

Cheltenham Borough Council
Standards Committee
4th August 2022

Report of Interim Monitoring Officer
Hearing process for Complaints

Recommendation:-

That the Committee considers its present procedure for hearings and provides its view as to any potential changes that may assist in discharging its role

Background

1. The Committee has recently considered a complaint against a Member of the Council. Reflecting on the hearing there may be changes to the process that would assist the Committee both in understanding the nature and extent of the complaint and also in ensuring any relevant ancillary information is fully understood. This would include ensuring, where appropriate, such relevant information is factored into any decision of the Committee.
2. It is important to note that formal hearings before the Standards Committee are relatively infrequent. However it is essential to ensure that, in reaching decisions both in respect of the allegation and the tariff to be applied as regards a sanction for the failing the Committee should have access to all the relevant information.
3. In this regard valuable feedback has been received from one of the Independent Persons as to their perceptions and observations in respect of the hearing and these have informed some initial proposals for the Committee.
4. Having regard to future hearings it may be appropriate for the Committee to receive a short precis of the opinion of the Independent Persons as to their specific view on an allegation. Although their views form a part of the report submitted for the hearing, receiving their opinion on the case first hand may improve the understanding of the thought processes of the independent Persons in coming to their overall view on a complaint. This could be dealt with by being provided as an ancillary document to the main Report.
5. In addition, where external organisations have dealt with the same issue albeit under their processes, the Committee should seek to receive a formal note of the decision and any reasons for findings made in the matter. Naturally, in providing a detailed note of these external proceedings some dependence will rest on the body that decided on those matters being willing or able to share the full details of those proceedings.
6. The Committee is asked to consider these matters and any other steps that they feel may assist in the efficient and effective conduct of hearings for allegations of misconduct by Councillors.