

STANDARDS COMMITTEE

REVIEW OF COMPLAINT DOCUMENTATION, ASSESSMENT CRITERIA AND INVESTIGATION AND HEARING PROCEDURES

7th October 2010

Report of the Monitoring Officer

PURPOSE OF REPORT

To enable the Committee to consider whether any amendments are needed to the forms and procedures approved in May and June 2008 following the implementation of the new regime for complaints to be made locally.

This report is public

RECOMMENDATIONS

- (1) That the Committee consider whether it wishes to make any amendments to the documents attached to the report.

1.0 Introduction

1.1 Following the implementation in May 2008 of the new regime for Code of Conduct complaints to be made and dealt with locally, the Committee in May and June 2008 approved its complaints form and guidance, assessment procedure and criteria and investigation, pre-hearing and hearing procedures. These were reviewed in June 2009. However, at that stage there had not been any investigations or hearings. With the benefit of more experience of using the procedures, it would seem appropriate for the Committee to reconsider whether any amendments need to be made to the documents.

2.0 Proposal Details

- 2.1 Attached to this report are the following documents:
- Complaint Form
 - Guidance for Complainants
 - Assessment Procedure and Criteria
 - Investigation Procedure
 - Pre- hearing Procedure (including Forms A-D)
 - Hearing Procedure

2.2 The words in bold type in the Assessment Procedure have been added by the Monitoring Officer as a proposed amendment, following a recent discussion with the Chairman.

2.3 The words in bold type in the Hearing Procedure have been added as a proposed amendment because in the more complex cases it may be appropriate for the Sub-Committee to hear the evidence and make findings of fact, before going on to hear representations as to whether, on the facts, there has been a breach of the Code of Conduct and to make a finding on that issue.

2.4 Members are asked to consider these proposed amendments, and whether any further amendments are needed to the documents.

3.0 Details of Consultation

3.1 There has been no consultation.

4.0 Options and Options Analysis (including risk assessment)

4.1 It is open to the Committee to make any appropriate amendments to the documents.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None arising from this report.

FINANCIAL IMPLICATIONS

None directly arising from this report.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

None directly arising from this report.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer in her capacity as adviser to the Standards Committee.

BACKGROUND PAPERS

None

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