

PLYMOUTH CITY COUNCIL

26 APRIL 2010

**Standards Committee
Minute 14
of the meeting held on 10
March 2010**

TERMS OF REFERENCE – STANDARDS HEARING SUB-COMMITTEE

The Head of Legal Services provided the Committee with an update on terms of reference for the Standards Hearing Sub Committee.

The Committee was informed that –

- (i) the current terms of reference for the Standards Hearing Sub Committee agreed at the 28 July 2008 City Council meeting stated that ‘Membership of the Hearings Sub-Committee was to comprise a minimum of five members of the Standards Committee’ and that ‘none of the members of the Hearings Sub-Committee, as far as possible, shall have dealt with the particular complaint previously, at either the Assessment or Review Sub-Committee’;
- (ii) due to problems experienced when trying to arrange the first Standards Hearing Sub Committee, it was considered beneficial for the terms of reference to be amended so that Members who sat on either a Standards Assessment Sub Committee or Standards Review Sub Committee would be able to sit on a Standards Hearing Sub Committee, and that the quorum for the meeting be reduced from five members to three;

The Committee made the following comments –

- (iii) the Standards Committee had an obligation to ensure that those for whom allegations of Code of Conduct breach had been made had a right for their case to be determined by a fair and unbiased panel;
- (iv) the terms of reference for the Standards Hearing Sub Committee should either have a membership of five members, consisting of a majority of members that had not heard the case before, or for the membership to reduce to three with the condition that the whole panel had not heard the case before;
- (v) there were concerns that if the Standards Committee deviated from the guidance of the Standards for England the Committee’s authority may be challenged;
- (vi) the terms of reference for the Standards Hearing Sub Committee should state a panel membership of five however include a quorum of three;

In response to questions raised it was reported that –

- (vii) if the panel resolved to change the Standards Hearing Sub Committee terms of reference it would reflect guidance from Standards for England;
- (viii) the Head of Legal Services considered it was far more practicable to have a quorum of three however verified that officers would aim for five members to sit on a Standards Hearing; he also confirmed that he did not consider a panel to be biased or prejudiced if members had previously sat in either a Standards Assessment or Review Sub Committee as this was in accordance with guidance from Standards for England;
- (viii) the Head of Legal Services considered it was far more practicable to have a quorum of three however verified that officers would aim for five members to sit on a Standards Hearing; he also confirmed that he did not consider a panel to be biased or prejudiced if members had previously sat in either a Standards Assessment or Review Sub Committee as this was in accordance with guidance from Standards for England;
- (ix) it was not considered that political balance was necessary to the membership of the Standards Hearing Sub Committee, however it was stated that wherever possible officers tried to ensure political balance in order to mitigate against possible allegations of bias;

Recommended to Council that the terms of reference for the Standards Hearing Sub Committee be amended to read the following:

Membership of the Hearings Sub Committee is to comprise, where possible, five members from the Standards Committee and have a quorum of three members. The Chair will be an independent member of the Standards Committee. In line with guidance from Standards for England, members who previously sat on the Assessment or Review Sub Committee of the same complaint are able to sit on the Standards Hearing Sub Committee.

Note:

*The full report in connection with this minute is available on the website
www.plymouth.gov.uk/democracy
or by contacting Democratic Support on 01752 304867*