
Standards Committee

TUESDAY, 30TH APRIL, 2013 at 19:30 HRS – CIVIC CENTRE, HIGH ROAD, WOOD GREEN, LONDON N22

MEMBERS: Councillors Egan (Chair) , Gibson, Reece, Reith and Whyte

AGENDA

1. APOLOGIES FOR ABSENCE

2. URGENT BUSINESS

The Chair will consider the admission of any late items of urgent business.

3. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct.

4. MINUTES - 28 MAY 2012 (PAGES 1 - 6)

To confirm and sign the minutes of the meetings of the Standards Committee held on 28 May 2012.

5. CODE OF CONDUCT FOR MEMBERS - COMPLAINTS MONITORING REPORT (PAGES 7 - 24)

To receive a report of the Head of Legal Services and Monitoring advising of the number of complaints received to date since implementation of the revised code of conduct in July 2012.

6. NEW ITEMS OF URGENT BUSINESS

7. DATES OF NEXT MEETINGS

David McNulty
Head of Local Democracy & Member Services
River Park House
225 High Road
Wood Green
London N22 8HQ

Clifford Hart
Democratic Services Manager
London Borough of Haringey
Tel: 020 8489 2920
Fax: 020 8489 2660
Email: clifford.hart@haringey.gov.uk

22 April 2013

**UNRESTRICTED MINUTES OF THE STANDARDS COMMITTEE
MONDAY, 28 MAY 2012**

MEMBERS:	Councillors *Egan, *Gibson, McNamara, *Reece, Stanton *Whyte and Winskill
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INDEPENDENT MEMBERS:	*Mr J Darbyshire, *Ms R. Hatch, *Ms A Loyd, *Mr P. Skinner, Ms A. Rabe, and Mr C. Watts.
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* Indicates Members attending

Apologies Ms A Rabe, Councillors McNamara, Stanton and Winskill

**MINUTE
NO.**

SUBJECT/DECISION

STCO58.	<p>ELECTION OF CHAIR AND VICE-CHAIR</p> <p>The Chair advised that it was necessary to elect a Chair and Vice-Chair for the ensuing Municipal Year 2012/13 until such time that the new arrangements for the ethical framework came into force later in the year.</p> <p>The Democratic Services Manager – Mr Hart sought nominations for the position of Chair.</p> <p>Ms Loyd, seconded by Mr Darbyshire nominated Ms Rachel Hatch as Chair of the Standards Committee for the Municipal Year 2012/13 until such time that the new arrangements for the ethical framework came into force.</p> <p>There being no other nominations it was:</p> <p>RESOLVED</p> <p>That Ms Rachel Hatch be appointed Chair of the Standards Committee for the Municipal Year 2012/13 until such time that the new arrangements for the ethical framework came into force.</p> <p style="text-align: center;">MS RACHEL HATCH IN THE CHAIR</p> <p>The Chair sought nominations for the position of Vice-Chair.</p> <p>Ms Loyd, seconded by Mr Darbyshire nominated Mr Phillip Skinner as Vice-Chair of the Standards Committee for the Municipal Year 2012/13 until such time that the new arrangements for the ethical framework came into force.</p> <p>There being no other nominations it was</p> <p>RESOLVED</p> <p>That Mr Phillip Skinner be appointed Vice-Chair of the Standards Committee for the Municipal Year 2012/13 until such time that the new arrangements for the ethical framework came into force.</p>
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STCO59.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Ms Rabe, Councillor McNamara, for whom Councillor Dogus was substituting, and from Councillors Stanton and Winskill.</p> <p>NOTED</p>
STCO60.	<p>URGENT BUSINESS</p> <p>The Clerk advised that there were no new items of urgent business, and that in respect of Agenda Item 8, which had been sent after the agenda publication, reasons for lateness would be stated at the commencement of the item by the Head of Legal Services and Monitoring Officer.</p> <p>NOTED</p>
STCO61.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interests.</p> <p>NOTED</p>
STCO62.	<p>UNRESTRICTED MINUTES</p> <p>RESOLVED</p> <p>That the unrestricted minutes of the meetings of the Standards Committee held on 23 February, and 22 March(Special) 2012 be agreed and signed by the Chair as an accurate record of the proceedings</p>
STCO63.	<p>CHAIR'S ANNOUNCEMENTS</p> <p>The Chair advised the Committee that this meeting may be the last meeting of the Standards Committee in its current governance set up as the new ethical framework was due to come into enforce, subject to confirmation, on July 1st 2012. The Chair commented that should the new arrangements not come into force on 1 July then the Committee's current governance would continue.</p> <p>NOTED</p>
STCO64.	<p>UPDATE ON THE CURRENT STATUS OF THE STANDARDS COMMITTEE</p> <p>The Chair advised the Committee that this meeting may be the last meeting of the Standards Committee in its current governance set up as the new ethical framework was due to come into enforce, subject to confirmation, on July 1st</p>

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	<p>2012. The Chair commented that should the new arrangements not come into force on 1 July then the Committee's current governance would continue.</p> <p>NOTED</p>
<p>STCO65.</p>	<p>THE ETHICAL FRAMEWORK</p> <p>The Chair advised that this item would be considered in conjunction with the next item on the agenda – Item 8 – The Ethical Framework.</p> <p>The Chair asked for an introduction of the report.</p> <p>The Head of Legal Services and Monitoring Officer – Mr Ryan, in conjunction with Mr White – Senior Lawyer - advised the Committee that the report had been marked to follow as the recommendations contained in the report were for adoption by Full Council and this had been on 21 May 2012 – the day after the agenda had been published – therefore the recommendations had been adopted at Full Council on 21 May 2012 and were therefore before the Committee for noting.</p> <p>In terms of the main essence of the changes which would affect the Committee when the new ethical framework came into force (confirmation was awaited though likely to be 1 July 2012) were:</p> <ul style="list-style-type: none"> • that the Committee would become a politically proportional Committee • it would no longer have voting independent representatives, though provision had been made within the revised terms of reference to appoint up to 6 independent non voting co-optees • an Independent Person appointed to act in an official advisory capacity to the Chair and Committee. This person would not have a seat on the Committee or have a voting capacity. • There would be changes affecting how members were required were record declarations of interests; • There would be a new code of conduct in relation to Member standards of behaviour • There would be an assessment sub-Cttee to consider whether there should/should not be an investigation in respect of a complaint received, and a hearing sub-committee - which would meet to consider a complaint that had been investigated, and the Standards Committee had determined that there had been a breach of the code against an elected member/co-optee • That the highest level of sanction that the new legislation permitted was one of censure <p>The Committee then briefly discussed the content of the report, the main points being:</p> <ul style="list-style-type: none"> • Whether the newly constituted Standards Committee would be a stand alone body or become a Sub-Committee of an existing non Cabinet body • Issues in relation to the Special Responsibility Allowance for the Chair of

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	<p>the newly constituted Standards Committee</p> <ul style="list-style-type: none"> • Would the role of the Monitoring Officer be more augmented in terms of the assessment of complaints and if there would be a form of quarterly report being put to the new Cttee which detailed a summary of those complaints received and rejected • The need to ensure that the new Standards Committee would only meet if there was business to consider and that the scheduled meetings be cancelled if there was no business to discuss/report <p>In response to the points raised Mr Ryan, assisted by Mr White, advised the Committee that the newly established Committee had been established as a stand alone standing Committee, but that this could be subject to further consideration. The role of the Monitoring Officer would be similar to the current role and there would be scope to reject complaints much in the same way as currently. It was also intended to report to the Committee on a quarterly basis.</p> <p>Mr Ryan reiterated his eralier comment the the Indepenedent person would have a statutory role as adviser to the Chair and Monitoring Officer but not serve as a voting member or have a voice or seat on the Committee such. It was envisgaed that the Independent member would be invited to attend Committee meetings if they wished to, and also act in an advisory capacity at the hearing sub-committees. The newly appointed Committee would within its terms of reference have the power to appoint non-votoing co-opted members if it so wished.</p> <p>The Chair then summarised and it was:</p> <p>RESOLVED</p> <p>That the report be noted.</p>
STCO66.	<p>DETERMINATION HEARINGS</p> <p>Nil Items</p>
STCO67.	<p>NEW ITEMS OF UNRESTRICTED URGENT BUSINESS</p> <p>Nil Items</p>
STCO68.	<p>EXCLUSION OF THE PUBLIC AND PRESS</p> <p>RESOLVED</p> <p>That the press and public be excluded from the proceedings as Item 9 contains exempt information as defined in paras 1 & 2 of Section 100a of the Local</p>

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	<p>Government Act 1972; namely information relating to any individual, and information which is likely to reveal the identity of an individual; and also in accordance with the Standards Committee (England) Regulations 2008 (regulation 5), and Section 53 of the Local Government Act 2000.</p> <p style="text-align: center;">SUMMARY OF EXEMPT/RESTRICTED PROCEEDINGS</p>
STCO69.	<p>EXEMPT MINUTES</p> <p>Agreed the exempt minutes of the meeting of the Standards Committee of on 20 December 2011.</p>
STCO70.	<p>NEW ITEMS OF EXEMPT URGENT BUSINESS</p> <p>The Chair advised that there were no items of exempt urgent business.</p> <p>The Chair, in advising that this was likely to be the last meeting of the Standards Committee in its current form, and that as this would be the last meeting that Independent members would be able to attend, placed on record her and her fellow Independent Members thanks to officer of the Council in the support and efforts in the whole of the life of the Standards Committee, and the Chair also thanked Councillors and Independent Members for their efforts and support., and wished everyone present the best of luck in the future.</p> <p>NOTED</p>
STCO71.	<p>DATES OF NEXT MEETINGS</p> <p>The schedule of meetings for the remainder of the Municipal Year were noted as follows;</p> <p>18 October 2012 11 December 2012 30 April 2013</p>

Rachel Hatch

Independent Chair

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Haringey Council

Report for:	Standards Committee 30 April 2013	Item Number:	
Title:	Code of Conduct for Members – Complaints Monitoring Report		
Report Authorised by:	Bernie Ryan – Head of Legal Services & Monitoring Officer		
Lead Officer:	Bernie Ryan – Head of Legal Services & Monitoring Officer		
Ward(s) affected: N/A	Report for Key/Non Key Decision(s) N/A		

DRAFT

1. Describe the issue under consideration

1.1 The Standards Committee is responsible for promoting and maintaining high standards of conduct and monitoring the operation of the Members' Code of Conduct.

1.2 In accordance with the requirements of the Localism Act 2011, the full Council approved a revised Code of Conduct for Members in July last year and agreed arrangements for dealing with allegations that a member has failed to comply with the code.

1.3. The arrangements agreed by full Council are attached as Appendix 1. and provide that complaints should be made to the Monitoring Officer. This report informs the Committee of the number of complaints received to date since implementation of the revised code of conduct in July 2012.

2. Cabinet Member introduction

N/A

3. Recommendations

3.1 That Members note the content of this report.



Haringey Council

4. Alternative options considered

N/A

5. Background information

5.1 A total of five complaints have been received by the Monitoring Officer alleging a failure to comply with the code of conduct.

5.2 Three of these complaints concern one Councillor but relate to the same issue and have been made by different members of the public. These three complaints have been subject to an informal resolution process in accordance with paragraph 5.3(f) of Appendix 1. However, attempts at informal resolution were not successful and the matter will now be referred to the Assessment Sub-Committee for it to determine whether or not the complaints should be investigated in accordance with paragraph 5.5 of Appendix 1.

5.3 The remaining two complaints were made by the same member of the public and concern separate issues relating to a Councillor and a Co-opted Member. Following consultation with the Independent Person, the Monitoring Officer has determined that neither complaint merits further action under paragraph 5.3(a) of Appendix 1.

6. Comments of the Chief Finance Officer and financial implications

6.1 There are no significant financial implications arising out of this report.

7. Head of Legal Services and legal implications

7.1 As this is a report from the Head of Legal Services and Monitoring Officer, the legal considerations and implications are dealt with in the body of the report.

8. Equalities and Community Cohesion Comments

N/A

9. Head of Procurement Comments

N/A

10. Policy Implication

N/A

11. Use of Appendices



Haringey Council

11.1 Appendix 1: Arrangements for dealing with allegations that a member or co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct.

12. Local Government (Access to Information) Act 1985

12.1 Background papers containing exempt information relating to any individual as defined in Paragraph 1 of Schedule 12A of the Local Government Act 1972.

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APPENDIX 1

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Arrangements for dealing with allegations that a member or co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct

1. Introduction

- 1.1 These arrangements set out how an allegation may be made that an elected member or a co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct and how the Council will deal with such allegations.
- 1.2 Under Section 28 of the Localism Act 2011 the Council must have arrangements in place whereby allegations can be investigated and decisions upon them can be made. In addition the arrangements must provide for the Council to appoint at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision and who may be consulted by the Council at other stages in the process or by the member or co-opted member against whom an allegation has been made. These arrangements fulfil the Council's statutory obligations.
- 1.3 In these Arrangements a number of terms are used which have the following meanings:

Member	An elected Councillor
Co-opted Member	A person who is not an elected member of the Council but has been appointed to a committee or sub-committee of the Council.
Monitoring Officer	A officer of the Council designated under section 5 of the Local Government and Housing Act 1989 to undertake the statutory duties prescribed which include ensuring that the Council and its members and officers act lawfully at all times. Under Section 29 of the Localism Act 2011 the Monitoring Officer must establish and maintain a register of interests of members and co-opted members.
Investigating Officer	An appropriate person appointed by the Monitoring Officer to conduct an investigation into an allegation.

Independent Person	A person appointed by the Council pursuant to Section 28 of the Localism Act 2011, whose views are sought and taken into account before decisions upon allegations against members are taken and who may be consulted by a member who is the subject of allegations or the Council, generally.
Standards Committee	A committee of members responsible for promoting and maintaining high standards of member conduct within the Council.
Assessment Sub-Committee	A Sub-Committee of Standards Committee established to decide whether allegations against members are worthy of being investigated.
Hearing Sub-Committee	A Sub-Committee of Standards Committee established to conduct hearings which Standards Committee may require into allegations against members and to determine such allegations following a hearing.

2. The Members' Code of Conduct

- 2.1 The Council has adopted a Members' Code of Conduct which is available for inspection on the Council's website and on request from the Monitoring Officer.

3. The Independent Person

- 3.1 Pursuant to Section 28 of the Localism Act 2011, the Council shall appoint an Independent Person. The person appointed shall have responded to a public advertisement for the vacancy and submitted an application for the post. The appointment of the successful applicant shall be approved by a majority of the members of the Council.
- 3.2 The views of the Independent Person shall be sought and taken into account by the Standards Committee/Hearing Sub-Committee before it makes its decision on an allegation which it has decided to investigate.
- 3.3 The views of the Independent Person may be sought:

- (i) by the Standards Committee/Assessment Sub-Committee/Hearing Sub-Committee or by the Monitoring Officer/Investigating Officer in relation to an allegation in circumstances not within paragraph 3.2, above.
- (ii) by a member or co-opted member of the Council if that person's behaviour is the subject of an allegation.

4. Making an allegation

- 4.1 An allegation that a member or a co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct should be made to:

Bernie Ryan
Monitoring Officer
Haringey Council
7th Floor
Alexandra House
10 Station Road
London
N22 7TR

Tel: 0208 489 3974

or email:

bernie.ryan@haringey.gov.uk

- 4.2 It is important that a person making an allegation provides his/her name and a contact address or email address, so that the Council can acknowledge receipt of the allegation and keep the person informed of its progress. The person must indicate if he/she wants to keep his/her name and address confidential and the Monitoring Officer will consider any such requests.
- 4.3 The Council does not normally investigate anonymous allegations unless there is a clear public interest in doing so.
- 4.4 The Monitoring Officer will acknowledge receipt of an allegation within five clear working days of receiving it and will keep the person making the allegation informed of progress.

5. Assessment of an allegation

- 5.1 The Monitoring Officer will review every allegation received and may consult the Independent Person before taking a decision as to

whether or not it merits reference to the Assessment Sub-Committee of the Standards Committee.

- 5.2 If the Monitoring Officer requires additional information in order to reach a decision, he/she may revert to the person making the allegation for such information and may request information from the member against whom the complaint is directed. If the person making the allegation fails to provide the additional information requested the allegation may be dismissed by the Monitoring Officer pursuant to paragraph 5.3 (c), below.
- 5.3 The Monitoring Officer may determine that an allegation does not merit any further action, where:
 - (a) The allegation does not demonstrate a breach of the Members' Code of Conduct; for example it relates to a member's private life to which the Code does not apply or it is about dissatisfaction with a Council decision, or
 - (b) It is about someone who is no longer a member or a co-opted member of the Council, or
 - (c) There is insufficient evidence upon which to investigate and/or the person making the allegation has failed to co-operate with the Monitoring Officer to specify the allegation sufficiently.
 - (d) The same or a similar allegation has been investigated and determined, or
 - (e) It is an anonymous allegation which does not include sufficient documentary evidence to indicate a significant breach of the Member's Code of Conduct, or
 - (f) The Monitoring Officer facilitates an informal resolution without the need for a formal investigation. This may involve the member accepting that his/her conduct was unacceptable and offering an apology or other remedial action by the Council. If the Monitoring Officer considers an offer of informal resolution is reasonable but the person making the allegation is not willing to accept it, the allegation will be referred to the Standards Committee for determination.
- 5.4 Except as provided for in Paragraph 5.3 above, the Monitoring Officer shall refer all allegations to the Assessment Sub-Committee for consideration.
- 5.5 The Assessment Sub-Committee shall determine whether the allegation:
 - (a) merits no further investigation and is dismissed, or

(b) merits further investigation.

5.6 The Assessment Sub-Committee may determine that an allegation merits no further investigation for whatever reasons it thinks fit, but it may have regard to the criteria set out in Paragraph 5.3 above and to the following additional criteria:

(a) The allegation is not considered sufficiently serious to warrant investigation, or

(b) The allegation appears to be motivated by malice or is 'tit-for-tat', or

(c) The allegation appears to be politically motivated, or

(d) The matter about which the allegation is made took place more than three months prior to receipt of the allegation unless there are exceptional circumstances or it is otherwise appropriate to investigate.

5.7 Where the Assessment Sub-Committee considers that an allegation merits further investigation, the Monitoring Officer shall undertake such investigation and report to the Standards Committee.

5.8 The decision as to whether or not an allegation be investigated will normally be taken within thirty clear working days from receipt. The Monitoring Officer will inform the person making the allegation of that decision and if the allegation is to be investigated, an indication of the timescale for the investigation and the likely meeting of the Standards Committee to which the report will be submitted. The Monitoring Officer will keep the person informed if the initial timetable changes substantially,

6. The Investigation

6.1 The Monitoring Officer may conduct the investigation personally or may appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another authority or an external investigator.

6.2 The Monitoring Officer/Investigating Officer will decide if he/she needs to meet or speak to the person making the allegation to understand the nature of the allegation and so that the person can explain his/her understanding of events and identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview.

- 6.3 The Monitoring Officer/Investigating Officer will normally write to the member against whom the complaint is made and provide him/her with a copy of the complaint and ask the member to provide his/her explanation of events and to identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview. Where it is appropriate to keep confidential the identity of the person making the allegation the Monitoring Officer/Investigating Officer will delete the person's name and address from the papers given to the member. Where disclosure of details of the allegation to the member might prejudice the investigation, the Monitoring Officer/Investigating Officer may delay notifying the member until the investigation has progressed sufficiently.
- 6.4 Having considered all relevant documentation identified and having interviewed all relevant witnesses, at the end of the investigation the Monitoring Officer/Investigating Officer will produce a draft report and may where appropriate send copies of that draft report, in confidence, to the person making the allegation and to the member concerned, to give both an opportunity to identify any matter in that report with which there is disagreement or which is considered to require more consideration.
- 6.5 Where an Investigating Officer has been appointed, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, the Investigating Officer will send his/her final report (the Investigation Report) to the Monitoring Officer for the latter's consideration prior to onward transmission to the Standards Committee. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider the report or may appoint a new Investigating Officer.
- 6.6 Where the Monitoring Officer has undertaken the investigation personally, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, and where appropriate having sought to achieve an informal resolution pursuant to paragraph 8.1 below, the Monitoring Officer shall submit the Investigation Report to the Standards Committee and the Independent Person.
- 7. Where the Monitoring Officer/Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct.**
 - 7.1 When the Standards Committee receives an Investigation Report which recommends that there is no evidence of failure to comply with the Members' Code of Conduct, the Committee may:

(a) accept the recommendation, resolve that no further action is required and dismiss the allegation, or

(b) remit the report to the Monitoring Officer for further consideration, or

(c) remit the complaint to the Hearing Sub-Committee to conduct a hearing for the consideration of the allegation and the Investigation Report and to determine the allegation.

7.2 Prior to making a determination under Paragraph 7.1 above, the Standards Committee shall seek and shall take into account the views of the Independent Person.

8. Where the Monitoring Officer/Investigating Officer concludes that there is evidence of failure to comply with the Code of Conduct.

8.1 Where an Investigation Report concludes that there is evidence of failure to comply with the Code of Conduct the Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult the Independent Person and the person making the allegation and seek to agree what the person considers to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee which will note the outcome but take no further action.

8.2 If the Monitoring Officer considers that an informal resolution is not appropriate, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will submit the Investigation Report to the Standards Committee. The Committee may:

(a) note the recommendation and remit the allegation to the Hearing Sub-Committee to conduct a hearing for the consideration of the allegation and the Investigation Report and to determine the allegation, or

(b) remit the report to the Monitoring Officer for further action including, where the Committee considers it appropriate, to pursue an alternative informal resolution. If the further action does not achieve a resolution, the Monitoring Officer may refer the allegation and the Investigation Report to the Hearing Sub-Committee.

9. The Hearing

- 9.1 Wherever possible hearings conducted by the Hearing Sub-Committee shall take place within three calendar months of the referral to the Hearing Sub-Committee.
- 9.2 At the hearing, the Monitoring Officer/Investigating Officer will present the Investigation Report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Monitoring Officer/Investigating Officer may request the person making the allegation to attend and give evidence to the Standards Committee.
- 9.3 The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Committee as to why he/she considers that he/she did not fail to comply with the Members' Code of Conduct.
- 9.4 Full details of the process to be undertaken at the hearing are contained in the Hearing Procedure note comprising Appendix A to these arrangements.
- 9.5 The Hearing Sub-Committee, having sought and taken into account the views of the Independent Person may conclude:
 - (a) that the member did not fail to comply with the Members' Code of Conduct, and dismiss the complaint, or
 - (b) that the member did fail to comply with the Members' Code of Conduct.
- 9.6 In the event of a finding under Paragraph 9.4 (b) above, the Chair will inform the member of this finding and the Hearing Sub-Committee will then consider what action, if any, it should take as a result of the member's failure to comply with the Members' Code of Conduct. In doing this, the Hearing Sub-Committee will give the member an opportunity to make representations to the Sub-Committee as to whether any action should be taken and what form any action should take and will seek and take into account the views of the Independent Person. It will then decide what action, if any, to take in respect of the matter.
- 10. Action which may be taken where a member has failed to comply with the Code of Conduct**
 - 10.1 Having determined that a member has failed to comply with the Members' Code of Conduct, the Hearing Sub-Committee may:
 - (a) Publish its findings in respect of the member's conduct;
 - (b) Report its findings to Council for information;

- (c) Issue the member with a formal censure or be reprimanded a report of which may be submitted to Council
- (d) Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (e) Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (f) Instruct the Monitoring Officer to arrange training for the member;
- (g) Recommend to Council or Cabinet (as appropriate) that the member be removed from outside appointments to which he/she has been appointed or nominated by the Council/Cabinet
- (h) Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
- (i) Exclude the member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Cabinet, Committee and Sub-Committee meetings.
- (j) Any other appropriate sanction which may be available to the Sub-Committee.

10.2 The Hearing Sub-Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

10.3 At the end of the hearing, the Chair shall state the decision of the Hearing Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any action which the Sub-Committee has resolved to take.

10.4 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice after consultation with the Chair of the Hearing Sub-Committee, and send a copy to the person making the allegation, to the member concerned, make that decision

notice available for public inspection and report the decision to the next convenient meeting of the Council.

11 Appeals

11.1 There is no right of appeal for either the person making the allegation or for the member against whom the allegation is made, against a decision of the Monitoring Officer or of the Standards Committee/Assessment Sub-Committee/Hearing Sub-Committee

11.2 If a person making the allegation considers that the Council has failed to deal with an allegation properly, he/she may make a complaint to the Local Government Ombudsman.

Appendix A

Hearing Procedure

The model procedure which follows comprises good and equitable practice and should be followed closely wherever possible. There may be occasions when circumstances require variations and subject to the maintenance of the principles of natural justice these may be effected at the discretion of the Hearing Sub-Committee and advised to the parties

1. The Chair shall facilitate introductions and explain the procedure for the hearing.
2. The Monitoring Officer/Investigating Officer shall be invited to present his/her Investigation Report including any documentary evidence or other material and to call witnesses as required. This report and documentary and witness evidence must be based on the allegation made to the Council; no new or additional matters will be allowed.
3. The Member against whom the allegation has been made or his/her representative may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer. This is the Member's opportunity to ask questions arising from the Investigation Report and the direct evidence and not to make a statement.
5. Members of the Sub-Committee may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer
6. The Member against whom the allegation has been made or his/her representative may present his/her case and call witnesses as required.
7. The Monitoring Officer/Investigating Officer may question the Member and any witnesses
8. Members of the Sub-Committee may question the Member and any witnesses.

9. The Monitoring Officer/Investigating Officer may sum up the investigation into the allegation and make a closing speech.
10. The Member or his/her representative may sum up his/her case and make a closing speech.
11. The Chair shall invite the parties to withdraw to enable the Sub-Committee to deliberate upon the allegation. Prior to reaching a determination the Sub-Committee shall seek and take into account the views of the Independent Person.
12. The parties shall be invited to return and the Chair shall announce the Sub-Committee's decision in the following terms:-
 - (a) The Sub-Committee has determined that the Member has failed to comply with the Code of Conduct, or
 - (b) The Sub-Committee has determined that the Member has not failed to comply with the Code of Conduct and the allegation is dismissed.

The Sub-Committee will give reasons for its decision.

13. If the Sub-Committee has determined that the Member has failed to comply with the Code of Conduct it shall consider any representations from the Member as to whether any action should be taken and what form any action should take.
14. The Chair shall invite the parties to withdraw to enable the Sub-Committee to deliberate upon what action if any should be taken. Prior to reaching a determination the Sub-Committee shall seek and take into account the views of the Independent Person.
15. In addition to any action upon the current matter, the Sub-Committee shall consider whether in consequence it should make recommendations to the Council with a view to promoting high standards of conduct amongst Members.
15. The parties shall be invited to return and the Chair shall announce the Sub-Committee's decision
16. A full written decision shall be issued to the Complainant and the Member within ten clear working days following the hearing and shall be published.