

Standards Committee

Practical arrangements for the hearing at the Standards Committee

Interpretation:

“Member” means the Member of the authority who is the subject of the allegation(s) being considered by the Standards Committee, unless stated otherwise. It also includes the Member’s nominated representative

“Investigator” means either the Ethical Standards Officer (ESO) who referred the report to this Council, or the Investigating Officer, and includes his or her nominated representative

1. The elected Chairman will introduce all those present and explain how the committee is going to run the hearing

Making Findings of Fact

2. The Investigator will present his case in the presence of the Member and may call witnesses to support the relevant findings of fact in the report.
3. The Member, will have the opportunity to ask questions of any witnesses he may call
4. The committee may ask questions of the Investigator and witnesses
5. The Member will present his case in the presence of the Investigator and call such witnesses as he wishes to support his version of the facts
6. The Investigator will have the opportunity to ask questions of the Member and his witnesses
7. The committee may ask questions of the Member and his witnesses
8. The committee will then retire to consider the representations and evidence in private
9. Upon the committee’s return, the Chairman will announce the committee’s findings of fact

Post Finding of Fact Procedure 1.

Based on the facts found has there been a failure to follow the Code of Conduct?

10. The Member will be invited to give relevant reasons why the committee should not decide that he has failed to follow the Code
11. The committee will consider any verbal or written representations from the Investigator
12. The committee may, at any time, question anyone involved on any point they raise in their representations
13. The Member will be invited to make any final relevant points.
14. The committee will then retire to consider the representations
15. Upon the committee's return, the Chairman will announce the committee's decision as to whether or not the Member has failed to follow the Code of Conduct

Post Finding of Fact procedure 2 – recommendations and/or penalty

16. If the committee decide that the member **has not** failed to follow the Code of Conduct, then it can move on to consider whether it should make any recommendations to the Council, Parish or Town Council as appropriate. The committee will at this stage consider any further verbal or written representations from the Investigator on whether or not the committee should make any recommendations to the authority, with a view to promoting high standards of conduct among members.
17. If the committee decide that the member **has** failed to follow the Code of Conduct, then it will consider any verbal or written representations from the Investigator and the Member as to:
 - Whether or not the committee should set a penalty; and
 - What form any penalty should take (*see appendix A attached*)
18. The committee may question the Investigator and Member, and take legal advice if appropriate
19. The committee will then retire to consider whether or not to impose a penalty on the Member, and if so, what the penalty should be
20. The committee will return and the Chairman will announce the committee's decision and will provide a short written decision on the day.

Post hearing procedure

21. A full written decision will be issued within 14 days of the end of the hearing which will include full reasons for its decision.
22. The committee will arrange to publish a summary of its findings, decision as to whether there is a breach of the code and where appropriate the penalty set in one or more newspapers (independent of the authorities concerned). If the finding is that the Member has not broken the Code, then that Member can ask the committee not to have the information published.

Appeal

A Member who is the subject of a Standards Committee finding has the right to apply in writing to the President of the Adjudication Panel for England for permission to appeal against that finding

(Appendix A – List of penalties)

Standards Committee

The Local Authority (Code of Conduct)(Local Determination)(Amendment) Regulations 2004

Penalties

Under these regulations, the standards committee can impose one, or any combination, of the following:

- censure the member;
- restrict the member's access to the premises and resources of the relevant authority for up to three months, ensuring that any restrictions are proportionate to the nature of the breach and do not unduly restrict the member's ability to perform his or her duties as a member;
- order the member to submit a written apology in a form satisfactory to the standards committee;
- order the member to undertake training specified by the standards Committee;
- order the member to participate in a conciliation process* specified by the standards committee;
- suspend, or partially suspend, the member for up to three months;
- suspend, or partially suspend, the member for up to three months, or until such time as the member submits a written apology that is accepted by the standards committee;
- suspend, or partially suspend, the member for up to three months, or until such time as the member undertakes any training or conciliation ordered by the standards committee.

** Any conciliation process should have an agreed timeframe for resolution. The process may be of an informal or formal nature, involving elements of training and mediation that will lead to an effective and fair conclusion of the matter. Any decisions reached during the process regarding future behaviour of the member concerned, and measures to prevent a repetition of the circumstances that gave rise to the initial allegation, should be agreed by all parties.*