

Member Conduct Panel – Hearing Process

1. Subject to paragraph 3 below, the order of business will be as follows:

Following the agenda

- a. Election of Chair;
- b. Declarations of interests;

Absence of the Subject Member

- c. If the Subject Member is absent, the Panel will consider whether to adjourn or to proceed with the hearing in their absence;

Introductions and preliminary matters

- d. The Chair will introduce those present and explain how the hearing will be conducted.

Hearing the matter in private or public

- e. The Panel will 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 investigation report

- f. The investigator will summarise the findings and conclusions of their investigation and may be asked questions by the Panel.

The Subject Members response

- g. The Subject Member will have the opportunity to present their response to the investigation findings, either verbally, in writing, or both, and to answer questions from the Panel.

Witnesses

- h. If witnesses have been agreed in advance, the Panel will hear their evidence. The Panel may limit the number of witnesses or the scope of evidence if it considers this appropriate.

Independent Person's views

- i. The Independent Person(s) will give their views to the Panel before it withdraws to make its decision.

Deliberations of the Panel

- j. The Panel will adjourn (with the Monitoring Officer 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. Everyone will be asked to leave at this point.
- k. 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 any 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.
- l. If the Panel considers that there has been a breach of the Code of Conduct it will then determine what, if any, sanctions would be appropriate.

Potential sanctions

- m. 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.”*
- n. 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.
- o. 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.
- p. 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).

Announcement of Decision and any sanctions considered appropriate

2. 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. If the Panel considers that there has been a breach of the Code it will state the sanctions, if any, it considers appropriate to impose.

Chairman's Discretion

3. 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.
4. The Panel may adjourn the hearing at any time.

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