

**REPORT FOR:           STANDARDS  
                                  COMMITTEE**

---

**Date of Meeting:**           4 December 2012

**Subject:**                    Terms of Reference and Working Arrangements for the Assessment Working Group and the Hearing Working Group

**Responsible Officer:**    Hugh Peart, Director of Legal and Governance Services

**Exempt:**                     No

**Enclosures:**              None

**Section 1 – Summary and Recommendations**

This report sets out the proposed terms of reference and working arrangements for the Assessment Working Group and the Hearing Working Group.

**Recommendations:**

To formally approve the revised terms of reference of the Assessment Working Group and the Hearing Working Group

## **Section 2 – Report**

### **Background**

The Standards Committee at its meeting on 11 September 2012 considered the terms of reference and working arrangements for the Assessment Working Group (AWG) and the Hearing Working Group (HWG) and proposed some amendments.

It was proposed that the procedure rules for the AWG be amended to state that the complainant and the Member being complained about may make written representations for consideration.

It would be presumed that meetings of the HWG would be held in public unless the Group decided otherwise based on the exempt information criteria.

The role of the HWG would be to consider reports arising from the investigation of complaints under the Council's Code of Conduct and to make recommendations to the Monitoring Officer either to impose sanctions or to take no further action in respect of it.

If there was disagreement between the Monitoring Officer and the HWG, the Monitoring Officer will not use delegated powers and the matter would be referred to the Hearing Sub-Committee.

It was agreed on 11 September that the Chairman and Vice-Chairman would agree revised terms of reference and working arrangements which would then be submitted to this meeting for formal agreement.

The purpose of this report is to establish the terms of reference of the Assessment Working Group and the Hearing Working Group so that they can be formally approved by the Committee.

## **TERMS OF REFERENCE AND WORKING ARRANGEMENTS**

### **Assessment Working Group**

#### **Role**

The Assessment Working Group shall have the following powers and duties.

It is an informal body meeting in private

To consider complaints about members under the Council's Code of Conduct, on the referral of the Monitoring Officer, and to make recommendations either that:

- (i) the complaint should be the subject of formal investigation or
- (ii) there should be no further action in respect of it.

#### **Membership**

3 persons being:-

Chairman, an Independent person

1 Councillor from each political group represented on the Council nominated by the relevant Group Leader

#### **Frequency of Meetings**

As required

#### **Procedure Rules**

As determined by the Group under the Chairmanship of the Independent Person.

The Complainant and Member who is the subject of the complaint may make written representations for consideration.

All recommendations shall be supported by written reasons.

### **Hearing Working Group**

#### **Role**

The Hearing Working Group shall have the following powers and duties

The presumption is that the meeting will be held in public unless otherwise agreed by the Hearing Working Group. The Hearing Working Group's decision will be based upon the exempt information rules.

To consider reports arising from the investigation of complaints under the Council's Code of Conduct and to make recommendations to the Monitoring Officer either to impose sanctions or to take no further action in respect of it. Where there is disagreement between the Monitoring Officer and the Hearing Working Group, the Monitoring Officer will not use delegated powers and the matter will be referred to the Hearing Sub-Committee.

### **Membership**

3 persons being:-

Chairman, an Independent person

1 Councillor from each political group represented on the Council nominated by the relevant Group Leader

### **Frequency of Meetings**

As required

### **Procedure Rules**

As determined by the Group under the Chairmanship of the Independent Person.

All recommendations shall be supported by written reasons.

### **Financial Implications**

The MTFs includes a budget for support to the Standards Regime, including undertaking investigations.

### **Risk Management Implications**

The Council must have a Code of Conduct and a procedure for dealing with complaints. This report addresses these points.

### **Equalities implications**

It is important that all members of the public are able to have access to a system to enable them to easily voice any concerns about the conduct of Councillors.

### **Corporate Priorities**

High standards of conduct among Members contributes to promoting all of the Council's Corporate Priorities

### **Section 3 - Statutory Officer Clearance**

Name: Steve Tingle

on behalf of the  
Chief Financial Officer

Date: 22/11/12

Name: Jessica Farmer

on behalf of the  
Monitoring Officer

Date: 23/11/12

### **Section 4 - Contact Details and Background Papers**

**Contact:** Jessica Farmer, Head of Legal Practice - 02084241889

**Background Papers:** None