

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Civic Affairs Committee

24th September 2012

AUTHOR/S: Monitoring Officer

REVISED HEARING PROCEDURE/SANCTIONS

Purpose

1. To adopt a new hearing procedure following the implementation of the requirements of the Localism Act 2011, including outlining a list of potential sanctions that could be applied when the code of conduct has been breached, both to be added as appendices to the Council's Code of Conduct Complaints Procedure. To appoint a Hearings Sub-Committee and substitutes to hear complaints cases.

2. **RECOMMENDATIONS:**

That the Civic Affairs Committee:

- a) **Adopt a revised Hearings Procedure with any amendments it wished to make; and**
- b) **Adopt the list of potential sanctions available to the Committee as part of the complaints procedure.**
- c) **Appoint five members of the Committee as a sub-committee from which three members would be asked to sit as a Hearings Panel on each occasion, with the rest of the Committee appointed as substitute members of the sub-committee.**

Reasons for Recommendations

3. To enable the Committee to adopt a "lighter touch" approach to hearings compared to the procedure used by the Standards Committee under the former complaints process and to agree on possible sanctions to be used where necessary.

Background

4. The current hearings procedure is contained in the Constitution and is attached to this report as Appendix 3. This procedure needs to be amended to reflect the new processes adopted by the Council on 26th July following the provisions of the Localism Act 2011.

New hearings procedure

5. The procedure has been re-written to reflect the new provisions and with the aim of streamlining and simplifying the process whilst still retaining a workable and logical order of procedure. The revised procedure is attached as Appendix 1 and refers to a Hearings Panel. The Committee needs to appoint five members to a Hearings Sub-Committee, from which a panel of three members would be drawn on any occasion, with all members of the committee appointed as substitute members of the sub-committee to be called on to sit on a panel if necessary.

Sanctions

6. Under section 28(11) of the 2011 Act, if a relevant authority finds that a member or co-opted member has failed to comply with the code of conduct, the authority may have regard to the failure in deciding whether to take any action and if so what action to take.
7. However, since the Act is silent on the nature and scope of any action which authorities might lawfully take in these circumstances, the Association of Council Secretaries and Solicitors (ACSeS) obtained counsel's opinion on what sanctions were available under the new arrangements and this advice is reflected in the list of available attached as Appendix 2.
8. Once agreed both the hearings procedure and the list of sanctions will form Appendices 1 & 2 to the Council's Code of Conduct Complaints procedure.

BACKGROUND PAPERS: Localism Act 2011
SCDC Code of Conduct Complaints procedures

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