

Member Conduct Panel – Hearing Process

1. Subject to paragraph 2 below, the order of business will be as follows:
 - a. Following the agenda –
 - Election of Chair
 - Apologies for absence
 - Declarations of interests
 - b. If the Subject Member is absent, the Panel will consider whether to adjourn or to proceed with the hearing in their absence.
 - c. Introduction by the Chair, of members of the Panel, the Independent Person, Monitoring Officer, Investigating Officer, legal advisor and the Subject Member.
 - d. To receive representations from the Monitoring Officer and/or Subject Member as to whether any part of the hearing should be held in private or any documents submitted by the Subject Member regarded as exempt.

Presentation of the complaint

- e. The Chair will confirm the procedure (including whether or not witnesses are to be involved) to be followed.
- f. The Monitoring Officer will refer to any covering report to the Panel and then ask the Investigating Officer to present their report including any documentary evidence or other material, and any comments they may have on any representations which have been made.
- g. The Panel and the Subject Member may ask questions of the Investigating Officer through the Chair.
- h. The Investigating Officer may call any witnesses which the Subject Member and the Panel will have the opportunity to ask questions of.

Presentation of the Subject Member's case

- i. The Subject Member will present their case to the Panel. The Panel and the Investigating Officer will then have an opportunity to ask questions of them.
- j. The Subject Member may call witnesses which the Panel and the Investigating Officer will be permitted to question.

Summing up

- k. The Investigating Officer sums up the complaint.
- l. The Subject Member sums up their case.

Views/Submissions of the Independent Person

- m. The Chairman will invite the Independent Person to express their view of the case, having now heard all the evidence presented at the hearing.

Deliberations of the Panel

- n. The Panel will adjourn (with its Legal Advisor and Clerk to the Panel) the hearing and deliberate in private to determine the facts of the case and to consider whether or not, on the facts found, the Subject Member has failed to comply with the Code of Conduct.
- o. The Panel may at any time come out of private session and reconvene the hearing in public, in order to seek additional evidence from the Investigating Officer, the Subject Member or the witnesses. If further information to assist the Panel cannot be presented, then the Panel may adjourn the hearing and issue directions as to the additional evidence required.

Announcing its decision

- p. The Panel will reconvene the hearing in public and the Chair will announce its findings and whether or not the Panel considers that there has been a breach of the Code of Conduct. If there is no breach the meeting will close.

Sanctions

- r. Where the Panel considers that there has been a breach of the Code of Conduct, the Panel will consider the sanction to be imposed. The Councils Procedure provides that, *“If the Panel concludes that there has been a breach of the Code, it will consider whether and what sanction would be appropriate to impose. The sanctions might include a formal letter to the subject member stating that there has been a breach of the Code, referral for other action, e.g. a requirement to attend training or to make a formal and public apology, or formal censure of the subject member.”*
- s. The sanction may include one or a combination of the following:
 - Formal letter – A requirement that the Monitoring Officer send a formal letter to the Subject Member confirming the Panel’s decision to impose a sanction and the detail(s) and the disappointment at having to have had to make a decision that the Code of Conduct had been breached. The Letter to be published on the Council’s website dealing with

Member matters and be displayed on the subject Members Council web page for a period of up to a year at the Monitoring Officers discretion -

- Censure - Recommend to Council a vote of formal censure from the Council to confirm that the actions of the Member were unacceptable;
 - Restricted Access - Restriction of the member's access to the resources of the Authority for up to six months. This may include limiting access to the premises of the Authority, provided that such restriction does not unnecessarily restrict the member's ability to carry out his or her responsibilities as an elected representative or co-opted member;
 - Apology - A requirement for the Member to apologise in a form specified by the Panel. This might be in writing, in person or at a meeting.
 - Training – A requirement for the Member to undertake such training as the Panel specifies;
 - Conciliation – A requirement that the Member participates in such conciliation as the Panel specifies.
- t. There are no lawful powers to suspend or disqualify a Subject Member who is found to have breached the Code of Conduct. There are also no lawful powers to withdraw their basic or special responsibility allowances.
- u. Any sanctions must include a time period for compliance by the Subject Member and stipulate what will occur if they fail to comply within that time period (i.e. that the Monitoring Officer will refer the matter to the Council's Corporate Governance Committee).
2. The Chairman may exercise their discretion and amend the above order of business where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.
3. The Panel may adjourn the hearing at any time.

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