
LOCAL AUTHORITIES (CODE OF CONDUCT) (LOCAL DETERMINATION) REGULATIONS 2003

1 SUMMARY

- 1.1 This report presents the view of the Standards Board for England that a complainant should not be required to attend and answer questions at Standards Committee hearings.

2 INTRODUCTION

- 2.1 At its last meeting this Committee resolved to seek the views of the Standards Board on the role of the complainant in Standards Committee hearings with regard to the above regulations. The response received by email from Mr Chris Boothman, Solicitor and Head of Legal Services for the Standards Board for England is reproduced in paragraph 3.1.
- 2.2 The Procedure Rules agreed by the Committee at its last meeting do not conflict with the view expressed by Mr Boothman.

3 STANDARDS BOARD VIEW

- 3.1 “The Board's current guidance and position on the issues you raise is largely based on the experience of Adjudication Panel hearings. However it is always kept under review and it is changed from time to time when justified.

At present the object of a local hearing is to consider the relevant ESO report in order to determine the following questions: -

1. What are the material facts in the case?
2. Has there been a failure to comply with the code or not? and if so
3. What if any action should be taken.

The question of whether or not it is necessary or desirable to have a complainant present at the hearing has to be referenced against what is required in order to conclude the hearing fairly and effectively.

In our experience there can be no inequity if the pre hearing process is properly managed i.e. that due consideration is given as to whether or not there is conflict on any material fact.

If there is no such conflict or if the conflict does not relate to the evidence of the complainant then there will be no need to have the complainant present at the hearing.

Indeed if the complainant is present at the hearing where there is no real need it will only serve to unnecessarily raise the temperature and prolong the proceedings.

In short the position of the Board is that a complainant should only feature in a local hearing if there is a need to call them as a witness to a material fact that is in dispute.

I hope this sets out our position clearly and succinctly.”

4 RECOMMENDATION

4.1 It is proposed that the Committee **RESOLVES**

to note the view of the Standards Board for England

John Honey

Corporate Director (Law, Planning & Administration)

Background Papers:

None

For further information please contact John Honey on:-

Tel:- 01702318004

E-Mail:- john.honey@rochford.gov.uk