

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Standards Committee
2.	Date:	11th December 2014
3.	Title:	Standards Committee – Hearing Procedure
4.	Directorate:	Resources

5. Summary

A reporting providing for a hearing procedure to be adopted in respect of Standards Committee Panel Hearings.

6. Recommendations

That the Standards Committee adopt the hearing procedure at Appendix 1.

7. Proposals and Details

The Standards Committee will from time to time be required to adjudicate upon complaints made to the Committee. This will be following an investigation and a report being prepared in respect of the complaint. A panel drawn from members of the Standards Committee will be convened for the consideration of the complaint and the investigatory report.

It is necessary for an appropriate hearing procedure to be available for use at such a hearing. Any such procedure will need to be in accordance with natural justice, allowing the individual being investigated a fair hearing and also allow for the hearing to be dealt with efficiently.

As such a procedure based on the procedure used for appeals before members in respect of disciplinary matters is herewith, and it is proposed that this procedure be adopted for Standards Committee panel hearings.

8. Finance

None

9. Risks and Uncertainties

If an appropriate procedure is not adopted, there is the risk that a complaint could be made that the procedure used has not produced a fair hearing.

Again if an appropriate procedure is not adopted, there will be uncertainty at the hearing as to the way in which the hearing should proceed.

10. Policy and Performance Agenda Implications

The adoption of an appropriate procedure will support the Standards Committee in promoting high standards of conduct.

11. Background Papers and Consultation

None

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APPENDIX 1

STANDARDS COMMITTEE – PANEL HEARING

PROCEDURE

1. The Presenting Officer shall put the case in the presence of the person, the subject of this hearing, and his/her representative and may call witnesses.
2. The person, the subject of this hearing, (or their representative) shall have the opportunity to ask questions of the Presenting Officer on the evidence given by them and any witnesses whom they may call.
3. The Panel may ask questions of the Presenting Officer and witnesses.
4. The person, the subject of this hearing, (or their representative) shall put their case in the presence of the Presenting Officer and shall call such witnesses as they wish.
5. The Presenting Officer shall have the opportunity to ask questions of the person, the subject of this hearing, (or their representative) and her/his witnesses.
6. The Committee may ask questions of the person, the subject of this hearing, (or their representative) and her/his witnesses.
7. The Presenting Officer and the person, the subject of this hearing, (or their representative) shall have an opportunity to sum up their case if they so wish.
8. The Presenting Officer, person, the subject of this hearing, their representative and witnesses shall withdraw with the exception of the representative of Legal Services advising the Panel on the process.
9. The Panel will deliberate the case in private and may call for advice as necessary from the representative from Legal Services and any other officer of the Authority whose advice is considered relevant to the case, all of whom shall remain for the duration of the Panel's deliberations. The Panel may recall anyone to clear points of uncertainty on evidence already given.