

Committee: Standards and General Purposes Committee

Date: 28 November 2022

Wards: All

Subject: Appointing the Hearings Sub-Committee for Member Complaints

Lead officer: Louise Round, Monitoring Officer

Lead member: Councillor Mike Brunt, Chair, Standards and General Purposes Committee

Contact officer: Louise Round, Monitoring Officer

Recommendations:

- A. To agree that the Standards and General Purposes Committee appoint a sub-committee to undertake hearings as and when required to consider complaints against members under the members complaints process, part 5A of the Council's Constitution (Appendix A).
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1.1 At its meeting on 22 July 2021, Standards and General Purposes Committee agreed a revised process for dealing with complaints that members had breached the code of conduct which would apply to all complaints received after 8 July 2021.
- 1.1.2 As part of this process, where relevant, the Monitoring Officer will review the investigating officer's report and in consultation with the Independent Persons, will either (a) refer the matter to the Hearings Subcommittee which is a sub-committee of the Standards and General Purposes Committee or (b) seek local resolution. A Hearing sub-committee of the Standards and General Purposes Committee is therefore required to be appointed.

2 DETAILS

- 2.1.1 The process requires that, following a complaint, if an investigation is undertaken and the outcome of that investigation is that there is no breach of the code of conduct, then there is no requirement for a hearing and the matter is simply reported to the Standards and General Purposes Committee for information. However, if the conclusion of the investigating officer is that there has been a breach then, on receipt of a report concluding that there had been a breach, the matter would proceed straight to a hearing by the sub-committee.
- 2.1.2 The default position should be a hearing by a hearings sub-committee. Whilst there is still the power for the full committee to conduct hearings this would be by exception.

- 2.1.3 It is considered sensible to appoint a hearings sub-committee on a standing basis, given that matters may be referred straight to hearing as describe above, rather than have to convene a full meeting of the committee to appoint a subcommittee on a case by case basis.
- 2.1.4 The sub-committee will be subject to the proportionality requirements contained in the Local Government and Housing Act 1989, however the subcommittee does not have to be drawn from among the membership of its parent committee. It was decided by the Standards and General Purposes Committee on 22 July 21 that seven members should be on the sub-committee and groups should provide nominations to Democratic Services.
- 2.1.5 Under proportionality requirements, the table below sets out the proportionality for varying sizes of sub-committee

NO OF MEMBERS	LABOUR	LIBERAL DEMOCRATS	CONSERVATIVE	MERTON PARK INDEPENDENTS
7	4	2	1	0

- 2.1.6 The procedure for dealing with hearings is set out in the schedule to the complaints process (Appendix A).
- 2.1.7 The meeting of the Hearings Sub-committee will be open to the press and public unless it is considering confidential or exempt information under Part VA Local Government Act 1972 and the Subcommittee resolves to go into private session having considered whether it is appropriate to do so, taking into account the public interest in the meeting.
- 2.1.8 Changes to the membership of the sub-committee can be agreed by the Standards and General Purposes Committee and there would be provision for substitutions particularly in the event that there was a conflict of interest for a member on the sub-committee who was therefore unable to be part of that particular hearing.

3 ALTERNATIVE OPTIONS

- 3.1.1 The Committee could choose reconsider the process for appointing a Hearing Sub-Committee, options could be presented at a future meeting, however this process has previously been agreed by both this Committee and Council.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1.1 The recommendations of this report are the result of a previous consultation with this Committee.

5 TIMETABLE

5.1.1 If the Committee agrees the proposals set out in this report, the Monitoring Officer will request nominations for membership of the Hearings Sub-Committee from Groups.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1.1 There are no financial implications arising from this report.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1.1 The statutory framework governing member conduct is set out in the Localism Act 2011 and the proposals contained in this report are compliant with it.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1.1 None

9 CRIME AND DISORDER IMPLICATIONS

9.1.1 None

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

None

11. APPENDICES

Appendix A – Members Complaints Process as agreed at Full Council 7 July 2021

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