



**AGENDA ITEM: 8**

**STANDARDS COMMITTEE:  
10 December 2008**

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**Report of: Council Secretary and Solicitor**

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**SUBJECT: CODE OF CONDUCT INVESTIGATION, DETERMINATION, PRE-HEARING AND HEARING PROCEDURES**

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District wide interest

**1.0 PURPOSE OF THE REPORT**

1.1 To enable the Committee to consider investigation, determination, pre-hearing and hearing procedures to apply where the Assessment Sub-Committee has referred a complaint of alleged breach of the Code of Conduct for investigation.

**2.0 RECOMMENDATIONS**

2.1 That the Committee approve the Investigation, Determination, Pre-hearing and Hearing Procedures appended to the report and authorise the Council Secretary and Solicitor in consultation with the Chairman of the Standards Committee to update them as required.

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**3.0 BACKGROUND**

3.1 The Standards Committee has previously approved pre-hearing and hearing procedures based on guidance issued by the Standards Board. However, these procedures required updating in the light of the Standards Committee (England) (Regulations) 2008 and the Council Secretary and Solicitor has therefore prepared new investigation, consideration, pre-hearing and pre-hearing procedures, based on the Committee's existing practice, but updated to comply with the new Regulations.

**4.0 PROPOSED DETAILS**

4.1 The new procedures are appended to the report for consideration by the Committee.

4.2 Regulation 17 of the 2008 Regulations provides that where a Monitoring Officer refers a report to the Standards Committee under Regulation 14 or 15 (that is, following investigation locally or by an Ethical Standards Officer), the Standards Committee shall convene to consider the report and make one of the following findings:

- That it accepts the Monitoring Officer's finding of no failure to comply with the Code,
- That the matter should be considered at a hearing of the Standards Committee;  
or
- That the matter should be referred to the Adjudication Panel for determination.

4.3 The Committee have decided that the full Committee less five appropriate Members will make the decision referred to at 4.2 above. With regard to the Hearings Sub-Committee, the procedures provide for a sub-committee of five.

## **5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

5.1 There are no sustainability/community strategy implications arising from this report.

## **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

6.1 There are no specific financial and resource implications arising from this report but handling complaints takes substantial in-house time for Legal and Member Services Staff. The costs of preparing reports for the Assessment Sub-Committee and of carrying out reviews and investigations externally will be met from the Council's existing budget and where this is insufficient, due to the number of cases brought in a year, will be met from reserves.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

### **Appendices**

- Appendix 1 – Investigation Procedure
- Appendix 2 – Determination Procedure
- Appendix 3 – Pre-Hearing Procedure (*To follow*)
- Appendix 4 – Hearing Procedure (*To follow*)