

Report sponsor: Director of Legal, Procurement
and Democratic Services
Report author: Acting Head of Democracy

Procedures for the Assessment and Review of Allegations of Breaches of the Councillors' Code of Conduct

Purpose

- 1.1 The Monitoring Officer has requested that Weightmans LLP conduct an external review of the procedures for the assessment and review of allegations of breaches of the Councillors' Code of Conduct.
- 1.2 The procedure for the assessment and review of allegations of breaches of the Councillors' Code of Conduct was last reviewed by the Standards Committee in February 2019. Council subsequently approved amendments to the procedure relating to matters raised with the Monitoring Officer that did not result in a complaint.
- 1.3 The proposals relate to the introduction of additional procedures for pre-hearings and hearings held following the conclusion of an investigation under the existing process. The draft procedures are attached at Appendix 1 and 2 respectively.

Further amendments are also recommended to the existing Complaints Procedure, on the basis of advice received from Weightmans LLP.

Recommendation

- 2.2 To recommend to Council that the procedure be amended by:
 - The addition of Appendix E (The Pre-Hearing Process)
 - The addition of Appendix F (Hearings Procedure)
 - The further changes detailed at Appendix 3 of this report in relation to the substantive procedure for the consideration of complaints against councillors.

Reason

- 3.1 To ensure the Council's Standards procedures remain up to date and in accordance with best practice.

Supporting information

4.1 Draft Pre-Hearing Process (Appendix 1)

It is recommended that when, following the completion of an investigation, a decision is made to refer a matter to a hearing that a pre-hearing process is introduced. Following the circulation of relevant information, a subject member will be given opportunity to provide a written response to the Investigating Officer's report, in anticipation of the hearing.

4.2 Draft Hearings Procedure (Appendix 2)

It is recommended that a procedure is introduced for the consideration of complaints, when an investigation has concluded that the matter should be referred to a hearing. The draft process details the composition of a hearings panel; the procedure at the meeting for the consideration of evidence; and, the decision-making process.

4.3 Amendments to the Procedures for the Assessment and Review of Allegations of Breaches of the Councillors' Code of Conduct (Appendix 3)

Following the review conducted by Weightmans LLP, a number of changes are proposed to the substantive procedure to cross-reference the recommended pre-hearing process and hearings procedure.

In addition, a further stage has been recommended to allow for subject members to submit comments in writing to the Monitoring Officer, within seven days of notification of a complaint.

Public/stakeholder engagement

- 5.1 The proposals are presented to the Standards Committee for consideration and will require subsequent approval by Council.

Other options

- 6.1 To take no action. The procedures as they stand are approved and functional, but lack sufficient clarity on the process and procedure for the consideration of complaints that progress to a hearing.

Financial and value for money issues

- 7.1 None.

Legal implications

- 8.1 None. Our procedures are a matter of local choice.

Other significant implications

9.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal Finance Service Director(s) Report sponsor Other(s)	Emily Feenan – Director of Legal, Procurement and Democratic Services	16/03/2020
Background papers: List of appendices:	None. Appendix 1 – Draft Pre-Hearings Process Appendix 2 – Draft Hearings Procedure Appendix 3 – Proposed amended complaints procedure	