

COUNCIL MEETING – 11TH OCTOBER 2012

Extract from the Minutes of the Audit and Governance Committee Meeting on 27th September 2012

27 STANDARDS ISSUES AND PLANNING PROTOCOL

1. Options for a proposed appeals process in relation to complaints under the Member Code of Conduct.

The Committee considered whether such appeals should take the form of a formal hearing or by could be dealt with by way of written representations.

There were three options for the appeals body:

- three councillors from the pool of 15 and an independent person none of whom have previously been involved in a particular case;
- a body comprising the remaining three independent persons; or
- arrangements for the Fire Authority to hear any appeals.

The officers reported that the Fire Authority was agreeable in principle to act as an appeals body for Cheshire East although detailed arrangements had not been determined and Members were conscious that some form of reciprocal arrangement may be required.

It was noted that a second independent person could become involved in a case if the person under investigation sought their advice as was permitted. This would leave only two independent persons, making the second option untenable.

Members therefore favoured the first option.

RESOLVED

That

- (1) Council be recommended to approve that the appeals procedure in relation to complaints under the Member Code of Conduct take the form of an oral hearing, the appeals body to comprise three councillors from the pool of 15 and an independent person none of whom have previously been involved in a particular case;

[Note: non-relevant parts of the minute have been excluded.]