

ITEM 9

STANDARDS COMMITTEE

7 July 2020

Minute Extract

Item 06/20 Procedures for the Assessment and Review of Allegations of Breaches of the Councillors' Code of Conduct

The Committee received a report of the Director of Legal, Procurement and Democratic Services on Procedures for the Assessment and Review of Allegations of Breaches of the Councillors' Code of Conduct.

It was reported that the Monitoring Officer had 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.

Members noted that 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 and that Council subsequently approved amendments to the procedure relating to matters raised with the Monitoring Officer that did not result in a complaint.

It was reported that the proposals related to the introduction of additional procedures for pre-hearings and hearings held following the conclusion of an investigation under the existing process and that the draft procedures were attached at Appendix 1 and 2 respectively.

It was noted that further amendments were also recommended to the existing Complaints Procedure, based on advice received from Weightmans LLP and that these were attached at Appendix 3.

It was reported that the proposed procedures contained some typing errors that would be addressed outside of the meeting.

In relation to the interviews carried out as part of any investigation, Members agreed that interviewees should be asked to agree with any notes taken at such interviews and that wording to reflect this be added at the relevant part of the procedure.

Members asked about the possibility of interviews being recorded, going forward. The Monitoring Officer agreed with this in principal and it was agreed that she would investigate if this was standard practice for other authorities. It was agreed that wording to reflect the following, be added at paragraph 31 of the procedure:

- If appropriate in the investigator's and/or Monitoring Officers opinion, interviews may be recorded and stored for future evidence purposes, in accordance with Data Protection legislation.

In relation to the draft hearings procedure, members questioned the proposal that hearings would normally take place in public. The Monitoring Officer felt that the presumption should be that hearings be held in public, with consideration being given, on a case by case basis, to the exclusion of the press and public.

Resolved 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 the report in relation to the substantive procedure for the consideration of complaints against councillors, including the amendments as outlined at the meeting.**