



ISLINGTON

Law and Public Services

Report of : Director of Law and Public Services

Meeting of	Date	Agenda Item	Ward(s)
Standards	8 th Sept. 2003	6	All

Delete as appropriate		Non-exempt
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Subject: Procedural Guidance for Standards Committees on holding Hearings at a local level

1. Synopsis

This report sets out the procedural guidance recommended by the Standards Board which Standards Committees must take into account when holding hearings.

A copy of the Guidance booklet issued by the Board has already been sent to all Members of the Committee.

2. Recommendation

That the Committee agree to adopt a procedure based on the procedural guidance set out in Appendix A when holding any hearings in the future.

3. Background

3.1 Under the Local Authorities (Code of Conduct)(Local Determination) Regulations 2003, Ethical Standards Offices (ESOs) can refer completed investigation reports to Monitoring Officers for Standards Committee to determine whether or not a member has failed to follow the Code of Conduct and, if so, what penalty should be applied, if any.

3.2 Matters that the ESO is likely to refer for local determination include:

- Matters that are of an entirely local nature and do not affect broader national issues; and
- Matters that do not appear to need the heavier penalties available to the Adjudication Panel for England

3.3 However, ESOs will refer matters on a case by case basis as all the relevant circumstances will need to be considered. An ESO is unlikely to refer a case where it would be difficult or inappropriate to try to resolve it locally, for example, if there was an allegation that serious bullying and harassment had taken place in the authority.

- 3.4 Under the local determination regulations, an ESO will only refer a matter to a Standards Committee after completing their own investigation. Standards Committees should not re-open the investigation. However, the member who the allegation has been made about has the right to give evidence to the Standards Committee, and, if more evidence becomes available after the completion of the ESOs investigation, the Standards Committee may consider that evidence during the course of its hearing.
- 3.5 The procedural guidance for dealing with hearings is attached as Appendix A.

4. Implications

4.1 Finance Implications

The cost of holding any hearings will be met from within existing budgets.

4.2 Legal Implications

These are set out in the report.

5. Conclusion and Reason for Recommendation

This procedural guidance has been recommended by the Standards Board and will help all Standards Committees hold hearings in a fair, open and consistent manner.

Background Papers

Guidance produced by the Standards Board, July 2003.

Final Report Clearance

Signed by

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Director of Law and Public Services

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Date

Received by

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Head of Scrutiny and Democratic Services

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Date

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