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|--------------------|--|--|-------------------|
| <b>TITLE</b>       | : PROCEDURE FOR LOCAL DETERMINATION OF ALLEGATIONS ABOUT THE PERSONAL CONDUCT OF COUNCIL MEMBERS |  |                   |
| <b>TO / ON</b>     | : STANDARDS COMMITTEE  |  | 25 SEPTEMBER 2003 |
| <b>REPORT FROM</b> | : MONITORING OFFICER   |  |                   |
| <b>STATUS</b>      | : FOR PUBLICATION  |  |                   |

**1.0 TYPE OF DECISION**

1.1 What type of decision is to be taken:-

| EXECUTIVE DECISION |  | COUNCIL DECISION |  |
|--------------------|--|------------------|--|
| Key                |  | Non Key          |  |

1.2 If a key decision, has it been included in the Forward Plan

|                           |                    |              |  |
|---------------------------|--------------------|--------------|--|
| Inclusion in Forward Plan | (Yes or No)<br>N/A | Date of Plan |  |
|---------------------------|--------------------|--------------|--|

**2.0 SUMMARY**

Standards Committees have new responsibilities for dealing with misconduct allegations when they are made against Council Members. Attached to this report is a local adjudication procedure drafted for adoption.

**3.0 OPTIONS AND RECOMMENDED OPTIONS (with reasons)**

1. To adopt the draft procedure for local determination of allegations about the personal conduct of Council Members as attached to this report.

**Reason:**

Regulations made under Section 66 of the Local Government Act 2000 have been published in two parts and the part dealing with local adjudication is now in force.

The draft procedure complies with the Regulations and the guidance issued by the Standards Board in July 2003.

#### **4.0 THIS REPORT HAS THE FOLLOWING IMPLICATIONS**

|  |  |
|--|--|
| <b>Corporate Aims</b>                                    | The establishment of procedures for dealing with allegations against Members referred for determination locally will assist in maintaining and improving public confidence in Council services (thus improving the quality of such). |
| <b>Policy Framework</b>                                  | The procedure will support the Council's Code of Conduct which will help support the development and implementation of the Policy Framework.   |
| <b>Statement by Monitoring Officer</b>                   | The Local Government Act 2000 makes provision for allegations against Councillors to be determined locally by Standards Committees. The Regulations made under the 2000 Act are now in force in so far as this is concerned.         |
| <b>Statement by Director of Finance and E-Government</b> |  |
| <b>Human Resource IT/Land and Property Implications</b>  |  |
| <b>Wards/Area Boards affected</b>                        | None   |
| <b>Scrutiny Panel's Interest</b>                         | None   |

|                      |                          |  |                 |
|----------------------|--------------------------|--|-----------------|
| <b>Consultations</b> | None                     |  |                 |
| <b>Call-in</b>       | N/A                      |  |                 |
| <b>Briefings</b>     | Executive Members/ Chair |  | Chief Executive |

## **5.0 INTRODUCTION**

5.1 Members may recall a previous report in January 2003 which set out examples of procedures that had been drafted as a means of dealing with allegations against Councillors referred for local determination. As Members are aware Section 66 of the Local Government Act 2000 makes provision for Standards Committees to consider reports and recommendations from the Ethical Standards Officer and make determinations and take appropriate action in respect of alleged breaches of the Code of Conduct. Regulations made under Section 66 were approved in June 2003 and the Standards Board issued guidance in July 2003.

## **6.0 ISSUES**

6.1 Attached to this report (Appendix 1) is a proposed procedure for local hearings, to be adopted by this Committee. The Regulations under Section 66 of the Local Government Act 2000 are being published in two parts. (I have separated out the part dealing with local adjudication from the part dealing with the powers of the Monitoring Officer to carry out investigations).

6.2 I have also drafted a pre-hearing procedure/letter (Appendix 2) and a detailed "Hearing Procedure" (Appendix 3) which Members are requested to approve.

6.3 Also attached to this report is a flow chart (Appendix 4) setting out the progress of a complaint being dealt with in accordance with the proposed local adjudication procedure.

## **7.0 CONCLUSIONS**

7.1 Members are asked to approve the pre-hearing procedure/letter and local adjudication procedure for dealing with misconduct allegations locally.

**Background documents:**  
Standards Board Guidance

**For further information on the details of this report, please contact:**

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