



WEST OXFORDSHIRE
DISTRICT COUNCIL

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| Name and date of Committee | STANDARDS COMMITTEE – 23RD MARCH 2022 |
| Report Number | Agenda Item 4 |
| Subject | STANDARDS SUB COMMITTEE: LOCAL HEARING PANEL PROCEDURE RULES |
| Wards affected | ALL |
| Accountable member | Cllr MacRae Cabinet Member for Environment Email: norman.macrae@westoxon.gov.uk |
| Accountable officer | Susan Sale, Monitoring Officer Tel: Email: susan.sale@westoxon.gov.uk |
| Summary/Purpose | A report to govern the procedures of the Local Hearing Panel when it meets as a Sub Committee of the Standards Committee to determine an allegation that a Member has breached the Code of Conduct. |
| Annexes | Annex A: LOCAL HEARING PANEL PROCEDURE RULES |
| Recommendation/s | Please write recommendations using letters and italics as below. <i>a) To note the report</i> <i>b) To approve the Local Hearing Panel Procedure Rules and recommend to full Council their formal adoption into the West Oxfordshire District Council's Code of Conduct</i> <i>c) To delegate the authority to the Monitoring Officer to make minor and consequential amendments</i> |
| Corporate priorities | Modern Council Services and Sustainable Finance |
| Key Decision | NO |
| Exempt | NO |
| Consultees/ Consultation | Consultation has taken place with the Group Leaders of West Oxfordshire District Council and the Chief Executive |

1. BACKGROUND

The Localism Act 2011 provides that Local Authorities must have a Code of Conduct that governs the conduct of Members when acting in their capacity as a Councillor.

West Oxfordshire District Council has a procedure setting out the arrangements for dealing with a complaint that a Member has breached the code. These arrangements can be found on the Council's website and include the convening of a Sub-Committee of the Standards Committee, in circumstances where a complaint has been investigated and referred to the Sub-Committee by the Monitoring Officer for determination.

2. MAIN POINTS

- 2.1.** When the Standards Committee sit as a Sub Committee to determine a Code of Conduct allegation they are known as a Local Hearing Panel. Their purpose is to determine whether a Member of the District, or a Town or Parish Council, has breached the code, and to apply sanctions to that Member if appropriate to do so.
- 2.2.** Hearings held by the Local Hearing Panel are quasi-judicial and the principles of natural justice and fairness must be upheld. It is therefore prudent to have agreed procedure rules to govern the procedure at a Local Hearing Panel and to give clarity to those involved as to what to expect. There is sufficient flexibility in the rules to enable the Chairman to amend the procedure, in consultation with the Monitoring Officer, where prudent to do so, provided that the principles of natural justice remain upheld.
- 2.3.** The Local Hearing Panel Procedure Rules can be found at Annex A to this report. They set out the procedure to include the ability for the Panel to set directions in advance of the hearing, for the Subject Councillor to be represented and for the Independent Person's views to be taken into account. They provide that both the Investigating Officer and the Subject Councillor may present witnesses at the hearing and both have the opportunity to question each other's witnesses, as do the Panel Members and the Independent Person.
- 2.4.** It is a statutory requirement that the views of the Independent Person must be taken into account before the Panel makes its decision and determines a breach or otherwise and the Panel should also take their view into account in respect of sanction where these are being considered.
- 2.5.** Many Local Hearings will take place in public, unless there is exempt information likely to be disclosed and the public interest test determines that the interest of the public in the matter does not outweigh the rights of the individual. The advice of the Monitoring Officer will be provided in each case.
- 2.6.** There is no appeal against the decision of the Local Hearing

3. FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising from this report.

4. LEGAL IMPLICATIONS

4.1. Section 27(2) Localism Act 2011 provides that a Local Authority must adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.

4.2. Section 28(6) Localism Act 2011 provides that a Local Authority must have in place arrangements under which allegations can be investigated and arrangements under which decisions on allegations can be made.

4.3. Section 28(7) Localism Act 2011 provides that the views of the Council's Independent Person must be sought before the Council makes its decision on an allegation that it has investigated.

5. RISK ASSESSMENT

5.1. The Council has a statutory duty to promote and maintain high standards of conduct by members and co-opted members of the Council. The implementation of these procedures support that duty.

6. EQUALITIES IMPACT (IF REQUIRED)

6.1. There are no equality issues arising from this report. There is sufficient flexibility in the procedure rules to enable the Local Hearing Panel to accommodate any disability or equality issues and make reasonable adjustments to ensure fairness and accessibility on a case by case basis.

7. CLIMATE CHANGE IMPLICATIONS (IF REQUIRED)

7.1. There are no climate change implications arising from this report.

8. ALTERNATIVE OPTIONS

8.1. It is not a prudent alternative option to not have any documented Local Hearing Procedure Rules.

9. BACKGROUND PAPERS

9.1. The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

- The West Oxfordshire District Council Constitution and Code of Conduct
- The Localism Act 2011