

NORTH YORKSHIRE COUNCIL
STANDARDS AND GOVERNANCE COMMITTEE

6 September 2024

Standards and Governance Committee Hearings Panel Composition

1.0 PURPOSE OF REPORT

- 1.1 To brief the Committee on options for the composition of the Committee's Hearings Panel.

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. The Hearings Panel is a sub-committee of the Standards and Governance Committee.
- 2.3 Where a complaint is in relation to a town or parish councillor, an independent town or parish councillor representative (not from the same parish as the subject Member) will attend the Panel hearing and will be consulted by the Panel. 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 The Committee has agreed an Hearings Panel Procedure to supplement the overall standards arrangements and a copy is attached at **Appendix 2** to this report for Members' information.

3.0 THE HEARINGS PANEL

- 3.1 At the Committee's last meeting, when considering the Hearings Panel Procedure and reflecting on the first Panel hearing which had taken place, Members suggested that a group of members from the Committee be specifically identified to undertake future hearing panels, with an appointed Chair, as there would be further hearings coming up in the future, with perhaps some more specific training to support them in this.
- 3.2 The Monitoring Officer invited Members to inform him after the meeting if they were interested in participating in hearings panels and a verbal update will be give to the Committee at its meeting as to what responses, if any, the Monitoring Officer has received.

3.3 Since the Committee's last meeting, a further Hearings Panel meeting has taken place to consider and determine a complaint and further information is given about this in the Complaints Update report to this meeting. Refresher training on standards hearings was provided to Panel Members before the Hearing.

3.4 Members are welcome to feedback their views to the Monitoring Officer regarding the convening and running of the two Panel hearings to date. Going forwards there are essentially two options regarding the composition of standards Hearings Panels:

- i. Continue as at present, with a politically balanced (as far as possible) Panel of 3 Members from the Standards and Governance Committee convened for each required Panel meeting; or
- ii. That there be a fixed membership of the Hearings Panel and it be recommended to full Council that 3 specific Members of the Standards and Governance Committee be appointed to the Hearings Panel, with other members of the Committee being substitutes.

3.5 Members' views are welcomed.

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 Members consider whether they would wish to make any changes to the arrangements for the composition of, and convening of, Standards and Governance Committee Hearings Panel meetings.

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

22 August 2024