

Report of	Meeting	Date
Director of Governance and Monitoring Officer	Standards Committee	Wednesday, 2 November 2022

Report to Standards Committee - Investigation and Hearing Procedure

Is this report confidential?	No
------------------------------	----

Is this decision key?	No
-----------------------	----

Purpose of the Report

- Members are asked to consider the proposed changes to the Investigations Procedure document.

Recommendations

- That the Investigations and Hearings Procedure (Appendix A) is recommended to Council for approval.

Reasons for recommendations

- The changes to the Investigations and Hearing Procedure are designed to reflect the direction of the Code of Conduct working group, making the procedure simpler and quicker whilst not impacting on the fairness both to members and complainants. The changes are also designed to address issues that were raised at the meeting of Standards Committee on the 15th of September.

Other options considered and rejected

- There is no legal requirement to change the Procedure document but it is considered that there is scope to simplify the document – hence it would be a lost opportunity if we did nothing.

Corporate priorities

- The report relates to the following corporate priorities: (Please bold one)

An exemplary council	Thriving communities
A fair local economy that works for everyone	Good homes, green spaces, healthy places

Background to the report

6. The context of this report is that Standards Committee established a working group to look at developing a new Code of Conduct. At the meeting of the 15th of September Standards Committee endorsed the new Code of Conduct with a view to it being referred to Full Council for approval.
7. The working group had also tasked the monitoring officer to review the Investigation and Hearing Procedure and make proposals to Standards Committee which would:
 - Make the procedure simpler to follow
 - Improve the speed of the investigations and
 - Make it clear to members potential sanctions that can be imposed.
8. At its meeting on the 15th of September Standards Committee considered a draft of the proposed Investigation and Hearing procedure. Members had a number of comments and observations to make – the amended procedure at Appendix A is designed to address the concerns that were raised.

New Proposed Investigations and Hearings Procedure

9. Recent investigations have demonstrated that the existing procedure is lengthy with steps included within it that are unnecessary. Changes to the Code itself, which will now include an obligation on members to co-operate with investigations, will assist in progressing matters, but simplifying the procedure was essential.
10. The new proposed procedure reflects the existing 3 stage plus public interest at the outset and removes the initial contact with the member complained of. The initial 3 stage test is:
 - Is the member currently a councillor? and
 - Was the member acting in that capacity when they were complained of? and
 - If the allegation is true, is it a breach of the code of conduct?
11. If this is applied on assessing the complaint, it is not necessary to speak to the subject member prior to the investigation, the tests simply establishing whether the conduct complained of is a breach at all. The public interest test which follows addresses whether it is the public interest to investigate if the first 3 tests are satisfied.
12. The new proposed procedure has been amended in the light of comments made by Standards Committee at its meeting on the 15th of September. In particular the following should be highlighted:
 - Reference to the Deputy Monitoring Officer is expressly included
 - There has been a general tidying up of wording
 - Something specific about the notification of the complaint to the member complained of has been inserted
 - Something specific about the right to challenge a decision has been included
 - Something specific about confidentiality has been included
 - Likewise there is something specific about anonymous complaints

13. Members should note that if it is decided at the initial stage that the conduct complained of was a breach and was serious enough, then the possibility of local resolution would be considered. This would require the agreement of the complainant and the subject member. It would be an agreed resolution usually by way of an apology or something similar.

Climate change and air quality

14. The work noted in this report does not impact the climate change and sustainability targets of the council's Green Agenda and all environmental considerations are in place.

Equality and diversity

15. There are no equality implications arising from the report

Risk

16. There are no risks arising from this report.

Comments of the Statutory Finance Officer

17. There are no financial implications arising from this report.

Comments of the Monitoring Officer

18. Relevant legislation and good practice have been taken into account when considering the Investigations and Hearings Procedure. What is proposed here should assist with the achievement and maintenance of good Member conduct.

There are no background papers to this report

Appendices

Appendix A – Investigation and Hearing Procedure

Report Author:	Email:	Telephone:	Date:
Dave Whelan, Shared Services Lead – Legal and Deputy Monitoring Officer	david.whelan@southribble.gov.uk	01772 625247	21.10.22