



REPORT of MONITORING OFFICER

to
JOINT STANDARDS COMMITTEE
1 JUNE 2017

CONSTITUTIONAL AND OPERATING ARRANGEMENTS FOR THE JOINT STANDARDS COMMITTEE

1. PURPOSE OF THE REPORT

- 1.1 To receive a reference from the Council to review certain aspects of these revised arrangements considered at the last meeting of the Committee.

2. RECOMMENDATION

To the Council:

That the revisions to the constitutional and operating arrangements of the Joint Standards Committee as outlined in this report and shown in **APPENDICES 1 and 2** be adopted as part of the Council's constitutional documentation, and that as a consequence Council Procedure Rule 20 be amended to also exclude the Joint Standards Committee when conducting its business in private session.

3. SUMMARY OF KEY ISSUES

- 3.1 At the last meeting of the Committee agreement was reached on a range of potential revisions to the constitutional and operating arrangements for the Committee. These were recommended accordingly to the Council. At the meeting of the Council on 5 April 2017 concerns were raised principally on –
- the ability of the Councillor being investigated to request that the matter is dealt with in open session.
 - the period of 28 working days given for responses to hearings.
- 3.2 The first point is easily clarified. Whether it is the Committee receiving an initial reference from the Monitoring Officer on a conduct complaint, or hearing the outcome of an investigation, the manner in which the Committee operates will be determined by the nature of the information it is receiving. A report from the Monitoring Officer containing 'exempt information' will therefore not be published and in accordance with normal practice the Committee would be invited to consider the matter with the press and public excluded. There is no basis for any party to the complaint to influence this process. As part of its recommendations to the Council the Committee sought to introduce a provision similar to that applicable to the Investigating and Disciplinary Committee. This was designed to protect the

sensitivity of the matters under consideration by restricting the circulation of papers and attendance at meetings of the Committee.

- 3.3 For further clarification it is important to understand the nature of ‘hearing’ in this process. The report of the Monitoring Officer to the Committee on a conduct complaint under stage II is a potential next step to the initial consideration by Monitoring Officer in conjunction with the Independent Person. This is merely another step towards determining whether a complaint should be referred to investigation and is not a hearing.
- 3.4 A hearing may occur under stage II in the light of the outcome of an investigation and would be conducted under rules or a procedure to be agreed which undoubtedly would make provision for the involvement of relevant parties including the complainant and the Councillor the subject of the complaint. As stated above however, the hearing would be conducted in the formal session of the Committee and therefore the normal rules affecting the consideration of business in open or closed session would apply.
- 3.5 There are no further matters requiring review and therefore it is open to the Committee to reiterate to the Council its recommendations agreed at the last meeting which are represented in **APPENDICES 1 and 2** to this report.

4. IMPACT ON CORPORATE GOALS

- 4.1 The review and updating of the corporate governance arrangements of the Council underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to high level outcomes associated with the corporate goal of delivering good quality, cost effective and valued services in a transparent way.

5. IMPLICATIONS

- (i) **Impact on Customers** – It is right and proper that the Council is able openly to explain, through well-presented and user-friendly constitutional documentation, the way in which it is set up and operates, and how it conducts its business. It is important that the Council’s procedures are seen as open and transparent.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – None identified.
- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – None identified.

Background Papers: None.

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