different political parties.

The Standards Committee therefore need to agree within this context who they are to nominate to constitute the Hearings Panel for this Councillor Complaint.

## Procedure for the Hearing

The separate report on this Agenda also sets out a proposed Procedure for adoption for the Hearings Panel meeting subject to the requirements of which the Standards Committee.

## **4. RATIONALE**

The Committee has a role in promoting and maintaining high standards of conduct by councillors and co-opted members. To facilitate an effective process in accordance with the requirements of the Council Constitution, the Standards Committee must determine the membership of the Hearings Panel and the scheduling of the meeting to consider the related report.

## **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 in accordance with the provisions of the relevant procedures.

## **7. FINANCIAL IMPLICATIONS**

None contained in this report.

## **8. CONSULTATIONS**

The Council's arrangements for promoting and maintaining high standards of conduct have been discussed and agreed previously by the Standards Committee.

### **Chief Officer/Member**

Contact Officer: David Fairclough  
Date: 15th February 2017

Background Papers:

**Appendix:** Arrangements for dealing with complaints about the Code of Conduct for Members