



Procedure for ~~Hearings~~ Assessment Panel of the Standards Committee

*Version 3.0 – incorporated changes discussed by Standards Committee
at their meeting on [23.02.23](#)*

Version 3.0

The procedure for hearings before a Hearings an Assessment Panel of the Standards Committee.

1. Formal hearings will be conducted by a panel of three councillors drawn from membership of the standards committee on the basis of availability, plus one of the independent persons who will not be a member of the panel but whose views the panel must have regard to. The chair and/or vice chair of standards committee will be invited to sit on the panel but not necessarily to chair the panel.
2. The hearings panel need not reflect the political proportionality of the council as a whole.
3. A member of the standards committee, against whom a Code of Conduct complaint has been made, shall not be selected as a member of a hearings an assessment panel until consideration of their complaint has been concluded.
4. The Monitoring Officer (MO) will advise the panel at the start of the meeting, whether in his or her opinion the panel should meet in public or private having regard to:
 - a. The rules on confidential and exempt information as defined by Schedule 12A, Local Government Act, 1972; and whether
 - b. In all the circumstances of the case, the public interest in maintaining any exemption outweighs the public interest in disclosing the information.
5. Before a hearing an assessment panel meets, the MO shall write to the subject member and to the complainant, asking each:
 - a) whether they accept the finding in the investigation report
 - b) whether they dispute any factual part of the report, identifying any areas of dispute
 - c) whether they wish to call any witnesses at the hearing (only witnesses identified to the Investigating Officer by the complainant or by the subject member may be called as witnesses. In law, witnesses do not have to attend a hearings an assessment panel).
 - d) whether the complainant wishes to be present at the hearing (the complainant shall be invited, but is not obliged, to attend the hearing. If the complainant is not present, the procedure below shall be adapted accordingly)
 - e) whether they wish to be accompanied at the hearing. The rule of natural justice will apply, and the subject member will be advised that they can choose to be accompanied by a friend or colleague. The friend or colleague may speak with the subject member but may not address the panel.

6. Where the investigation has not been carried out by the MO, the MO will also ask the investigator if they wish to call any witnesses in addition to any called by the subject member or complainant.
7. In advance of a meeting of a hearing an assessment panel, its members shall seek to agree who will chair the hearing. The chair may issue directions about the conduct of the hearing, including the number and suitability of suggested witnesses. A member of a hearing an assessment panel shall not act as chair unless they have received relevant training.
8. Subject to the discretion of the chair, the hearing shall be conducted as follows:
 - a. The investigating officer will be invited to present their report and to call witnesses. The complainant, the subject member and the panel (including the independent person), in that order, may ask questions or seek clarification both of the investigating officer and any witnesses.
 - b. The complainant will be invited to comment on the report and its findings and to call witnesses. The investigating officer, the subject member and the panel (including the independent person), in that order, may ask questions or seek clarification both of the complainant and any witnesses.
 - c. The subject member will be invited to comment on the report and its findings and to call any witnesses. The investigating officer, the complainant and the panel (including the independent person), in that order, may ask questions or seek clarification both of the subject member and any witnesses.
 - d. The investigating officer, the complainant and the subject member will be invited, in that order, to make brief concluding remarks.
 - e. The subject member will remain present throughout the hearing although any witnesses would only be present when being invited to present their evidence.
9. The chair and hearings- assessment panel, including the independent person, may ask for advice at any stage from the MO or another officer appointed to advise the committee.
10. Once the hearing has been concluded, the hearings- assessment panel and the MO, or other officer where the MO has a conflict of interest, will then retire to consider its decision. The independent person will not retire with the panel. The hearings- assessment panel is required to do the following:
 - (i) to make findings of the facts;
 - (ii) to decide on whether these facts constitute a breach of the Code of Conduct; and
 - (iii) where a breach is found, to decide on the appropriate sanction.
11. In deciding whether or not to uphold the complaint, the hearings- assessment panel must apply, as the standard of proof, the balance of probability.
12. The hearings- assessment panel will then return and announce its findings on whether there has been a breach of the Code and give reasons.

13. The hearings-assessment panel will announce what, if any, sanction it wishes to impose. Following the hearing, a decision notice will be issued within 5 working days, and a copy shall be sent to the complainant and subject member, and to the parish clerk where it is a parish council case. The hearings-assessment panel to determine how long the decision notice is to be published.
14. There is no right of appeal against a decision on a Code of Conduct complaint. If the complainant or the subject member considers that the complaint has not been considered properly by the hearings-assessment panel, they may be able to complain to the Local Government Ombudsman or seek permission for judicial review.
15. The decision will be published on the standards committee pages of the council's website. This includes decisions relating to members of town or parish councils.

A. Sanctions available to a Hearings an Assessment Panel

1. The hearings-assessment panel has powers to take action in respect of individual councillors as necessary to promote and maintain high standards of conduct.
2. The hearings-assessment panel may do one, or a combination, of the following:
 - a) report its findings in respect of the subject member's conduct to council (or the relevant parish council);
 - b) issue (or recommend to the parish council to issue) a formal censure;
 - c) recommend to the subject member's group leader (or in the case of ungrouped members, recommend to council) that he/she be removed from any or all committees or sub-committees of the council (or recommend such action to the parish council);
 - d) recommend to the leader of the council that the subject member be removed from positions of responsibility;
 - e) instruct the MO to (or recommend that the parish council) arrange training for the subject member;
 - f) recommend to council (or recommend to the parish council) that the subject member be removed from all outside appointments to which he/she has been appointed or nominated by the council (or by the parish council);
 - g) recommend to council (or recommend to the parish council) that it withdraws facilities provided to the subject member by the council for a specified period, such as a computer, website and/or email and internet access; or
 - h) recommend to council (or recommend that the parish council) that it excludes the subject member from the council's offices or other premises for a specified period, with the exception of meeting rooms as necessary

- for attending council, committee and sub-committee meetings and/or restricts contact with officers to named officers only;
- i) if relevant recommend to the council that the subject member be removed from their role as leader of the council;
 - j) if relevant recommend to the secretary or appropriate official of the group that the member be removed as group leader or other position of responsibility.

REVISIONS LOG

Revision Log		
Version Number	Date	Revision
1.0	18.02.21	Procedure adopted by Standards Committee
2.0	Jan 2022	Amendments approved by Standards Committee at their meeting 16.12.21
3.0	<u>February 2023</u>	<u>Amendments approved by Standards Committee at their meeting 23.02.23</u>