

Committee Name and Date of Committee Meeting

Standards and Ethics Committee - 09 November 2023

Report Title

Standards and Ethics Committee – Review of the Sub-Committee Hearing Procedure

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

A report in respect of a review of the Standards and Ethics Committee Sub-Committee Hearing Procedure.

Recommendations

1. That the Committee consider the Sub-Committee Hearing Procedure at Appendix 1 and make any suggestions for improvement.
2. That the Committee approve the Sub Committee Hearing Procedure subject to any amendments made in respect of Recommendation one.

List of Appendices Included

Appendix 1 Sub Committee Hearing Procedure

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Standards and Ethics Committee - Review of the Sub Committee Hearing Procedure

1. Background

- 1.1 The final part of the Standards and Ethics Committee Complaints Procedure is the hearing of the complaint before a Sub Committee, if it is considered that a breach of the Code of Conduct may have occurred, and it has not been possible for the complaint to be informally resolved.
- 1.2 The current Hearing Procedure (referred to as the Order of Proceedings” in the document) is at Appendix 1. This procedure is in accordance with the principles of natural justice and the Subject Members right to a fair trial under Article 6 of the Human Rights Act.
- 1.3 Further the Hearing Procedure is in accordance with the Local Government Association Guidance on complaint Handling, published in July 2021.
- 1.4 The Monitoring Officer has considered the Hearing Procedure and is not of the opinion that any changes are required to be made. However, Members of the Committee, in particular those who have experience of sitting on Sub Committee hearings are asked for their views as to the operation of the procedure in respect of hearings, and whether any improvements could be made.

2. Key Issues

- 2.1 Set out above.

3. Options considered and recommended proposal

- 3.1 This is a periodic review of the Hearing Procedure and as such the only other option in respect of this issue is not to undertake a review of the Hearing Procedure which is not recommended.

4. Consultation on proposal

- 4.1 N/A

5. Timetable and Accountability for Implementing this Decision

The approved/amended Hearing Procedure will be used at all subsequent Sub Committee hearing following this meeting.

6. Financial and Procurement Advice and Implications

- 6.1 The officer time in reviewing this Procedure is met within existing Legal Services resources.

7. Legal Advice and Implications

- 7.1 The Council and the Standards and Ethics Committee have a statutory duty to promote and maintain high standards of conduct. Pursuant to the Localism Act 2011, the Council is required to adopt appropriate Complaint Handling arrangements for the investigation of allegations of breach of the Code of Conduct. The Sub Committee Hearing Procedure forms an important part of those arrangements.

8. Human Resources Advice and Implications

None

9. Implications for Children and Young People and Vulnerable Adults

None

10. Equalities and Human Rights Advice and Implications

None

11. Implications for Partners

None

12. Risks and Mitigation

None

13. Accountable Officer(s)

Bal Nahal, Head of Legal Services

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Hearing Procedure