

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

29 October 2012

Standards Committee Hearings Panel

1.0 PURPOSE OF REPORT

- 1.1 To seek the Committee's views on the most appropriate status for the Committee's new Hearings Panel.

2.0 BACKGROUND

- 2.1 On 18 July 2012, the Authority agreed to establish a politically balanced non-statutory Standards Committee (with one Substitute from each Political Group represented on the Committee) comprising not more than five Members, with a panel of three Members from the Committee meeting on an ad hoc basis to deal with any alleged breach of the new Members' Code of Conduct.
- 2.2 The Authority also agreed a new, simplified, procedure setting out the Authority's arrangements for the handling of allegations of breaches of the Code of Conduct, which sets out the role of the Panel. A copy of the agreed arrangements is attached to the report to the Committee regarding local ethical framework developments.
- 2.3 In summary the Panel has the following role in relation to complaint handling:
- If local resolution of a complaint is not appropriate, or the Complainant or subject Member are not satisfied with the proposed resolution, or the subject Member is not prepared to undertake any proposed remedial action, the investigation report will be reported to the Panel for the complaint to be determined.
 - The Panel will meet to decide whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action.
 - The Independent Person will attend all Panel meetings and will be consulted by the Panel in making its decision about whether there has been a breach of the Code and any action to be taken. The Panel will be advised by the Monitoring Officer.
- 2.4 The Committee is requested to consider the most appropriate status for the Hearings Panel.

3.0 THE HEARINGS PANEL

- 3.1 The first option is for the Panel to remain as a panel of members from the Standards Committee. As such, it would be an informal body, would be unable to have functions delegated to it and would be unable to make any formal decisions in relation to complaints. It would be able to undertake the role set out in paragraph 2.3 above in terms of involvement, however it would need to do so in consultation with the Monitoring Officer, who would need to take the formal final decision. Members may, however, feel that it would be more appropriate for decisions on complaints to be made at Member level.

- 3.2 It is therefore recommended to Members that a more appropriate option is for the Standards Committee to establish the Standards Committee Hearings Panel as a formal sub-committee of the Committee. This would enable the Committee to delegate complaint consideration and determination to the Panel, which would enable the Panel to make formal decisions in this regard. Draft Terms of Reference are set out in **Appendix 1** to this report for Members' consideration.
- 3.3 The legal position is that the Committee's sub-committees have to be established by the Committee and have Members appointed to them by the Committee. So, if the membership is not fixed at the time of establishing and appointing the sub-committee, the full Standards Committee would have to meet before each Panel meeting to appoint Members to it, which is not the most practical way forward, particularly as the Committee is only scheduled to meet twice per year.
- 3.4 It is therefore recommended to the Committee that all Members of the Committee be appointed to the sub-committee Panel and that the sub-committee have a quorum of three Members. The intention would be that only three Members would sit at each Panel meeting, such Members being agreed with Legal and Democratic Services prior to each meeting. This would enable full flexibility in terms of membership of, and attendance at, individual Panels, whilst still enabling complaint consideration and determination meetings to be undertaken by a smaller group of Members, as originally envisaged when setting up the complaint handling arrangements. The Chair of each Panel could be elected at each particular meeting. The Independent Person will attend all Sub-Committee Panel meetings.
- 3.5 The above is recommended to the Committee as the most appropriate arrangements for the new Hearings Panel.

4.0 RECOMMENDATIONS

4.1 That, subject to any comments Members may have:

- (a) the new Standards Committee Hearings Panel be appointed as a formal sub-committee of the Standards Committee, with the Terms of Reference as set out in **Appendix 1** to this report;
- (b) all Members of the Committee be appointed to the sub-committee and that the Sub-Committee have a quorum of three Members; and
- (c) that the Chair of the Panel be determined each Panel meeting.

CAROLE DUNN
Monitoring Officer

Background Papers:

- The Localism Act 2011
- The Local Government Act 1972

County Hall
NORTHALLERTON

18 October 2012

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

STANDARDS COMMITTEE HEARINGS PANEL

This is a formal sub-committee of the Standards Committee, established under the Local Government Act 1972.

Membership

Membership

All Members of the Standards Committee

Substitutes

All Members of the Standards Committee

Terms of Reference

To undertake all functions of the Standards Committee, in consultation with the Independent Person for standards, in relation to the consideration of complaint investigation reports and the holding of complaint determination hearings regarding matters referred by the Monitoring Officer, including (but not limited to) the making of findings and the imposition of sanctions (if appropriate) in respect of complaints that Members have breached the Authority's Code of Conduct for Members, as set out in the Localism Act 2011 as amended and associated legislation.