

STANDARDS COMMITTEE DETERMINATION OF A COMPLAINT

PRIOR INVOLVEMENT OF A STANDARDS COMMITTEE MEMBER

1. The following is an extract from the guidance issued by the Standards Board

The standards committee should work at all times in a demonstrably fair, independent and politically impartial way. This helps to ensure that members of the public, and members of the authority, have confidence in its procedures and findings. The standards committee should bear in mind the need to maintain public confidence in the council's ethical standards. This requires that the standards committee's decisions should be seen as open, unprejudiced and unbiased. All concerned should treat the hearing process with respect and with regard to the potential seriousness of the outcome, for the subject member, the council and the public.

2. There will be occasions when a member of the Standards Committee has had some prior involvement in a complaint that is before the Committee. For example, this may have resulted in the member being interviewed as part of the investigation and potentially being a witness at a hearing to determine the complaint.
3. To avoid any allegation of bias, prejudice or breach of natural justice in the conduct of the matter, the member should not take any part in the decision making process of the Committee. In much the same way as prejudicial interests are dealt with, the member should not be present when the matter comes before the Committee and should take no part in the hearing or determination of the matter.
4. The only exception to this will be when the member is required to attend before the Committee as a witness. In such circumstances their presence and participation is limited to the extent necessary to fulfil their role as a witness. They should withdraw once they have given their evidence.
5. Where a member of the Standards Committee becomes aware of their having an involvement in a matter which precludes their participation in the consideration of that matter they should give written notice as soon as practicable to the Monitoring Officer.
6. A member who has declared that they are precluded from participation because of prior involvement will still be entitled to receive those papers issued to members of the committee in advance of a meeting but only to the extent that they are issued also to the member who is the subject of the complaint.
7. Upon receipt of a member's notice of prior involvement in a matter the Monitoring Officer shall notify the Chair of the Standards Committee.
8. Failure to comply with the above could lead to a successful challenge to the proceedings of the Standards Committee. It may also lay the member concerned open to a charge that they have breached the Members Code of Conduct e.g. under paragraph 5 (disrepute) or 6 (improperly securing an advantage or disadvantage).