

Report of : Corporate Director of Resources

Meeting of	Date	Agenda Item	Ward(s)
Standards Committee	20 th October 2009		

Delete appropriate	as	Exempt	Non-exempt
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LOCAL ASSESSMENT, INVESTIGATION AND HEARING PROCEDURES REVIEW

1 Synopsis

The Standards Committee adopted new procedures in June 2008 in respect of local assessment of complaints and in respect of investigations and hearings for which it is responsible. This report review the experience over the past year of use of the procedures and makes some proposals for minor amendments.

2 Recommendation

2.1 That the Committee agree the changes to its procedures set out in Appendix 1.

3 Background

3.1 The Standards Committee became responsible for local assessment of complaints under the Members' Code of Conduct in May 2008 and adopted new procedures to cover this new responsibility. At the same time the opportunity was taken to update procedures for investigation and hearing of complaints and to incorporate them into a single procedures manual. The investigation and hearing procedures had been in place for some time but had not actually been used.

4 Review

4.1 Since the new procedures were adopted the Local Assessment procedure has been used 4 times with 4 complaints initially assessed, one complaint proceeding to the review stage and one being referred back to the Initial Assessment Sub-Committee following a change in circumstances to be reconsidered.

4.2 In each case the procedure has run smoothly, although a change is proposed to the procedure to make clear that the Initial Assessment and Review Sub-Committees will meet in closed session.

- 4.3 The revised Investigations procedure has been used twice. The experience of use of this procedure has been that some of the time periods built into it to provide opportunities for the complainant and member to comment and to narrow down the issues may be too long in cases where the evidence is neither voluminous nor particularly complex. This has led to delays in the completion of the investigation report.
- 4.4 It is therefore proposed that the time periods specified be made more flexible so that an appropriate period can be set within a band to suit the size and complexity of evidence in a particular case. It is therefore proposed that:
- (i) the Investigating Officer be able to set a deadline for comments on his or her draft report under section 4 of the investigations procedure of between 7 and 14 days depending upon the complexity of the matter (p13);
 - (ii) the requirement for a detailed pre-hearing procedure and the time period for each stage where there is one (p16-18) has been made more flexible, again depending upon the complexity of the matter; and
 - (iii) the requirement that the hearing not be held until two weeks after the pre hearing summary has been circulated (p6) be removed. As this report will be on the agenda for the hearing meeting, it will be circulated at least 5 clear days before the hearing takes place.
- 4.5 It is thought that the incorporation of flowcharts into the procedures would assist with clarity. The draft flowcharts attached cover the alternatives of (a) the member complained about agreeing to proceed with a hearing immediately after the consideration by the Standards Committee of an investigation report recommending a hearing and (b) the member wishing to have a minimum 14 day notice period before the hearing goes ahead.

5. Implications

5.1 *Legal Implications*

The Standards Committee (England) Regulations 2008 make detailed provision in respect of the procedures to be followed by Standards Committees in respect of initial assessment, investigation and hearing of complaints under the Members' Code of Conduct provided for in outline in the Local Government Act 2000. The Standards Board has issued guidance in respect of each of these processes to which the Standards Committee is required to have regard.

The Procedures adopted by the Committee in 2008 were drafted to take into account the Guidance at the time. The proposed amendments are consistent with the current Guidance which has been updated in respect of local determination hearings.

5.2 *Financial Implications*

There are no financial implications arising directly from the report.

5.3 *Equality Implications*

There are no equality implications arising directly from this report.

Background papers:

None.

Final Report Clearance

Signed by Date
Corporate Director of Resources

Received by Date
Head of Scrutiny and Democratic Services

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