

Agenda Item No. 7

Title: **Local Determination : Appointment of a Sub-Committee**

Reporting Officer : **Tim Darsley, Monitoring Officer**

Purpose

To establish a sub-committee for the purpose of making a local determination on complaints made against Councillor Hawker.

Background

An important role of the Standards Committee is to determine (decide upon) complaints made to the Standards Board for England which have been referred to the District Council to deal with.

Two complaints against Councillor Hawker were referred to the Council in July 2006. Both complaints concerned communications from Councillor Hawker, which were alleged to have breached the Code of Conduct regarding treating others with respect and bringing his office into disrepute.

The two complaints have been investigated together by George Curran, an external Solicitor. The report of his investigation was issued on 22 May 2007.

Key Issues

The District Council's Standards Committee is now required to determine whether or not Councillor Hawker has breached the Code of Conduct and, if so, what penalty, if any, should be applied. The determination must be made within three months of the issue of the report.

The Constitution provides for establishing sub-committees to make local determinations. The sub-committee shall consist of between three and five members of the Standards Committee, including at least one independent member. The Chair of the sub-committee shall be an independent member.

After consultation with Councillor Hawker, a date for the local hearing by the sub-committee has been set for Thursday 26 July. The hearing will take place in the Council Chamber. Standards Board advice is that the hearing should be completed within one day, but Friday 27 July has also been reserved as a contingency.

It is essential that the sub-committee should be, and be seen to be, fair and politically unbiased, so that members of the public and the authority can have confidence in its procedures and findings. In this regard, there is a risk that including fellow District Councillors on the sub committee may not be regarded as fair. My advice in this case therefore, is to establish a sub committee consisting of independent members and town / parish representatives.

The hearing will be carried out in line with the guidance from the Standards Board on Standards Committee determinations. The pre-hearing process has already begun and aims to identify any disagreement with the findings of fact in the investigator's report and to establish if any witnesses will be necessary. A pre-hearing process summary will be issued to all those involved at least two weeks before the hearing.

Legal and Human Rights Implications

The local determination will be carried out under the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003.

Financial Implications

There are none.

Recommendations

It is recommended that:

- The Standards Committee establishes a sub-committee comprising independent and town / parish Members of the Committee for the purpose of determining the complaints against Councillor Hawker.