

STANDARDS COMMITTEE

4th December 2003

**PROCEDURE FOR LOCAL DETERMINATION OF COMPLAINTS REFERRED BY
ETHICAL STANDARDS OFFICERS**

Purpose of report

1. The Standards Committee is asked to consider adopting the procedure attached at Appendix A for the hearing of complaints referred by ethical standards officers in accordance with the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003.

Background

2. At its meeting on 24th July 2003 the Committee considered the Guidance issued by the Standards Board on Standards Committee Determinations and agreed to adopt the model procedures within the Guidance.

Monitoring Officers in Wiltshire and Dorset have since worked up a draft procedure which incorporates the pre-hearing and final hearing processes covered in the Guidance. A copy of the proposed procedure based on this working draft is attached at Appendix A.

Proposed Procedure

3. The proposed procedure follows the Standards Board's Guidance except that:
 - a. the conduct of the pre-hearing process is delegated to the Monitoring Officer to avoid the risk of members of the Committee being compromised before hearing the complaint.
 - b. the distinct stages in the model procedure of making findings of fact and determining whether there has been a breach of the Code of Conduct are combined to avoid unnecessary convolution of the process.
 - c. the Committee may vary the procedure where this is considered appropriate in the interests of the efficient conduct of the proceedings.
4. It is proposed that referred complaints will be heard by a sub-committee of three members of which the chairman will be an independent member. The legislation which enables the

Standards Committee to form sub-committees has now been implemented. It is further proposed that the membership of the sub-committee is determined for each hearing by the Monitoring Officer in consultation with the Chairman of the Standards Committee.

Recommendation

5. Members are asked to:
 - a. consider the adoption of the procedure at Appendix A for the purpose of dealing with referrals from ethical standards officers.
 - b. agree the arrangements in paragraph 4 above for the hearing of complaints.

STEPHEN GERRARD
MONITORING OFFICER

Unpublished documents relied upon in the production of this report:	None
Environmental impact of the recommendations contained in this report:	None
Financial implications of the recommendations contained in this report:	None