

Standards Committee

Wednesday, 2nd November, 2022, 6.00 pm

Shield Room, Civic Centre, West Paddock, Leyland PR25 1DH

Agenda

1 Apologies for Absence

2 Minutes of the Last Meeting

Minutes of the meeting held on 15 September 2022 attached for approval.

(Pages 3 - 6)

3 Declarations of Interest

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgment of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

4 Request to appoint Independent Person

Report of the Director of Governance and Monitoring Officer attached.

(Pages 7 - 10)

5 Report to Standards Committee - Investigation and Hearing Procedure

Report of the Director of Governance and Monitoring Officer attached.

(Pages 11 - 22)

Gary Hall
Chief Executive

Electronic agendas sent to Members of the Standards Committee Councillors Carol Wooldridge (Chair), Derek Forrest, Renee Blow, Carol Chisholm, Susan Jones, David Suthers, David Haley (Independent Person) and Jacqui Mort (Vice-Chair)

The minutes of this meeting will be available on the internet at www.southribble.gov.uk

Forthcoming Meetings

6.00 pm Thursday, 15 December 2022 - Shield Room, Civic Centre, West Paddock,
Leyland PR25 1DH

Minutes of	Standards Committee
Meeting date	Thursday, 15 September 2022
Committee members present:	Councillors Carol Wooldridge (Chair), Jacqui Mort (Vice-Chair), Susan Jones, Alan Ogilvie, David Suthers and David Haley (Independent Person)
Officers present:	Dave Whelan (Shared Services Lead - Legal & Deputy Monitoring Officer) and Clare Gornall (Democratic and Member Services Officer)
Other attendees:	Councillor Mick Titherington (attended virtually)
Public:	0

A video recording of the public session of this meeting is available to view on [YouTube here](#)

1 Apologies for Absence

Apologies were received from Councillor Carol Chisolm.

Councillor Alan Ogilvie was in attendance in substitution for Councillor Chisholm.

2 Declarations of Interest

There were none.

3 Minutes of the Last Meeting

The minutes of the meeting held on 6 September 2021 were presented for consideration. A typographical error was identified at the end of the document, in the following sentence:-

“Full details of the report and decision notice submitted to Council on 22 September 2022 can be accessed on the website here.”

The Committee agreed that the date be amended to **22 September 2021**.

RESOLVED (unanimously):

That, subject to the date in the sentence referenced above being amended to 22 September 2021, the minutes of the meeting held on 6 September 2021 be signed as a correct record.

Agenda Item 2

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4 Minutes of the Code of Conduct Working Group

RESOLVED (unanimously):-

1. That the minutes of the meetings of the Code of Conduct Working Group held on 21 April 2022, 4 March 2022, and 16 December 2021 be noted;

and
2. That the minutes of the Code of Conduct Working Group held on Thursday, 23 June 2022 be signed as a correct record.

5 Review of Members Code of Conduct

The Shared Services Lead: Legal Officer presented a revised and updated Code of Conduct for consideration and recommendation to Council.

He also presented an updated Investigation and Hearing Procedure to sit alongside the Code of Conduct for consideration by the Committee.

The Committee considered the Code of Conduct and Investigation and Hearing Procedure in detail and following discussions the following amendments were suggested:-

- That it be clarified that in instances in the document where the Monitoring Officer is referred to, in their absence the Deputy Monitoring Officer is applicable.
- That the front page of the document reflect that the Code of Conduct contains local amendments and is not just the LGA Model Code.
- With regard to Complying with the Code of Conduct and particularly paragraph 8.4 relating to sanctions imposed following a finding of breach of the Code of Conduct, to amend the document to clarify that the right to challenge is limited, alternative recourse may include Judicial Review or the Local Government Ombudsman however the member concerned would need to seek legal advice.
- That any typographical errors in Appendix B – Investigation and Hearings Procedure be corrected
- To specify that if a Hearings Panel is convened it is the decision of the Monitoring Officer in consultation with the Chair of the Standards Committee whether the Panel consists of the full Standards Committee or a sub-committee of that Committee.
- Paragraph 27 - the bullet point list outlining suggested options for sanctions is non-exhaustive. It was noted that for example the Group Leader referenced at bullet point 2 may not wish to implement the sanction.
- That references to “he” be amended so that the documents are gender neutral.

It was clarified that “Investigating Officer” would usually be one of the legal officers at the Council, however in the past we have instructed externally. This would be at the discretion of the Monitoring Officer.

Agenda Item 2

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As part of further deliberations on the Investigation and Hearing Procedure, the following points were made:-

- it was not clear at what stage the Monitoring Officer was required to notify the subject member about the complaint. Mr Dave Whelan, Deputy Monitoring Officer clarified that if the complaint passes the initial assessment, then the subject member will be notified.
- there was no mention in the Procedure of the Initial Assessment Hearing Panel, which had been useful in the past as and when appropriate. Mr Whelan agreed that it was a useful option to have and he would raise this with Chris Moister, the Monitoring Officer.
- The procedure should include a provision that the complainant be anonymous in certain circumstances. Mr Whelan indicated that as a general principle the subject member ought to know the identity of the complainant however he would speak to Chris Moister about the inclusion of additional provisions for anonymity in certain cases.

It was also brought to members' attention that the Investigation and Hearing Procedure presented had not been considered by the Code of Conduct Working Group as part of its review. It was therefore suggested that the Committee recommend the Code of Conduct (as amended above) to Council and that a revised Investigation and Hearing Procedure be considered in further detail to a future meeting of the Standards Committee.

RESOLVED:-

1. That the Code of Conduct as detailed in Appendix A to the report (as amended) be recommended to Council; and
2. That a revised Investigation and Hearing Procedure be considered at a future meeting of the Standards Committee.

Chair

Date

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Report of	Meeting	Date
Director of Governance	Standards Committee	Wednesday, 2 November 2022

Request to Appoint Independent Person

Purpose of the Report

1. The purpose of the report is to seek the approval of Committee to commence processes for the appointment of a second Independent Person.

Recommendations

2. That Committee agree that a second Independent Person be appointed and that accordingly recruitment processes should be commenced.

Reasons for recommendations

3. Mr Barry Parsonage – one of the council's Independent Persons – has recently stepped down from his role.
4. Mr David Haley remains as an Independent Person.
5. It is unwise only to have one Independent Person. Conflicts of interest can occur. Also you may want to have one Independent Person working with the Monitoring Officer on the initial consideration of a complaint whilst a second Independent Person can fulfil the role of attending the hearing before Committee to provide their views.

Other options considered and rejected

6. The legal requirement (as set out in the Localism Act 2011) is simply to have one Independent Person. However, for the reasons set out above it does not make great practical sense just to have one Independent Person.

Corporate priorities

7. The report relates to the following corporate priorities:

An exemplary council	Thriving communities
A fair local economy that works for everyone	Good homes, green spaces, healthy places

Agenda Item 4

Background to the report

8. As a consequence of the Localism Act 2011 (most particularly Section 28) a council was required to appoint at least one independent person. The role of the Independent Person consists of a number of aspects including:-
 - their views must be sought and taken into account before Standards Committee makes any decision on an allegation that has been investigated.
 - their views may be sought by the Monitoring Officer when a complaint first comes in about whether any action is required - the practice in this council has always been to involve Independent Persons at this stage.
 - a member complained of may seek to speak to an Independent Person.
 - in this council we always invite Independent Persons to meetings of the full Committee so that they can contribute towards debates on policy and procedural development

Detailed Considerations

9. The role of an Independent Person is an important one in the standards regime of any council. In general terms their role is to assist in promoting and maintaining high standards of conduct amongst elected members.
10. For a number of years now the council has had two Independent Persons whose assistance it could call upon. One of our Independent Persons has now stood down from their role and for the reasons already set out in this report it is considered essential that we appoint a second Independent Person.
11. Under the provisions of the Localism Act it is specified who cannot be an Independent Person. As would be expected a Member or Officer of the council cannot fulfil this role. Nor can someone fulfil this role if they have been a Member or Officer of the council within the last 5 years.
12. The Localism Act also specifies that the post must be publicly advertised.
13. The intention would be to advertise in the local press and on our website. Applicants would then be shortlisted and then interviewed. Ultimately a report would have to be taken to Full Council seeking approval to appoint the named individual.

Climate change and air quality

14. The work noted in this report does not impact the climate change and sustainability targets of the Council's Green Agenda and all environmental considerations are in place.

Equality and diversity

15. Whilst going through the recruitment process HR policies would be complied with.

Agenda Item 4

Risk

16. If we fail to appoint a second Independent Person that may cause practical difficulties. If our sole Independent person has a conflict of interest we would have difficulty proceeding. Also there would be no cover for ill health.

Comments of the Statutory Finance Officer

17. There are minimal financial implications arising from the report. The council does not pay any salary or allowance for an Independent Person. The council does pay travel expenses and any other reasonable expenses that may arise.

Comments of the Monitoring Officer

18. The legal considerations are set out in the body of the report. The council is obliged to appoint at least one Independent person but it makes great practical sense to have at least a second appointed person.

There are no background papers to this report

There are no Appendices

Report Author:	Email:	Telephone:	Date:
Dave Whelan (Shared Services Lead - Legal & Deputy Monitoring Officer)	david.whelan@southribble.gov.uk	01772 625247	21.10.22

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Report of	Meeting	Date
Director of Governance and Monitoring Officer	Standards Committee	Wednesday, 2 November 2022

Report to Standards Committee - Investigation and Hearing Procedure

Is this report confidential?	No
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Is this decision key?	No
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Purpose of the Report

- Members are asked to consider the proposed changes to the Investigations Procedure document.

Recommendations

- That the Investigations and Hearings Procedure (Appendix A) is recommended to Council for approval.

Reasons for recommendations

- The changes to the Investigations and Hearing Procedure are designed to reflect the direction of the Code of Conduct working group, making the procedure simpler and quicker whilst not impacting on the fairness both to members and complainants. The changes are also designed to address issues that were raised at the meeting of Standards Committee on the 15th of September.

Other options considered and rejected

- There is no legal requirement to change the Procedure document but it is considered that there is scope to simplify the document – hence it would be a lost opportunity if we did nothing.

Corporate priorities

- The report relates to the following corporate priorities: (Please bold one)

An exemplary council	Thriving communities
A fair local economy that works for everyone	Good homes, green spaces, healthy places

Agenda Item 5

Background to the report

6. The context of this report is that Standards Committee established a working group to look at developing a new Code of Conduct. At the meeting of the 15th of September Standards Committee endorsed the new Code of Conduct with a view to it being referred to Full Council for approval.
7. The working group had also tasked the monitoring officer to review the Investigation and Hearing Procedure and make proposals to Standards Committee which would:
 - Make the procedure simpler to follow
 - Improve the speed of the investigations and
 - Make it clear to members potential sanctions that can be imposed.
8. At its meeting on the 15th of September Standards Committee considered a draft of the proposed Investigation and Hearing procedure. Members had a number of comments and observations to make – the amended procedure at Appendix A is designed to address the concerns that were raised.

New Proposed Investigations and Hearings Procedure

9. Recent investigations have demonstrated that the existing procedure is lengthy with steps included within it that are unnecessary. Changes to the Code itself, which will now include an obligation on members to co-operate with investigations, will assist in progressing matters, but simplifying the procedure was essential.
10. The new proposed procedure reflects the existing 3 stage plus public interest at the outset and removes the initial contact with the member complained of. The initial 3 stage test is:
 - Is the member currently a councillor? and
 - Was the member acting in that capacity when they were complained of? and
 - If the allegation is true, is it a breach of the code of conduct?
11. If this is applied on assessing the complaint, it is not necessary to speak to the subject member prior to the investigation, the tests simply establishing whether the conduct complained of is a breach at all. The public interest test which follows addresses whether it is the public interest to investigate if the first 3 tests are satisfied.
12. The new proposed procedure has been amended in the light of comments made by Standards Committee at its meeting on the 15th of September. In particular the following should be highlighted:
 - Reference to the Deputy Monitoring Officer is expressly included
 - There has been a general tidying up of wording
 - Something specific about the notification of the complaint to the member complained of has been inserted
 - Something specific about the right to challenge a decision has been included
 - Something specific about confidentiality has been included
 - Likewise there is something specific about anonymous complaints

Agenda Item 5

13. Members should note that if it is decided at the initial stage that the conduct complained of was a breach and was serious enough, then the possibility of local resolution would be considered. This would require the agreement of the complainant and the subject member. It would be an agreed resolution usually by way of an apology or something similar.

Climate change and air quality

14. The work noted in this report does not impact the climate change and sustainability targets of the council's Green Agenda and all environmental considerations are in place.

Equality and diversity

15. There are no equality implications arising from the report

Risk

16. There are no risks arising from this report.

Comments of the Statutory Finance Officer

17. There are no financial implications arising from this report.

Comments of the Monitoring Officer

18. Relevant legislation and good practice have been taken into account when considering the Investigations and Hearings Procedure. What is proposed here should assist with the achievement and maintenance of good Member conduct.

There are no background papers to this report

Appendices

Appendix A – Investigation and Hearing Procedure

Report Author:	Email:	Telephone:	Date:
Dave Whelan, Shared Services Lead – Legal and Deputy Monitoring Officer	david.whelan@southribble.gov.uk	01772 625247	21.10.22

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APPENDIX A

INVESTIGATION AND HEARING PROCEDURE

1. Introduction

This procedure applies when a complaint is received that a Member, Co-opted Member or Parish Member has or may have failed to comply with the Code of Conduct for Members.

The person making the complaint will be referred to as “the Complainant” and the person against whom the complaint is made will be referred to as the “Subject Member.”

No Member or Officer will participate in any stage of the arrangements if he or she has, or may have, any personal conflict of interest in the matter.

Making a complaint

A complaint must be made in writing to: –

Chris Moister,

Monitoring Officer

South Ribble Borough Council

Civic Centre

Leyland

PR25 1DH

OR

chris.moister@southribble.gov.uk

The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it.

In the absence of the Monitoring Officer a complaint may be made to the Deputy Monitoring Officer David Whelan – email address david.whelan@southribble.gov.uk

Initial Assessment

The Monitoring Officer will carry out the initial assessment of any complaint. This will normally be in conjunction with one of our Independent Persons.

The Monitoring Officer will in assessing the complaint assume the allegation to be true and then ask the following questions:-

1. was the councillor a sitting councillor at the time of the alleged behaviour? And
2. was the councillor acting in that capacity at that time (it is a rebuttable presumption they were)? And
3. Is the behaviour complained of a breach of the code of conduct?

If the answer to any of those 3 questions is no then the complaint will be rejected.

The Monitoring Officer will then decide if it is in the public interest for it to proceed. In assessing the public interest the following factors will be taken into account:

- Does the complaint appear to be malicious, vexatious, politically motivated or tit-for-tat
- Has there been a similar previous complaint(s) which has already been resolved.
- Is the complaint about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit in taking action now
- Is the complaint serious enough to merit any action and:-
 - (i) The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations or;
 - (ii) Whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation

The Monitoring Officer will also consider:

- The experience of the Member,
 - Whether the Member has exhibited any contrition
- If there is a wider problem throughout the authority which ought to be addressed on a more corporate basis
- Whether in the circumstances training or conciliation would be the appropriate response.

Having applied the public interest test the Monitoring Officer, in consultation with an Independent Person, will decide to either

- Take no action; or
- Refer the matter for Informal Resolution; or
- Refer the complaint for investigation; or
- Take any action they feel would resolve the issue.

In reaching the decision the Monitoring Officer must have regard to the views of the Independent Person and must, should they decide not to follow the IP's recommendation, provide reasons for departing from it.

Notification of Subject of Complaint

The subject of a complaint will only be notified of it should the decision of the Monitoring Officer and Independent Person be that the 3 stage test and public interest test have been satisfied and further action is required.

Informal Resolution

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation. Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable and offering an apology, or taking other steps.

If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authorities.

The Monitoring Officer will endeavour to seek resolution of complaints without formal investigation wherever practicable.

Where the Monitoring Officer offers Informal Resolution and the subject members declines the complaint would usually be referred for investigation.

Investigation

If the Monitoring Officer decides that a complaint merits formal investigation then he may appoint an Investigating Officer. The Investigating Officer will usually meet the complainant, the subject of the complaint and any other person they think appropriate to undertake a fair investigation. They may also review other evidence such as but not limited to documents or recordings of meetings or the incident.

All members are reminded that the Code of Conduct includes a requirement on members to co-operate with standards investigations.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report to the Complainant and to the Subject Member, for comments. The Investigating Officer will take such comments into account, before issuing their final report to the Monitoring Officer.

The Investigation may recommend:-

- No identified breach of the code of conduct; Having reviewed the report and if satisfied with the recommendation, the Monitoring Officer will issue a Confirmation Decision confirming no breach, notify the Subject Member and complainant and close the matter.
A copy of the report and Confirmation Decision will be made available to the Independent Person and Parish Council Clerk if the subject member is a parish councillor.

If the Monitoring Officer is not satisfied the investigation has been conducted satisfactorily, they will refer it back to the Investigating Officer seeking reconsideration of the points at issue.

- There is an identified breach or breaches of the code of conduct; If the Monitoring Officer agrees with the conclusion of the Report they will either
 - After consultation with the Independent Person seek Informal Resolution; or
 - Arrange for a Hearing Panel to consider the complaint and determine the outcome.

Hearings Panel

The Hearings Panel will consist of either the full Standards Committee or a sub-committee of that Committee, no less than 3 members. The Monitoring Officer in consultation with the Chair of Standards Committee will decide on which is the most appropriate in the circumstances of the individual complaint.

The Independent Persons are invited to attend all meetings of the Hearings Panel and their views must be sought and taken into consideration before the Hearings Panel takes any decision on

whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

The Council has agreed a procedure for local hearings which is attached as Appendix A.

The Chair of the Hearing Panel will usually follow the procedure but has the absolute discretion to depart from it and any such departure will not of itself invalidate the hearing.

At the conclusion of the Hearing the panel may find that there is no breach or that a member has failed to comply with the Code of Conduct.

Where there is a finding of breach Hearings Panel may –

- Publish its findings in respect of the Member's conduct; and/or
- Report its findings to Council (or to the Parish Council) for information; and/or
- Censure; and/or
- Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council; and/or
- Recommend to the Leader of the Council that the Member be removed from the Executive, or removed from their Portfolio responsibilities; and/or
- Recommend to full Council that the Member be removed from a or all committee membership(s); and/or
- Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Member; and/or
- Recommend to Council or Parish Council that the Member be removed from all outside body appointments to which they have been appointed or nominated by the Council (or by the Parish Council); and/or
- Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; and/or
- Exclude (or recommend that the Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- Refer any criminal conduct identified to the Police or other regulatory body.

Any sanction imposed by the Hearings Panel shall commence immediately unless the Hearings Panel directs that a sanction shall commence on another date within six months from the imposition of the sanction.

The Chairman should normally announce the decision of the Hearings Panel at the hearing. Written confirmation of the findings of the Hearings Panel should be given as soon as is reasonably practicable to the Subject Member, Independent Person, Standards Committee of any other authority concerned, any parish council concerned, and any person who made an allegation that gave rise to the investigation.

The Hearings Panel and/or Standards Committee may consider making any recommendations to the authority concerned with a view to promote and maintain higher standards of conduct among its members.

Appeals

Subject to Judicial Review, or a decision of the Local Government Ombudsman, there is no right of appeal against a decision of the Monitoring Officer or of the Hearings Panel.

General Matters

Maintenance of Confidentiality by Members

Any Member involved in a complaint – whether as Complainant, Subject Member or Witness – is strongly recommended not to speak to the Press about the complaint (or to discuss it on social media) whilst that complaint is still being dealt with by the Monitoring Officer and/or Standards Committee

The Independent Person(s)

The Independent Person must be a person who has applied for the post following advertisement of vacancy for the post, and appointed by a positive vote from a majority of all the Members of Council at a meeting of the Full Council.

The Council currently has two such Independent Persons. Subject members may take advice from an Independent Person.

The detailed rules relating to who can be an Independent Person are set out in the Localism Act 2011.

Anonymous Complaints

If a Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the Initial Assessment stage. As a matter of fairness and natural justice, the Member should usually be told who has complained about them and receive details of the complaint.

If the Monitoring Officer decides to refuse a request by a Complainant for confidentiality, they will offer the Complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the Complainant's wish to have his or her identity withheld from the Member.

HEARINGS PROCEDURE

1. Any hearing will either be before the full Standards Committee or a duly appointed Hearing Panel. Any reference to "Panel" in this procedure also refers to the Committee if the full Committee is sitting.
2. After everyone involved has been formally introduced, the Chair will explain how the Panel is going to run the hearing.
3. The Chair will introduce the Independent Person(s) and explain that whilst they do not have a decision making role they are present to provide an independent view which the Panel are obliged to consider.
4. The Subject Member may be represented or accompanied at the meeting by a solicitor or barrister, or with the permission of the Panel, another person.
5. The Chair will ensure that the Subject Member (the member the subject of the complaint) is ready and happy to proceed. If the Subject Member indicates that they are not ready, they must give reasons why. The Committee will decide whether the hearing should proceed and must act reasonably in coming to that decision.
6. 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 Panel 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 Panel is satisfied with such reasons, it should adjourn the Hearing to another date
 - If the Panel is not satisfied with such reasons, or if the Subject Member has not given any such reasons, the Hearings Panel 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.
7. With the permission of the Panel witnesses may give evidence either on behalf of the Investigator or on behalf of the Subject Member.

Findings of fact

8. The Panel will ask the Subject Member whether there are any significant disagreements about the facts contained in the Investigating Officer's report. If there is no disagreement about the facts, the Panel can move on to Stage 3.
9. If the Subject Member disagrees with any relevant fact in the Investigating Officer's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. A Subject Member would be expected to give at least 7 days' notice to the Monitoring Officer of any such disagreement with any relevant fact.

10. After considering the Subject Member's explanation for not raising the issue at an earlier stage, the Panel may then:

- continue with the hearing, relying on the information in the Investigating Officer's report
- allow the Subject Member to make representations about the issue, and invite the Investigating Officer to respond
- postpone the hearing to allow the Investigating Officer to consider and investigate the new issue.

11. Where prior notice of any disagreement has been given the Investigating Officer, will be invited to make representations on the challenged facts.

12. The Subject Member will then have the opportunity to make appropriate representations.

13. At any time, the Panel may question the Investigating Officer or the Subject Member.

14. The Panel will usually move to another room to consider the representations and evidence in private. Also present will be the Monitoring Officer, the Independent Person and a Democratic Services Officer. On their return, the Chair will announce the Panel's findings of fact.

Conclusions of the Panel

15. Having made the finding on the facts the Panel will then consider whether the Subject Member has failed to follow the Code.

16. The Subject Member should be invited to give relevant reasons why the Panel should decide that they have not failed to follow the Code.

17. The Panel should then consider any verbal or written representations from the Investigating Officer.

18. The Panel may, at any time, question anyone involved on any point they raise on their representations.

19. The Subject Member should be invited to make any final relevant points.

20. The Panel will then move to another room to consider the representations. The Monitoring Officer, the Independent Person and a Democratic Services Officer will accompany them. The views of the Independent Person should be sought and considered by the Panel. Where the Panel depart from the view of the Independent Person they should record the reasons why.

21. On their return, the Chair will announce the Panel's decision as to whether the Subject Member has failed to follow the Code.

22. If the Panel decides that the Subject Member has not failed to follow the Code, the Panel will inform the Subject Member accordingly.

23. If the Panel decides that the Subject Member has failed to follow the Code, it will consider any verbal or written representations from the Investigating Officer and the Subject Member as to:

- whether the Panel should apply a sanction
- what form any sanction should take

24. The Panel may question the Investigating Officer and Subject Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.

25. The Panel will then retire with the Monitoring Officer, the Independent Person and a Democratic Services Officer. They will consider whether to impose a sanction on the Member and, if so, what sanction it should be. The Independent Person will not be able to participate in making the decision (i.e. vote) but their views must be considered by the Panel. Where the Panel depart from the Independent Person's views they must record reasons why.

26. The Panel will be limited to the sanctions listed in the procedure for the administration of complaints. The Panel must ensure that any sanction is reasonable and proportionate to the breach.

27. On their return, the Chair will announce the Panel's decision.

28. Both the subject member and the complainant should be informed in writing of the outcome of the Panel Hearing within 2 working days.