

NORTH YORKSHIRE COUNCIL
STANDARDS AND GOVERNANCE COMMITTEE

26 June 2024

Standards and Governance Committee Hearings Panel Procedure

1.0 PURPOSE OF REPORT

- 1.1 To present to the Committee, for information, consideration and adoption, an operational Standards and Governance Committee Hearings Panel Procedure, approved by the Monitoring Officer under his delegated powers.

2.0 BACKGROUND

- 2.1 The Council's Arrangements for dealing with allegations of a breach of the Members' Code of Conduct (the standards complaints procedure) govern how such complaints are handled and include, in sections 10 to 14, overarching provisions for the ultimate hearing of a complaint by the Standards and Governance Committee Hearings Panel. A copy of the Arrangements is attached at **Appendix 1** to this report.
- 2.2 Where a standards complaint has been referred for investigation and the Investigating Officer has found evidence of a potential breach of the Code, where local resolution is not appropriate or fails, then the investigation report will be referred to a Hearings Panel (3 Members of the Committee) for consideration and determination of the complaint.
- 2.3 Where a complaint is in relation to a town or parish councillor the Panel will also include a town or parish councillor representative (not from the same parish as the subject Member). The Independent Person will attend all Panel meetings and will be consulted by the Panel in making its decision about whether or not there has been a breach of the Code and, if so, any action to be taken and/or recommendations to be made to the relevant authority.
- 2.4 Given that several live investigations are now concluding, and a meeting of the Hearings Panel was required before this next meeting of the Standards and Governance Committee, the Monitoring Officer took the opportunity, under his delegated powers in paragraph 11 of the Officers' Delegation Scheme, to approve an operational Hearings Panel Procedure and Pre-Hearing Review process to supplement the complaints procedure and to streamline matters coming before a Hearings Panel, to ensure a fair, efficient and proportionate Hearing of any standards complaint.
- 2.5 A Hearings Panel was held in private on 11 June 2024. This will be referenced in the Complaints Update report to the Committee's meeting.
- 2.6 Approval of standards documentation is not reserved to the Standards and Governance Committee however the Monitoring Officer wished to bring the Hearings Procedure and process to the Committee for information and adoption. Any comments Members may have on the Procedure, particularly in light of the holding of a recent Hearings Panel, are welcome.

3.0 THE STANDARDS HEARINGS PANEL PROCEDURE

- 3.1 The Hearings Panel Procedure is attached at **Appendix 2** to this report and the Pre-Hearing Review template documents are attached at **Appendix 3**.
- 3.2 The Procedure expands on what is already provided in, and is consistent with, the overarching standards arrangements previously agreed by the Standards and Governance Committee.
- 3.3 The Procedure and Pre-Hearing Review process enable matters at the Hearing to be dealt with more economically, alerting the parties to possible areas of difficulty which may be able to be resolved, and determining any issues still in dispute between the parties, in advance of the Hearing. It provides clarification for all concerned as to how the Hearing will be convened and operate to facilitate a smooth and efficient running of the Hearing.
- 3.4 Members' comments on the Hearings Panel Procedure and Pre-Hearing Review process are welcome. Subject to any comments Members may have, the Committee is recommended to adopt the Procedure and process agreed by the Monitoring Officer under delegated powers.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no significant financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 The legal implications are set out in the body of this report.

6.0 ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS

- 6.1 There are no significant environmental/climate change implications arising from this report.

7.0 EQUALITIES IMPLICATIONS

- 7.1 There are no significant equalities implications arising from this report

8.0 RECOMMENDATIONS

- 8.1 That, subject to any comments Members may have, the Standards and Governance Committee Hearings Panel Procedure and Pre-Hearing Review process agreed by the Monitoring Officer under delegated powers be adopted by the Committee.

BARRY KHAN
Assistant Chief Executive Legal and Democratic Services and Monitoring Officer

Background Documents: LGA guidance on Member Model Code of Conduct Complaints Handling

County Hall
NORTHALLERTON

14 June 2024