

## CONSTITUTION PRACTICE NOTE

### STANDARDS INVESTIGATION REPORTING PROCEDURE

#### 1. Why this Practice Note has been produced

1.1 The Council has adopted a Complaints Procedure and An Investigation Procedure (Part 5.1.2 generally and Annex 4 to that Part of the Constitution in particular). Part of that procedure involves consideration by the Governance Committee of the Investigator's report on a complaint.

1.2 To assist the understanding of those present at a meeting of the Committee, this Practice Note explains the layout of the meeting room, the roles of those present and who can participate that is:

- the layout of the room and why it is so formal
- who can participate at the Committee meeting and their roles
- why no one else can participate
- how the agenda item will be discussed, in other words what observers and participants can expect to see.

1.3 You should contact the Council if you have any questions about the process or procedure either by:

- sending an email to [standards@chelmsford.gov.uk](mailto:standards@chelmsford.gov.uk); or
- speaking to an officer who can help on 01245 606434

#### 2. The Layout of the Room and why it is so formal

2.1 Committee meetings take place at the Civic Centre in the Council Chamber or other main meeting rooms to be sure there is sufficient room for all participants, the public and the press. Where there is significant interest in a case, this will be in the Council Chamber where possible as it provides the best facilities for everyone to see and hear the proceedings.

2.2 Annex 1 sets out the layout you will normally see at a Committee meeting when an Investigator is present to answer questions in relation to a report they have produced. Only those who are entitled to speak at the Committee will sit in the main part of the room namely-

- The Committee members  
Who will decide what further action should be taken having considered the Investigator's Report.
- The Independent Person  
Who is there to ensure that the correct procedures are followed and also to provide procedural advice to the Committee if required.
- The Monitoring Officer or their representative  
Who will advise the Committee on how to interpret the Code of Conduct, the Complaints and Investigation Procedures, rules of the Committee and the law as it relates to these issues.

- The Investigator  
Who has been appointed to investigate the complaint and to present their report to the Committee as to whether there has been a breach of the Code and as to whether any sanctions should be imposed. It should be noted that:
  - The Investigator will only attend if the Monitoring Officer has concluded that there are issues that the Committee needs to consider for the complaint to be properly considered. This will mainly be when the Investigator has concluded a breach may have occurred and the Committee may want to ask questions before they decide what to do next.
  - Therefore, the Investigator will not be at the Committee meeting where no breach of the Code of Conduct has been identified and the report is merely being presented for Information.

2.3 Generally Committee meetings will be held in public. The public and other observers will sit in the public gallery and signs will indicate where different groups of observers should sit namely-

- City Councillors
- Parish Councillors
- the general public
- the Press

2.4 The layout of the room is formal so that everyone can see who is present and what they are there to do. It also helps the Committee to understand easily who everyone is and why they are present. For example, City Councillors who are not on the Committee may wish to see how it operates or provide support by their attendance for a fellow Councillor, and Parish Councillors may attend for similar reasons.

2.5 The following protocols should be observed by those in the public gallery-

- They are only there to observe and will not be allowed to participate once the discussion begins on the Investigator's report. However:
  - If a person in the public gallery cannot see or hear what is being said, they should raise their hand and the Chair will call on them to speak.
  - In addition, all committee meetings allow for the public to ask questions. Any member of the public can do so and will be invited to come forward and ask their question at the appropriate time. An answer may not be given immediately if it relates to the Investigator's report, but may be delayed until the report is being discussed.
  - Public questions will not allow for the public to debate with the Committee, so if an answer is not what was expected there will not be an opportunity for lengthy discussion.
- Any Councillor present (whether from the City, Town or Parish Councils) will be there only as observers. Nevertheless they will also be assumed to be there in their official capacity as they are there as a Councillor not as a private individual.
  - This is important as Councillors are often recognised by the public and may be approached at a formal meeting in that capacity to provide advice or assistance for others present. As such it is important that anyone present understands this as if they are there in an official capacity the Code of Conduct for Councillors will be applied to their behaviour throughout the procedure.

- If therefore a Councillor believes they are only there in their private capacity they must say so and have this acknowledged by the Chair of the meeting. The appropriate time to do so would be at during the agenda item on Public Questions.
- Councillors who are not on the Committee should not at any time come into the Committee area of the room either whilst the meeting is in progress or during any adjournments. This is to ensure that there are no interruptions and that those who remain in the room after the Committee members adjourn do not feel they have to justify or explain themselves.

### **3. Who can participate at the hearing and their roles?**

#### **3.1 The role of the Committee is to-**

- listen to the information provided by Monitoring Officer and the Investigator
- the Investigator will not call witnesses at this stage but is there to answer any queries the Committee may have on the report they have produced and the conclusions they have reached.

#### **3.2 The Chair of the meeting will manage the way in which the meeting is run, with advice from the Monitoring Officer where appropriate. This includes but is not limited to-**

- asking all those present at the Committee to confirm who they are so that all participants and the public observers are clear as to who they are and why they are there.
- explaining how the meeting will be run and maintaining order during the process.
- ensuring that the meeting is carried out in accordance with the agreed procedure and to provide a single person through whom any questions should be raised. In this way the Committee and other participants know that they need to wait to be invited to speak by the Chair so that the meeting is properly run and everyone gets to have their say at the right time.
- confirming to all present why the Committee is about to leave the room if it needs to consider issues in private.
- explaining the decision taken when the Committee returns to the Committee room.

#### **3.3 No one, other than those with a role at the Committee as set out in paragraph 2.2 above, will be allowed to participate. This is because the hearing is to enable the Committee to decide what should be done, not to hear from complainants or witnesses.**

#### **3.4 The Monitoring Officer and the Investigator are there to help the Committee reach those decisions on the facts as presented. It would be wholly inappropriate for them to be questioned or challenged on other issues or by people that had not been part of the investigation as it would undermine the Complaints and Hearing Procedures.**

**ANNEX 1**

**Standards Investigation Reporting Procedure Layout**

