

**STANDARDS COMMITTEE
6 OCTOBER 2008**

**PROCEDURE IN RELATION TO COMPLAINTS
(Director of Corporate Services – Legal)**

1 INTRODUCTION

- 1.1 At the meeting of the Committee on 5th June 2008 it was resolved that the Borough Solicitor, in consultation with the Chairman, be authorised to determine the procedures to be followed in relation to any written allegation of misconduct. It was further resolved that the procedure be reported to the next meeting of the Committee for consideration.
- 1.2 Following the 5th June 2008 meeting the Borough Solicitor agreed with the Chairman the procedure for the conduct of hearings to determine an allegation. However, the remainder of the procedure was not finalised as the Committee's deliberations on the Monitoring Officer Protocol are likely to have a bearing upon the procedure.

2 RECOMMENDATION

- 2.1 **That the draft procedure shown as Appendix A to this report be endorsed by the Committee**
- 2.2 **That the Borough Solicitor be delegated authority to amend the procedure following consultation with the Chairman.**

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The Borough Solicitor is the author of this report.

Borough Treasurer

- 3.2 There are no financial implications directly arising from this report

Equalities Impact Assessment

- 3.3 None relevant.

Strategic Risk Management Issues

- 3.4 None relevant

4 SUPPORTING INFORMATION

- 4.1 The Standards Committee (England) Regulations 2008 provide that every Standards Committee shall publish in such manner as it considers appropriate, details of the procedure it will follow in relation to any written allegation.

- 4.2 Prior to the radical amendments made to the Standards regime by the Local Government and Public Involvement in Health Act 2007 the Committee had approved procedures for the conduct of investigations and for the conduct of hearings respectively (to deal with complaints referred for local investigation/determination by an Ethical Standards Officer). Following the 5th June meeting the Borough Solicitor agreed with the Chairman minor amendments to the Hearings Procedure, a copy of which is shown as Appendix B to this report. In respect of the conduct of investigations, the view was taken that since the Standards Board have now issued detailed guidance on the conduct of investigations there is no longer a need for a local Protocol.
- 4.3 The procedure proposed at Appendix A essentially incorporates the requirements of the regulations, albeit in a (hopefully) more sequential format. The procedure note does not, for the reasons set out in the report on the Monitoring Officer Protocol, permit the Monitoring Officer to explore the possibility of an informal settlement without reference to a Referral Sub-Committee.
- 4.4 It is more than likely that the procedure will need to be amended in light of guidance which may be issued from time to time by the Standards Board. It is therefore proposed that the Borough Solicitor be authorised to amend the procedure following consultation with the Chairman.

Background Papers

None

Contact for Further Information

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**PROCEDURE FOR DETERMINING COMPLAINTS
ALLEGING BREACHES OF THE CODE OF CONDUCT FOR MEMBERS**

1. Receipt and Acknowledgement of Complaint

- 1.1 The Monitoring Officer shall on receipt of the complaint acknowledge it by writing to the complainant. The Monitoring Officer shall determine whether the complaint constitutes an allegation as to a breach of the Code of Conduct. If the Monitoring Officer determines that the complaint does not constitute such an allegation he/she shall advise the complainant accordingly and, if appropriate, provide guidance to the complainant as to how the matter the subject of the complaint may be pursued (e.g. by suggesting that the Council's Corporate Complaints Procedure be invoked). If the complaint should disclose that a Member may have been in breach of the Code the Monitoring Officer shall determine whether the complainant has any objection to the complainant's identity being disclosed to the Member.
- 1.2 If the Monitoring Officer determines that the complaint does allege a breach of the Code of Conduct he/she shall notify the Member concerned that a complaint has been received identifying the relevant paragraphs of the Code. Such notification should not be given if, after consultation with the Chairman, the Monitoring Officer should decide that disclosure would be contrary to the public interest or would prejudice an investigation.

2. Reference to a Referral Sub-Committee

- 2.1 If a complaint received by the Monitoring Officer alleges a breach of the Code of Conduct he/she shall refer it to a Sub-Committee of the Standards Committee (a "Referral Sub-Committee"). A Referral Sub-Committee shall comprise:-
- two Independent Members (one of whom must be the Chairman)
 - two Borough Council Members (one from each political group represented in the Council)
 - one Parish Councillor
- 2.2 The press and public shall be excluded from the meeting of the Referral Sub-Committee.
- 2.3 The Referral Sub-Committee must make one of the following decisions, namely:-
- to require the Monitoring Officer to conduct an investigation
 - to refer the matter to the Monitoring Officer with a direction to take steps other than carrying out an investigation
 - refer the matter to the Standards Board
 - to take no action
- 2.4 If the complainant has requested that his/her identity should be withheld from the Member the subject of complaint the Sub-Committee shall decide:-
- (a) whether the request should be acceded to,

- (b) if not acceded to whether the public interest in pursuing the complaint outweighs the interest of the complainant in his/her identity being withheld and whether the complainant should be afforded the opportunity to withdraw his/her complaint.
- 2.5 The Referral Sub-Committee shall produce a summary in writing of its consideration of the complaint. The summary:-
- must record the main points considered, the Sub-Committee's conclusions as regards the allegation and the reasons for that conclusion
 - be prepared having regard to any relevant guidance issued by the Standards Board
 - give the name of the Member who is the subject of the allegation unless such disclosure is not in the public interest or would prejudice any investigation
 - be given to any Parish Council of which a person the subject of an allegation is a Member
- 2.6 The written summary shall not be open to inspection or given to a Parish Council until the Member who is the subject of the allegation has been given a written summary.
- 2.7 The Referral Sub-Committee shall determine whether or not the giving of a written summary of the complaint to the Member who is the subject of the allegation would be contrary to the public interest or would prejudice an investigation of the allegation.
- 2.8 The Monitoring Officer shall give notice of the decision to the Referral Sub-Committee to the complainant and, subject to the Sub-Committee not determining that disclosure of the allegation to a Member would be contrary to the public interest or would prejudice an investigation, to the Member as soon as reasonably practical following the meeting of the Sub-Committee.
- 2.9 If the Sub-Committee should decide that no action should be taken it must give reasons for its decision.

3 Review of Decision to take no action

- 3.1 If the Referral Sub-Committee decides to take no action the complainant may request a review of the decision. Such a request must be made in writing and be submitted to the Monitoring Officer within 30 days after the date of notice of the Referral Sub-Committee's decision.
- 3.2 If the Monitoring Officer should, within the 30 day period, receive a request for a decision of the Referrals Sub-Committee to take no action to be reviewed he/she shall convene a meeting of a Sub-Committee ("the Review Sub-Committee") comprising:-
- two Independent Members (one of whom must be Chairman)
 - two Borough Council Members (one from each political group represented on the Council)
 - one Parish Councillor.
- 3.3 No Member of the Referrals Sub-Committee may be appointed to the Review Sub-Committee.

- 3.4 The Review Sub-Committee must determine the request to review within 3 months of the date of request for a review.
- 3.5 The press and public shall be excluded from the meeting of the Review Sub-Committee.
- 3.6 The Review Sub-Committee may make any of the decisions which the Referral Sub-Committee could have made in relation to the allegation.
- 3.7 The Review Sub-Committee shall produce a summary in writing of its consideration of the allegation. The summary shall:-
- record the main points considered,
 - include the Sub-Committee's conclusion as regards the review and the reasons for that conclusion
 - be prepared having regard to any relevant guidance issued by the Standards Board
 - the name of the Member the subject of the allegation unless such disclosure is not in the public interest or would prejudice an investigation
 - be given to any Parish Council of which the Member who is the subject of the complaint is a Member
- 3.8 The Sub-Committee shall determine whether disclosure of a written summary to the Member who is the subject of the allegation would be contrary to the public interest or would prejudice an investigation

4. **Referral of Matter to Monitoring Officer for steps other than an investigation**

- 4.1 Where a Referral or a Review Sub-Committee gives a direction to the Monitoring Officer to take steps other than the carrying out of an investigation the Monitoring Officer must deal with the matter in accordance with the directions. Within 3 months of the day on which the decision made by the Referral Sub-Committee or the Review Sub-Committee, or as soon as reasonably practical thereafter, the Monitoring Officer shall submit a report to the Sub-Committee giving details of the action taken to comply with the direction. If the Sub-Committee is not satisfied with the action taken it may give a further direction to the Monitoring Officer. If the Sub-Committee is satisfied with the action taken it shall give written notice to the relevant Member, the complainant and (if the complaint relates to a Parish Councillor), the Parish Council.

5. **Reference to Monitoring Officer for Investigation**

- 5.1 If the Referral Sub-Committee or Review Sub-Committee decides that the complaint should be referred to the Monitoring Officer for investigation the Monitoring Officer shall unless otherwise directed by the Sub-Committee, as soon as reasonably practical give notice that the matter has been referred for investigation to:-
- the Member
 - the complainant
 - any Parish Council concerned
- 5.2 The Monitoring Officer in carrying out his investigation shall afford the Member the opportunity to comment on the allegation received. The investigation shall be carried out in accordance with guidance issued by the Standards Board.

- 5.3 On completion of his investigation the Monitoring Officer shall prepare a report. The report shall make one of the following findings, namely:-
- that there has been a failure to comply with the Code of Conduct, or
 - that there has been no failure to comply with the Code of Conduct
- 5.4 The Monitoring Officer shall send a copy of his/her report to the Member.
- 5.5 The Monitoring Officer will then convene a meeting of a Sub-Committee. The Sub-Committee shall comprise:-
- two Independent Members (one of whom shall be Chairman),
 - two Borough Members (one from each political group represented on the Council)
 - one Parish Councillor
- 5.6 The Sub-Committee must make one of the following decisions:-
- that it accepts the finding by the Monitoring Officer that there has been no breach of the Code
 - that the matter should be considered at a hearing before a Sub-Committee
 - that the matter should be referred to an Adjudication Panel, (but only if the President/Deputy President of the Adjudication Panel agrees to accept the referral and the Committee decides that if the complaint were upheld the sanctions which it could impose would be insufficient).
- 5.7 If the Sub-Committee decides to accept a finding by the Monitoring Officer that there has been no breach of the Code it shall instruct the Monitoring Officer, to as soon as reasonably practicable:-
- (a) give notice of the decision to the Member, any Parish Council concerned and the complainant, and
 - (b) arrange for a notice of its findings to be published in a local newspaper, and (if the Sub-Committee so decides) on the Council's web-site or any other publication. However, no such notices shall be published if the Member requests that there should be no such publication.

6. **Reference to Sub-Committee for Hearing**

- 6.1 If the Sub-Committee decides that the complaint should be referred for hearing the Procedure for Hearings set out at Appendix A shall be followed. The Monitoring Officer shall convene a meeting of a Sub-Committee comprising:-
- two Independent Members (one of whom must be Chairman)
 - two Borough Members (one from each political group represented on the Council), and
 - one Parish Councillor
- 6.2 The hearing shall be held:-
- within 3 months from the date of completion of the Monitoring Officer's report, but
 - (unless the Member otherwise agrees) not less than 14 days after the

**STANDARDS COMMITTEE
PROCEDURE FOR LOCAL STANDARDS HEARINGS**

SECTION 1 – INTERPRETATION

- 1.1 “the Act” means the Local Government Act 2000.
- 1.2 “Member” means the Member of the Council who is the subject of the allegation being considered by the Committee, unless stated otherwise. It also includes the Member’s nominated representative.
- 1.3 “Investigator” means the Monitoring Officer or other investigating officer, and his or her nominated represented. In the case of an allegation investigated by an Ethical Standards Officer pursuant to Section 59 of the Act references to “the Investigator” means the Ethical Standards Officer or his representative.
- 1.4 “The Committee” refers to the Standards Committee or to any Standards Sub-Committee to which it has delegated the conduct of the hearing.
- 1.5 “The Committee Support Officer” means the officer of the Council responsible for supporting the Committee’s discharge of its functions and recording the decisions of the Committee.
- 1.6 “Legal Adviser” means the legally qualified officer responsible for providing legal advice to the Committee. This will usually be the Monitoring Officer, unless he/she has a conflict of interest or is acting as the Investigator in which case another legally qualified officer of the Council, or someone appointed for this purpose from outside the Council.
- 1.7 “The Chairman” refers to the person presiding at the hearing or (in the case of reference to actions to be taken before a meeting of the Committee) the person whom the Committee Support Officer anticipates will be presiding at the meeting.
- 1.8 “Local Protocol” means a protocol or code relating to the behaviour or conduct of Members adopted by the Council other than the Member’s Code of Conduct adopted pursuant to the Local Government Act 2000.
- 1.9 “The Regulations” means the Standards Committee (England) Regulations 2008

SECTION 2 - CONVENING OF THE COMMITTEE

- 2.1 Where:-
- (a) the Committee determines pursuant to Regulation 17 of the Regulations that a report of an Investigating Officer should be considered at a meeting of the Committee under Regulation 18, or
- (b) the Monitoring Officer refers to the Committee a report following a local investigation which finds that there has been a failure to comply with a Local Protocol

a meeting of the Committee shall be convened to conduct a hearing in relation to the allegation that the Member failed to comply with the Code of Conduct or Local Protocol.

- 2.3 The hearing of the Committee shall be held within a period of three months from:-
- (a) In the case of an investigation conducted by an ESO the date on which the Monitoring Officer received under an ESO's report, but otherwise
 - (b) The date on which the report is completed.

The hearing shall not be held until at least fourteen days after the date on which the Monitoring Officer sent a copy of the investigation report to the Member the subject of the investigation, unless the Member agrees to the hearing being held earlier.

SECTION 3 – PRE-HEARING

3.1 The following pre-hearing process to deal with procedural matters will normally be carried out in writing, although, exceptionally, a meeting between the Chairman, the Member, the Legal Adviser and the Investigator may be held if the Legal Adviser considers that such a meeting is appropriate.

3.3 The Legal Adviser in consultation with the Chairman, will write to the Member, enclosing a copy of these Procedure Rules, to propose a date for the hearing and to explain the Member's rights. He/she will ask for a written response from the Member, within a set time usually 14 days, to find out whether or not he or she:-

- disagrees with any of the findings of fact in the Investigator's Report, and if so, which ones and the reasons for any disagreements;
- wants to be represented at the hearing by a Solicitor, Barrister or any other person;
- wants to give evidence and make representations to the Committee, either verbally or in writing;
- wants to call relevant witnesses to give evidence on any disagreements as to the findings of fact or mitigation to the Committee;
- wants any part of the hearing to be held in private and, if so, their reasons
- wants any part of the Investigator's Report or other relevant documents to be withheld from the public; and
- can come to the hearing.

NOTE: Members are encouraged to use the forms attached to this Procedure to identify any findings of fact that he or she disagrees with (Form A) and outline any further evidence that he or she believes the Committee should consider (Form B).

3.3 The Legal Adviser will ask the Investigator to comment on the Member's response, within a set time, usually 14 days, to say whether or not he or she:

- wants to be represented at any hearing (and if so to indicate their availability to attend);

- wants any part of the hearing to be held in private and, if so, their reasons, and
 - wants any part of the Investigator's Report or other relevant documents to be withheld from the public
- 3.4 If the Legal Adviser considers it necessary the Committee will meet to consider any responses from the Member and the Investigator and to decide whether any other witnesses should be present who it feels may help in determining the case, including the person who made the original allegation. However, no witnesses can be ordered to appear or give evidence. The Committee should then resolve any issues or disagreements about how the hearing should continue, which have been raised but not resolved during the pre-hearing process.
- 3.5 Once the pre-hearing process has been completed the Committee Support Officer, in consultation with the Legal Adviser, should then write to everyone involved at least two weeks before the hearing to:-
- set the date, time and place for the hearing;
 - summarise the allegation;
 - outline the main facts of the case that are agreed;
 - outline the main facts which are not agreed;
 - note whether the Member or the Investigator will go to or be represented at the hearing;
 - list those witnesses, if any, who will be asked to give evidence; and
 - outline the proposed procedure for the hearing.

SECTION 4 – OPENING OF THE HEARING

- 4.1 The Chairman may agree to vary this hearing procedure in any particular instance where he/she is of the opinion that such a variation is necessary in the interests of fairness.
- 4.2 The Member may be represented or accompanied during the meeting by a Solicitor, Counsel or, with the permission of the Committee, another person. The cost of such representation must be met by the Member, unless the Council has expressly agreed to meet all or any part of that cost.
- 4.3 The Committee may take legal advice from the Legal Adviser at any time during the hearing or while they are considering the outcome.
- 4.4 At the start of the hearing, the Chairman shall introduce each of the Members of the Committee, the Legal Adviser, the Committee Support Officer, the Member (if present), the Investigator (if present) and any other officers present, and shall then explain the procedure which the Committee will follow in the conduct of the hearing.

4.5 **Proceeding in the absence of the Member**

If the Member is not present at the start of the hearing:

- (i) the Chairman shall ask the Legal Adviser whether the Member has indicated his/her intention not to attend the hearing;
- (ii) the Committee shall then consider any reasons which the Member has provided for not attending the hearing and shall decide whether it is satisfied that there is sufficient reason for such failure to attend;
- (iii) if the Committee is satisfied with such reasons, it shall adjourn the hearing to another date;
- (iv) if the Committee is not satisfied with such reasons, or if the Member has not given any such reasons, the Committee shall decide whether to consider the matter and make a determination in the absence of the Member or to adjourn the hearing to another date

4.6 **Exclusion of Press and Public**

The Chairman shall ask the Member, the Investigator and the Legal Adviser to the Committee whether they wish to ask the Committee to exclude the Press or public from all or any part of the hearing. If any of them so request, the Chairman shall ask them to put forward reasons for so doing and ask for responses from the others and the Committee shall then determine (in accordance with the relevant regulations) whether to exclude the Press and public from all or any part of the hearing.

5 SECTION 5 – DETERMINING WHETHER THERE HAS BEEN A BREACH OF THE CODE OR LOCAL PROTOCOL

- 5.1 After dealing with any preliminary issues, the Committee should then move on to consider whether or not there are any significant disagreements about the facts contained in the Investigator's report. If the Member admits that he/she has failed to comply with the Code of Conduct or Local Protocol in the manner described in the Investigator's report, the Committee may then make a determination that the Member has failed to comply with the Code of Conduct or Local Protocol in the manner described in the Investigator's Report and proceed directly to consider whether any action should be taken.
- 5.2 If there is no disagreement about the facts, the Committee will move on to consider representations from the Investigator and the Member as to whether the agreed facts disclose a breach of the Code of Conduct or Local Protocol.
- 5.3 If there is a disagreement as to facts, the Investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. Subject to 5.5 below the Investigator may call any necessary supporting witnesses to give evidence. The Committee may give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigator.
- 5.4 The Chairman shall then invite the Member to respond to the Investigator's report and (subject to 5.5 below) to call any witnesses as necessary to address any points of difference.

- 5.5 The Committee may place a limit on the number of witnesses the Investigator or the Member may call if it considers that the number that such party proposes to call is unreasonable.
- 5.6 At any time, the Committee may question any of the people involved or any of the witnesses, and may allow the Investigator to challenge any evidence put forward by witnesses called by the Member.
- 5.7 If the Member disagrees with any relevant fact in the Investigator's Report, without having given notice of the disagreement during the pre-hearing process he or she must give good reasons for not mentioning it before the hearing. The Chairman shall then ask the Investigator (if present) whether he/she is in a position to deal with those additional points of difference directly or through any witnesses who are in attendance or whose attendance at the hearing can be conveniently arranged. After considering the Member's explanation for not raising the issue at an earlier stage and the Investigator's response the Committee may:
- continue with the hearing without allowing the Member to challenge those findings of facts which are set out in the Investigator's Report in respect of which the Member did not identify a point of difference during the pre-hearing process.
 - allow the Member to make representations about the issue, and invite the Investigator to respond and call any witnesses, as necessary; or
 - adjourn the hearing to arrange for appropriate witnesses to be present.
- 5.8 Should the circumstances mentioned in paragraph 5.7 arise, and the Investigator is not present the Committee will consider also whether or not it would be appropriate to continue in his or her absence. If the Committee decides that it is not appropriate to continue, it shall adjourn the hearing to allow the Investigator to attend or to make further representations
- 5.9 Having received any evidence in accordance with the preceding paragraphs the Chairman shall ensure that each Member of the Committee is satisfied that he/she has sufficient information to enable him/her to determine any disputes as to fact.
- 5.10 The Committee will then consider representations from the Investigator as to whether the evidence discloses a breach of the Code of Conduct or Local Protocol.
- 5.11 The Committee will then consider representations from the Member as to whether the evidence discloses a breach of the Code of Conduct or Local Protocol.
- 5.12 Unless the determination merely confirms the Member's admission of a failure to comply with the Code of Conduct or Local Protocol, the Committee shall then retire to another room to consider in private whether the Member did fail to comply with the Code of Conduct or Local Protocol.
- 5.13 The Committee shall take its decision on the balance of probability based on the evidence which it has received at the hearing.
- 5.14 The Committee's function is to make a determination on the matter. It may, at any time, return to the main hearing room in order to seek additional evidence from the Investigator, the Member or a witness, or to seek legal advice from the Legal Adviser. If it requires any further information, it may adjourn and instruct an Officer or request the Member to produce such further evidence to the Committee.

- 5.15 At the conclusion of the Committee's consideration, the Committee shall consider whether it is minded to make any recommendations to the Council with a view to promoting high standards of conduct among Members.
- 5.16 The Committee shall then return to the main hearing room and the Chairman will state:-
- (i) the Committee's principal findings of fact and their determination as to whether the Member failed to comply with the Code of Conduct or Local Protocol, and
 - (ii) reasons for the Committee's decision

SECTION 6 – FURTHER INVESTIGATION/REFERENCE BACK TO THE ESO

- 6.1 The Committee may at any stage prior to the conclusion of the hearing adjourn and require the Monitoring Officer to seek further information or undertake further investigation on any point specified by the Committee; but the Committee shall not adjourn the hearing on more than one occasion under the provisions of this paragraph. If the Monitoring Officer is not the investigator he/she shall arrange for such further information to be sought or such further investigation to be carried out by the Local Investigator or shall appoint a Local Investigator for such purpose.
- 6.2 In the case of a hearing to consider an alleged breach of the Code of Conduct which has been investigated by an Ethical Standards Officer may at any stage prior to its conclusion adjourn the hearing and make a written request to the ESO that the matter be referred back to the ESO to undertake an investigation; any such request must set out the Committee's reasons for making it. If the ESO shall direct that the Committee shall continue to deal with the matter the Committee shall convene to continue its consideration of the matter within three months of receipt of the ESO's direction.

7 IF THE MEMBER HAS NOT FAILED TO FOLLOW THE CODE OF CONDUCT OR LOCAL PROTOCOL

- 7.1 If the Committee determines that the Member has not failed to follow the Code of Conduct:-
- (i) the Chairman should then set out any recommendations which the Committee is minded to make to the Council with a view to promoting high standards of conduct among Members and seek the views of the Member, the Investigator and the Legal Adviser before the Committee finalises any such recommendations, and
 - (ii) the Chairman shall ask the Member to indicate whether he wishes paragraph 19(1)(b) of the Regulations (publishing notice of the findings of the Committee) should not apply

8 IF THE MEMBER HAS FAILED TO FOLLOW THE CODE OR LOCAL PROTOCOL

- 8.1 If the Committee determines that the Member has failed to comply with the Code of Conduct, it will then proceed to consider whether it should impose any sanction in respect of the Member and what (if any) would be the appropriate sanction to

impose. The sanctions available to the Committee are set out in Annexe A to this procedure.

- 8.2 If the Committee determines that the Member has failed to comply with a Local Protocol it will then proceed to consider whether to recommend to Council that the Member should be censured and/or any further action should be taken in respect of the breach; references to “sanctions” in section 9 below should be construed accordingly.

9 ACTION CONSEQUENT UPON A FAILURE TO COMPLY WITH THE CODE OF CONDUCT OR LOCAL PROTOCOL

- 9.1 The Chairman shall ask the Investigator (if present, or otherwise the Legal Adviser) whether, in his/her opinion, the Member’s failure to comply with the Code of Conduct or Local Protocol is such that the Committee should impose a sanction and, if so, what would be the appropriate sanction.
- 9.2 The Chairman will then ask the Member to respond to the Investigator’s (or Legal Adviser’s) advice.
- 9.3 The Chairman will then ensure that each Member of the Committee is satisfied that he/she has sufficient information to enable him/her to take an informed decision as to whether to impose a sanction and (if appropriate) as to the form of the sanction.
- 9.4 Any Member of the Committee may address questions to the Investigator or to the Member as necessary to enable him/her to take such an informed decision.
- 9.5 The Chairman should then set out any recommendations which the Committee is minded to make to the Council with a view to promoting high standards of conduct among Members and seek the views of the Member, the Investigator and the Legal Adviser.
- 9.6 The Committee shall then retire to another room to consider in private whether to impose a sanction, if so what sanction to impose and when that sanction should take effect, and any recommendations which the Committee will make to the Council.
- 9.7 At the completion of their consideration, the Committee shall return to the main hearing room and the Chairman shall state the Committee’s decision as to whether to impose a sanction and (where a sanction is to be imposed) the nature of that sanction, and when it should take effect, together with the principal reasons for those decisions, and any recommendations which the Committee will make to the Authority.

10. THE CLOSE OF THE HEARING

- (a) the Committee will announce its decision on the day of the hearing and provide the Committee Support Officer with a short written statement of their decision, which the Committee Support Officer will deliver to the Member as soon as practicable after the close of hearing.
- (b) The Chairman will thank all those present who have contributed to the conduct of the hearing and formally close the hearing.
- (c) Following the close of the hearing, the Committee Support Officer will arrange a formal written notice of the Committee’s determination and the Legal

Adviser shall arrange for the distribution and publication of that notice (or a summary of that notice, where required) in accordance with the relevant Regulations.

ANNEXE A

1. Censure of the member.
2. Restriction for a period up to six months of the Member's access to the premises of the authority and that Member's use of the resources of the authority, provided that any such restrictions imposed upon the Member:-
 - (a) are reasonable and proportionate to the nature of the breach; and
 - (b) do not unduly restrict the Member's ability to perform his functions as a Member;
3. Partial suspension of the member for a period up to six months.
4. Suspension of the Member for a period up to six months.
5. A requirement that the Member submit a written apology in a form specified by the Committee.
6. A requirement that the Member undertake training as specified by the Committee.
7. A requirement that the Member undertake conciliation as specified by the Committee.
8. Partial suspension of the Member for a period up to six months or until such time as he submits a written apology in a form specified by the Committee.
9. Partial suspension of the Member for a period up to six months or until such time as he undertakes such training or conciliation as the Committee may specify.
10. Suspension of the Member for a period up to six months or until such time as he submits a written apology in a form specified by the Committee.
11. Suspension of the Member for a period up to six months or until such time as he undertakes such training or conciliation as the Committee may specify.

The Committee may direct that a sanction imposed under any of paragraphs 2 to 11 or, where a combination of such sanctions is imposed, such one or more of them as the Committee specifies shall commence on such date within a period of six months after the imposition of that sanction, as the Committee specifies.

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