

STROUD DISTRICT COUNCIL
STANDARDS SUB-COMMITTEE
31 MAY 2022

Report Title	HEARINGS PROCEDURE			
Purpose of Report	The Sub-Committee is asked to adopt the Hearings Procedures set out in Appendix A.			
Decision(s)	<p>The Sub-Committee RESOLVES to:</p> <p>a. Adopt the Hearings Procedures set out in Appendix A; and</p> <p>b. Authorise the Monitoring Officer, in consultation with the Chair of the Standards Sub-Committee, to make such amendments to the Hearings Procedures as may be necessary to deal with any particular circumstances arising.</p>			
Consultation and Feedback	The Chair of Audit and Standards Committee, together with the subject member of the current complaint due to be heard by the Sub-Committee, and the member's legal representative, have been consulted.			
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Options	Members can choose not to have an approved Hearings Procedure in place but that is not recommended as that would not facilitate the smooth running of the hearing process. Members can approve or amend the proposed Procedures as they think fit.			
Background Papers	There are none			
Appendices	Appendix A – Outline Procedure for Hearings			
Implications (further details at the end of the report)	Financial	Legal	Equality	Environmental
	No	Yes	Yes	No

1. INTRODUCTION

- 1.1 One of the functions of the Standards Sub-Committee is to conduct Standards Hearings. There is no statutory procedure setting out how such a hearing may be conducted. Any procedure which is adopted by the Council for the conduct of hearings must follow the rules of natural justice and comply with the obligation to ensure a fair hearing under Article 6 of the Human Rights Act 1998.

2. HEARINGS PROCEDURE

- 2.1 Before a Standards Hearing can be held, a substantial amount of preliminary work needs to be done to ensure all necessary arrangements are in place in advance of the Hearing.

This “pre-hearing process” is intended to clarify such matters as whether any of the findings of fact in the Investigator’s report are disputed; the number of witnesses to be called and by whom; and whether the subject member is intending to be legally represented.

- 2.2 The Hearing itself is a meeting of the Sub-Committee and the usual rules apply as to convening the meeting and holding it in public unless there are lawful reasons for all or part of it to be heard as exempt or confidential matters.
- 2.3 An agreed Hearings Procedure would ensure that those taking part are fully aware of the process to be followed at the moment and that it satisfies the requirements of Article 6 that the Subject Member has a fair hearing.
- 2.4 In formulating the Hearings Procedure, regard has been had to the Local Government Association’s ‘Guidance on Member Model Code of Conduct Complaints Handling’. The Chair of Audit and Standards has been consulted on the draft Procedure, as has the Subject Member of a current complaint due to be considered by the Sub-Committee and their legal representative. The draft Procedure has subsequently been revised to include more detail so as to be of more assistance to the parties and the members of the Sub-Committee.
- 2.5 The proposed Procedure which covers the “pre-hearing process” and the Hearing itself is attached at Appendix A. Members comments are welcome, subject to which it is recommended that the Procedure be adopted for use at future Hearings, subject to any amendments that may be agreed. It is suggested that training on the Procedure take place following the meeting of the Sub-Committee.

3. CONCLUSION

- 3.1 Members are recommended to adopt the attached Hearings Procedure.

4. IMPLICATIONS

4.1 Financial Implications

There are no significant implications within this category

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4.2 Legal Implications

Any Hearings Procedure must follow the rules of natural justice and comply with the obligations to ensure a fair hearing under Article 6 of the Human Rights Act 1998.

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4.3 Equality Implications

The proposed Procedure makes clear that equality implications will be taken into account as part of the “pre-hearing process”.

4.4 Environmental Implications

There are no significant implications within this category.