

Agenda

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Standards Committee

Local Hearing Panel 0018058

This meeting will be held on:

Date: **Wednesday 11 January 2023**

Time: **5.00 pm**

Place: **Long Room - Oxford Town Hall**

For further information please contact:

Lucy Brown, Committee and Member Services Officer,

☎ 01865 252784

✉ standards@oxford.gov.uk

Members of the public can attend to observe this meeting and.

- may register in advance to speak to the committee in accordance with the [committee's rules](#)
- may record all or part of the meeting in accordance with the Council's [protocol](#)

Information about speaking and recording is set out in the agenda and on the [website](#)

Please contact the Committee Services Officer to register to speak; to discuss recording the meeting; or with any other queries.

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All public papers are available from the calendar link to this meeting once published

Agenda

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2 Declarations of Interest	
3 Matters exempt from publication and exclusion of the public	
<p>If Council wishes to exclude the press and the public from the meeting during consideration of any aspects of the preceding agenda items it will be necessary for Council to pass a resolution in accordance with the provisions of Section 100A(4) of the Local Government Act 1972 specifying the grounds on which their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Part 1 of Schedule 12A of the Act if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>(The Access to Information Procedure Rules – Section 15 of the Council’s Constitution – sets out the conditions under which the public can be excluded from meetings of the Council).</p>	
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Information for those attending

Recording and reporting on meetings held in public

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

The Council asks those recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt the meeting
- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being recorded.
- To avoid recording members of the public present, even inadvertently, unless they are addressing the meeting.

Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recording may take place and that you may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". The matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Procedure for dealing with code of conduct complaints against councillors

1. The Code of Conduct

The Localism Act 2011 requires all local authorities to adopt a code of conduct setting out the standards of behaviour expected from local councillors.

Oxford City Council has adopted a code of conduct for members, which is available for inspection on the [council's website](#) and on request from the Monitoring Officer: standards@oxford.gov.uk.

Each of the parish councils in Oxford may adopt their own Code of Conduct and a copy of their Code of Conduct should be found on the relevant parish council website.

The Localism Act 2011 also requires local authorities to have in place "arrangements" under which allegations that an elected or co-opted member of the district or parish council has failed to comply with the relevant Code of Conduct can be investigated and decisions made on such allegations.

These arrangements set out:

1. how to make a complaint about the conduct of an elected or co-opted member of Oxford City Council or of the following parish councils: Blackbird Leys PC; Old Marston PC; Littlemore PC; Risinghurst & Sandhills PC
2. how the Council will deal with such complaints

Decisions reached by the Monitoring Officer under this complaints process will be reported to the next scheduled meeting of the Standards Committee for noting.

2. Making a complaint

Complaints must be submitted in writing to Oxford City Council's Monitoring Officer using the [Code of Conduct complaint form](#). When complete, your form should be sent to the Monitoring Officer by post or email (preferred).

By post: Monitoring Officer (SA 3.8), Oxford City Council St Aldate's Chambers, 109-113 St Aldates, Oxford, OX1 1DS

Email: standards@oxford.gov.uk

The Monitoring Officer will not normally consider a complaint unless it is in writing and a complaint form has been received. This is to ensure that all of the relevant information is provided and, where necessary, consent to share information has been obtained so that the complaint can be processed.

If you do not have access to the internet or have difficulty completing the form please contact 01865 252402 for assistance.

Where a complaint is made against more than one councillor, a separate complaint form must be completed in respect of each councillor.

If you are making the complaint on behalf of a number of individuals, please nominate one person as the single point of contact to whom all correspondence will be addressed.

3. The complaint process

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

The Monitoring Officer is entitled to dismiss the complaint at the outset if:

- the Subject Councillor is no longer a councillor;
- the complaint is made anonymously;
- the same, or substantially the same issue has been the subject of a previous Code of Conduct allegation and there is nothing further to be gained;
- the complaint is essentially against the action of the council as a whole and cannot properly be directed against individual councillor(s);
- the complaint does not relate to the conduct of a councillor and is a service complaint or other matter;
- the complaint is against an officer of the Council.

If the complaint identifies criminal conduct (including a failure to register disclosable pecuniary interests) or breach of other regulations by any person, the Monitoring Officer will refer the complaint to the police or other regulatory agencies. No further action will be taken in relation to such complaints until any related criminal/regulatory investigation, proceedings or processes have been concluded.

Anonymous complaints will not normally be investigated, unless there is clear public interest in doing so and the Monitoring Officer considers that a fair investigation can be carried out.

Requests from Complainants for the Monitoring Officer to withhold their identity, so that they remain anonymous to the Subject Councillor, are not ordinarily granted. The Monitoring Officer has to balance the right of the Subject Councillor to properly understand the complaint against them and respond to it, with the rights of the Complainant. This normally means that the Subject Councillor will need to be told who is making the complaint.

All parties are encouraged to respond promptly to any correspondence in relation to the complaint. All parties will be kept updated as to how the complaint is progressing. If at any stage in the complaint process the Complainant fails to respond, the complaint may be treated as withdrawn; if

the Subject Councillor fails to respond, the complaint will be determined on the basis of the information available.

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This document	gives an explanation of the complaints process
Paragraph 9	indicative timescale for each stage of the complaint process
Annex 1	flow chart detailing the complaint process
Annex 2	glossary of terms used during the complaint process
Annex 3	procedure to be followed by the Local Hearing Panel
Annex 4	Complaint form

4. Will the complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with an Independent Person (either in person or electronically), take a decision as to the following:

- That no further action should be taken
- Refer the complaint for local resolution (which might involve an apology or training or some other form of mediation)
- Refer the complaint for investigation

This is known as the Assessment stage and its purpose is to establish if there are valid grounds to investigate the complaint. At this stage there is no consideration or decision about whether or not there has been a breach of the Code of Conduct.

When reviewing Code of Conduct complaints the Monitoring Officer, in consultation with an Independent Person(s), will have regard to the following assessment criteria:

Adequate information	<p>The Monitoring Officer must be satisfied that there is sufficient information available at the “initial test and assessment stage” to decide whether the complaint should be referred for investigation or other action.</p> <p>The Monitoring Officer may provide other information which is readily available and which may assist in the consideration of the complaint “initial test and assessment stage”. This may include details of attendees at events, copies of agendas, reports and minutes of meetings or copies of the Members’ entry in the Register of Members’ Interests. It will not include conducting interviews with witnesses.</p> <p>If insufficient information is available, the Monitoring Officer will not normally refer the complaint for investigation or other action.</p>
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Official capacity	The Monitoring Officer must be satisfied that that the Subject Member was acting in an official capacity.
Timescale	The Monitoring Officer will take into account when the events subject to the complaint took place and will not normally investigate or pursue other action if the events occurred more than 6 months prior to the complaint being submitted other than in exceptional circumstances, such as where the conduct relates to a pattern of behaviour which has recently been repeated.
Seriousness	<p>The Monitoring Officer will not normally refer a matter for investigation or other action if it is considered trivial, malicious, vexatious, politically motivated¹ or tit-for-tat.</p> <p>Where the complaint appears to relate to the “rough and tumble of political debate” and pertains to conduct between Members or Members and co-opted Members rather than between Members and the public or officers, in most instances no further action will be taken.</p>
Public interest	<p>Consideration will be given as to whether the public interest² would be served by referring a complaint for investigation or other action.</p> <ul style="list-style-type: none"> • the public interest would not normally be served where, for instance, a member has died, resigned or is seriously ill. • If the complaint has already been the subject of an investigation or other action relating to the Code of Conduct or the subject of an investigation by other regulatory authorities, it is unlikely that it will be referred for investigation or other action unless it is evident that the public interest will be served by further action being taken. • If the complaint relates to a former Member of Oxford City Council or one of the parish councils within the city boundary who is now a Member of another authority the Monitoring Officer may refer the matter to that authority for consideration.
Multiple Complaints	A single event may give rise to similar complaints from a number of complainants. Where possible these complaints will be considered by the Monitoring Officer at the same time. Each complaint will, however, be determined separately. If an investigation is deemed to be appropriate the Monitoring Officer may decide that, in the interests of efficiency, only one complaint should go forward for investigation, with the other complainants being treated as potential witnesses in that investigation.

¹ If something is politically motivated, it is carried out in the interests of a particular government or political party or individual

² used when talking about people's rights to know the facts about a particular situation

Before reaching a decision the Monitoring Officer may request further information from the Complainant and the Subject Councillor or obtain information which is readily available such as minutes of Council meetings. If the complaint relates to a Parish Councillor the Monitoring Officer may consult the Parish Council. This will extend the timescale for dealing with the complaint.

The Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. If the Subject Councillor makes a reasonable offer to settle the complaint informally, but the Complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

The Monitoring Officer will normally reach an assessment within 20 working days of receipt of the complaint, however, in some instances this may take longer.

If the Monitoring Officer decides not to investigate the complaint he/she will explain why. That will be the end of the matter.

5. How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits investigation, he/she will appoint an Investigating Officer, who may be another officer of the Council, an officer of another authority or an external investigator.

The Investigating Officer will usually need to speak to the Complainant to discuss the complaint and may need to see relevant documents or interview other witnesses. The Complainant will be able to suggest what documents and which witnesses the Investigating Officer should consider seeing.

The Investigating Officer will also normally see the Subject Councillor and provide them with the same opportunity to identify sources of evidence and witnesses.

At the end of his/her investigation, the Investigating Officer will produce a draft report and send it, in confidence, to the Complainant and to the Subject Councillor, for comment.

The Investigating Officer will consider any comments the Complainant and/or the Subject Councillor make before sending the final report to the Monitoring Officer.

6. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if he/she is satisfied with the quality of the investigation undertaken and that the Investigating Officer's report is sufficient, the Monitoring Officer will write to

the Complainant and to the Subject Councillor, confirming that he/she is satisfied that no further action is required. A copy of the Investigating Officer's final report will be provided to the Subject Councillor at that time. If the case concerns a Parish councillor he/she will also send a copy to the Parish Council concerned. That will be the end of the matter.

If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report.

In considering the Investigating Officer's report, the Monitoring Officer may consult with an Independent Person(s) if he/she considers it appropriate to do so.

The Monitoring Officer may consider that there are "learning points" which should be shared with the Subject Councillor or the Standards Committee.

7. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and after consulting an Independent Person(s) will then either seek local resolution or send the matter for local hearing before the Standards Committee.

Local Resolution

If the Monitoring Officer thinks that the complaint can reasonably be resolved without the need for a hearing he/she will consult with an Independent Person(s) and with the Complainant and seek to agree a fair resolution. It is important though that any resolution also helps to ensure higher standards of conduct for the future. Possible local resolutions may include the Subject Councillor accepting that his/her conduct was unacceptable and offering an apology. If the Subject Councillor complies with the suggested resolution, the Monitoring Officer will report the outcome to the Standards Committee (and, where relevant, to the Parish Council for information), but will take no further action. That will be the end of the matter.

Local Hearing Panel

If the complaint is not resolved through local resolution then the Monitoring Officer will refer the Investigating Officer's report to the Standards Committee which will convene a Local Hearing Panel to determine whether or not the Code of Conduct was breached.

The Local Hearing Panel will comprise a minimum of three elected members of the Standards Committee plus an Independent Person. The Monitoring Officer will select the membership of each Local Hearing Panel.

This is not a Court process but, in order to be fair to everyone, formalities are followed so that a proper decision can be reached.

The procedure to be followed is detailed at Annex 3.

The Local Hearing Panel may conclude that the Subject Councillor did not fail to comply with the Code of Conduct, and so dismiss the complaint. That will be an end to the matter.

8. What action can the Local Hearing Panel of the Standards Committee take when a Councillor has failed to comply with the Code of Conduct?

If the Local Hearing Panel concludes that the Subject Councillor did fail to comply with the Code of Conduct, the Chair will inform the Subject Councillor of this finding and the Panel will then consider what action, if any, it should take as a result of the failure to comply with the Code of Conduct. In doing this, the Panel will give the Subject Councillor an opportunity to make representations and will consult the Independent Person(s).

The Local Hearing Panel may:

- Censure or reprimand the Subject Councillor;
- Recommend to the Subject Councillor's group leader (or in the case of un-grouped members, recommend to Council) that he/she be removed from any or all Committee or Sub-Committees of the Council;
- Recommend to the Leader of the Council that the Subject Councillor be removed from the City Executive Board, or removed from particular portfolio responsibilities;
- Recommend to Council that the Subject Councillor be replaced as Executive Leader;
- Instruct the Monitoring Officer to, or recommend that a Parish Council, arrange training for the Subject Councillor.
- Publish its findings in respect of the Subject Councillor's conduct;
- Report its findings to Council, or to a Parish Council, for information;

The Local Hearing Panel has no power to suspend or disqualify the member or to withdraw or suspend allowances or restrict access to or use of Council facilities.

Within 10 working days the Monitoring Officer will prepare a formal decision notice, in consultation with the Chair of the Local Hearing Panel, and send a copy to the Complainant, to the Subject Councillor (and to the Parish Council if appropriate).

The decision notice will be published as part of the minutes of the Local Hearing Panel meeting and will be placed on the Council's website unless the Monitoring Officer determines that it should remain confidential or it contains exempt information.

9. Timescales

The timescales quoted below are indicative. They are not guaranteed and are included here to illustrate the likely duration of the complaints process. Actual timescales may be significantly shorter or longer depending on the complexity and content of the complaint.

Stage in complaints process	Indicative timescales
Acknowledge receipt of complaint or dismissal of invalid complaints	within 5 working days of receipt of complaint
Assessment stage decision	Issued to Subject Councillor and Complainant within 25 working days of receipt of complaint
Investigation	A formal investigation normally takes around 8 - 12 weeks from the appointment of an appropriate investigator
Local Hearing Panel	within 25 working days of receipt of the final investigation report – which includes: <ul style="list-style-type: none">• 10 working days to prepare hearing papers and hold any pre-hearing meetings• 10 working days for Subject Councillor to submit a response to the Investigator's report and hearing papers• 5 working days for agenda publication
Local Hearing Panel decision	Issued to Subject Councillor and Complainant and published within 10 working days of the Local Hearing Panel meeting

10. Appeals

There is no right of appeal for the Complainant or for the Subject Councillor against a decision of the Monitoring Officer or of the Standards Committee.

However, the Monitoring Officer reports these decisions to the Council's Standards Committee so there is oversight of how these matters are dealt with.

11. Document Retention

The documentation relating to a complaint will be retained for 6 years from the conclusion of the complaint, irrespective of the outcome of the complaint. Minutes of the Standards Committee will be retained in the same way as the minutes of other council decision making bodies.

12. Revision of these arrangements

The Council may by resolution agree to amend these arrangements. The Standards Committee, on the advice of the Monitoring Officer, may depart from these arrangements where it is necessary to do so in order to secure the effective and fair consideration of any matter.

LITTLEMORE PARISH COUNCIL COUNCIL CODE OF CONDUCT

CODE OF CONDUCT

1. This Code of Conduct is adopted pursuant to the Council's duty to promote and maintain high standards of conduct by members and co-opted members¹ of the Council.
2. This code applies to you as a member or co-opted member of this Council when you act in that role and it is your responsibility to comply with the provisions of this code.

Selflessness

3. You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself.

Objectivity

4. In carrying out public business you must make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

5. You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

Openness

6. You must be as open as possible about your actions and those of your Council, and must be prepared to give reasons for those actions.

Honesty and integrity

7. You must not place yourself in situations where your honesty and integrity may be questioned, must not behave improperly and must on all occasions avoid the appearance of such behaviour.

Leadership

8. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example in a way that secures or preserves public confidence.

General Obligations

9. You must treat others with respect and ensure that you are aware of and comply with all legal obligations that apply to you as a member or co-opted member of the Council and act within the law;
10. You must not bully any person.

¹ A "co-opted member" for the purpose of this code is, as defined in the Localism Act section 27 (4) "a person who is not a member of the Council but who

a) is a member of any committee or sub-committee of the Council, or

b) is a member of, and represents the council on, any joint committee or joint sub-committee of the Council; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub committee".

11. You must not do anything that compromises or is likely to compromise the impartiality of those who work for, or on behalf of the Council.
12. You must not disclose information given to you in confidence by anyone, or information acquired by you of which you are aware, or ought reasonably to be aware, is of a confidential nature except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person, or
 - (iv) the disclosure is:
 - a) reasonable and in the public interest;
 - b) made in good faith and in compliance with the reasonable requirements of the Council.
13. You must not improperly use knowledge gained solely as a result of your role as a member for your own personal advantage.
14. When making decisions on behalf of or as part of the Council you must have regard to any professional advice provided to you by the Council's officers.
15. When using or authorising the use by others of the resources of the Council:
 - (i) you must act in accordance with the Council's reasonable requirements;
 - (ii) you must make sure that you do not use resources improperly for political purposes and do not use them at all for party political purposes.

Registering and declaring interests

16. You must, within 28 days of taking office as a member or co-opted member, notify the Council's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living as a husband or wife, or as if you were civil partners.
17. You must disclose the interest at any meeting of the Council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'².
18. Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
19. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.

² A "sensitive interest" is described in the Localism Act 2011 as a member or co-opted member of a Council having an interest, and the nature of the interest being such that the member or co-opted member, and the Council's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

ANNEX 3

Arrangements for dealing with code of conduct complaints against councillors: Local Hearing Panel Procedure



Introduction

Where the Monitoring Officer considers that it is in the public interest for a complaint to be considered by the Standards Committee, a Local Hearing Panel will be convened to determine whether the Subject Councillor has failed to comply with the code of conduct.

The Monitoring Officer will seek to convene the Local Hearing Panel within 25 working days of receipt of the final Investigator's report.

The Local Hearing Panel will comprise a minimum of three elected members of the Standards Committee plus an Independent Person. The Monitoring Officer will select the membership of each Local Hearing Panel.

Definitions

Complainant(s)	The person/people making the complaint.
Subject Councillor	The councillor, co-optee, or parish councillor against whom an allegation has been made.
Appointed Representative	The Subject Councillor may be represented or accompanied during the meeting by a Solicitor, Counsel or, with the permission of the Local Hearing, another person.
Local Hearing Panel	A meeting of a panel of three members of the Standards Committee at which they consider whether the "Subject Councillor" has breached the code of conduct.
Independent person	An Independent Person will be invited by the Monitoring Officer to attend a Local Hearing Panel and their views are sought and taken into consideration before the Local Hearing takes any decision on whether the Subject Councillor'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.
Investigator	The person appointed by the Monitoring Officer to undertake a formal investigation. This may involve the appointment of an investigating officer, who may be another officer of the council, an officer of another council or an external investigator.
Legal advisor	The officer responsible for providing legal advice to the Local Hearing Panel. This may be the Monitoring Officer, another legally qualified officer, or someone appointed for this purpose from outside the council.

Pre-hearing processes

The Monitoring Officer will invite the Subject Councillor to give his/her response in writing to Investigator's report. This is done to establish what is likely to be agreed and what is likely to be in dispute at the hearing.

The Local Hearing Panel, taking account of the advice of the Monitoring Officer, may issue directions about the way in which the Local Hearing will be conducted, for example agreeing the number and identity of witnesses. Such directions may be given either before or at the Local Hearing Panel, and may be decided at a meeting or by correspondence involving all members of the panel. Any meeting to deal with pre-hearing process issues will be held in private without the Complainant or the Subject Councillor present.

Documentation

Local Hearing Panel meetings of the Standards Committee are subject to the normal rules for publication of council agendas and access to information.

The agenda papers for the Local Hearing Panel will include:

- Monitoring Officer report
- Complaint form and documentation
- Investigator's report
- Subject Councillor's written response
- For reference: Code of Conduct, Standards Committee Local Hearing Panel procedure

The agenda and documents will be published under the Council's rules for exempt information. Prior to the Local Hearing Panel, any documentation issued or exchanged during the process must be treated by all recipients as confidential unless and until the Local Hearing Panel agrees that the press and public should not be excluded from the meeting at which the allegations are going to be heard.

If the Local Hearing Panel agrees that the meeting should be held in public, the investigator's report will be made available to the press and public in attendance at the meeting.

Local Hearing Panel procedure

The Local Hearing Panel will follow normal committee procedures for apologies, selection of a Chair for that meeting and declarations of interest.

At the Local Hearing Panel, the Monitoring Officer or Legal Adviser will introduce the case that the Subject Councillor has failed to comply with the code of conduct.

The Investigator will present his/her report, call such witnesses as necessary (which may include the Complainant) and make representations to substantiate the conclusion that the Councillor has failed to comply with the Code of Conduct.

The Subject Councillor (or appointed representative) will then have an opportunity to give his/her evidence, to call witnesses and to make

representations about why he/she considers that he/she did not fail to comply with the code of conduct.

Normal hearing rules will apply in terms of providing opportunities to question witnesses and test evidence, subject to the principles of natural justice.

If the Subject Councillor (or appointed representative) is not present, then the Local Hearing Panel will consider whether to proceed to hear the case and make a decision in absence, or whether to adjourn the hearing to another time or date. If the Subject Councillor has indicated that the hearing should carry on without him/her this will normally happen.

The Local Hearing Panel may take legal advice from its legal advisor at any time during the meeting or while they are considering the outcome. The substance of any legal advice given to the Local Hearing Panel would be shared in the public domain with the Subject Councillor and the Investigator if they are attending the hearing.

The Local Hearing Panel will request that all persons leave the room while they consider whether or not there has been a breach of the code of conduct.

If there is no evidence of a failure to comply with the Code of Conduct

If the Local Hearing Panel concludes that the Subject Councillor did not fail to comply with the code of conduct it will dismiss the complaint and no further action will be taken.

In that event, the Local Hearing Panel may still make general recommendations to the Council or Parish Council on any remedial actions if considers necessary to address the issues raised.

If there is evidence of a failure to comply with the Code of Conduct

If the Local Hearing Panel determines that the Subject Councillor has failed to comply with the code of conduct, the Chair will inform the Subject Councillor of this finding. The Independent Person will give his/her views on the matter, which will be recorded in the minutes of the meeting. The Chair of the Local Hearing Panel will explain the reasons why any advice from the Independent Person has or has not been followed in giving its decision.

The Local Hearing Panel will then consider what action, if any, it should take as a result. The Local Hearing Panel will give the Subject Councillor an opportunity to make representations about that and will consult the Independent Person deciding what action, if any, to take.

The Local Hearing Panel will request that all persons leave the room while they consider whether or not to impose a sanction on the Subject Councillor and, if so, what the sanction should be.

Remedies

The Council has delegated to the Standards Committee powers to take action in respect of individual councillors as may be necessary to promote and maintain high standards of conduct. Accordingly the Local Hearing Panel may:

- Censure or reprimand the Subject Councillor;
- Recommend to the Subject Councillor's group leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committee or Sub-Committees of the Council;
- Recommend to the Leader of the Council that the Subject Councillor be removed from the City Executive Board, or removed from particular portfolio responsibilities;
- Recommend to Council that the Subject Councillor be replaced as Executive Leader;
- Instruct the Monitoring Officer to, or recommend that a Parish Council, arrange training for the Subject Councillor.
- Publish its findings in respect of the Subject Councillor's conduct;
- Report its findings to Council, or to a Parish Council, for information;

The Local Hearing Panel has no power to suspend or disqualify the member or to withdraw or suspend allowances or restrict access to or use of Council facilities.

Recommendations to the Council / Parish Council

The Local Hearing Panel will consider whether it should make any recommendations to the City or Parish Council with a view to promoting high standards of conduct among councillors.

The Decision

The Monitoring Officer will, within 10 working days of the Local Hearing Panel, prepare a formal decision notice, in consultation with the Chair of the Local Hearing Panel, and send a copy to the Complainant, to the Subject Councillor (and to the Parish Council if appropriate).

The decision notice will be published as part of the minutes of the Standards Committee Local Hearing Panel meeting and will be placed on the Council's website unless the Monitoring Officer determines that it should remain confidential or it contains exempt information.

The Monitoring Officer will be responsible for the implementation of the decision of the Local Hearing Panel. The findings and recommendations of the Local Hearing Panel (as implemented by the Monitoring Officer) are final.

Departure from these arrangements

The Chair of the Standards Committee or the Chair of the Local Hearing Panel has the right to depart from this procedure, in consultation with the Monitoring Officer or Legal Advisor, at any hearing where he/she considers that it is sensible to do so to deal with the case fairly and effectively.