

1. REPORTS RECEIVED FROM ETHICAL STANDARDS OFFICER

1.1 Where a report is referred to the Monitoring Officer and the Standards Committee by an Ethical Standards Officer, the Monitoring Officer must send a copy of the report to the member who is the subject of the report and arrange for the Standards Committee to meet to consider the report.

2. HEARINGS

2.1 The hearing should be conducted in accordance with guidance issued by the Standards Board for England. The hearing should be held within three months of the date of receipt of the report by the Monitoring Officer and at least 14 days after the report has been sent by the Monitoring Officer to the member who is to be the subject of the hearing. Any member who is the subject of such a report must be given an opportunity to present evidence in support of his/her case and to make representations at the hearing either orally or in writing and either personally or through their representative.

2.2 The Standards Committee may arrange for the attendance of witnesses as it considers appropriate and the member who is the subject of a hearing may arrange for the attendance of such witnesses as they wish, although the Committee may place a limit on this if it feels the number proposed is considered unreasonable.

2.3 Any member who is the subject of a hearing may be represented by counsel, a solicitor or, with the prior consent of the Committee, by anyone who he/she wishes to represent him/her. If the member fails to attend the hearing, the Committee may, in certain circumstances, decide to consider the allegation and make a determination in his/her absence or adjourn the hearing to another date.

2.4 The Regulations provide for the Standards Committee to consider matters referred by an Ethical Standards Officer in closed session by the addition of four further descriptions of exempt information:

- (i) information relating to the personal circumstances of any person;
- (ii) information which is subject to any obligation of confidentiality;

- (iii) information which relates in any way to matters concerning national security;
- (iv) the deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part III of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 64(2) or 71(2) of the Local Government Act 2000.

3. FINDINGS

3.1 The Standards Committee may make one of three findings:

- (a) that the member had not failed to comply with the Code of Conduct;
- (b) that the member had failed to comply with the Code of Conduct but that no action needed to be taken; or
- (c) that the member had failed to comply with the Code of Conduct and that a sanction should be imposed.

3.2 Where the Committee finds that a member has failed to comply with the Code and that a sanction should be imposed, it may impose any of the following sanctions or combinations of these sanctions:

- (i) censure of the member;
- (ii) restriction of the member's access to the Council's premises and use of the Authority's resources;
- (iii) partial suspension of the member for up to three months;
- (iv) partial suspension of the member for up to three months or until he/she submits a written apology or undertakes any training or conciliation specified by the Committee;
- (v) suspension of the member for up to three months;

- (vi) suspension of the member for up to three months or until he/she submits a written apology or undertakes any training or conciliation specified by the Committee.

4. NOTIFICATION OF FINDINGS

4.1 The Standards Committee must, as soon as reasonably practical, give written notice of the finding and its reasons to the member who is the subject of the finding and the Ethical Standards Officer concerned.

4.2 A summary of the findings must be published in at least one local newspaper, unless the Committee has found in favour of the member and the member requests that there be no publication.

5. APPEALS

5.1 A member may request permission to appeal against the Standards Committee's findings by writing to the President of the Adjudication Panel at the Standards Board within 21 days of receiving notification of the Standards Committee's decision and specifying the reasons for the appeal and whether or not he/she consents to the appeal being conducted by written representations. The President has 21 days in which to notify his decision on the request.

5.2 The Regulations lay down the procedures to be followed by appeals tribunals where permission for an appeal is given. The procedure for dealing with appeals, the findings which may be made and the penalties which may be imposed are similar to those which apply in the case of the Standards Committee.