

APPENDIX 4

SOUTH RIBBLE BOROUGH COUNCIL STANDARDS COMMITTEE

HEARING PROCEDURE

1. The Committee may agree to vary this procedure in any particular instance where they are of the opinion that such variation is necessary in the interests of fairness.
2. The role of the Monitoring Officer is important throughout. The Monitoring Officer shall ensure that the investigation carried out is both fair and thorough. It is also for the Monitoring Officer to ensure that the Committee has sufficient information before it to make a fully informed decision. In this regard the Monitoring Officer shall ensure that a Committee report is prepared which summarises in an impartial and objective way the issues under consideration. The Monitoring Officer shall further ensure that any information to be presented to Standards Committee is done so in an appropriate manner.
3. The Subject Member may be represented or accompanied during the meeting by a solicitor or barrister, or with the permission of the Standards Committee, another person. It is the responsibility of the Subject Member to arrange any representation.
4. The Investigating Officer may also be represented and/or accompanied during the meeting by a solicitor or barrister, or with the permission of the Standards Committee, another person.
5. The Standards Committee may take advice from the Monitoring Officer and its legal adviser at any time during the Hearing or during its deliberations. For the sake of clarity this legal adviser cannot be the same person as may be assisting the Investigating Officer.
6. At the start of the Hearing, the Chairman should introduce each of the members of the Standards Committee, the Subject Member (if present), anyone supporting the Subject Member, the Investigating Officer (if present), anyone supporting the Investigating Officer and any other officers supporting the Hearing, and shall then explain the procedure which the Standards Committee will follow in the conduct of the hearing.
7. The Standards Committee should then deal with any disclosures of interests.
8. If the Subject Member is not present at the start of the hearing:
 - The Chairman should ask the Monitoring Officer whether the Subject Member has indicated his/her intention not to attend the Hearing
 - The Standards Committee should then consider any reasons which the Subject Member has provided for not attending the Hearing and should decide whether it is satisfied that there is sufficient reason for such failure to attend
 - If the Standards Committee is satisfied with such reasons, it should adjourn the Hearing to another date
 - If the Standards Committee is not satisfied with such reasons, or if the Subject Member has not given any such reasons, the Standards Committee should decide whether to consider the matter and make a determination in

the absence of the Subject Member, or to adjourn the Hearing to another date.

9. The Standards Committee should consider whether or not there are any significant disagreements between the parties (i.e. the Subject Member and the Investigating Officer) about the facts contained in the Investigating Officer's report.
10. If there is disagreement, the Investigating Officer should present any evidence which is relevant to the facts in dispute. With the permission of the Standards Committee, witnesses can be called to give relevant evidence. The Subject Member and the Standards Committee members may ask relevant questions of the Investigating Officer or any witness.
11. The Subject Member should then present any evidence that is relevant to the facts in dispute. With the permission of the Standards Committee, witnesses may be called to give relevant evidence. The Investigating Officer and the Standards Committee members may ask relevant questions of the Subject Member or any witnesses.
12. If the Subject Member disagrees with any relevant fact in the report without having given prior notice, he or she must give good reasons for not mentioning it prior to the Hearing. After considering the Subject Member's explanation, the Standards Committee may continue with the Hearing, relying on the information in the report, may allow the Subject Member to make representations about the issue and invite the Investigating Officer to respond; call any witnesses as necessary, or may adjourn the Hearing to another date.
13. The Investigating Officer may then make representations as to why he/she believes that a breach of the Code of Conduct has occurred. The Subject Member and the Standards Committee may ask relevant questions of the Investigating Officer in this regard.
14. The Subject Member may then make representations as to why he/she believes that the Code of Conduct has not been breached. The Investigating Officer and the Standards Committee members may then ask relevant questions of the Subject Member and his/her representative.
15. The Investigating Officer and the Subject Member will both have the chance to sum up their position prior to Standards Committee carrying out its private deliberations. The Subject Member will have the right to speak last.
16. The Standards Committee should conduct its deliberations in private to establish its findings of fact, and to reach its conclusion as to whether there has been a failure to comply with the Code of Conduct. The Monitoring Officer and the Standards Committee's legal adviser shall remain with the Committee whilst it carries out its deliberations.
17. At any stage in the deliberations, the Standards Committee may return to ask further questions of the Investigating Officer, the Subject Member or any witness who has given evidence or seek further information. The other party should be given an opportunity to comment upon the questions asked and/or the responses made.

18. At the conclusion of the Standards Committee's deliberations, the Chairman should advise the Subject Member and the Investigating Officer of their findings.
19. If the Standards Committee concludes that the Subject Member has failed to comply with the Code of Conduct, the Chairman should invite representations from the Investigating Officer and the Subject Member as to what action, if any, it should take. The Standards Committee may ask questions of the Subject Member and the Investigating Officer. The Investigating Officer and the Subject Member should both be invited to make any final relevant points.
20. The Standards Committee should then consider in private whether to impose a sanction, and, if so, what sanction to impose and when that sanction should take effect.
21. The sanctions open to the Standards Committee are:
 - censure of the Subject Member
 - restriction for a period not exceeding six months of the Subject Member's access to the premises of the authority and/or use of the resources of the authority, provided that those restrictions are reasonable and proportionate to the nature of the breach and do not unduly restrict the person's ability to perform the functions of a member
 - partial suspension of the Subject Member for a period not exceeding six months;
 - suspension of the Subject Member for a period not exceeding six months
 - that the Subject Member should submit a written apology in a form specified by the Standards Committee
 - that the Subject Member undertakes such training as the Standards Committee specifies
 - partial suspension of the Subject Member for a period not exceeding six months or until such time as the Subject Member submits a written apology in a form specified by the Standards Committee
 - partial suspension of the Subject Member for a period not exceeding six months or until such time as the Subject Member has undertaken such training or has participated in such conciliation as the Standards Committee specifies
 - suspension of the Subject Member for a period not exceeding six months or until such time as the Subject Member has submitted a written apology in a form specified by the Standards Committee
 - suspension of the Subject Member for a period not exceeding six months or until such time as the Subject Member has undertaken such training or has participated in such conciliation as the Standards Committee specifies
 - any combination of the above sanctions
22. Any sanction imposed by the Standards Committee shall commence immediately unless the Standards Committee directs that a sanction shall commence on another date within six months from the imposition of the sanction.
23. In deciding to impose a sanction, the Standards Committee shall consider all the relevant circumstances and shall have regard to any relevant Guidance issued by the Standards Board
24. The Chairman should normally announce the decision of the Standards Committee at the hearing. Written confirmation of the findings of the Standards Committee should be given as soon as is reasonably practicable to the Subject

Member, the Standards Board, the Standards Committee of any other authority concerned, any parish council concerned, and any person who made an allegation that gave rise to the investigation. Public notices should be given in accordance with the relevant Regulations.

25. Where the Standards Committee determines that the Subject Member has failed to comply with the Code of Conduct, the Chairman shall inform the Subject Member of the right to seek permission to appeal against the Standards Committee's finding or any sanction imposed by sending a notice in writing to the President of the Adjudication Panel for England at 23 Victoria Avenue, Harrogate, HG1 5RD within 21 days of receipt of the written notice of findings.
26. The Standards Committee may consider making any recommendations to the authority concerned with a view to promoting higher standards of conduct among its members.