

## STANDARDS COMMITTEE – 1<sup>ST</sup> MARCH 2007

### STANDARDS COMMITTEE PRE-HEARING BRIEFING

Report of the: Monitoring Officer

Status: For Consideration

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#### Executive Summary:

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**This report supports the Key Aim of** promoting and maintaining high standards of conduct in local government.

**Portfolio Holder** Cllr. Loney

**Head of Service** Head of Legal and Committee Services – Christine Nuttall

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**Recommendation:** Members are requested to consider whether they would welcome a pre-hearing briefing and whether members who have not sat on a hearing panel would welcome the opportunity of sitting in on a hearing with the permission of those involved.

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#### Background

- 1 The Standards Committee has carried out a number of investigation and determination hearings in 2006/2007.
- 2 These hearings have on the whole run smoothly but in order to improve process still further those members who have been involved in the hearing process are asked to give their views on what has gone well and what has gone not so well.

#### Pre Hearing Run Through

- 3 Members are asked to consider whether they would welcome a pre hearing briefing and whether this should involve members from the previous hearing panel.
- 4 Matters that could be considered at the pre hearing briefing are as follows:
  - to view the training DVD on an investigation and determination hearing,
  - guidance on process from members previously involved in the hearing process,
  - burden of proof,
  - guidance on sanctions,

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- the hearing procedure,
- case law.

**Members attending the Hearing**

- 5 Members who have not been involved in a hearing are asked to consider the benefits of being invited to attend a hearing and to sit with the hearing panel when they adjourn with the permission of those persons involved in the hearing process.

**Financial Implications**

- 6 Improving the investigation and hearing process must have cost saving implications although these are not readily quantifiable.

**Legal Implications**

- 7 Improving the investigation and hearing process makes it less likely for there to be a successful appeal.

**Conclusions**

- 8 Although hearings appear to have run smoothly it is important to strive for continuous improvement.

**Sources of Information:**

The Hearing Procedure  
Report on Guidance on Sanctions

**Contact Officer(s):**

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**Corporate Resources Director**  
**Dr. Pav Ramewal**

**RISK ASSESSMENT STATEMENT**

Without a robust investigation and hearing process the Standards Committee leaves itself open to a successful challenge by way of appeal.