

TONBRIDGE & MALLING BOROUGH COUNCIL
COUNCIL

03 November 2015

Report of the Monitoring Officer

Part 1- Public

For decision

1 CODE OF CONDUCT COMPLAINTS – COMPOSITION OF HEARING PANEL

1.1 In accordance with the requirements of Section 28 of the Localism Act 2011, the Borough Council has adopted arrangements under which allegations can be investigated and decisions on allegations can be made. The existing arrangements were adopted by the Borough Council on 10 July 2012, and apply to all Code of Conduct complaints made against Borough or Parish Councillors.

1.1.1 The current arrangements are attached as **Annex 1**. At Annex 4 to the Arrangements are details of the procedure to be followed by the Hearing Panel when considering complaints against Borough and Parish Councillors.

1.1.2 This report seeks to make a small addition to the arrangements to address the practical operation of the hearing panel when considering a complaint against a person acting in a capacity both as a member of the Borough Council and as a Parish Councillor.

1.2 Composition of Hearing Panel

1.2.1 Under the current arrangements (paragraph 1.1 of the Hearing Panel Procedure), the Hearing Panel shall be comprised as follows

(a) Where the Subject Member is a Borough Councillor, the Panel shall be comprised of five Borough Members and one Parish/ Town Member drawn from the Joint Standards Committee, one of whom shall be elected as Chairman.

(b) Where the Subject Member is a Town or Parish Councillor, the Panel shall be comprised of three Borough Members and three Parish/ Town Members drawn from the Joint Standards Committee, one of whom shall be elected as Chairman.

Where practicable, members of the Hearing Panel shall be drawn from a different planning area of the Borough than the member against whom the complaint has been made

1.2.2 Paragraph 1.1 is silent as the composition of the Panel in circumstances where the Subject Member is acting in a capacity both as a Borough and as a Town/ Parish Councillor. On a practical level, this has not caused a problem thus far, but

it is considered prudent to make express provision in the arrangements in order to avoid any potential for uncertainty.

1.2.3 It is therefore proposed that the arrangements be amended so as to provide that, where the Subject Member is acting in a capacity both as a Borough Councillor and as a Town/ Parish Councillor, the Panel shall be comprised of five Borough Members and one Parish/ Town Member drawn from the Joint Standards Committee, one of whom shall be elected as Chairman. In that way the Panel shall be comprised in the same way as it would be if the Subject Member were solely acting in the capacity of a Borough Councillor.

1.3 **Legal Implications**

1.3.1 The Borough Council is required to have in place arrangements under which allegations can be investigated, and decisions on allegations can be made.

1.4 **Financial and Value for Money Considerations**

1.4.1 None arising from this report.

1.5 **Recommendation**

1.5.1 Members are asked to **APPROVE** the amendment to the arrangements as set out in this report.

Background papers:

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Nil

Adrian Stanfield
Director of Central Services and Monitoring Officer