

Local Assessment Procedure

Para	Current Procedure states:	Comment
6	Complaints which identify criminal conduct or breach of other regulations by any person may be referred by the MO to Sussex Police for consideration, in accordance with an agreed protocol as set out in Appendix B, or any other regulatory agency. In such cases the MO may pause the consideration of the complaint pending action by the other body.	Can we amend to clarify the protocol to allow discretion to carry out a parallel Code of Conduct investigation? Previous experience has identified significant delays due to the time taken for the Police to complete their investigation. This causes anxiety for both Subject Member and Complainants, and results in not achieving the timeframe for resolving a complaint.
14 & 16	Informal resolution outcomes	Para 16 allows for action if the SM "...refuses to engage..." but what if they just don't respond to contacts about resolution? Also, if we have no authority to enforce on Town/Parish Cllrs, the Town/Parish could, in cases of non-compliance, submit a further complaint. In terms of District Councillors, a subsequent Code of Conduct complaint could be submitted.
24	Before being finalised, a draft report will be produced and the complainant, Subject Member and IP will be invited to comment. Witnesses may also be asked to comment as appropriate <u>on parts of the draft report relevant to them.</u>	In the case of multiple complaints – recommend that separate reports be issued for each complaint (Possible data protection issues; makes it easier for Panel to consider complaints individually)
37	A decision notice will be published on the Council website within 5 working days of the Hearings Panel decision. Hearings Panel procedure para 14 refers to 7 working days.	Need to align – 5 or 7 working days?

Hearings Procedure

Para	Current Procedure states:	Comment
2	The Hearings Panel need not reflect the political proportionality of the Council as a whole.	We would include representation from at least 2 different political groups
5 (e)	<i>When contacting the Subject Member about attending a Hearing:-</i> 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 litigant friend. He or she may speak at the discretion of the Panel.
13	Following announcement of the Hearing Panel's findings, the Investigating Officer, the complainant and the Subject Member will be invited to make submissions, if necessary, regarding remedies or sanctions.	Remove the opportunity to comment on the remedies/sanctions. The decision of the Panel is final.
	Confidentiality – should Subject Members & Complainants be advised that they should not share the contents of the bundle to anyone else?	Difficult to determine when we don't know whether Hearing will be conducted in open or closed session. Should err on side of caution and instruct confidentiality initially?