

**Notice of a public meeting of  
Joint Standards Committee**

- To:** Councillors Runciman, Barton, Horton and Taylor (City of York Councillors)  
Councillors Martin, Crawford and Simpson (Parish Councillors)  
Mr Hall (Independent Person) and Mr Laverick (Independent Person)
- Date:** Wednesday, 10 September 2014
- Time:** 3.00 pm
- Venue:** The Thornton Room - Ground Floor, West Offices (G039)

**AGENDA**

- 1. Appointment of Chair**  
To appoint a Chair of the Joint Standards Committee for the municipal year.
- 2. Appointment of Vice-Chair**  
To appoint a Vice-Chair of the Joint Standards Committee for the municipal year.
- 3. Declarations of Interest**  
At this point, Members are asked to declare:
  - Any personal interests not included on the Register of Interests
  - Any prejudicial interests or
  - Any disclosable pecuniary interestswhich they may have in respect of business on this agenda.
- 4. Minutes** (Pages 1 - 6)  
To approve and sign the minutes of the meeting of the Joint Standards Committee held on 29 April 2014.

## **5. Public Participation**

At this point in the meeting, members of the public who have registered their wish to speak, regarding an item on the agenda or an issue within the remit of the Joint Standards Committee, may do so. The deadline for registering is **5:00 pm on Tuesday 9 September 2014.**

To register to speak please contact the Democracy Officer for the meeting on the details at the foot of the agenda.

### **Filming or Recording Meetings**

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at

[http://www.york.gov.uk/downloads/download/3130/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings](http://www.york.gov.uk/downloads/download/3130/protocol_for_webcasting_filming_and_recording_of_council_meetings)

## **6. Review of Complaints for the last Municipal Year** (Pages 7 - 10)

This report provides an overview of the standards complaints received during the previous municipal year and reminds Members of the some of the processes they have agreed for handling complaints.

## **7. Monitoring Report in Respect of Complaints Received**

The Monitoring Officer will give a verbal update in respect of complaints received.

## **8. Revised Hearing Procedure** (Pages 11 - 28)

This report seeks Members' approval to new procedures for hearings in respect of Standards cases.

**9. Review of Work Plan** (Pages 29 - 30)

Members are asked to review the Committee's work plan and suggest items for consideration at future meetings.

**10. Urgent Business**

Any other business which the Chair decides is urgent under the Local Government Act 1972.

Democracy Officer:

Name: Jayne Carr

Contact Details:

Telephone – (01904) 552030

Email – [jayne.carr@york.gov.uk](mailto:jayne.carr@york.gov.uk)

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

This page is intentionally left blank

City of York Council

Minutes

---

Meeting	Joint Standards Committee
Date	29 April 2014
Present	Councillor Runciman (Chair) (CYC Member) Councillor Gillies (Sub for Cllr Barton)(CYC Member - not in attendance for Minutes 34-36) Councillor Horton (CYC Member) Councillor Crawford (Parish Councillor) Councillor Simpson (Parish Councillor)
In attendance	Mr Hall (Independent Person) Mr Laverick (Independent Person) Mr Mellors (Parish Councillor) Mr Powell (Parish Councillor)
Apologies	Councillors Martin, Barton and Taylor

---

## 29. **Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. No additional interests were declared.

## 30. **Minutes**

Resolved: That the minutes of the Joint Standards Committee meeting held on 19 February 2014 be confirmed and signed by the Chair as a correct record.

## 31. **Minutes of Sub-Committee**

Arising out of consideration of these minutes Members questioned the reasons leading to the decisions made and raised concerns at the outcomes. The Monitoring Officer confirmed that the results of the hearing would be formally presented to a public meeting of the Parish Council.

Resolved: That the minutes of the Hearings Sub-Committee meeting held on 20 March 2014 be confirmed and signed by the Chair as a correct record.

**32. Public Participation**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme. Mr Wilson spoke in respect of the procedures for hearing complaints. He thanked the Joint Standards Sub-Committee for their fair and balanced hearing of the complaint however raised concerns that the process had not resolved the issue. He asked the Council to pursue, with the appropriate body, the strengthening of available sanctions.

**33. Attendance by Representatives of Parish Councils**

Parish Council representatives had been invited to attend the meeting to discuss any issues relating to monitoring standards of conduct and the committee's arrangements for dealing with complaints, including any feedback from the investigating process.

The Chair welcomed the Parish Council representatives to the meeting and invited them to identify any issues relating to the above issues.

The representatives thanked the Committee for the invitation to attend.

The following issues were raised:

- Parish Councillors had been unaware of the earlier Parish Council complaint although it was noted that such issues were unusual as the majority of Parish Councils had good working relationships
- The Committee's attention was drawn to a matter raised by the Scarborough Branch of the Yorkshire Local Councils Association. The matter related to the 'lack of teeth' of the new standards regime and the reliance on the principal council to investigate breaches and take action. The concerns had been passed onto the Association as a potential future lobbying and campaigning priority.
- It was questioned whether the Monitoring Officer informed Parish Councils if a complaint had been received but not

investigated. It was felt that it would be useful to provide details of the outcomes of the complaints process to Parish Councils.

- Reference was made to current guidance on Disclosable Pecuniary Interests which provided openness and transparency on personal interests making all Councillors more accountable than had previously been the case.

The Parish Council representatives were thanked for their attendance at the meeting.

### **34. Standards Hearing**

It was noted that the Committee had recently concluded its first hearing under the new standards arrangements. Consideration was given to a report that invited Members to consider whether the experience of that case suggested that any improvements could be made to the Committee's protocols. Note was also taken of Mr Wilson's earlier comments, under the Public Participation item, in relation to his experience of the first hearing.

In response to a request by the earlier public speaker for an improvement in investigation timescales, the Monitoring Officer outlined the process undertaken to conclude the first hearing which had taken just under six months to complete. Members agreed that the time taken did not appear excessive.

In relation to the hearing procedure, in particular the decision whether to exclude the Press and public from future hearings, Members felt that, in the interests of transparency and public interest, the agendas and hearings should generally be in public, although the decision making would still remain private. This was unless representations were received from the parties concerned for the hearing to be in private or the circumstances of the case meant that it needed to be heard in private.

The following were identified as areas for improvement and inclusion in revised procedures for future hearings:

- Procedures to be examined with a view to making them less complex
- Agendas to be made public
- Hearings in the first instance to be held in public
- The Independent Person should have more involvement earlier in the procedure

Following further discussion it was

Resolved: That the Monitoring Officer, in conjunction with the Independent Persons, be requested to amend the procedures to reflect the recommendations outlined above.

Reason: To ensure that the Committee has strong arrangements in place for handling complaints.

### **35. Monitoring Report in Respect of Complaints Received**

The Monitoring Officer gave a verbal report in respect of four complaints that had been received.

- (a) A recent Standards Sub-Committee hearing had found that one Member of Osbaldwick Parish Council had breached the Code of Conduct. Following consideration of a report prepared by the former Chair of the Standards Committee, the Independent Person and Monitoring Officer had accepted that there had been no breach of the Code by two further Members of the Parish Council.
- (b) A further complaint had been made against Osbaldwick Parish Councillors, however it had not been clear whether this related to individual Councillors or the Parish Council as a whole. The complaint had been rejected for clarification reasons however it was noted that the complaint would not have been classed as a breach of the Code. Additional information had subsequently been passed to the Monitoring Officer relating to a possible breach, which was now under investigation.
- (c) A longstanding complaint which was still under investigation.
- (d) A complaint had been made by a member of the public against a City of York Councillor regarding a planning issue. The Monitoring Officer confirmed that, following investigation, the Member had confirmed that the



applicant applying for planning permission had not been known to him personally.

Resolved: That the update on complaints be received be noted.

Reason: To ensure that the Committee is kept updated on complaints received.

**36. Review of Work Plan**

Consideration was given to the Committee's work plan. Members were asked to suggest items for consideration at future meetings.

The following suggestion was put forward:

- Annual Report of Complaints received

Resolved: That the Committee's work plan be approved subject to the addition of the above item.

Reason: To ensure that the committee has a planned programme of work in place.

Councillor Runciman, Chair

The meeting started at 3.30 pm and finished at 4.45 pm.

This page is intentionally left blank




---

**Joint Standards Committee**
**10 September 2014**
**Report of the Monitoring Officer**
**Review of Complaints for the last Municipal Year**
**Summary**

1. This report provides an overview of the standards complaints received during the previous municipal year and reminds Members of some of the processes they have agreed for handling complaints.

**Complaints received**

2. The table below describes the complaints handled during the last municipal year.

City or Parish Councillor	Complainant	Date Received	Outcome	Date Concluded
Parish	Member of Public	4/6/2013	Referred for investigation	Ongoing
City	Councillor	12/8/2013	Investigated – no breach	16/10/2013
City	Member of Public	8/10/2013	No case to answer	17/10/2013
Parish	Members of public	28/9/2013	Investigated.  No breach in respect of 2 Councillors  Breach in respect of third – confirmed at hearing	5/2/14  20/3/2014

Parish	Member of Public	3/3/2013	No case to answer	19/3/2014
--------	------------------	----------	-------------------	-----------

3. Five complaints were received last year in comparison to seven the year before. The volume of complaints therefore remained low and very much in line with the levels experienced under the former standards regime. In contrast to the previous year, when all complaints related to City Councillors, this year Parish Councillors featured in three complaints. That is unexceptional but the fact that three cases – two Parish and one City - were investigated is a little unusual. In the previous year only one case had been referred and none the year before that (when the previous standards arrangements were in place). Investigations have been conducted by a lawyer working for the City Council, the deputy Monitoring Officer of a neighbouring Council (as part of an informal reciprocal arrangement) and by a volunteer (the former Chair of the Standards Committee).
4. In general cases have continued to be concluded sooner under the new arrangements than the old. Initial assessment of complaints is now a reasonable speedy process. In each case last year consultation between the independent persons and the Monitoring Officer was undertaken by e-mail and delegated powers were used for decision making. This has meant that initial decisions have been made at least two weeks sooner than they could have been under the old regime.
5. The picture has been a little more mixed with respect to investigations. Under the old arrangements a timescale of around six months was considered to be about the norm to conclude an investigation. Last year one of the investigations was concluded in around two months. In that case the investigator found no breach. In these circumstances the Council's procedures say:

*“The Monitoring Officer will review the Investigating Officer's report and may ask for further investigations to take place if he feels that is needed. He will consult the Independent Persons on the draft report and, if he is satisfied that the report is sufficient and accepts the finding, the Monitoring Officer will send a copy of the Investigating Officer's final report to [the complainant] and the Councillor concerned. If the case concerns a Parish councillor he*

*will also send a copy to the Parish Council concerned. That will be the end of the matter”*

6. In this case both the Monitoring Officer and Independent Person were satisfied that the investigation had been sufficient and the finding of no breach should be accepted. Under the previous arrangements it would still have been necessary to refer the case to a Sub Committee for consideration. That is no longer necessary and this case was concluded under delegated powers.
7. Of the other cases referred for investigation one, featuring three Councillors, was concluded in slightly less than six months after a hearing. Unfortunately the remaining case was not concluded during the year and no doubt some lessons may be learned from reviewing that case in due course.

### **Recommendations**

8. Members are recommended to:
  - 1) Note the report
  - 2) Ask the Monitoring Officer, once the outstanding case referred to in the report has been concluded, to review the reasons why the investigation was prolonged to see whether any lessons can be learnt for the future.

Reason: To ensure that the Committee continues to make an effective contribution to ethical standards within the City Council.

### **Contact Details**

**Author:**

***Andrew Docherty***

***Monitoring Officer***

***Customer & Business Support***

*Tel No. 01904 551004*

**Report  
Approved**

**Date** *05/06/14*

**Wards Affected:** *List wards or tick box to indicate all*

**All**

**For further information please contact the author of the report**

**Background Papers:** None

This page is intentionally left blank



---

**Joint Standards Committee****10<sup>th</sup> September 2014****Report of the Monitoring Officer****Revised Hearing Procedures****Summary**

1. This report seeks Members' approval to new procedures for hearings in respect of Standards cases.

**Background**

2. Earlier this year the Committee handled its first hearing under the local standards arrangements which came into effect in 2012. The hearing operated using a slightly modified version of the procedures previously used for statutory hearings. The Committee took the opportunity at its last meeting to reflect on the experience of that hearing and these revised procedures are now being presented in response to the debate at that meeting.
3. The proposed procedures strengthen the pre hearing arrangements and these are set out in Annex A to the report. Importantly the procedures require the complainant and subject member to clearly identify the issues which are in dispute. They do so by completing the checklist at Annex B. If a party subsequently seeks to contest a factual issue which has not been identified at the pre-hearing stage then the Committee may decide not allow the matter to be disputed.
4. The parties are also asked to indicate whether they feel that any part of the hearing should be in private. Any representations on this point will be considered by the Monitoring Officer and Chair of the Hearing Panel. The procedures make it clear that the usual position will be that hearings will be in public. Agendas including public reports will therefore normally be published before the hearing.
5. The hearing procedure itself (which appears at Annex C) is drafted on the basis that the Panel will adopt an inquisitorial approach. This is more akin to the approach taken in Coroner's courts than the

usual adversarial approach adopted by other courts. During the pre hearing phase the parties (including the investigating officer) will be able to identify witnesses who they believe can provide helpful evidence. The procedure envisages though that the witnesses will be called by the Panel and the prime responsibility for questioning them will lie with the Panel.

6. While not seeking to prevent parties being represented at a hearing the procedure seeks to provide reassurance that such representation is not necessary.
7. The procedure reflects the legal requirements to consult the independent persons before making decisions in respect of allegations. It is envisaged that advice will be given by the independent persons in private but the substance will be shared when the decision is announced.

### **Alternative options**

8. The Committee is free to adopt any procedure for hearings that it wishes so long as the procedure is consistent with Human Rights Act and other public law obligations. In considering the options Members may wish to discuss particularly:
  - Whether the inquisitorial model is the right one
  - Whether the procedure should attempt to give reassurance that representation is unlikely to be necessary

### **Recommendations**

9. Members are recommended to:
  - 1) Approve the pre hearing and hearing procedures set out in the annexes to the report subject to such amendments as the Committee consider to be appropriate.

Reason: To ensure that the Committee has published processes which allow for the fair and efficient handling of hearings.



## Contact Details

**Author:**

Andrew Docherty  
Monitoring Officer  
Customer and Business  
Support Services  
Tel No. 01904 551004

**Report  
Approved**

**Date** 12/08/14

**Wards Affected:** *List wards or tick box to indicate all*

**All**

**For further information please contact the author of the report**

### **Background Papers:**

None

### **Annexes**

Annex One – Pre hearing procedures

Annex Two – Pre hearing checklist

Annex Three – Hearing Procedures

This page is intentionally left blank

### Pre Hearing Procedure

1. Where a decision has been made that a complaint needs to be referred for a hearing then a Sub Committee meeting will be arranged for that purpose. The Sub Committee will sit as a Hearing Panel.
2. A copy of the final investigation report will be sent to the Subject Member, the complainant and to the Independent Persons. If the complaint relates to the Subject Member's conduct as a parish councillor then a copy will also be sent to the Clerk to the Parish Council.
3. The Subject Member and the complainant will be asked to confirm within fifteen working days whether he/she:
  - Disagrees with any of the findings of fact in the report and the reasons for any disagreement
  - Wishes to be represented by a solicitor or barrister, or by any other person (such representation should not normally be necessary)
  - Wishes to attend the hearing
  - Wishes relevant witnesses to be called to give evidence to the Panel
  - Wishes any part of the hearing to be held in private<sup>i</sup>
  - Wishes any part of the Investigating Officer's report or other relevant documents to be withheld from the public<sup>ii</sup>
4. The Subject Member and the complainant will be informed that if, at the meeting of the Committee, he/she seeks to dispute any matter contained in the Investigating Officer's report without having previously notified the intention to do so, the Committee may refuse to allow the disputed matters to be raised unless satisfied that there are good reasons why they have not been raised beforehand.

5. Upon receipt of the Member's and complainant's responses, the Investigating Officer shall be invited to comment on it within ten working days, and to say whether or not he/she:
  - Considers that the Committee should request other witnesses to give evidence or submit written or other evidence to the Committee
  - Believes any part of the hearing should be held in private
  - Believes any part of the report or other relevant documents should be withheld from the public
6. The Monitoring Officer will consider the responses and set a date for the hearing in consultation with the Chair of the Panel.
7. The Monitoring Officer together with the Chair of the Hearing Panel will consider which witnesses should be invited to attend. Witnesses may not be called if the number requested is unreasonable and it appears that some witnesses will simply be repeating the evidence of earlier witnesses, or else not providing evidence that will assist the Panel to reach its decision.
8. The Chair of the Hearing Panel may request the attendance of any additional witnesses whose evidence he/she considers would assist the Panel to reach its decision. The Panel does not though have powers to compel any witness to attend.
9. The Monitoring Officer will:
  - Confirm a date, time and place for the hearing
  - Confirm the main facts of the case that are agreed
  - Confirm the main facts that are not agreed
  - Provide the Panel with a copy of the investigating officer's report
  - Provide copies of any other written evidence to the relevant parties and the Panel


- Confirm which witnesses will be called by the parties
- Provide the parties with copies of the proposed procedure for the hearing.

---

<sup>i</sup> The Standards Committee's general position is that hearings should be held in public and that documents should be publicly available in advance of the meeting. However, there may be circumstances in which fairness to individuals dictates and the provisions of schedule 12A to the Local Government Act 1972 allow, information to be considered in private.

<sup>ii</sup> See note i

This page is intentionally left blank

<b>City of York Council Standards Committee</b>	
<b>Pre Hearing checklist</b>	
<b>Complainant</b>	
<b>Subject Member</b>	Councillor
<b>Investigating Officer</b>	
<b>Do you intend to attend the proposed hearing to give evidence or make representations</b>	
Yes/No	
<b>Do you wish to be represented at the hearing by a solicitor, barrister or another person.<sup>1</sup></b>	
Yes/No	
<b>If so by who?</b>	
<i>Name of representative and capacity in which they act: e.g. solicitor, friend, fellow Councillor</i>	
<b>Do you wish the whole or any part of the hearing to be in private?</b>	
Yes/No	
<b>If yes please explain why<sup>2</sup></b>	

<sup>1</sup> Although there has to be a degree of formality to the proceedings of the committee it will be unusual for subject members to be represented. The procedure is not adversarial. The Committee will act in an inquisitorial manner to ensure that the circumstances of the case are fully understood.

<sup>2</sup> The Standards Committee's general position is that hearings should be held in public and that documents should be publicly available in advance of the meeting. However, there may be circumstances in which fairness to individuals dictates and the provisions of schedule 12A to the Local Government Act 1972 allow, information to be considered in private

**Do you wish any part of the Investigating Officer's report or other relevant documents to be withheld from the public?**

Yes/No

**If yes please explain why<sup>3</sup>**

**Do you disagree with any of the facts found by the investigating officer as set out in his her report?**

Yes/No

**If yes please set out briefly the facts that you dispute and your view as to the true factual position**

**Do you believe that witnesses should be called to the Hearing**

Yes/No

<sup>3</sup> The Standards Committee's general position is that hearings should be held in public and that documents should be publicly available in advance of the meeting. However, there may be circumstances in which fairness to individuals dictates and the provisions of schedule 12A to the Local Government Act 1972 allow, information to be considered in private



**If yes please identify the witnesses who you wish to be called and briefly identify the issues that they will be able to give evidence about<sup>4</sup>**

--

---

<sup>4</sup> The Monitoring Officer and Chair will consider whether any witnesses you name are likely to be able to give evidence which will be of value to the Hearing Panel. If they are then those witnesses will be invited to attend. The Panel cannot compel the attendance of any witness.

This page is intentionally left blank

## **CITY OF YORK COUNCIL STANDARDS COMMITTEE HEARING PROCEDURE**

### **General Matters**

1. In this procedure the term “interested parties” is used to cover the complainant, the subject member and the investigating officer. The interested parties will all be invited to attend the hearing as potential witnesses.
2. The Independent Persons will also be invited to attend the hearing in an advisory, non-voting capacity. Their views will be sought as to whether the evidence establishes a breach of the code of conduct and, if so, as to what if any penalty should be imposed.
3. The Hearing Panel will be made up of members of the Standards Committee and there will normally be three members. The Panel will be supported by the Monitoring Officer or his representative and a democratic services officer.
4. The meeting will be open to the press and public unless confidential or exempt information is likely to be disclosed. The Standards Committee considers that in general the public interest in seeing that complaints relating to Councillors are handled properly will outweigh any considerations relating to the privacy of the Councillor concerned but each case will be considered on its own merits including consideration of the privacy of other parties.
5. The hearing will normally follow the procedure set out below but the Chair has the discretion to vary it at any time. Such a variation may be considered where, for example, the Chair believes that doing so will be in the interests of fairness or help in establishing the facts of the case.
6. It will not usually be necessary for the Subject Member to be represented at a hearing but he or she may choose to arrange such representation which may be by a solicitor or barrister, or with the permission of the Panel, another person.
7. The Panel may take legal advice at any time during the hearing or during its deliberations. The substance of any advice given to the Panel will normally be shared with the parties.

### **Preliminary procedures**

8. Prior to the hearing commencing the Panel may meet privately to review the material presented and to agree the main lines of enquiry.
9. At the start of the hearing, the Chair will arrange introductions of the Panel, its Officers, the Independent Persons and the interested parties. The Chair will briefly explain the procedure which the Panel will follow in the conduct of the hearing. The Chair will confirm that each interested party has seen the final report of the investigating officer and has had the opportunity to engage in the pre hearing procedures.
10. The Monitoring Officer will identify whether the pre hearing procedures have identified any significant disagreements about the facts contained in the Investigating Officer's report. The Panel will record the agreed facts and establish the facts in dispute which they will be required to rule upon.
11. If a party raises an issue which has not been raised previously then that party shall be required to give a full explanation to the Panel as to why it was not raised earlier. The Panel may then:
  - a. Consider whether or not to allow the issue that has been raised to be dealt with at the hearing
  - b. Consider whether the hearing should be adjourned for further investigations to take place.

### **Determining factual disputes**

12. If there are disputed facts which the Panel consider relevant to establishing whether the Code has been breached or as to the seriousness of the breach then, the Panel will adopt an inquisitorial approach in establishing the facts. The Chair will invite members of the Panel to ask questions of the interested parties or any other potential witness present. The Monitoring Officer may also ask questions.

13. Once a witness has answered questions from the Panel then the Chair will ask the interested parties whether there are other issues which ought properly to be raised with the witness. The Chair (or another Member) may put any such issues to the witness him or herself or may allow the relevant party to ask questions directly.
14. The Panel must reach a decision as to the facts it finds to be proven. The Panel must also make a decision as to whether the proven facts (including those which are agreed) show a breach of the code of conduct. Depending on the complexity of the case the Panel may consider each of those issues separately or deal with them together. In either case the Chair will invite the parties to make representations on each matter before the Panel reaches its decision.

### **Panel deliberations**

15. When the Panel is considering its finding of facts and whether those facts amount to a breach of the Code of conduct it will do so in private but in the presence of the Monitoring Officer, the Independent persons and the Democratic Services officer.
16. At the conclusion of the Panel's deliberations, the Chair will publicly announce the Panel's findings as to the facts and as to whether those facts show a breach of the code of conduct. The Panel will give reasons for their findings. It will be normal practice to share the substance of any advice given by the Monitoring Officer and Independent persons at this stage.

### **Determining Sanctions**

17. If the Panel concludes that the Subject Member has failed to comply with the Code of Conduct, the Chair will invite representations from the interested parties as to what action, if any, it should take.
18. The Panel will then consider whether to impose a sanction, and, if so, what sanction to impose and when that sanction should take effect. It will do so in private but in the presence of the Monitoring Officer, the Independent persons and the Democratic Services officer.
19. The sanctions available to the Hearings Panel are to –

- Censure the Councillor;
  - Formally report its findings to the City Council or Parish Council for information;
  - Recommend to the Councillor's Group Leader (or in the case of un-grouped Councillors, recommend to Council or to Committees) that he/she be removed from any or all Panels or Sub-Committees of the Council;
  - Recommend to the Leader of the Council that the Councillor be removed from the Cabinet, or removed from particular Portfolio responsibilities;
  - Recommend to Council that the Leader be removed from Office (if it is the Leader' conduct that is being considered)
  - Instruct the Monitoring Officer to [*or recommend that the Parish Council*] arrange training for the Councillor;
  - Remove [*or recommend to the Parish Council that the Councillor be removed*] from all outside appointments to which he/she has been appointed or nominated by the authority [*or by the Parish Council*];
  - Withdraw [*or recommend to the Parish Council that it withdraws*] facilities provided to the Councillor by the Council, such as a computer, website and/or email and Internet access.
20. The Hearings Panel has no power to suspend or disqualify the Councillor or to withdraw Councillors' basic or special responsibility allowances. If the Panel decides to withdraw facilities from the Councillor it must ensure that the Councillor is not thereby prevented from undertaking his/her representative duties.
21. The Chair will publicly announce the decision of the Panel. The substance of any further advice given by the Independent Person and Monitoring Officer will also be shared. Written notice of the findings of the Panel will be given as soon as is reasonably practicable to the Subject Member. They will also be placed on the

council's website. If the complaint was against the Subject Member as a parish councillor, written notice of the findings of the Panel will be sent to the clerk to the parish council.

**Other action**

22. The Panel may also consider making any recommendations to the Council concerned with a view to promoting higher standards of conduct among its members.

This page is intentionally left blank



## Work Plan for Joint Standards Committee

<u>Meeting Date</u>	<u>Items</u>	<u>Notes</u>
<b>18 June 2014 at 3.00pm</b> <b>[Meeting cancelled]</b>	<ul style="list-style-type: none"> <li>• <i>Appointment of Chair for municipal year</i></li> <li>• <i>Appointment of Vice-Chair for municipal year</i></li> <li>• <i>Monitoring report in respect of complaints received</i></li> <li>• <i>Review of the arrangements for handling complaints.</i></li> </ul>	<p><i>Standard item</i> <i>As agreed at meeting of 28 November 2012 (minute 19)</i></p>
<b>10 September 2014 at 3.00pm</b>	<ul style="list-style-type: none"> <li>• <i>Appointment of Chair for municipal year</i></li> <li>• <i>Appointment of Vice-Chair for municipal year</i></li> <li>• <i>Annual Report on Complaints</i></li> <li>• <i>Monitoring report in respect of complaints received</i></li> <li>• <i>Revised Hearing Procedures</i></li> </ul>	<p><i>As agreed at meeting of 29 April 2014</i> <i>Standard item</i></p>
<b>12 November 2014 at 3.00pm</b>	<ul style="list-style-type: none"> <li>• <i>Monitoring report in respect of complaints received</i></li> </ul>	<p><i>Standard item</i></p>
<b>18 February 2015 at 3.00pm</b>	<ul style="list-style-type: none"> <li>• <i>Monitoring report in respect of complaints received</i></li> </ul>	<p><i>Standard item</i></p>
<b>22 April 2015 at 3.00pm</b>	<ul style="list-style-type: none"> <li>• <i>Monitoring report in respect of complaints received</i></li> </ul>	<p><i>Standard item</i></p>

*To be included:*

- *Promoting ethical standards (as agreed at meeting of 20 February 2013 – minute 25)*
- *Review of the Code of Conduct (as agreed at meeting of 20 February 2013 – minute 28)*
- *Guidance on hospitality (as agreed at meeting of 20 February 2013 – minute 28)*
- *Electoral Probity (as agreed at meeting of 19 February 2014 – minute 28 refers)*
- *Issues in respect of neighbourhood plans (as agreed at meeting of 19 February 2014 – minute 28 refers)*

This page is intentionally left blank