STANDARDS COMMITTEE **30 SEPTEMBER 2010**

LOCAL DETERMINATION OF ALLEGATIONS OF MISCONDUCT – CASE 01/10

Report of Chief Solicitor

1. **Introduction**

1.1 The Assessment Sub-Committee agreed at a meeting on 3 February 2010 that complaints received in respect of a Councillor be investigated.

1.2 The conduct of the investigation was delegated to the Deputy Monitoring Officer and has now been completed.

1.3 In accordance with the relevant procedures a pre-hearing process is being undertaken to identify the issues for determination and the form of the hearing.

2. **Preliminary Consideration**

2.1 Under the Standards Committee (England) Regulations 2008 (the Regulations), the Monitoring Officer must refer a completed investigation report to the Standards Committee to consider and determine whether a Member has failed to follow the Code of Conduct for Members and, if so, what sanction (if any) should be applied.

2.2 Part of the pre-hearing process involves issues that may be decided only by the Standards Committee or a consideration and hearing Sub Committee.

The Regulations then provide for a separate date to be fixed for the hearing.

2.3 Proceeding in this way is somewhat cumbersome and further protracts the process. It is therefore proposed to schedule the Regulation 17 consideration as a preliminary matter with a view to the Regulation 18 hearing following on the same date. This expedient is becoming increasingly used by Authorities to streamline the proceedings and is acceptable to Standards for England.

3. **Appointment of Members to the Sub-Committee**

3.1 It is for the Standards Committee to determine the members of the Sub Committee to undertake the functions under Regulations 17 and 18.

3.2 The procedures adopted by the Committee provide that the Sub Committee shall comprise a minimum of 3 members to include at least

one independent member who will chair the proceedings. The Sub Committee must always include at least one elected Council member.

3.3 Members need to consider whether they are in any way conflicted out from serving on the Committee.

4. Recommendation

That the Committee determines the composition of the Sub Committee which will undertake the functions under Regulations 17 and 18.