

West Devon Standards Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 15th March, 2016								
Time:	10.00 am								
Venue:	Chamber - Kilworthy Park								
Full Members:	<p style="text-align: center;">Chairman Leech</p> <p style="text-align: center;">Vice Chairman John</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Ball</td> <td style="width: 33%;">Yelland</td> </tr> <tr> <td>Evans</td> <td>McInnes</td> </tr> <tr> <td>Kimber</td> <td>Musgrave</td> </tr> <tr> <td>Moody</td> <td></td> </tr> </table>	Ball	Yelland	Evans	McInnes	Kimber	Musgrave	Moody	
Ball	Yelland								
Evans	McInnes								
Kimber	Musgrave								
Moody									
Substitutes:	Councillors:								
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.								
Committee administrator:	Member.Services@swdevon.gov.uk								

1. Apologies for Absence

2. Declaration of interest

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting.

If Councillors have any questions relating to predetermination, bias or interests in items on this Agenda, then please contact the Monitoring Officer in advance of the meeting.

3. Items Requiring Urgent Attention

To consider items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any).

4. Confirmation of Minutes

1 - 4

Meeting held on 20 October 2015

5. Review of Procedure for Dealing with Standards Complaints

5 - 50

Report of the Monitoring Officer

Agenda Item 4

At a Meeting of the **STANDARDS COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **20th** day of **OCTOBER 2015** at **2.00 pm**.

Present:
Cllr A F Leech – Chairman
Cllr J Sheldon – Vice-Chairman
Cllr K Ball
Cllr J Evans
Cllr P Kimber
Cllr J R McInnes
Cllr C R Musgrave
Cllr J Yelland

Monitoring Officer
Senior Specialist – Democratic Services

***SC 5 APOLOGY FOR ABSENCE**

An apology for absence was received from Cllr J B Moody.

***SC 6 CONFIRMATION OF MINUTES**

The Minutes of the Meeting held on 7 July 2015 were confirmed and signed by the Chairman as a true and correct record.

SC 7 URGENT BUSINESS

The Chairman informed that he had agreed for one item of urgent business to be raised at this meeting. This item related to consideration of the re-appointment of the Council's Independent Persons.

The Monitoring Officer proceeded to advise that it was now necessary to re-consider the issue of formally appointing our Independent Persons to support the standards process.

For the purposes of continuity, and the fact that they were experienced and provided invaluable support to her, the Monitoring Officer hoped that Members would be minded to recommend to the Council that the three existing Independent Persons (Mr George Barnicott, Mr Martin Gleed and Mrs Victoria Spence) be re-appointed for the period until the Annual Council meeting in May 2019.

In the ensuing discussion, the Monitoring Officer confirmed that this did not commit the Independent Persons to remaining in the role for that period, as they may resign (should they so wish), nor does this commitment prevent the Council from reviewing the situation in the future.

It was then:

RECOMMENDED

That the Council be **RECOMMENDED** to re-appoint the Council's three Independent Persons: Mr George Barnicott, Mr Martin Glead and Mrs Victoria Spence for the period up to the Annual Council meeting in May 2019.

SC 8

OPTIONS FOR THE FUTURE OF THE STANDARDS COMMITTEE

The Committee considered a report that suggested a range of alternative options for the future of the Council's ethical governance. In so doing, the report also summarised and compared how other Councils were currently set up to consider ethical governance.

In discussion, reference was made to:-

- (a) the number of standards complaints made so far this year. The Committee was informed that the Council had received five formal complaints to date this year;
- (b) the range of alternative future options. Of the range of options, it was apparent that the two most popular amongst the Committee were as follows:-
 - That the Standards Committee be retained, with one formal meeting scheduled each year (additional meetings could be called as necessary); and
 - That the Standards Committee be retained, with meetings only being scheduled as and when required.

On balance, the Committee was swayed by the significance of public perception and was therefore of the view that the first option should be endorsed whereby one formal meeting should be scheduled each Municipal Year;

- (c) the size of the Committee. Whilst reviewing the future of the Committee, Members felt it to be timely to consider its membership size. In conclusion, the majority of Members felt that the Committee should be reduced in size from 9 to 5. It was felt that this would send a clear message to the community that the Council was always reviewing its processes and governance to ensure that they were as efficient and streamlined as possible.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** that, with effect from the 2016/17 Municipal Year:-

1. one Standards Committee meeting should be formally scheduled each year (with the ability being retained to call other meetings as and when deemed necessary); and
2. the membership of the Standards Committee be reduced from nine to five.

(The Meeting terminated at 2.35 pm)

Chairman

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Report to: **Standards Committee**
Date: **15 March 2016**
Title: **REVIEW OF PROCEDURE FOR DEALING WITH STANDARDS COMPLAINTS**
Portfolio Area: **Resources and Performance**
Wards Affected: **All**
Relevant Scrutiny Committee: N/a

Urgent Decision: **N** Approval and clearance obtained: **N/a**

Date next steps can be taken: **15 March 2015**

Author: **Catherine Bowen** Role: **Monitoring Officer**

Contact: Catherine.Bowen@swdevon.gov.uk

RECOMMENDATION

That Members consider the Council's procedures 'Dealing with Standards Complaints' and standards hearing procedures (Appendices A, B and C to this presented agenda report) and agree any amendments to the procedures.

1. Executive summary

1) The procedure for dealing with standards complaints and standards hearings has been in operation since 2012 and last reviewed in February 2014. The procedure states that the policies will be reviewed every two years (or as necessary) and this report asks members to consider the procedure and the suggested amendments shown in the attached Appendices. A review will ensure that any appropriate amendment are made in the light of experience and best practice.

2. Background

1) The Localism Act 2011 introduced a new standards regime in July 2012 in accordance with which the Council adopted a local Code of Conduct together with processes to deal with allegations of a breach of the

Code. A copy of the current process 'Dealing with Standards Complaints' is attached at Appendix A, together with the associated hearing procedures attached at Appendices B and C.

- 2) The Standards Committee is responsible for considering complaints that allege a breach of the relevant Code of Conduct by Borough Councillors (together with parish and town councils within the West Devon area) and in order to consider such allegations, the Standards Committee has adopted the attached procedures. The procedures have been in operation since 2012 and were last reviewed in 2014, and members are asked to further review (in line with the requirements of the procedure) the policies to ensure that they remain fit for purpose.

3. Outcomes/outputs

- 1) The procedures have been successfully employed in the consideration of standards complaints over the last two years since the last review, and the Monitoring Officer has not experienced any difficulties with the processes set out in these procedures.
- 2) However, some minor amendments and clarification are suggested in the 'Dealing with Standards Complaints' policy attached at Appendix A for members to consider.

4. Options available and consideration of risk

- 1) The Standards Committee may, after due consideration, decide not to make any amendments to the Policy, but a failure to consider the Policy altogether would constitute a failure to follow the Council's own processes which require such a review.
- 2) A review the standards complaints procedures will further ensure that the policies are fit for purpose, in line with current legislation and reflect best practice and will ensure that there is a clear and consistent approach to dealing with allegations of a breach of the Code of Conduct.

5. Proposed Way Forward

- 1) To review the attached policies on dealing with standards complaints and standards hearings and to make any necessary amendments.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Localism Act 2011 introduced requirements for all Councils to adopt a local Code of Conduct together with processes for dealing with any allegations of members' misconduct against Borough Councillors and members of town and parish councils within the West Devon area.</p> <p>Responsibility for dealing with Standards</p>

		Complaints has been delegated to the Standards Committee and the Monitoring Officer, and the Standards Committee is responsible for reviewing the policy to ensure that it accords with best practice.
Financial	N	There are no financial implications to this report as it seeks a review of the policy only.
Risk	Y	A review the standards complaints procedures will ensure that they are fit for purpose, in line with current legislation and reflect best practice, and will ensure that there is a clear and consistent approach to dealing with allegations of a breach of the Code of Conduct.
Comprehensive Impact Assessment Implications		
Equality and Diversity		Considered within the Policy
Safeguarding		N/a
Community Safety, Crime and Disorder		The Code of Conduct ensures compliance with statutory requirements
Health, Safety and Wellbeing		N/a
Other implications		N/a

Supporting Information

Appendices:

Appendix A; Dealing with Standards Complaints Policy
Appendix B: Hearing Procedure
Appendix C: Paper Hearing Procedure

Background Papers:

None

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West Devon Borough Council

Standards Committee

Dealing with Standards Complaints

Contents

'Dealing with Complaints' Procedure

Appendix A - Hearing Procedure

Appendix B – Paper Hearing Procedure

1. Definitions

Term	Meaning
Code of Conduct	The West Devon Borough Council Code of Members' Conduct or the relevant Parish/Town Council Code of Conduct
Complainant	The person who has made the complaint to the Monitoring Officer about the Councillor
Council	West Devon Borough Council
Councillor	The Councillor against whom the complaint has been made
Hearing	A hearing of the Hearing Panel to decide whether the Code has been broken and what (if any) sanctions should apply
Hearing Panel	A subcommittee of the Standards Committee responsible for carrying out Hearings
Independent Person	A person appointed under the Localism Act 2011 in an advisory and consultative role in relation to Code of Conduct complaints
Investigating Officer	A person appointed by the Monitoring Officer to carry out an investigation into allegations of a breach of the Code
Investigating Officer's Report	The Final Report written by the Investigating Officer following investigation
Monitoring Officer	Includes her nominated representative or persons appointed on her behalf
Officer	An employee of the Council

Standards Committee	The Council's Standards Committee
Standards Sub-Committee	A sub-committee of three members <u>appointed by</u> <u>of</u> the Standards Committee
Within specified number of working days	These are the targets that the Council has set itself in order to deal with matters and will use all reasonable endeavours to meet these targets

Introduction

The Localism Act 2011 requires the Council to:

- Adopt a Code of Members' Conduct
- Make arrangements for dealing with complaints
- Appoint Independent Person(s)

The Code of Conduct

The Code deals with conduct expected of councillors when they are acting in an official capacity. The Code also includes provisions for registering and declaring pecuniary and other interests.

The Council has adopted a Members' Code of Conduct which can be inspected on the Council's website.

Town and Parish Councils are responsible for adopting their own Code of Conduct and copies are available from the relevant Clerk.

Arrangements for dealing with Complaints

This document sets out how the Council will deal with complaints that a Borough Councillor or West Devon Parish/Town Councillor has broken his/her authority's Code of Conduct. The complaint will be dealt with by the Monitoring Officer (and/or the Standards Committee) in consultation with the Independent Person.

The Standards Committee and its sub-committees

The Standards Committee has overall responsibility for the Code of Conduct and standards functions under the Localism Act 2011. The Standards Committee may appoint subcommittees to deal with specific matters.

Independent Person

The Council must appoint at least one **Independent Person**. The Independent Persons are not members of the Council and their

role is advisory and consultative. West Devon Borough Council has appointed three Independent Persons who are consulted on a rota basis. Similar or related complaints will normally be dealt with by the same Independent Person.

The Independent Person's views:

- **must be** sought by the Monitoring Officer/Standards (sub) Committee before a decision is made to investigate a complaint
- **may be** sought at any other stage by the:
 - Monitoring Officer
 - The Standards Committee (or Sub-committee)
 - Councillor (the subject of the Complaint)

Matters not covered by this procedure

This procedure does not deal with complaints about matters that are not covered by the Members' Code of Conduct. Complaints about:

- a decision or action of the Council or one of its committees
- a service provided by the Council
- Council Officers (employees)

should be made under the Council's Corporate Complaints Procedure (please see the Council's website).

Also, the Council **cannot** deal with a complaint which relates to:

- People who are not members (i.e. councillors) of the Council
- Conduct which occurred when the Councillor was not a member of the Council
- Conduct which applies in a Councillor's private life; the Code only applies to a councillor's behaviour as a member of the Council.
- Conduct which occurred when the Councillor was acting as a member of another authority.
- Complaints that a councillor has committed an offence under the Localism Act (such as failing to declare a Disclosable Pecuniary Interest). Such complaints may be referred to the Police.

How to complain

Any complaints about the conduct of a West Devon Borough Councillor, co-opted member or a West Devon Parish or Town Councillor must be made **in writing** to:

The Monitoring Officer
West Devon Borough Council
Kilworthy Park
Devon
PL19 0BZ
Email:

cbowen@westdevon.gov.uk Catherine.Bowen@swdevon.gov.uk

Fax: 01822 813634

There is a **Code of Conduct Complaint Form** available on the Council's website and paper copies are available from the Monitoring Officer. There are Guidance Notes to help with the Complaint Form.

Help

Although complaints should be made in writing, we can make reasonable adjustments to assist anyone who has a disability that prevents him/her from making a complaint in writing. We can also help if English is not the Complainant's first language.

Receipt of complaints

Request for further information

In order to come to a decision, the Monitoring Officer (or the Standards (sub) Committee) may request additional information or clarification (at any time) from:

- the Complainant
- the Councillor
- Clerk (where the matter relates to a town or parish councillor).

NB. It is important to note that not every complaint about a breach of the Code of Conduct will be referred for investigation or local resolution. The Monitoring Officer or the Standards (sub) Committee will decide what action is appropriate, based on adopted criteria.

Assessment of Complaint

Assessment by the Monitoring Officer

The Monitoring Officer will:

- acknowledge receipt of the complaint **within 5 working** days
- write to advise the Complainant what happens next
- advise the Clerk (where relevant) that a complaint has been received against a parish/town councillor
- write to the Councillor to advise that a complaint** has been received and ask the Councillor to provide written comments on the complaint (within a specified time)
- ~~(at this assessment stage, the Councillor will be asked to restrict his/her written response to two sides of A4 and supporting documents)~~
- advise the Councillor of the Independent Person appointed and advise that s/he can consult the Independent Person
- consult the Independent Person (providing full details of the complaint, the Councillor's response and any other relevant factual information)

** The Complainant's details will only be withheld in exceptional circumstances where a request for confidentiality has been granted (see 'Confidentiality' below).

The Monitoring Officer will consider the complaint:

- on its merits and according to the facts,
- in the context of any written submissions and supporting documentation from the Councillor,
- taking into consideration any response from the Independent Person

The Monitoring Officer will make one (or more) of the following decisions:

The Monitoring Officer will make one of the following decisions:
<ul style="list-style-type: none">• To take no further action (in accordance with the Criteria set out below)
<ul style="list-style-type: none">• To make no finding as to whether there has been a breach of the Code but seek to resolve the complaint informally <u>and make any necessary recommendations</u>
<ul style="list-style-type: none">• To refer the complaint for investigation to determine whether there has been a breach of the Code
<ul style="list-style-type: none">• To refer the matter to the Police where the complaint alleges that a criminal offence may have occurred under Chapter 7 of the Localism Act
<ul style="list-style-type: none">• To refer the complaint to the Standards Committee (or subcommittee) which will have the same options as above

Within 5 working days of making the Decision, the Monitoring Officer will write and tell the Complainant, the Councillor (and Clerk where relevant) to explain what decision has been made and why in accordance with Notification of Decisions set out below.

To take no further action

The Monitoring Officer (or the Standards (sub) Committee) will take no further action if the complaint:

- falls outside of the scope of the Code of Conduct or
- falls within one or more of the **Criteria** set out below

If no further action is to be taken then the Monitoring Officer will write to the Complainant and the Councillor (and Clerk where relevant) with this decision and reasons. This will then be the end of the matter.

Criteria: no further action at assessment stage
<ul style="list-style-type: none">• The complaint does not disclose any breach of the Code
<ul style="list-style-type: none">• It has not been possible to determine whether there has been a breach of the Code and the alleged conduct does not merit

an investigation having regard to the public interest.
<ul style="list-style-type: none"> • Action has already been taken on the matter and there is no merit in pursuing the matter any further
<ul style="list-style-type: none"> • The complaint is the same or substantially the same as a complaint previously dealt with
<ul style="list-style-type: none"> • The conduct complained of happened so long ago that it is considered to be inequitable, unreasonable or otherwise not in the public interest to pursue
<ul style="list-style-type: none"> • The complaint is trivial or insubstantial or discloses such a minor or technical breach of the Code that it is not in the public interest to pursue
<ul style="list-style-type: none"> • The complaint is (or appears to be) malicious, politically motivated, tit-for-tat or otherwise submitted with an improper motive
<ul style="list-style-type: none"> • The complaint is not considered to disclose sufficiently serious potential breaches of the code to merit further consideration
<ul style="list-style-type: none"> • The complaint is covered by the Council's Persistent and Vexatious Complaints Policy
<ul style="list-style-type: none"> • The Councillor has provided a satisfactory remedy to the complaint or made reasonable endeavours to do so
<ul style="list-style-type: none"> • The complaint is about a Councillor who is no longer a councillor and there are no overriding public interest reasons to merit further consideration
<ul style="list-style-type: none"> • The complaint is an anonymous complaint

Informal Resolution

The Monitoring Officer (or the Standards (Sub) Committee) may decide to seek to resolve the complaint informally without the need for a formal investigation.

The decision to resolve the complaint informally will normally be an alternative to a referral for investigation, and the purpose will not be to determine whether or not the Councillor has broken the Code. In such cases, the Monitoring Officer will make it clear to the parties involved that no conclusion has been reached about what happened and no decision has been made as to whether or not the Councillor has breached the Code of Conduct.

If the Monitoring Officer (or the Standards (Sub) Committee) decides (taking into account the criteria below) that informal resolution is appropriate, then the complaint cannot be referred

back to the Monitoring Officer (or Standards (Sub) Committee) if the informal resolution is perceived to have failed. If further concerns are raised, they will need to be reported as a new complaint.

The following actions may be appropriate for informal resolution:

- apology
- explanation
- training
- meditation or conciliation
- referring the matter back to the parish or town council for local resolution (with any appropriate recommendations)
- referral to Political Group Leader
- any other steps (not including investigation) which appear appropriate

~~If the Councillor (or Town/Parish Council) makes a reasonable offer of local resolution, but the Complainant is not willing to accept that offer, then the Monitoring Officer will take that into account in deciding whether the complaint merits formal investigation. Contradicts the above~~

Complaints **should not** normally be referred for informal resolution when:

- An investigation is in the public interest
- An allegation challenges the Councillor’s honesty or integrity

Criteria: Informal Resolution
<ul style="list-style-type: none"> • Less serious complaints
<ul style="list-style-type: none"> • The Councillor accepts that there are grounds for the complaint and offers an apology
<ul style="list-style-type: none"> • A general breakdown in relationships: <ul style="list-style-type: none"> • (including those between members and officers) • evidenced by a pattern of allegations of minor breaches • where there is interpersonal conflict • allegations and retaliatory allegations from the same councillors particularly where this is to such an extent that it becomes difficult to conduct the business of the Council.
<ul style="list-style-type: none"> • Complaints where the public interest in conducting an

investigation does not justify the costs of an investigation
<ul style="list-style-type: none"> • Poor understanding (by Councillor or Councillor's authority) of the Code and relevant procedures
<ul style="list-style-type: none"> • Where informal resolution provides the best opportunity to resolve the issue, prevent any similar issues arising in the future and promote good governance.

To refer the complaint for investigation

Where the Monitoring Officer (or Standards (Sub) Committee) decides that a complaint merits a formal investigation, the Monitoring Officer will appoint an Investigating Officer. Complaints will normally be referred for investigation where there are potentially serious breaches of the Code and/or where it would be in the public interest.

The Investigating Officer may be:

- the Monitoring Officer
- another officer of the Council
- an officer of another Authority
- an external investigator

Investigations will be carried out in accordance with the guidance on 'How to Conduct an Investigation' produced by the former Standards for England. The Investigating Officer will:

- decide whether to conduct interviews or invite statements
- decide who to interview (by phone or in person at the Investigating Officer's discretion)
- ask for relevant supporting documentation from any of the relevant parties
- produce a draft written report for comment by the Councillor
- send a copy to the Monitoring Officer
- exercise his/her discretion whether to ask for the Independent Person's comments on the draft Report
- have regard to any comments made on the draft report and will accept those comments at his/her discretion
- submit a Final Report to the Monitoring Officer setting out (with reasons) whether s/he considers that the Councillor has broken the Code.

- whilst the investigation will be undertaken as expeditiously as reasonably practicable, it is not possible to specify a timescale within which the investigation must be concluded.

Referral to the Police or other regulatory authorities

If the complaint identifies criminal conduct under the Localism Act 2011 (or a breach of other regulations by any other person) the Monitoring Officer (or Standards (Sub) Committee) may refer the matter to the Police or other regulatory authority.

It may not be appropriate to progress the complaint through this procedure for potential breach of the Code in such circumstances, until the conclusion of the Police investigation.

Referral to the Standards Committee or its sub-committees

The Monitoring Officer may refer the complaint at any stage of the complaint process to the Standards Committee (or its sub-committee) for consideration.

Any such meeting of the Standards (or subcommittee) shall be deliberative only and shall not be open to the public. The Standards Committee will make recommendations to the Monitoring Officer. The decision as to how the matter will be progress will remain with the Monitoring Officer. Press, members of the public, the Councillor and Complainant will not be allowed to attend these meetings.

The Monitoring Officer has discretion to decide whether to refer to the Standards Committee but the following factors may be relevant:

- Seriousness of the complaint
- Conflict of interests
- Potential public interest
- Political sensitivity

The Standards Committee (or sub-committee) has the same options in relation to the complaint as above and will consult the Independent Person before making any decision.

Notification of Decisions

The Monitoring Officer's (or the Standards (Sub) Committee) decision will be set out in a **Decision Notice**. Within **five working days** of the decision being made, the Monitoring Officer will send the Decision Notice to the relevant parties, including:

- the Complainant
- the Councillor
- the Independent Person
- Parish/Town Clerk (if appropriate; the Clerk will normally have a summary of the outcome relevant)

The **Decision Notice** will:

- Summarise the complaint
- Give the decision
- Give reasons for the decision
- Say briefly what will happen next (if relevant)
- Explain that there is no right of appeal

Outcomes of an Investigation

The Investigating Officer will make one of the following findings:

- that the Code has not been broken
- that there has been a breach of the Code.

Investigating Officer decides that the Code has not been broken

The Monitoring Officer will (**within 14 working days**) of receipt of the Investigating Officer's Final Report:

- Send a copy of the Report to the Complainant and Councillor
- Advise the following of the finding of no breach:
 - Clerk - if the matter relates to a parish or town councillor
 - Independent Person
 - Standards (Sub) Committee

- Advise that all documents relating to the complaint will remain confidential.

This will normally be the end of the matter, and no further action will be taken. However, the Monitoring Officer has discretion to refer the Report to the (sub) Committee to consider whether the Investigating Officer's findings should be accepted.

Investigating Officer decides that the Code has been broken

Where the Investigating Officer finds that the Code has been broken the Monitoring Officer will (in consultation with the Independent Person):

- Facilitate a **local resolution** where appropriate, or
- Refer the matter to the Hearing Panel for a '**paper hearing**', or where Councillor accepts the Investigating Officer's Report.
- Refer the matter for a **Hearing** before the Hearing Panel

Local Resolution

After an Investigating Officer's finding of a breach, the Monitoring Officer may consider that the matter may be reasonably resolved without the need for a formal hearing. In such cases she will consult:

- the Independent Person
- the Complainant
- the Councillor

to try and agree a local resolution which satisfies both parties, and which will seek to ensure a higher standard of conduct in the future.

Such resolution may include:

- the Councillor agreeing that his/her behaviour was unacceptable
- the Councillor offering an apology
- the Councillor offering other remedial action

If the Councillor complies with the suggested resolution the Monitoring Officer will report the matter to the Standards

Committee (and Town & Parish Council where appropriate) and that will be the end of the matter.

'Paper' Hearing

The matter may be dealt with by way of a 'paper' hearing where:

- local resolution is not appropriate or possible, or
- where local resolution is not appropriate, the Councillor accepts the findings of the Investigating Officer's Report and does not wish to make any further representations (save for written representations on possible sanctions) on the Report at a formal Hearing
- there are no overriding public interest or other reasons why the matter should be referred to a formal Hearing.

Please see Appendix B.

Hearing

The Monitoring Officer will refer the matter to the Hearing Panel for a Hearing where:

- local resolution is not appropriate or possible, or
- the Complainant and/or the Councillor do not co-operate in any local resolution
- the Councillor does not wish to deal with the matter without a formal hearing
- it is in the public interest to refer the matter to a Hearing.

A hearing is a **public meeting** in which the Councillor and the Investigating Officer will be asked to make representations to the Hearing Panel before it decides:

- whether the Councillor has broken the Code of Conduct
- what action (if any) to recommend
- what sanctions (if any) to apply

Please see Appendix A for the **Hearing Procedure**.

Hearing outcomes

- That there has been no breach of the Code

- That the Code has been broken

The Hearing Panel has no power to:

- suspend members
- disqualify members
- withdraw members' allowances

Other issues relating to complaints

Confidentiality

As a matter of fairness and in the interests of natural justice, a Councillor should normally be told that a complaint has been made and by whom.

However, there may be instances when the Complainant asks for his/her identity to be withheld. Such requests will only be granted in exceptional circumstances and at the discretion of the Monitoring Officer (or the (sub) Committee). The Monitoring Officer may consult the Independent Person.

The following criteria will be taken into account when considering requests for confidentiality:

- Complainant has reasonable grounds for believing that s/he (or someone else) will be at a risk of physical harm if his/her identity is disclosed
- Complainant is an officer who works closely with the Councillor and is afraid of the consequences to his/her employment if identity is disclosed
- Complainant (or someone else) suffer from serious health condition and there are medical risks associated with his/her identity being disclosed. In such circumstances the Monitoring Officer may wish to request medical evidence.

The Complainant will be asked if s/he wishes to withdraw the complaint where:

- it is not possible to pursue the complaint without revealing the Complainant's identity (e.g. allegations of bullying), or
- the Complainant's request for confidentiality is refused.

In some circumstances the public interest in proceeding with an investigation may outweigh the Complainant's wish for confidentiality. The Monitoring Officer or Standards Committee / Sub-committee will decide where the public interest balance lies in the particular circumstances of each complaint.

Withdrawal of complaints

Requests to withdraw complaints will normally be granted but in considering such requests the Monitoring Officer (in consultation with the Independent Person as appropriate) will consider the following:

- | |
|---|
| • Does the public interest in taking some action on the complaint outweigh the Complainant's wish to withdraw it? |
| • Can the complaint be investigated without the Complainant's participation? |
| • Is there an identifiable underlying reason for the request to withdraw the complaint? |

Multiple complaints

Several complaints may be received from different complainants on the same matter and these may be considered by the Monitoring Officer at the same time. However, the Monitoring Officer will make a separate decision on each individual complaint.

Anonymous complaints

Anonymous complaints will only be referred for investigation if the complaint includes documentary or other evidence showing an exceptionally serious or significant matter.

Where a councillor ceases to be councillor

If at any time during the Complaints process the Councillor ceases to be a Councillor for whatever reason, then (unless there are overriding public interest reasons to merit continuing with the process) the complaint will not be considered any further and the matter closed.

Other issues

Public access to meetings and records

- The initial assessment and consideration of the complaint by the Monitoring Officer (and consultations with the Independent Person) will take place in private i.e. the public and press are not allowed to attend these meetings. This is because these meetings may have to consider unfounded and potentially damaging complaints against councillors which it would not be appropriate to make public.
- Initial assessment and consideration papers where the decision is 'no further action' or the matter is referred for informal resolution that do not progress past the initial assessment stage will not be disclosed to the public. (However the original complaint will be disclosed to the councillor and Independent Person – see above).
- Formal Hearings (but not Paper Hearings) will be open to the public and press unless exempt information under Schedule 12A of the Local Government Act 1972 is likely to be disclosed. The Hearing Panel may exercise its discretion to exclude the public and press from all or part of the Hearing, or exclude some or all of the supporting papers.
- Documents relating to complaints that have not been referred for investigation will be kept for 12 months.
- Other documentation will be kept in accordance with the Council's records retention policy.
- Decision Notices will be available for inspection (but not publication) for 6 years from the date that Decision has been notified to the Councillor.
- Papers relating to Committee and sub-committee meetings will be kept for 6 years from the date of the meeting. However, sections of documents relating to parts of the Hearing that were

held in private (or paper hearing papers) will not be made available for public inspection.

- Registers of Interests will be destroyed 6 months after the Councillor has ceased to be a councillor.
- Data Protection requirements will be considered and complied with and may prevent disclosure of some documents.

Conflicts of interest

The consideration of complaints must be conducted with impartiality and fairness. If any officer, member or Independent Person has any personal or professional conflict of interest in relation to a complaint s/he should have no (further) involvement in dealing with that complaint. Please see the guidelines set out below.

Members

A member of the Standards Committee who has been involved in an earlier part of the process can be a member of the Hearing Panel that determines the complaint at the end of the investigation.

Members must not discuss complaints with anyone who is not a member of the committee and discussion between Standards Committee members should only take place at meetings of the Standards Committee or its subcommittees.

Officers

An officer who has previously advised the Councillor or the Complainant should consider whether s/he should take part in the complaints process having regard to public perception and the public interest.

Officers who take part in the consideration of the complaint must not take part in the investigation of that matter.

The role of any officer who has a conflict of interest in a matter will be undertaken by another officer.

Independent Person

Where an Independent Person has a conflict, another Independent Person will be appointed to deal with that matter.

Guidelines as to when a Standards Committee Member, Independent Person or Officer should not take part in this procedure:
• If s/he is the Complainant
• If s/he is closely associated with some one who is a Complainant
• S/he is a potential witness or victim relating to a complaint
• The complaint is likely to affect the well-being or financial position of the member/officer /Independent Person (or of a family member, friend, or someone with whom s/he has a close association)
• The member/officer is directly or indirectly involved in the case in any way.
• A family member, friend or close associate of the Standards Committee member / officer / Independent Person is involved in the case.
• The member / officer / Independent Person has an interest in any matter relating to the case

Complaints about dual-hatted councillors

Councillors who belong to more than one authority may have breached more than one Code of Conduct, and it is therefore possible that the Monitoring Officer of more than one authority may receive a complaint on the same matter.

When a complaint is received about a dual-hatted councillor, the Monitoring Officer should check if a similar complaint has been received by the other authority.

Variation and Review of this procedure

This Procedure may be amended from time to time by the Monitoring Officer to take in to account any changes in law, guidance as to best practice or in the light of experience.

The Monitoring Officer will review this Procedure every two years or as otherwise necessary.

Any substantial amendments or variations will be approved by the Standards Committee.

Appeals

There is no right of appeal by the Complainant or the Councillor against the decision of:

- the Monitoring Officer
- the Standards Committee (or its subcommittees)
- the Hearing Panel

If the Complainant reasonably believes that the Council has failed to deal with his/her complaint in accordance with this Policy ~~properly~~ s/he may make a complaint to the Local Government Ombudsman.

Appendix B

West Devon Borough Council
Standards Committee

Hearing Procedure

Hearing Procedure

Where the Investigating Officer finds that the **Code has been broken**, the Monitoring Officer may (after consultation with the Independent Person) decide that the matter should be dealt with before the Hearing Panel, in accordance with the following Procedure.

Timescales

The Monitoring Officer will arrange for a subcommittee of the Standards Committee (known as the Hearing Panel) to meet to hear the complaint.

The Hearing Panel will deal with the matter as soon as is reasonably practicable and (subject to exceptional circumstances) will aim to do so **within 3 months** of receiving the Investigating Officer's Final Report.

The Monitoring Officer will send a copy of the Investigating Officer's Final Report to the following **within 14 days** of receiving it:

- The Councillor
- The Complainant
- The Independent Person (inviting any comments).

The Monitoring Officer will also notify the following that the Final Report has been received:

- The Standards Committee
- Leader / Senior Officers
- Parish /Town Clerk (where relevant)

The Hearing Panel

The Hearing Panel is a subcommittee of the Standards Committee. It comprises three members of the full Standards Committee and they must

be present throughout the whole Hearing. One of the three members will act as Chairman.

The Independent Person is invited to attend all meetings of the Hearing Panel and his/her views may be sought and taken into account before the Hearing Panel takes any decision on whether the Councillor has broken the Code of Conduct and as to any action to be taken.

The Pre-Hearing Process

The purpose of the pre-hearing process:

- to enable matters to be dealt with more fairly and economically, identifying potential areas of difficulty and enabling the hearing to focus on specific unresolved elements
- to focus the relevant parties' attention on isolating all relevant areas of disagreement.

The Pre-hearing process will:

- Identify where the Councillor accepts the findings of the Investigating Officer and does not wish to make any representations on the Report
- Identify whether the Councillor disagrees with any of the Investigating Officer's Report
- Identify whether evidence about these disagreements will need to be heard during the hearing
- Consider whether any parts of the Hearing/Report (or other documents) should be withheld from the public prior to the hearing, on the grounds that they contain 'exempt' material.

Exempt / confidential information

The Standards Committee is subject to the normal requirements on confidential and exempt information as apply to any other Committee under the Local Government Act 1972.

The Monitoring Officer will consider whether these provisions apply in advance of the Hearing and may consult the views of:

- the Independent Person
- Chairman of the Hearing Panel
- any other party

The pre-hearing process will usually be carried out in writing by the Monitoring Officer unless she considers that a meeting of the people involved is necessary.

Stage 1 – the Councillor

The Monitoring Officer will send to the Councillor:

- the proposed date for the hearing
- a letter explaining what happens next
- the **Councillor's Response Form** and the date by which the completed form should be returned.

The **Councillor's Response Form** will set out whether the Councillor:

- will be attending the hearing;
- wants to be represented at the hearing by a solicitor/barrister or other person;
- disagrees with any of the findings of fact in the Investigating Officer's report (including reasons for the disagreements);
- wants to give evidence at the hearing;
- wants to call witnesses to give evidence at the hearing (and if so, request outline statements of their evidence);

Stage 2 – the Investigating Officer

Once the Councillor's Response Form has been received from the Councillor, the Monitoring Officer will write to the Investigating Officer inviting comments on the Councillor's response (within a specified time frame). The Investigating Officer should:

- Give any comments on the Councillor's written response
- Advise whether s/he wishes to be represented at the hearing
- Advise if s/he wishes to call witnesses to give evidence at the hearing;

Stage 3 - witnesses

The Councillor and the Investigating Officer will be responsible for providing outline statements of the evidence that their witnesses intend to give. This will allow the Hearing Panel to decide how many witnesses may reasonably be needed (and deal with any duplication) and to identify the issues it will be dealing with at the Hearing.

The Hearing Panel may also invite other witnesses (including the Complainant) to attend the Hearing if it feels it would help determine the case. However, the Hearing Panel cannot order witnesses to appear or to give evidence. Further guidance on this should be sought from the Monitoring Officer.

Stage 4 – Briefing Note (Pre-hearing Summary)

Once the written response is received from the Investigating Officer, the Monitoring Officer (in consultation with the Chair of the Hearing Panel) will prepare a **Briefing Note** (Pre-hearing Summary) which will include the following information:

- Date, time and place of the hearing;
- A summary of the complaint;
- Copies of the Councillor's and Investigating Officer's Response Forms
- Confirmation of whether the Councillor and the Investigating Officer will be attending or be represented at the hearing;

- Confirm any witnesses who will be asked to give evidence and an outline of their evidence
- Any comments from the Independent Person on the Investigating Officer's Final Report.
- A copy of the Hearing Procedure
- Any other matters that the Monitoring Officer considers appropriate

Where practicable before the Hearing, the **Briefing Note** will be sent to:

- The members of the Standards Committee
- The Councillor;
- The Investigating Officer;
- Any other relevant person

Members of the Hearing Panel should consider immediately on receipt of the papers whether there are any potential conflicts of interest.

A formal agenda and supporting papers will be sent to the above at least **5 working days** before the Hearing Date.

The Hearing

Purpose of the Hearing

The main purpose of a Hearing is to:

- decide whether or not a Councillor has broken the relevant Code of Conduct and,

- decide what action should be taken (if any)
- if so, to decide whether or not any sanction(s) should be applied and (if so) what form the sanction(s) should take.

The Hearing Panel's role is to be inquisitorial and not adversarial, with power to determine through a hearing not an investigation. The Hearing Panel's work should at all times be demonstrably fair, independent and politically impartial.

The Hearing Panel controls the procedure and evidence presented at the Hearing, including the number of witnesses and the way in which witnesses are questioned.

Procedure Rules

The following Rules will apply to the Hearing:
<p>Quorum</p> <ul style="list-style-type: none"> • Three members to be present throughout the Hearing
<p>Chairman</p> <ul style="list-style-type: none"> • The Chairman can make such changes as s/he thinks fit in order to ensure a fair and efficient meeting. • The Chairman may ask any party who behaves rudely, unreasonably or disruptively to leave the Hearing and may continue the Hearing in that party's absence
<p>Votes</p> <ul style="list-style-type: none"> • Each member of the Hearing Panel shall have a vote, and all matters/issues shall be decided by a simple majority of votes cast. • Abstentions shall not be permitted.
<p>Legal advice</p> <ul style="list-style-type: none"> • Legal advice can be sought from the Legal Advisor at any time during the Hearing or while it is considering the outcome. • The advice may be given in private if necessary but the substance of any legal advice should be shared with the Councillor and Investigating

Officer if they are present.

Representatives

- The Investigating Officer may be represented at the Hearing.
- The Councillor may be represented by a solicitor or barrister, or any other person if s/he wishes. If the Councillor wishes to have a non-legal representative, then the Hearing Panel must consent beforehand, but it may refuse permission if the representative is directly involved in the matter concerned.
- The Hearing Panel can withdraw permission to allow a representative if that representative (after appropriate prior warning by the Chairman) disrupts the hearing.

Witnesses

- The Councillor and the Investigating Officer may call witnesses to give evidence at the Hearing. Prior notice will have been given, and the Hearing Panel may limit the number of witnesses if it believes the number is unreasonable or if there is duplication.
- The Councillor and Investigating Officer must make his/her own arrangements to ensure that his/her witness (es) attend the Hearing.
- Witnesses of facts that are disputed should normally attend the hearing and be prepared to be cross-examined. Witnesses as to the character of the Councillor will usually present their evidence in writing.

Evidence

- Evidence will not be given under oath
- Factual evidence will be decided on the balance of probabilities
- The Hearing Panel will normally only need to consider the Investigating Officer's Report and any other supporting documents.
- The Hearing Panel may need to hear from witnesses if further evidence is needed, or if the Report is not agreed.
- Cross-examination may be allowed but questions must be asked through the Chairman.
- Members of the Hearing Panel can ask questions of the parties directly.
- New evidence will only be admitted in exceptional circumstances

The Hearing Panel

- Should aim where possible to complete a hearing in one sitting on the same day.
- At any time during the whole process, the Hearing Panel may question any of the people involved or any of the witnesses.
- May retire to consider its findings in private

The Independent Person

- Will be invited to attend the Hearing
- May be consulted by the Hearing Panel prior to its making a decision about whether the Code has been broken and/or whether to impose sanctions

Costs

- The Councillor is responsible for his or own costs including any representation
- Expenses for any witnesses will not be paid

The Hearing

Parties

Unless otherwise specified, the parties to the hearing will be:

- The Councillor
- The Investigating Officer

The Complainant will not be a party to the proceedings unless called as a witness by the Investigating Officer. Also in attendance will be the Legal advisor and any witness as agreed, and the Committee Clerk. The Independent Person will be invited to attend all Hearings.

Preliminary Issues

The Chairman will make the formal introductions and explain how the Hearing will be conducted.

Exclusion of Press and Public

Representations by the Councillor and Investigating Officer, as to whether the Hearing (or any part of it) should not be in public (or whether any documentation should be withheld) will be made at this stage. The Hearing Panel will decide whether the public interest is better served by disclosing or maintaining the exemption.

Where the Hearing Panel does not resolve to exclude the press and public from all or any part of the Hearing, the agenda and reports (which have been withheld in advance of the Hearing) shall be made available to the press and public during the Hearing and collected in at the end of the Hearing.

Attendance of the Councillor and Investigating Officer at the Hearing

If the Councillor stated during the Pre-hearing process that s/he wished to attend to make an oral representation, and is not reasonably able to attend, the Hearing will be adjourned to another date.

If the Councillor has stated that s/he does not wish to attend to make an oral representation, or has failed to attend without reasonable excuse, the Hearing may continue in the Councillor's absence.

If the Investigating Officer is not present without prior agreement, the Hearing Panel shall only conduct the Hearing if it is satisfied that there are no substantial points of difference, or that any points of difference can be satisfactorily resolved in the absence of the Investigating Officer.

Adjournment of hearing for further information

The Hearing Panel may adjourn the Hearing at any stage and require the Monitoring Officer to seek further information or undertake further investigation. The Hearing Panel can only make this request once per case.

Stages of the Hearing

Stages of the Hearing

The **Hearing** is essentially divided up into two stages:

Stage 1:

Summary of complaint, consideration of the facts and evidence and deciding whether the Code has been broken.

Stage 2:

Where the Code has been broken, deciding whether sanctions would be appropriate and if so which sanctions.

Hearing - Stage 1

- **Summary of complaint**
- **Consideration of the facts and evidence**
- **Deciding whether the Code has been broken**

The Chairman of the Hearing Panel will:

- summarise the allegation and
- identify what documents have been considered and are before the Hearing
- direct that the Hearing will focus on issues of disagreement with the Investigating Officer's Report.

The Investigating Officer and the Councillor will be invited to give a brief Opening Summary of their case.

The following scenarios may arise:

No representations to be made by the Councillor

If the Councillor:

- agrees with the Investigating Officer's Report, or
- does not agree with part of the Report but does not wish to make any representations to the Hearing
- does not wish to make any representations as to why s/he has not broken the Code

then the Hearing Panel will find the facts as set out in the Investigating Officer's Report.

Representations to be made by the Councillor (as previously notified)

Where the Councillor has previously advised during the pre-hearing process:

- that s/he does not agree with the Investigating Officer's Report
- wishes to make representations about parts of the Report
- wishes to make representations on whether s/he has broken the Code, then:
 - the **Councillor** will be invited to make representations to support his/her disagreement with the Investigating Officer's Report
 - (with the Hearing Panel's permission) call any witnesses to give evidence
 - The Investigating Officer will be permitted to challenge any evidence put forward by witnesses called by the Councillor.
- the **Investigating Officer** will be invited to respond and make representations in support of his/her Report
- the Investigating Officer may call any supporting witnesses to give evidence
- the Councillor may be given the opportunity to challenge any evidence put forward by any witness called by the Investigating Officer.

- the Councillor will not be permitted to question the Investigating Officer directly.

The Councillor should be invited to make any final relevant points.

Representations to be made by the Councillor - without prior notification

If the Councillor disagrees with all /part of the Report, but has not given prior notice of the disagreement, s/he must give good reasons for not mentioning it before the date of the Hearing. Having considered the Councillor's explanation for not raising the issue at an earlier stage, the Hearing Panel may:

If the Investigating Officer is not present:

- Consider whether or not it would be in the public interest to continue in his/her absence.
- If the decision is to continue with the Hearing, the Hearing Panel must rely on the information in the Investigating Officer's report.
- If the decision is not to continue with the Hearing, the Hearing Panel must adjourn the hearing to allow the Investigating Officer to attend or for appropriate witnesses to be called.

If the Investigating Officer is present:

- Allow the Councillor to make representations about the issue and invite the Investigating Officer to respond and call any witnesses as necessary.

The Hearing Panel's Decision

The Hearing Panel will then consider the evidence. It may do so in private and it may consult the Independent Person. The Panel will make one of the following findings and announce its decision to the Hearing:

- That the Councillor has not breached the Code of Conduct
- That the Councillor has breached the Code of Conduct

If the Hearing Panel decides that the Councillor has not breached the Code

The Hearing Panel will consider whether it should make any recommendations to the Council concerned. Otherwise that is the end of the matter.

The Hearing - Stage 2

Deciding on Sanctions for breaching the Code

If the Hearing Panel finds that the Councillor **has broken the Code** of Conduct, it will consider verbal or written representations from the Councillor and the Investigating Officer as to whether it should:

- impose any sanction(s) and if so, what form they should take
- make any recommendations to the relevant Council with a view to promoting promoting high standards of conduct amongst members.
- make a recommendation or stipulations as to timing of sanctions.

The Hearing Panel may consult the Independent Person before making this decision.

Actions that the Hearing Panel may take if the Councillor has broken the Code

In deciding what (if any) action to take, the Hearing Panel should bear in mind the aim of upholding and improving the standard of conduct expected

of councillors as part of the process of fostering public confidence in local democracy.

The action taken or recommended by the Hearing Panel should be designed to discourage or prevent the Councillor from any future non-compliance, discourage similar action by others, and maintain public confidence in the Code of Conduct.

The Hearing Panel should take account of the actual consequences which have followed as a result of the Councillor's actions whilst at the same time bearing in mind what the possible consequences may have been even if they did not materialise.

In determining a sanction, the Hearing Panel will ensure that it is reasonable and in proportion to the Councillor's behaviour.

Mitigating or Aggravating factors

When making its decision on actions to take, the Hearing Panel will consider the seriousness of the breach of the Code and any potential consequences. The Hearing Panel will have regard to any mitigating or aggravating factors.

Mitigating factors
<ul style="list-style-type: none">• An honest (but mistaken) belief that the action was not a breach of the code (particularly where such a view has been formed after taking appropriate advice)
<ul style="list-style-type: none">• A Councillor's previous record of good service
<ul style="list-style-type: none">• Substantiated evidence that the Councillor's actions have been affected by ill-health
<ul style="list-style-type: none">• Recognition that there has been a failure to follow the Code; co-operation in rectifying that failure; an apology to affected person where that is appropriate; self reporting of the breach
<ul style="list-style-type: none">• Compliance with the Code since the events giving rise to the finding of the breach
Aggravating factors
<ul style="list-style-type: none">• Dishonesty

• Continuing to deny facts despite clear evidence to the contrary
• Seeking unfairly to blame other people
• Failing to follow appropriate advice or warnings
• Previous breaches – particularly if they are a similar nature
• Persisting with a pattern of behaviour which involves repeatedly failing to abide by the Code

Where there has been a breach of the Code, the Hearing Panel may impose one (or any combination of) the following:
Censure or reprimand the Councillor
Ask the Councillor to make an apology
Publish its findings in respect of the Councillor's conduct
Report its findings to the Council (or the Town / Parish Council)
Recommend to the Councillor's Group Leader (or in the case of an ungrouped Councillor, recommend to Council or a Committee) that s/he be removed from any or all Committees or sub-committees of the Council
Instruct the Monitoring Officer to (or recommend that the Town / Parish Council) arrange training for the Councillor
Recommend (or recommend to the Town / Parish Council) that the Councillor be removed from all outside appointments to which s/he has been appointed or nominated by the Authority
Withdraw (or recommend to the Town / Parish Council that it withdraws) facilities provided to the councillor (e.g. computer, website, and/or email and Internet access)
Exclude (or recommend that the Town / Parish Council excludes) the Councillor from the Council's offices or other premises (with the exception of meeting rooms as necessary for attending council, committee or subcommittee meetings)
NB the Hearing Panel has no power to suspend or disqualify the Councillor or withdraw members' allowances

The Decision

Decision

The Hearing Panel will give a verbal decision at the Hearing on whether the Councillor has broken the Code of Conduct and any actions it wishes to impose.

The Written Decision

The full decision in writing (Form 4) will be issued by the Monitoring Officer (in consultation with the Hearing Panel) **within 14 days** of the Hearing to:

- The members of the Hearing Panel
- The Councillor
- The Complainant
- Clerk to Town or Parish Council/County Solicitor (if appropriate)

Making the Decision public

A summary of the Decision, and the reasons for it will be reported to the next ordinary Standards Committee meeting.

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Appendix C

'Paper' Hearing Procedure

Where the Investigating Officer finds that the Code has been broken, the Monitoring Officer may (after consultation with the Independent Person) decide that the matter should be dealt with before the Hearing Panel.

The matter may be dealt with by way of a **'paper' hearing** where:

- local resolution is not appropriate or possible, and
- the Councillor accepts the findings of the Investigating Officer's Report and does not wish to make any further representations (save for written representations on possible sanctions) on the Report at a formal Hearing
- there are no overriding public interest or other reasons why the matter should be referred to a formal Hearing.

The Procedure will be as follows.

The pre-hearing process will identify where a Councillor accepts the Investigating Officer's Report and findings of a breach and does not wish to make any representations on the Report at a formal Hearing.

The Monitoring Officer will:

- advise the Councillor of potential sanctions
- ask the Councillor for any written representations as to potential sanctions
- consult the Independent Person on the Councillor's representations on sanctions
- Send to the Hearing Panel:
 - confirmation that the Councillor accepts in full the Investigating Officer's findings of a breach and does not wish to raise any representations at a formal hearing
 - the Investigating Officer's Final Report
 - the Councillor's written representations on sanctions

- Independent Person's response on the Councillor's representations on sanctions
- invite the Hearing Panel to:
 - accept the Investigating Officer's findings of breach and the reasoning set out in the Final Report
 - decide on what sanctions (if any) are appropriate

The Hearing Panel will not meet as a formal meeting and therefore the access to public meetings rules will not apply.

Where appropriate, the provisions set out in **Appendix A – Hearing Procedure** will apply.