

Report to the Standards Committee

Report reference: **STD-*nnn*-2017/18**
Date of meeting: **18 December**
2017



Subject: **Appointment of Standards Complaints Subcommittee**

Responsible Officer: **Colleen O'Boyle (01992 564475)**

Democratic Services: **Gary Woodhall (01992 564470)**

Recommendations/Decisions Required:

- (1) To appoint a Chairman and members of a Complaints Subcommittee in accordance with the Constitution;**
- (2) To note the Terms of Reference for Panel as set out in Article 9 of the Constitution and reproduced below.; and**
- (3) That the Monitoring Officer provides training to appointed members prior to the hearing of the case.**

Report:

1. (Monitoring Officer) There is a need to appoint to and convene a meeting of a subcommittee to conduct a hearing into an allegation that a member has breached the Council's Code of Conduct.
2. Article 9 of the Constitution includes provisions to appoint such a Subcommittee as follows:

"Complaints Subcommittee

7. The Committee may appoint a Complaints Subcommittee to conduct any Hearing into an allegation that a Member or Co-opted Member has breached the Authority's Code of Conduct. Such a subcommittee shall be the minimum of three members of the Standards Committee.
8. A Parish Councillor will be invited to be co-opted as non-voting member when dealing with a complaint against a Parish Councillor.

Complaints Sub Committee - Terms of Reference

9. The Complaints subcommittee will undertake the following functions:
 - (a) To conduct any Hearing into an allegation that a Member or Co-opted Member has breached the Authority's Code of Conduct.
 - (b) Following a Hearing, make one of the following findings:
 - (i) That the Member has not failed to comply with the Code of Conduct

and no further action needs to be taken in respect of the matters considered at the Hearing; or

(ii) That the Member has failed to comply with the Code of Conduct but that no further action needs to be taken in respect of the matters considered at the Hearing; or

(iii) That the Member has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed.

(c) Following any finding under (b)(iii) above, the Subcommittee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions as are available to it by law or policy.

(d) After making a finding, providing written notice of its findings and the reasons for its decision to the Member and complainant

3. The complaint in this case does not refer to a member of a Town or Parish Council. There is therefore no requirement to appoint a Parish Councillor onto the Subcommittee.
4. It should be noted that the terms of reference of the Subcommittee include the delegation to determine the case in this instance without further reference to this Committee.
5. Training will be organised for the Subcommittee members prior to the hearing of the case.