

**PROCEDURE FOR DEALING WITH COMPLAINTS OF MISCONDUCT
AGAINST MEMBERS OF THE COUNCIL****1.0 INTERPRETATION**

“Authority” means Leeds City Council;¹

“Chair” means the Chair of the Committee² who must be an Independent Member of the Committee;

“Code of Conduct” means the Members Code of Conduct adopted by the Authority;³

“Committee” means the Standards Committee;

“Complainant” means the person who made the complaint;

“day” means a clear working day unless otherwise indicated;

“Code of Conduct Complaint” means a written allegation that a Member has breached the Members Code of Conduct;⁴

“Initial Assessment” means the process of initially assessing Code of Conduct Complaints that is carried out by the Assessment Sub-Committee;

“Review Request” means a request to review the decision of the Assessment Sub-Committee to take no action in relation to a Written Allegation;⁵

“Review” means a review of a decision to take no action in relation to a Code of Conduct Complaint that is carried out by the Review Sub-Committee;

“Investigation” means an investigation by the Monitoring Officer or their representative, or by an ESO into a Code of Conduct Complaint;

“ESO” means the Ethical Standards Officer appointed by the Standards Board or the ESO’s nominee;

“Investigator” means the Monitoring Officer or their nominee, or the ESO;

“Legal Advisor” means the person providing legal advice to the Committee;⁶

¹ Or, where relevant, the Parish Council within its area, in respect of which the Standards Committee is exercising functions under Part III of the Local Government Act 2000.

² Or other Member elected by the Committee in the absence of the Chair.

³ Under Section 51 of the Local Government Act 2000.

⁴ Made under Section 57A of the Local Government Act 2000

⁵ Made under Section 57B of the Local Government Act 2000

⁶ This will be the Monitoring Officer or nominee who may be another legally qualified officer of the Authority or someone legally qualified who is appointed for this purpose from outside the Authority.

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“Local Code/Protocol” means:⁷

- the National Code of Local Government Conduct where the alleged breach is committed before 5 April 2002; or
- any of the Authority’s Protocols/Codes which refer to the conduct of members, other than the Code of Conduct; or
- a breach of the Members’ Allowances Scheme in relation to the requirement to submit six monthly reports, or a gross neglect of duties highlighted by such a report;

“Local Complaint” means a complaint that the Member has breached a Local Code or Protocol;

“Member” means the Member or co-opted member⁸ of the Authority who is the subject of the complaint of misconduct. It also includes the Member’s nominated representative where the context requires this;

“Parish Council” means any Town or Parish Council;

“Party” means the Member or the Investigator but does not include the Complainant;

“Standards Board” means the Standards Board for England;

“The Act” means the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007;

“The Regulations” means the Standards Committee (England) Regulations 2008 (SI. 2008 No. 1085).

2.0 GENERAL

2.1 This procedure applies to Code of Conduct Complaints and Local Complaints made by Members or officers of the Authority or members of the public.

2.2 The general principles of conduct⁹ will be used by the Committee as a guide to interpretation of the Local Codes/Protocols and the Code of Conduct.

2.3 The Committee should have regard to Guidance issued by the Standards Board for England when applying these Procedure Rules.

⁷ The Monitoring Officer will provide copies of these on request.

⁸ As defined in Section 47 Local Government Act 2000. It also includes a former member or co-opted member. It does not include Parish Council members unless they are the subject of a Referred Complaint.

⁹ As set out in the Relevant Authorities (General Principles) Order 2001, and attached as Annex A to this procedure.

3.0 INITIAL ASSESSMENT OF CODE OF CONDUCT COMPLAINTS

3.1 The Assessment Sub-Committee

- 3.1.1 The initial assessment of Code of Conduct Complaints is to be carried out by the Assessment Sub-Committee. The Assessment Sub-Committee will aim to consider Code of Conduct Complaints within twenty working days.
- 3.1.2 When carrying out the initial assessment of Code of Conduct Complaints made under Section 57A Local Government Act 2000 the Assessment Sub-Committee is a closed meeting and is not subject to the notice and publicity requirements under Part 5 of the Local Government Act 1972.¹⁰
- 3.1.3 The Assessment Sub-Committee will apply the Assessment Criteria at Appendix 1 when deciding what action should be taken in respect of a Code of Conduct Complaint .
- 3.1.4 The Assessment Sub-Committee will apply the Anonymity Criteria at Appendix 2 when deciding whether to allow a complainants request for anonymity.
- 3.1.5 The Assessment Sub-Committee should only take into consideration the information contained in the Agenda papers or provided to it by the Clerk at the hearing to make it's decision.
- 3.1.6 The Assessment Sub-Committee will make one of the following decisions in relation to the Code of Conduct Complaint:¹¹
- To refer the allegation to the to the Monitoring Officer to investigate¹² (Paragraph 4.2)
 - To refer the allegation to the Monitoring Officer to take steps other than investigation¹³ (Paragraph 4.1)
 - To refer the matter to the Standards Board for England (Paragraph 5.0)
 - To take no action in respect of the allegation

3.2 The Decision Notice

- 3.2.1 Where the Assessment Sub-Committee decides to take no action then as soon as possible (normally within five working days) after making the decision it must give notice of that decision and set out clearly the reasons for that decision. Where no potential breach of the Members Code of Conduct is disclosed the Assessment Sub-Committee must explain in the decision notice what the allegation was and why they believe this to be the case. The decision notice must be sent to:

¹⁰ Regulation 8(5) Standards Committee (England) Regulations 2008.

¹¹ As required by Section 57A (2) of the Local Government Act 2000

¹² This can be Monitoring Officer of another authority if the Member is longer a member of LCC but of another authority

¹³ This can be Monitoring Officer of another authority if the Member is longer a member of LCC but of another authority

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- the Member,
- the Complainant¹⁴, and
- any Parish Council concerned.

3.3 The Written Summary under Section 57(C) Local Government Act 2000

3.3.1 If the Assessment Sub-Committee decides that the Code of Conduct Complaint should be referred to the Monitoring Officer or to the SBE then a decision notice containing notice of that decision and a written summary of the Code of Conduct Complaint will be provided¹⁵ to:

- the Member,
- the Complainant¹⁶, and
- any Parish Council concerned.

3.3.2 The written summary should state what the allegation was and what type of referral the Assessment Sub-Committee made. The decision notice should explain why the particular referral decision has been made.¹⁷

3.4 Withholding the Written Summary

3.4.1 A written summary will not be provided under paragraph 3.3.1 above if the Assessment Sub-Committee determines that to do so would be contrary to the public interest or would prejudice the investigation of the Code of Conduct Complaint¹⁸.

3.4.2 In reaching a decision to withhold the written summary the Assessment Sub-Committee must take account of any guidance issued by the Standards Board and may take account of any advice given by the Monitoring Officer or any ESO concerned.¹⁹

3.4.3 If it is determined that the written summary should not be given to the subject member at the time the decision is made by the Assessment Sub-Committee, then reasonable steps must be taken to ensure that the written summary is given to the subject Member either:

- when the Monitoring Officer or ESO has advised that it would no longer be contrary to the public interest or that it would no longer be prejudicial to any investigation; and in any event
- before consideration of any report or recommendation from a Monitoring Officer or an ESO in relation to that allegation.

¹⁴ And to any other Standards Committee concerned

¹⁵ This is a duty arising under Section 57C(2) of the LGA 2000.

¹⁶ And to any other Standards Committee concerned

¹⁷ SBE Guidance (Local Assessment of Complaints)

¹⁸ Regulation 11 Standards Committee (England) Regulations 2008.

¹⁹ The SBE Guidance states that the Assessment Sub-Committee should take advice from the Monitoring Officer on such matters.

3.5 Publication of the Written Summary

3.5.1 The Assessment Sub-Committee is also required to produce a written summary of its consideration of the Code of Conduct Complaint²⁰. The written summary:

- Must record the Main points considered, the conclusion as regards the allegation, and the reasons for that conclusion.
- Must be prepared having regard to any SBE Guidance,
- May give the names of the subject of the allegation unless such disclosure is not in the public Interest or would prejudice any investigation
- Must be made available for inspection by the public at the Authority's office for a period of six years after the date of the meeting; and
- Must be given to any Parish Council concerned.

3.5.2 The written summary does not need to be made available for inspection or given to any Parish Council until the Member who is the subject of the complaint has been given the written summary as detailed in paragraph 3.3 above

4.0 REFERRAL OF CODE OF CONDUCT COMPLAINTS TO THE MONITORING OFFICER BY THE ASSESSMENT SUB-COMMITTEE

4.1 Referral of a Code of Conduct Complaint to the Monitoring Officer with a direction to take steps other than an investigation²¹

4.1.1 The Assessment Sub-Committee can only refer the Code of Conduct Complaint to the Monitoring Officer with a direction to take steps other than carrying out an investigation after consultation with the Monitoring Officer.

4.1.2 An ESO may also refer a matter to the Monitoring Officer with a direction to take steps other than carrying out an investigation²².

4.1.3 The steps that the Monitoring Officer can take are:

- Arranging for the member who is the subject of a Code of Conduct Complaint to attend a training course;
- Arranging for the member and the complainant to engage in a process of conciliation;
- Such other steps (not including an investigation) that the Assessment Sub-Committee (or the ESO²³) think are appropriate.

4.1.4 The Monitoring Officer will deal with the matter in accordance with the direction.

4.1.5 The Monitoring Officer will notify:

²⁰ Regulation 8 Standards Committee (England) Regulations 2008.

²¹ Regulation 13 Standards Committee (England) Regulations 2008.

²² Under Section 60(2) or (3) of the Local Government Act 2000

²³ If the complaint was referred to the Monitoring Officer under Section 60 (2) or (3) of the LGA 2000

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- the Member,
- the Complainant²⁴, and
- any Parish Council concerned

that the Code of Conduct Complaint has been referred to them for such steps to be taken.

4.1.6 The Monitoring Officer will submit a written report to the Assessment Sub-Committee (or ESO) within three months of the direction (or as soon as reasonable practicable after three months). That written report will give details of the action that has been taken or that it is proposed will be taken to comply with the direction of the Assessment Sub-Committee.

4.1.7 The Assessment Sub-Committee may give a further direction to the Monitoring Officer if it is not satisfied with the action specified in the written report.

4.1.8 The ESO²⁵ may follow the procedure contained in Regulation 13 (8) of the Regulations if they are not satisfied with the action specified in the Monitoring Officer's report.

4.1.9 If the Assessment Sub-Committee is satisfied with the action specified in the written report it shall write to:

- the Member,
- the Complainant²⁶, and
- any Parish Council concerned,

to advise them that it is satisfied with the action that has been specified.

4.1.10 If the ESO is satisfied with the action specified in the Monitoring Officers report then the ESO will send written notice of that fact to:

- the Member,
- the Complainant²⁷, and
- any Parish Council concerned,

to advise them that they are satisfied with the action that has been specified.

4.2 Referral of Code of Conduct Complaint to Monitoring Officer for Investigation²⁸

4.2.1 When the Assessment Sub-Committee (or ESO²⁹) refers a Code of Conduct Complaint to the Monitoring Officer³⁰ for investigation, the Monitoring Officer shall inform:

²⁴ And the standards committee of any other authority concerned

²⁵ If the complaint was referred to the Monitoring Officer under Section 60 (2) or (3) of the LGA 2000

²⁶ And the Standards Committee of any other authority concerned

²⁷ And the Standards Committee of any other authority concerned

²⁸ Regulation 14 Standards Committee (England) Regulations 2008.

²⁹ Under section 60 (2) or (3) of the LGA 2000

- the Member,
- the complainant³¹, and
- any Parish Council concerned,

that the matter has been referred to them for investigation and who will be conducting that investigation.

4.2.2 The Monitoring Officer will not inform the Member of the referral for investigation if the Assessment Sub-Committee (or ESO) has directed them not to as it would be against the public interest or would prejudice the investigation.

4.2.3 The Monitoring Officer will conduct an investigation into the Code of Conduct Complaint. (See paragraph 9 relating to Investigations)

4.3 **References back to Assessment Sub-Committee by Monitoring Officer during an Investigation or other action³²**

4.3.1 Where the Monitoring Officer has had a Code of Conduct Complaint referred to it by the Assessment Sub-Committee to either investigate or take steps other than an investigation, the Monitoring Officer may refer the matter back to the Assessment Sub-Committee if the following circumstances apply:

- As a result of new information or evidence the Monitoring Officer is of the opinion that the Code of Conduct Complaint is materially more or less serious than may have seemed apparent to the Assessment Sub-Committee, and
- The Monitoring Officer is of the opinion that the Assessment Sub-Committee would have made a different decision had it been aware of that new information or evidence, OR
- That the person who is the subject of the Code of Conduct Complaint has died, or is seriously ill, or has resigned from the Authority, and the Monitoring Officer is of the opinion that in the circumstances it is no longer appropriate to continue the investigation.

4.3.2 When a matter is referred back to the Assessment Sub-Committee in this way it shall make a decision in the way set out in paragraph 3 above.

4.3.3 The Assessment Sub-Committee can direct that a Code of Conduct Complaint should not be referred back to it a further time.

³⁰ References to Monitoring Officer in respect of the Investigation of Code of Conduct Complaints also means the Monitoring Officers nominee. The Monitoring Officer may appoint the Deputy Monitoring Officer, or any person nominated under the provisions of section 82A(2) or (3) of the Local Government Act 2000 to perform any function as nominee.

³¹ And the standards committee of any other authority concerned

³² Regulation 16 Standards Committee (England) Regulations 2008.

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4.3.4 The Monitoring Officer can take the following into account when forming their opinion in paragraph 4.3.1 above:

- The failure of any person to co-operate with an investigation; or
- Any allegation that the Member has engaged in a further breach of the Members Code of Conduct, or a related breach of the Code of Conduct of another relevant authority.

5.0 REFERRAL OF CODE OF CONDUCT COMPLAINT TO STANDARDS BOARD FOR ENGLAND BY THE ASSESSMENT SUB-COMMITTEE

5.1 When the Assessment Sub-Committee refers a Code of Conduct Complaint to the SBE for investigation the SBE will³³ :

- Refer the Code of Conduct Complaint to an ESO for investigation,
- Decide that no action should be taken in respect of the Code of Conduct Complaint, or
- Refer the Code of Conduct Complaint back to the Assessment Sub-Committee for re-assessment.

5.2 The SBE will usually inform the Monitoring Officer within ten working days if they will accept a Code of Conduct Complaint or will be referring it back to the Assessment Sub-Committee. The SBE will give their reasons for doing so.

5.3 When a case is referred back to the Assessment Sub-Committee by the SBE an assessment decision will be made again by the Assessment Sub-Committee within an average of 20 working days. The SBE may give guidance, or give a direction to the Assessment Sub-Committee when a case is referred back to them in this way.

5.4 The Assessment Sub-Committee will then make one of the following decisions:

- To refer the allegation to the to the Monitoring Officer to investigate,
- To refer the allegation to the Monitoring Officer to take steps other than investigation, or
- To take no action in respect of the allegation.

5.5 The Assessment Sub-Committee does not have the option of referring the matter back to the SBE a second time.

5.6 The decision should be notified to:

- the Member,
- the Complainant³⁴, and
- any Parish Council concerned

in the same way as detailed above in paragraph 3.2 and 3.3 the written summary should be published in the same way as detailed in paragraph 3.4.

³³ S.58 Local Government Act 2000

³⁴ And any other Standards Committee concerned.

6.0 CODE OF CONDUCT MATTERS REFERRED BY ESO TO MONITORING OFFICER FOR INVESTIGATION

6.1 Monitoring Officer requesting a referral back to the ESO³⁵

6.1.2 Where the Investigator is carrying out an investigation into a Code of Conduct Complaint referred to them by an ESO under Section 60(2) or (3) of the LGA 2000, the Investigator may, at any stage prior to the completion of the investigation, make a request to the ESO in writing that the matter be referred back to that ESO for investigation. The request must set out the reasons for making it.

6.1.3 The ESO must respond to such a request within 21 days of its receipt and may accept the referral (in which case the Investigator's investigation shall cease), or the ESO may direct that the Investigator should continue to investigate. The Investigator is not able to make the same request again in respect of the same complaint.

7.0 REVIEW OF CODE OF CONDUCT COMPLAINTS³⁶

7.1 The Review Sub-Committee is a closed meeting³⁷ and is not subject to the notice and publicity requirements under Part 5 of the Local Government Act 1972.

7.2 The Review sub-committee will review decisions made by the Assessment Sub-Committee not to take any action in respect of a Code of Conduct Complaint.

7.3 The request for a review must be made in writing within 30 days of the decision notice.³⁸

7.4 The review of the Assessment Sub-Committee decision will be carried out within 3 months. The SBE Guidance recommends that such reviews are carried out within 20 working days of receipt.

7.5 The Review Sub-Committee will apply the same assessment criteria as the Assessment Sub-Committee in making its decision.

7.6 The Review Sub-Committee will decide whether:

- To refer the allegation to the Monitoring Officer to investigate.³⁹
- To refer the allegation to the Monitoring Officer to take steps other than investigation.⁴⁰
- To refer the matter to the Standards Board for England.
- To take no action in respect of the allegation.

³⁵ Regulation 14 (5) Standards Committee (England) Regulations 2008.

³⁶ Under Section 57B of the LGA 2000

³⁷ Regulation 8 Standards Committee (England) Regulations 2008.

³⁸ These are not working days

³⁹ This can be Monitoring Officer of another authority if the Member is longer a member of LCC but of another authority

⁴⁰ This can be Monitoring Officer of another authority if the Member is longer a member of LCC but of another authority

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7.7 The requirements contained in paragraphs 3.2 to 3.5 above in respect of the Decision Notice, Written Summary and Publication of the Written Summary apply in the same way to the deliberations and decision of the Review Sub-Committee.

8.0 RECEIPT AND PRELIMINARY INVESTIGATION OF LOCAL COMPLAINTS

8.1 Receipt of Local Complaints

8.1.1 A Local Complaint must be made in writing to the Monitoring Officer.

8.1.2 The Monitoring Officer will acknowledge receipt of a Local Complaint to the Complainant within 5 days.

8.1.3 The Monitoring Officer will notify the Member within 5 days of receiving the Complaint⁴¹:

- that s/he has received the complaint;
- who the complainant is;⁴²
- what the complaint is about, including which Local Code it is alleged that the Member has breached; and
- the procedure which will be followed in respect of the complaint.

8.2 Preliminary Investigation- Local Complaints

8.2.1 The Monitoring Officer or nominee will carry out a preliminary investigation of a Local Complaint in order to decide whether it warrants a full investigation.

8.2.2 The Monitoring Officer will complete the preliminary investigation within 15 days of receiving the Local Complaint, or as soon as reasonably practicable after that.

8.2.3. The Monitoring Officer will consider as part of the preliminary investigation:-

8.2.4 The purpose of the preliminary investigation is to enable the Monitoring Officer to identify if the Local Complaint:-

- is frivolous or unsupported by any reliable information;
- falls outside the Committee's terms of reference; or
- has already been investigated.

8.3 Within 3 days of completing the preliminary investigation, the Monitoring Officer will:-

- decide whether or not the Local Complaint warrants a full investigation; and
- notify the Complainant and the Member of the decision.
- Where the decision is not to take further action s/he will also give reasons for this.

⁴¹ In exceptional cases where the Monitoring Officer has reason to believe that there is a serious risk of intimidation of witnesses or destruction of evidence, the Monitoring Officer may complete the preliminary investigation without notifying the Member;

⁴² In accordance with the Authority's Whistleblowing policy, the identity of the Complainant may be protected in some cases.

- 8.4 The Monitoring Officer will also
- explain what will happen next;
 - explain who will be in contact again; and
 - provide any directions s/he wants to make regarding the investigation.

9.0 INVESTIGATIONS INTO CODE OF CONDUCT COMPLAINTS AND LOCAL COMPLAINTS

9.1 The Investigator will give the Member who is the subject of the investigation the opportunity to comment on the Code of Conduct Complaint or Local Complaint.

9.2 The Investigator will have regard to any relevant guidance issued by, and will comply with any relevant direction given by, the Standards Board.

9.3 When conducting an investigation the Investigator may:

- Make inquiries of any person the Investigator thinks is necessary or useful in conducting the investigation;
- Require any person to give such information or explanation as the Investigator thinks is necessary or useful in conducting the investigation;
- Require any of the authorities concerned to provide such advice and assistance as may reasonably be needed to assist in the investigation;
- Require any of the authorities concerned, other than a Parish Council, to meet the reasonable cost of any such advice and assistance provided
- If any of the authorities concerned is a Parish Council, require the responsible authority to meet any reasonable costs incurred by that Parish Council in providing such advice and assistance
- Require any of the authorities concerned to allow reasonable access to documents in the possession of that authority that the Investigator thinks are necessary for the purpose of conducting the investigation.

9.4 Failure by an officer to assist the Investigator will be referred to the relevant Authority (where a Parish Council) or to the Director and/or Chief Executive of the Authority for appropriate action to be considered, which may include disciplinary investigation.

9.5 The Investigator will make clear to any person interviewed that any information which that person provides may be shared with the Committee and may be made public. Any person interviewed will be entitled to be accompanied by a representative of their choice.⁴³

10.0 DRAFT REPORTS FOR CODE OF CONDUCT COMPLAINTS AND LOCAL COMPLAINTS

10.1 When the Investigator has concluded the investigation, the Investigator will consider whether to issue a draft report before the final report.

⁴³ In accordance with the Authority's Whistle blowing Policy, the identity of the Complainant may be protected in some cases in respect of a Local Complaint. For a Code of Conduct Complaint, it may also be withheld at the direction of the Assessment Sub-Committee or an ESO.

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10.2 Where the Investigator decides to issue a draft report, s/he will issue this to

- the Member; and
- the Complainant

for review and comment, giving the Investigator the opportunity to check facts and ensure that all aspects of the case have been explored in sufficient detail.

10.3 The Investigator does not need to send the draft report to the relevant parish clerk.

10.4 The Investigator will mark the draft report “confidential” and “draft”.

10.5 The Member may make representations about the draft report in whatever manner is most convenient to him/her.

10.6 The Complainant may make representations about the draft report in whatever manner is most convenient to him/her.

10.7 The Investigator will take whatever action s/he considers to be appropriate in view of any representations received.

11.0 COMPLETING THE INVESTIGATION - Code of Conduct Complaints and Local Complaints

11.1 When the Investigator has completed the investigation they will

- make a finding that:
 - there has been a failure to comply with the Members Code of Conduct or Local Code/Protocol (“a finding of failure”); or
 - there has not been a failure to comply with the Members Code of Conduct or Local Code/Protocol (“a finding of no failure”);
- prepare a written report of the investigation (“the Final Report”) which contains their findings
- send a copy of that Final Report to the member who was the subject of the investigation;
- refer the report to the Standards Committee of the Authority; and the Standards Committee of any other authority, other than a Parish Council, of which the person who was the subject of the investigation is a member, if that other authority so requests.

12.0 THE FINAL REPORT - Code of Conduct Complaints and Local Complaints

12.1 The Final Report will be written and contain:-

- a “final” marking;
- the date;
- for a Code of Conduct Complaint the legislation under which the investigation is being carried out;
- the relevant sections of the Local Code or Code of Conduct;
- evidence;
- the Investigator’s findings of fact;

- the Investigator's reasoning;
- the investigator's finding whether
 - there has been a failure to comply with the Local Code or Code of Conduct a "finding of failure"; or
 - there has not been a failure to comply with the Local Code or Code of Conduct – a "finding of no failure"; and
- documents relied on by the Investigator in reaching his or her conclusions.

12.2 The Final Report should state that it represents the Investigator's final findings and will be presented to the Standards Committee.

13.0 RECEIPT OF FINAL REPORTS AND CONSIDERATION OF FINAL REPORTS BY THE ASSESSMENT SUB-COMMITTEE - Code of Conduct Complaints and Local Complaints

13.1 Code of Conduct Complaints investigated by Monitoring Officer or Nominee

13.1.1 The Assessment Sub-Committee will consider all Final Reports that have been investigated by the Monitoring Officer or their nominee.

13.1.2 The Monitoring Officer or their nominee will send a copy of the Final Report to:

- the Member;
- the Complainant;
- the Standards Committee⁴⁴;
- any relevant Parish Council concerned⁴⁵;
- any ESO concerned⁴⁶; and
- the Monitoring Officer⁴⁷

13.1.3 The Final Report will be accompanied by information explaining the circumstances under which the Standards Committee may conduct a hearing into the allegations, and the procedure for this.

13.1.4 On completing or receiving the Final Report the Monitoring Officer will:

- Within 2 days of completing or receiving the Final Report:
 - Ask the Committee Clerk to make arrangements for the Assessment Sub-Committee to consider the Final Report
 - Notify the Committee Clerk of the date on which the report was completed and the date on which the report was sent to the Member;
- within 5 days of completing or receiving the report, tell the Committee Clerk and the Chair who the Legal Advisor to the Committee will be for the pre-hearing process and the hearing.⁴⁸

⁴⁴ Members of the Committee are advised that the contents of the Investigator's report remains confidential until all or part of it is brought into the public domain at the hearing.

⁴⁵ Code of Conduct Complaints only

⁴⁶ Code of Conduct Complaints only if an ESO has been involved

⁴⁷ Where the Monitoring Officer has not acted as Investigator

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13.1.5 The Assessment Sub-Committee will convene to consider the Final Report and decide whether:

- It accepts the Monitoring Officer/Investigators finding of no failure (a “finding of acceptance”), or
- The matter should be referred to the Standards Committee for a hearing.
- The matter should be referred to the Adjudication Panel for determination.

13.1.6 As soon as reasonably practicable after making a finding of acceptance, the Committee shall give written notice of the finding to:

- the Member;
- any ESO concerned⁴⁹;
- the Investigator,
- any Parish Council concerned⁵⁰; and
- the Complainant⁵¹

13.1.7 After making a finding of acceptance the Committee shall also, as soon as reasonably practicable, arrange for a notice to be published stating that the Committee have found that there has not been a failure on the part of the Member to comply with the Code of Conduct. This notice shall not be published if the Member requests that it is not published.

13.1.8 The Assessment Sub-Committee may only decide to refer the matter to the Adjudication Panel for determination if:

- it has determined that the action it could take against the member would be insufficient were a finding of failure to be made; and
- the president or deputy president of the Adjudication Panel has agreed to accept the referral.

13.2 Code of Conduct Complaints investigated by an ESO

13.2.1 The Assessment Sub-Committee will also consider final reports from an ESO containing a finding of failure.

13.2.2 When the Monitoring Officer receives a copy of an ESO’s report relating to a Code of Conduct Complaint the Monitoring Officer will:-

- within 2 days, send a copy of the report to the Member;
- within 2 days, send a copy of the report to all members of the Committee;⁵²

⁴⁸ The Monitoring Officer will usually act as Legal Advisor, but must consider in respect of each Complaint whether s/he may have, or be perceived to have, a conflict of interest if s/he acts as Legal Advisor, which would make it inappropriate to do so.

⁴⁹ Code of Conduct Complaint only when an ESO has been involved

⁵⁰ Code of Conduct Complaint only

⁵¹ Also, to the Standards Committee of the authority concerned, if not the Standards Committee that made the finding, and the Standards Committee of any other authority concerned, if not the Standards Committee that made the finding.

- within 2 days, ask the Committee Clerk to make arrangements for the Assessment Sub-Committee to consider the report, and notify the Committee Clerk of the date on which the report was received from the Investigator and on which it was sent to the Member;
- within 5 days, tell the Committee Clerk and the Chair who the Legal Advisor to the Committee will be for the pre-hearing process and the hearing.⁵³

13.2.3 The Assessment Sub-Committee will meet to consider the ESO's report to determine whether:

- The matter should be referred to the Standards Committee for a hearing.
- The matter should be referred to the Adjudication Panel for determination.

13.2.4 The Assessment Sub-Committee may only decide to refer the matter to the Adjudication Panel for determination if:

- it has determined that the action it could take against the member would be insufficient were a finding of failure to be made; and
- the president or deputy president of the Adjudication Panel has agreed to accept the referral.

13.3 Local Complaints investigated by Monitoring Officer or Nominee

13.3.1 The Investigator will send a copy of their Final Report to:

- the Member;
- the Complainant;
- the Standards Committee⁵⁴;
- the Monitoring Officer⁵⁵

13.3.2 The Final Report will be accompanied by information explaining the circumstances under which the Standards Committee may conduct a hearing into the allegations, and the procedure for this.

13.3.3 The Monitoring Officer will within 2 days of completing or receiving the Final Report:

- Ask the Committee Clerk to make arrangements for:
 - The pre-hearing process to commence where the Report contains a finding of failure, OR

⁵² Members of the Committee are advised that the contents of the Investigator's report remains confidential until all or part of it is brought into the public domain at the hearing.

⁵³ The Monitoring Officer will usually act as Legal Advisor, but must consider in respect of each Complaint whether s/he may have, or be perceived to have, a conflict of interest if s/he acts as Legal Advisor, which would make it inappropriate to do so.

⁵⁴ Members of the Committee are advised that the contents of the Investigator's report remains confidential until all or part of it is brought into the public domain at the hearing.

⁵⁵ Where the Monitoring Officer has not acted as Investigator

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- The Assessment Sub-Committee to consider the Final Report at a meeting of the Assessment Sub-Committee where the report contains a finding of no failure.
- Notify the Committee Clerk of the date on which the report was completed and the date on which the report was sent to the Member.

13.3.4 Within 5 days of completing or receiving the report the Monitoring Officer will tell the Committee Clerk and the Chair who the Legal Advisor to the Committee will be for the pre-hearing process and the hearing.⁵⁶

13.3.5 When the Final Report contains a finding of no failure the Assessment Sub-Committee will convene to consider the Final Report and decide whether:

- It accepts the Investigators finding of no failure (a “finding of acceptance”).
- The matter should be referred to the Standards Committee for a hearing.

13.3.6 As soon as reasonably practicable after making a finding of acceptance, the Committee shall give written notice of the finding to

- the Member;
- the Investigator, and
- the Complainant⁵⁷

13.3.7 After making a finding of acceptance the Committee shall also as soon as reasonably practicable, arrange for a notice to be published stating that the Committee have found that there has not been a failure on the part of the Member to comply with the Local Code/Protocol. This notice shall not be published if the Member requests that it should not be.

13.4 Provisions relating to both Code of Conduct Complaints and Local Complaints

13.4.1 When considering any Final Report the Assessment Sub-Committee will only consider the Final Report; it will not interview witnesses, nor take representations from the parties.

13.4.2 The Assessment Sub-Committee may make recommendations to the Authority on matters arising from the Final Report.

13.4.3 When the Assessment Sub-Committee meets to consider an Investigators Final Report, these meetings are normal meetings and the normal rules relating to notice and publicity apply.

⁵⁶ The Monitoring Officer will usually act as Legal Advisor, but must consider in respect of each Complaint whether s/he may have, or be perceived to have, a conflict of interest if s/he acts as Legal Advisor, which would make it inappropriate to do so.

⁵⁷ Also, to the Standards Committee of the authority concerned, if not the Standards Committee that made the finding, and the Standards Committee of any other authority concerned, if not the Standards Committee that made the finding.

13.5 Starting the pre-hearing process

13.5.1 When dealing with Code of Conduct Complaints the Committee Clerk will start the pre-hearing process once the Assessment Sub-Committee has made a decision to refer a Code of Conduct Complaint or Local Complaint to the Standards Committee for a hearing.

13.5.2 When dealing with Local Complaints the Committee Clerk will start the pre-hearing process once the Monitoring Officer notifies him/her under paragraph 15.15 above that the Final Report contains a finding of failure to comply with a local code/protocol OR when the Assessment Sub-Committee has decided that they do not accept the investigators finding of no failure and the matter should be referred to the Standards Committee for a hearing.

14.0 HEARINGS - Code of Conduct Complaints and Local Complaints

14.1 Where the Committee is considering a Code of Conduct Complaint the Committee will ensure that the hearing takes place:

- within three months of the date on which the Monitoring Officer or their Investigator completed the report or within 3 months of receiving the report from an ESO; and
- at least 14 days⁵⁸ after the date on which the Monitoring Officer sent the Member a copy of the report, unless the Member agrees to an earlier date.

14.2 Where the Committee is considering a Local Complaint, the Committee will ensure that the hearing takes place:

- within three months of the date on which the Monitoring Officer
- Investigator completed the report, or as soon as reasonably practicable after that; and
- at least 14 days⁵⁹ after the date on which the Investigator sent the Member a copy of the report, unless the Member agrees to an earlier date.

14.3 Where the Committee is considering either a Code of Conduct Complaint or Local Complaint, the Committee will ensure that:

- the hearing is conducted having regard to guidance issued by the Standards Board;
- the Committee gives the Member an opportunity to present evidence in support of the Member's case; and
- the Committee gives the Member, or, at the choice of the Member, the Member's representative, the opportunity to make representations at the hearing. These may be made either orally, or, at the choice of the Member, in writing.

14.4 A Member may be represented by a barrister, a solicitor or with the consent of the Committee, any other person the Member wishes.⁶⁰

⁵⁸ These are not working days.

⁵⁹ These are not working days.

Standards Committee Procedure Rules

14.5 The Standards Committee may conduct the hearing using such procedures as it considers appropriate in the circumstances. The Committee will deal with a complaint in the way in which it considers most suitable in order to clarify the issues before it and to ensure the just handling of the proceedings. This provision is however subject to the requirements set out in paragraphs 18(1) Standards Committee (England) Regulations 2008.

15.0 Hearing by the Standards Committee

15.1 The Standards Committee will conduct a hearing in relation to a Code of Conduct Complaint or Local Complaint which has been referred by the Assessment Sub-Committee to the Standards Committee for a hearing.

16.0 The Pre-Hearing Process

16.1 The pre-hearing process will only deal with procedural issues. It will normally be carried out in writing, although the Chair has discretion to convene a pre-hearing meeting with the Parties, where the Chair considers this is necessary.

16.2 The purpose of the pre-hearing process is to:

- identify whether the Member disagrees with any of the findings of fact in the report;
- decide whether or not those disagreements are significant to the hearing;
- decide whether or not to hear evidence about those disagreements during the hearing;
- decide whether or not there are any parts of the hearing that should be held in private; and
- decide whether or not any parts of the report or other documents should be withheld from the public.

16.3 After consultation with the Chair and within 3 days of receiving notification from the Monitoring Officer the Committee Clerk will:-

- provide a copy of this procedure to the Member;
- send the Member an outline of his/her rights and responsibilities (Annex B to this procedure); and
- invite the Member to respond in writing by a set time⁶¹ to the questions set out in the Member's Information Form (Annex C to this procedure), in order to find out whether the Member:
 - disagrees with any of the findings of fact in the report, including the reasons for any disagreements;
 - wishes to make representations about any sanctions to be imposed if the Committee decide that the Member has breached the Code of Conduct or a Local Code;

⁶⁰ The Committee will usually provide its consent, unless the representative is directly involved in the Complaint.

⁶¹ The Chair will decide the set time in relation to each Complaint, according to the relevant circumstances, but it will be a minimum of 10 working days.

- wants to be represented at the hearing by a solicitor, barrister or any other person;
- wants to give evidence to the Committee, either verbally or in writing;
- can come to the hearing on the proposed date⁶²;
- wants any part of the hearing to be held in private; and
- wants any part of the report or other relevant documents to be withheld from the public.

16.4 If the Member does not respond within the time set under paragraph 8.3 the Committee Clerk will send the Member a reminder giving a further 5 working days in which to respond.

16.5 If the Member fails to respond following the reminder it will be assumed that the Member:

- agrees with any of the findings of fact in the report;
- does not wish to make representations about any sanctions to be imposed if the Committee decide that the Member has breached the Code of Conduct or a Local Code;
- does not want to be represented at the hearing by a solicitor, barrister or any other person;
- does not want to give evidence to the Committee, either verbally or in writing;
- is content for the hearing to be fixed on any of the proposed dates whether or not the Member can attend;
- does not want any part of the hearing to be held in private; and
- does not want any part of the report or other relevant documents to be withheld from the public.

16.6 After consultation with the Chair and within 3 days of receiving the Member's response the Committee Clerk will:

- Send the Member's response to the Investigator for comment and response within a set time⁶³ to the questions set out in the Investigator's Information Form (Annex D to this procedure) in order to find out whether the Investigator:
 - wants to be represented at the hearing;
 - wants to call relevant witnesses to give evidence to the Committee;
 - wants any part of the hearing to be held in private; and
 - wants any part of the report or other relevant documents to be withheld from the public.
- After the set time periods have expired, (or after the Committee Clerk has received responses from both Parties if this is earlier), the Committee Clerk will refer the responses of the Parties to the Chair. The Chair will review the information received, and, after consultation with the Legal Advisor, may decide any issues which will help the Committee to determine the complaint.

⁶² Where ever possible, given the availability of Members of the Standards Committee and the availability of suitable accommodation the Member will be given a choice of dates. These dates will be proposed by the Chair in consultation with the Committee Clerk.

⁶³ The Chair will decide the set time in relation to each complaint, according to the relevant circumstances, but will be a minimum of 10 days.

16.7 These decisions may include but are not limited to the following matters:

- whether the Committee consents to the Member being represented by a non-legally qualified representative;
- whether witnesses will be heard at the hearing;
- whether the Committee wishes to call any witnesses to attend who may help the Committee to determine the Complaint;⁶⁴
- whether the Committee is likely to refuse to hear evidence from any of the witnesses notified by either Party, and the reasons for this;⁶⁵
- the date, time and place of the hearing;
- a request to either Party to provide by a set date such details, supplementary statement or access to documents as may be reasonably required for the determination of the Complaint; and
- in respect of a Code of Conduct Complaint investigated by an ESO, where the ESO has indicated that the ESO does neither wish to attend, nor be represented at the hearing, a request to the Monitoring Officer to nominate a person to act as Investigator at the hearing.

16.8 **Pre-hearing process summary**

The Chair, in consultation with the Legal Advisor will then prepare a pre-hearing process summary, in accordance with Annex E to this procedure. This will be sent to the Parties, the Chair of the Committee and the Legal Advisor at least 10 days before the hearing.

16.9 The purpose of the summary is to:

- set the date, time and place for the hearing;⁶⁶
- summarise the Complaint;
- outline the main facts of the Complaint that are agreed;
- outline the main facts which are not agreed;
- note whether the Member or the Investigator will go to or be represented at the hearing;
- list those witnesses, if any who will be asked to give evidence; and
- outline the proposed procedure for the hearing.

17.0 **HEARINGS PROCEDURE**

17.1 **Recording the Hearing**

All hearings by the Committee shall be recorded in full by tape recording, in accordance with Annex F to this procedure.

⁶⁴ This may include the Complainant. The Committee cannot however order witnesses to appear or give evidence.

⁶⁵ The Party will be able to make representations about this to the Committee at the beginning of the hearing, provided that the Party has notified the Committee Clerk at least 10 days before the hearing that they intend to do so.

⁶⁶ Unless a complaint is complicated, the Committee will aim to complete a hearing in one sitting or in consecutive sittings of no more than 1 day in total.

17.2 Purpose of the Hearing

The purpose of the hearing is to test the report, by examining the reasoning contained within the report and the quality of the evidence relied upon. The Committee's approach should therefore be inquisitorial, based on seeking information in order to identify potential flaws in the report and to clarify issues, rather than an adversarial approach where the focus would be on hearing evidence and cross-examining witnesses.

17.3 Documents

17.3.1 The Committee Clerk, after consultation with the Legal Advisor and the Parties, will collate the documents provided by the Parties to be considered by the Committee during the hearing.

17.3.2 Where a Party has asked for a document be kept private, this document will not be made available to the public with the agenda before the meeting.⁶⁷

17.4 Witnesses

17.4.1 A Member may arrange for witnesses to attend at a hearing as the Member wishes, although the Committee may place a limit on the number of witnesses a Member may call if it is of the view that the number of witnesses is unreasonable.

17.4.2 The Committee has the right to govern its own procedures as long as it acts fairly. For this reason the Committee may choose not to hear from certain witnesses if it believes that they will simply be repeating evidence of earlier witnesses or if a witness will not be providing evidence that will assist the Standards Committee to reach its decision.

17.4.3 The Committee may arrange for witnesses to attend as it considers appropriate.

17.5 Legal Advice

The Committee may take legal advice from its Legal Advisor at any time during the hearing or while it is deliberating. The substance of any legal advice given to the Committee should be shared with the Parties attending the hearing.

17.6 Questioning

17.6.1 The Committee controls the procedure and evidence presented at a hearing, including the way witnesses are questioned.

17.6.2 At any time during the hearing the Committee may directly question any witness or Party on any point raised either in evidence or by way of representations.

⁶⁷ The Committee will have to consider which documents should be made available for public inspection – see paragraph 17.11.4 below.

Standards Committee Procedure Rules

17.6.3 It is for the Committee to decide whether Parties may question or cross-examine witnesses. The Committee can ask for questions to be directed through the Chair.

17.7 New Evidence

17.7.1 The Committee will not allow the Member to raise new disagreements over findings of fact in the Investigator's report at the hearing unless there are good reasons for doing so.⁶⁸

17.7.2 If the Member disagrees with any relevant fact in the Investigator's report without having given prior notice of the disagreement⁶⁹, the Committee will ask the Member for the reasons why the evidence was not raised before.

17.7.3 At a hearing of a Code of Conduct Complaint investigated by an ESO at which the ESO is not present, the Committee will consider whether or not it would be in the public interest to continue in the ESO's absence, even if an Investigator has been nominated by the Monitoring Officer for the purpose of the hearing.

17.7.4 After considering the Member's explanation for not raising the issue earlier the Committee may then:

- continue with the hearing relying on the information in the Investigator's Final Report; or
- allow the Member to make representations about the issue, and allow the Investigator to respond and call any witnesses, as necessary; or
- postpone the hearing to arrange for appropriate witnesses to be present, or for the ESO to be present.

17.8 Failure to attend

17.8.1 If either Party fails to attend a hearing, the Committee will consider whether there is sufficient reason for the failure. The Committee shall consider any representations submitted by the Party in writing before making any determination in the Party's absence.

17.8.2 If the Committee does not consider that there is sufficient reason, it will consider the complaint and make a determination in the Party's absence.

17.8.3 If the Committee does consider there is sufficient reason, it will adjourn the hearing to another date.⁷⁰

⁶⁸ The Committee should not re-open an investigation. However if more evidence becomes available after the completion of the investigation the Committee may consider that evidence during the course of the hearing.

⁶⁹ by raising it in the course of the pre-hearing process, or as soon as practicable after that.

⁷⁰ In respect of Code of Conduct Complaints this is subject to the Committee complying with the requirement that the hearing takes place within three months of the date when the Monitoring Officer received the report from the ESO.

17.9 Adjournment for further information or investigation⁷¹

17.9.1 The Committee may at any stage prior to the conclusion of the hearing adjourn the hearing⁷² and require the Investigator to seek further information or undertake further investigation on any specified point.

17.9.2 The Committee may not adjourn the hearing on more than one occasion under this paragraph.

17.10 Referral back to the ESO- Code of Conduct Complaints investigated by an ESO⁷³

17.10.1 The Committee may at any stage prior to the conclusion of the hearing adjourn the hearing and make a written request to the ESO that the matter be referred back to the ESO for investigation. Any such request must set out the Committee's reasons for making it.⁷⁴

17.10.2 The Committee shall comply with any direction given by the ESO in response to such a request. Where the ESO directs that the Committee should continue to deal with the Code of Conduct Complaint, the hearing must be held within three months of the direction.

17.11 Stage 1: Introductions and procedure

17.11.1 The Committee and its advisors will assemble in the hearing room⁷⁵.

17.11.2 At the start of the Hearing all parties present will be invited to enter the hearing room.

17.11.3 The Chair will ensure that the Parties are formally introduced.

17.11.4 The Committee will consider whether to exclude the public from any parts of the hearing and which parts of the agenda are not to be made available for public inspection⁷⁶. There is a clear presumption that hearings will be held in public. The Committee will therefore need to keep this issue under review throughout the hearing, and may consider excluding the public on each occasion it makes its deliberations in making any finding on a complaint – marked * in this procedure.

⁷¹ Regulation 18(8) Standards Committee (England) Regulations 2008.

⁷² In respect of Code of Conduct Complaint this is subject to the Committee complying with the requirement that the hearing takes place within three months of the date when the Monitoring Officer received the report from the ESO

⁷³ And referred to the Monitoring Officer under section 60(2) or (4) of the LGA 2000.

⁷⁴ Regulation 18(10) Standards Committee (England) Regulations 2008.

⁷⁵ At no time before, during or after the hearing, should either party be present or represented before the Committee without the other party being also present or represented, unless the other party has failed to attend and the Committee is discussing whether to proceed in his/her absence or has decided to proceed in his/her absence.

⁷⁶ See further Access to Information Procedure Rules and Annex G. If evidence is heard in private, the Legal Advisor should warn those present not to mention that evidence during the public parts of the hearing, or outside the hearing.

Standards Committee Procedure Rules

17.11.5 The Legal Advisor will outline the procedure which the Committee proposes to follow for the hearing. If the Committee proposes to vary the procedure from that set out below, it will invite and consider representations on this from the Parties, before proceeding.

17.12 Stage 2: Outstanding Preliminary procedural issues

17.12.1 The Committee will then invite the Parties to make representations about any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.

17.12.2 The Committee will then decide these issues or disagreements.*

17.13 Stage 3: Making findings of fact

17.13.1 After dealing with any preliminary issues, the Committee will consider whether or not there are any significant disagreements about the facts contained in the Investigator's Final Report.

17.13.2 If there is no significant disagreement about the facts, the Committee will move on to Stage 4 of the hearing.

17.13.3 If there is a disagreement, the Committee will invite the Investigator to make any necessary representations to support the relevant findings of fact in the Final Report.

17.13.4 The Investigator may, with the agreement of the Committee, call any necessary supporting witnesses to give evidence.

17.13.5 The Committee may give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigator.

17.13.6 The Member will then have the opportunity to make representations to support the Member's version of the facts and, with the agreement of the Committee, may call any witnesses to give evidence.

17.13.7 The Committee may allow the Investigator to challenge any evidence put forward by witnesses called by the Member.

17.13.8 If the Member disagrees with most of the facts, the Committee may ask the Investigator to start by making representations about all the relevant facts, instead of discussing each fact individually.

17.13.9 The Committee will make findings in relation to the facts*.

17.13.10 The Chair will announce the Committee's findings of fact.

17.14 Stage 4: Did the Member fail to follow the Code⁷⁷?

- 17.14.1 The Committee will then consider whether or not, based on the facts it has found, the Member has failed to follow the Code.
- 17.14.2 The Committee will invite the Member to give relevant reasons why the Committee should decide that the Member has not failed to follow the Code, and consider any written representations from the Member about this.
- 17.14.3 The Committee will then invite the Investigator to give relevant reasons why the Committee should decide that the Member had failed to follow the Code, and consider any written representations from the Investigator about this.
- 17.14.4 The Member will be invited to make any final relevant representations, in response to anything raised by the Investigator.
- 17.14.5 The Committee will then decide whether or not the Member has failed to follow the Code.*
- 17.14.6 The Chair will announce the Committee's decision as to whether or not the Member has failed to follow the Code.
- 17.14.7 Where the Committee decides that the Member has not failed to follow the Code, the Committee will then move on to Stage 6 of this procedure.

17.15 Stage 5: Sanctions

- 17.15.1 The Committee will consider any verbal or written representations from the Investigator and the Member about:-
- whether or not the Committee should impose any sanction;
 - what form any sanction should take;
- 17.15.2 The Committee will take into account any guidelines it has agreed for imposing sanctions.
- 17.15.3 The Committee will then decide whether or not to impose a sanction on the Member, and if so what the sanction should be *, in accordance with Annex H to this procedure.⁷⁸
- 17.15.4 The Committee will also decide how much of the information which it has considered should be made available for public inspection after the announcement of its decision in public.⁷⁹

⁷⁷ In relation to a Code of Conduct Complaint this means the Members Code of Conduct, and in relation to a Local Complaint, the Local Code.

⁷⁸ In accordance with Regulation 19 of the Standards Committee (England) Regulations 2008 in relation to Code of Conduct Complaint the Committee must make one of the following findings:-

- that the Member had not failed to comply with the Code of Conduct; or
- that the Member had failed to comply with the Code of Conduct but that no action needs to be taken in respect of the matters which were considered by the Committee; or
- that the Member had failed to comply with the Code of Conduct and that a sanction should be imposed.

Standards Committee Procedure Rules

17.15.5 The Chair will announce the Committee's decision.

17.16 Stage 6: Recommendations to the Authority

17.16.1 The Committee will go on to consider any verbal or written representations from the Investigator about whether or not the Committee should make any recommendations to the Authority, with a view to promoting high standards of conduct among Members.

17.17 Stage 7: Making the Findings Public

17.17.1 The Chair will confirm the Committee's decision, with reasons, in public at the end of the hearing. Where practicable a short written decision will also be provided on that day⁸⁰.

17.17.2 The Committee Clerk will where possible prepare the full written decision in draft on the day of the hearing.

17.17.3 **In relation to a Code of Conduct Complaint**⁸¹, the Committee shall within 10 days, or as soon as reasonably practicable, take reasonable steps to give written notice of its findings and the reasons for the findings to:

- the Member;
- the ESO (if relevant);
- the Investigator
- the Standards Committee;
- the Standards Committee of any other authority concerned⁸²;
- any Parish Council concerned; and
- the Complainant.

17.17.4 The decision shall be in the format set out in Annex I.

17.17.5 The Committee Clerk shall also arrange for a summary of the finding to be published in one or more newspaper circulating in the area of the Authority⁸³ and if considered appropriate by the Standards Committee on the Web Page of any authority concerned or in any other publication, except where the Committee has found that the Member had not failed to comply with the Code of Conduct, and the Member asks for the summary not to be published.

17.17.6 **In relation to Local Complaints**, the Committee shall within 10 days, or as soon as reasonably practicable, give written notice of its findings and the reasons for the findings to:

⁷⁹ The Standards Committee Media Protocol will be followed in relation to any dealings with the media about the Complaint.

⁸⁰ If it is not practicable to provide a short written decision on the day of the hearing then it will be provided within 3 days of the hearing.

⁸¹ In accordance with Regulation 20 of the Standards Committee (England) Regulations 2008

⁸² where at the time of the complaint, the Member was a member of another authority

⁸³ In accordance with Regulation 20 of the Standards Committee (England) Regulations

- the Member;
- the Investigator;
- the Standards Committee; and
- the Complainant.

18.0 MONITORING

18.1 The Monitoring Officer will report annually to the Committee on how the “gate-keeping” role has been discharged, in respect of preliminary investigations under paragraph.

18.2 The Monitoring Officer will report to the Standards Committee annually on whether the arrangements set out in this procedure have been complied with, and will include any proposals for amendments in the light of any issues that have arisen during the year.

19.0 REVIEW OF PROCEDURE

19.1 The Standards Committee will review this procedure at the completion of each complaint determined in accordance with it.

Leeds City Council

Procedure for dealing with complaints of misconduct against Members

GENERAL PRINCIPLES GOVERNING MEMBERS' CONDUCT

1. Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

2. Honesty and Integrity

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

3. Objectivity

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

4. Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

5. Openness

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

6. Personal Judgement

Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

7. Respect for Others

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the Authority's statutory officers, and its other employees.

8. Duty to Uphold the Law

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

9. Stewardship

Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

10. Leadership

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

NOTE

The principles are expected to govern only the official conduct of Members and co-opted Members of the Council, except the second and eighth, which have effect on all occasions.

Leeds City Council

Procedure for dealing with complaints of misconduct against Members

MEMBERS' RIGHTS AND RESPONSIBILITIES - OUTLINE

You have the right to:

- go to the hearing and present your case;
- call a reasonable number of witnesses to give relevant evidence to the Standards Committee; and
- be represented at the hearing by a solicitor, barrister, or with the consent of the Committee, any other person. (You will, however, be responsible for meeting the cost of any representation).

Any disagreements with the findings of fact in the Investigator's report must be raised during the pre-hearing process. **The Committee will not consider any new disagreements about the report's findings of fact at the hearing itself, unless there are good reasons why these have not been raised beforehand.**

You do not have to go to the hearing or be represented. If you choose not to go to the hearing, the Committee may make a determination in your absence.

The hearing will be held in public and the relevant papers will be available for public inspection unless the Standards Committee is persuaded that there is good reason to exclude the public, in line with the relevant access to information and human rights legislation.

After considering the written and verbal presentations, the Standards Committee will reach and announce its findings of fact, whether or not you have failed to follow the Code of Conduct or a Local Code and whether or not a sanction should be set. As well as announcing its decision at the hearing and providing a short written decision on the day of the hearing, the Standards Committee will give you its full written decision within 10 working days of the end of the hearing.

Breaches of the Authority's Code of Conduct

If the Standards Committee decides that you have failed to follow the Code of Conduct and that you should be penalised, it may do any one or a combination of the following:

- censure you. This is the only form of sanction available when dealing with a person who is no longer a member of the Authority;
- restrict your access to the premises or resources of the Authority for up to six months (provided that the restrictions are reasonable and proportionate to the breach, and do not unduly restrict your ability to perform your functions as a Member);
- suspend or partly suspend you for up to six months;

- require you to submit a written apology in a form specified by the Standards Committee;
- require you to undertake specified training;
- require you to undertake specified conciliation;
- suspend or partly suspend you for up to six months on the condition that the suspension or partial suspension will end if you apologise in writing, receive any training or take part in any conciliation that the Standards Committee orders you to. Conciliation involves an independent person helping the relevant people try to reach an agreement on the matter set out by the Standards Committee.

Sanctions (except for censure) may start immediately or up to six months after the hearing, if the Standards Committee wishes.

The Standards Committee will also arrange to publish a summary of its findings, reasons for its findings and any sanction set in one or more newspapers that are independent of the authorities concerned and circulating in the area of those authorities. If the Standards Committee finds that you have not broken the Code, you can ask the Standards Committee not to have this information published.

You have the right to apply in writing to the President of The Adjudication Panel for England for permission to appeal against that finding.

Breaches of a Local Code

If the Standards Committee decides that you have failed to follow a Local Code, and that you should be penalised, it may do any one or a combination of the following:

- offer advice;
- censure you;
- restrict your access to resources of the Authority; and/or
- recommend to the Council that you are removed from a Committee.

Leeds City Council

Procedure for dealing with complaints of misconduct against Members

MEMBER'S INFORMATION FORM

This form is used to collect information to help plan the hearing. If you have a representative to present your case please feel free to ask them to help you complete this form.

PART 1 - GENERAL INFORMATION

1	Name of Member subject to the complaint	
2	Do you wish to attend the hearing? Yes <input type="checkbox"/> No <input type="checkbox"/>	If you do not wish to attend the hearing please say why.
3	The Standards Committee have offered the following dates for your hearing:- <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Please indicate on which dates you are able to attend by placing a tick in the box next to them.	If you are unable to attend on any of the dates the Standards Committee may decide to continue with the hearing in your absence (see paragraph 9.8 of the Standards Committee Procedure Rules in this regard). Please use this space to set out the reasons why you can not attend on any of the dates offered. Reason:

<p>4</p>	<p>You may present your own case at the hearing or choose a representative to do it for you.</p> <p>Are you going to present your own case?</p> <p>Yes (Please go to questions 8)</p> <p>No (Please go to questions 5)</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	
<p>5</p>	<p>Please state the name of your representative.</p>		
<p>6</p>	<p>Is your representative a practising solicitor or barrister?</p> <p>Yes</p> <p>No</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>If "Yes", please give his or her legal qualifications.</p>
<p>7</p>	<p>Does your representative have any connection with the case?</p> <p>Yes</p> <p>No</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>If "Yes", please give details</p>

Standards Committee Procedure Rules

<p>8</p>	<p>Do you, your representative or your witnesses have any access difficulties (for example, is wheelchair access needed)?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>		<p>If "Yes", please give details.</p>
<p>9</p>	<p>Do you, your representative or witnesses have any special needs (for example, is an interpreter needed)?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>		<p>If "Yes", please give details.</p>
<p>10</p>	<p>Do you want any part(s) of the hearing to be held in private?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>		<p>If "Yes", please</p> <ul style="list-style-type: none"> • identify which part(s); • give reasons.

<p>11</p>	<p>Do you want any part(s) of the relevant documents to be withheld from public inspection?</p> <p>Yes</p> <p>No</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>If "Yes", please</p> <ul style="list-style-type: none"> • identify which documents (state clearly which parts of these documents) • give reasons.
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PART 2 – THE EVIDENCE

Member's response to the evidence set out in the report

Please read the report of the ESO or Investigating Officer. Then fill in Table A and B.

Table A

Please enter the number of any paragraph where you disagree with the findings of fact set out in the report by the ESO/Investigating Officer. For each paragraph briefly give your reasons for disagreeing with the finding and enter your suggested alternative. **You should note that the Committee will not allow you to raise new disagreements over findings of fact in the report at the hearing, that you have not set out on this form, unless there are good reasons for doing so.**

Paragraph number of the report	Reasons for disagreeing with the findings of fact provided in that paragraph	Suggestion as to how the paragraph should read

Please attach separate sheets if necessary.

Table B

Please set out below, any other evidence not contained in the report that you feel is relevant to the Complaint made about you.
Please use a different numbered line for each new piece of evidence.

	Details of the evidence
1	
2	
3	
4	

Please attach separate sheets if necessary.

Standards Committee Procedure Rules

PART 3 - MITIGATION

At the hearing the Committee will have to decide whether you have failed to follow the Code of Conduct/a Local Code. If, and only if, they decide that you have failed to follow the Code of Conduct/a Local Code they will then have to decide what sanction they should apply. For details of the Sanctions they might apply please see Annex A to the Standards Committee Procedure Rules which was sent to you in the letter advising you of the hearing.

Please set out below, any information that you would like the Standards Committee to take into account if it finds that you have failed to follow the Code of Conduct / a Local Code. **Please note that no such finding has yet been made.**

Please use a new numbered line for each new piece of information.

	Factors for the Standards Committee to take into account when deciding on a Sanction
1	
2	
3	
4	

Please attach separate sheets if necessary.

PART 4 - WITNESSES

1	Do you want to call any witnesses?		If "Yes", please give the name of each proposed witness below:-
	Yes	<input type="checkbox"/>	Witness 1
	No	<input type="checkbox"/>	Witness 2
			Witness 3
			Witness 4
2	On a separate sheet please give brief details of the evidence to be given by each witness. The details for each witness should start with their name. You should then state whether the witness will give evidence about the complaint and give a brief description of that evidence if any. You should then state whether the witness will give evidence about information the Committee should take into account if they find that you have failed to follow the Code of Conduct/a Local Code and give a brief description of that evidence if any.		

Signed(Member) **Date**.....

Signed.....(Representative⁴)**Date**.....

⁴ If you are represented

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Procedure for dealing with complaints of misconduct against Members

INVESTIGATOR'S INFORMATION FORM

This form is used to collect information to help plan the hearing. If you have a representative to present your case please feel free to ask them to help you complete this form.

PART 1 - GENERAL INFORMATION

1	Name of Member subject to the complaint	
2	Do you wish to attend the hearing? Yes <input type="checkbox"/> No <input type="checkbox"/>	If you do not wish to attend the hearing please say why.
3	The Standards Committee have offered the following dates for your hearing:- <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Please indicate on which dates you are able to attend by placing a tick in the box next to them.	If you are unable to attend on any of the dates the Standards Committee may decide to continue with the hearing in your absence (see paragraph 9.8 of the Standards Committee Procedure Rules in this regard). Please use this space to set out the reasons why you can not attend on any of the dates offered. Reason:

<p>4</p>	<p>You may present your own case at the hearing or choose a representative to do it for you.</p> <p>Are you going to present your own case?</p> <p>Yes (Please go to questions 8)</p> <p>No (Please go to questions 5)</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	
<p>5</p>	<p>Please state the name of your representative.</p>		
<p>6</p>	<p>Is your representative a practising solicitor or barrister?</p> <p>Yes</p> <p>No</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>If "Yes", please give his or her legal qualifications.</p>
<p>7</p>	<p>Does your representative have any connection with the case?</p> <p>Yes</p> <p>No</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>If "Yes", please give details</p>

Standards Committee Procedure Rules

<p>8</p>	<p>Do you, your representative or your witnesses have any access difficulties (for example, is wheelchair access needed)?</p> <p>Yes</p> <p>No</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>If "Yes", please give details.</p>
<p>9</p>	<p>Do you, your representative or witnesses have any special needs (for example, is an interpreter needed)?</p> <p>Yes</p> <p>No</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>If "Yes", please give details.</p>
<p>10</p>	<p>Do you want any part(s) of the hearing to be held in private?</p> <p>Yes</p> <p>No</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>If "Yes", please</p> <ul style="list-style-type: none"> • identify which part(s); • give reasons.

<p>11</p>	<p>Do you want any part(s) of the relevant documents to be withheld from public inspection?</p> <p>Yes</p> <p>No</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>If "Yes", please</p> <ul style="list-style-type: none"> • identify which documents (state clearly which parts of these documents) • give reasons.
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Standards Committee Procedure Rules
PART 2 - WITNESSES

1	Do you want to call any witnesses?		If "Yes", please give the name of each proposed witness below:-
	Yes	<input type="checkbox"/>	Witness 1
	No	<input type="checkbox"/>	Witness 2
			Witness 3
			Witness 4
2	On a separate sheet please give brief details of the evidence to be given by each witness. The details for each witness should start with their name. You should then state whether the witness will give evidence about the complaint and give a brief description of that evidence if any. You should then state whether the witness will give evidence about information the Committee should take into account if they find that you have failed to follow the Code of Conduct/a Local Code and give a brief description of that evidence if any.		

Signed(Member) **Date**.....

Signed.....(Representative⁴)**Date**.....

⁴ If you are represented

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Procedure for dealing with complaints of misconduct against Members

Checklist for the pre-hearing process summary

The pre-hearing process summary should include:

- the name of the Authority;
- the name of the Member;
- the name of the Complainant (unless the identity is being withheld in accordance with the Authority's Whistle Blowing Policy).
- case reference numbers of the principal Authority and the Standards Board for England¹;
- the name of the Chair;
- the name of the Monitoring Officer;
- the name of the Investigator²;
- the name of the Committee Clerk;
- the date the pre-hearing process summary was produced;
- the date, time and place of the hearing;
- a summary of the Complaint;
- the relevant section or sections of the Code of Conduct / Local Code³;
- the findings of fact in the report that are agreed;
- the findings of fact in the report that are not agreed;
- whether or not the Member or the Investigator will attend or be represented;
- the names of any witnesses who will be asked to give evidence; and
- an outline of the proposed procedure for the hearing.

¹ For Code of Conduct Complaints that have been investigated by an ESO.

² This will be the Monitoring Officer, their nominee or the ESO

³ As applicable

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Procedure for dealing with complaints of misconduct against Members

THE USE OF RECORDING EQUIPMENT IN HEARINGS BY COMMITTEE

1.0 INTRODUCTION

- 1.1 This guidance note details the arrangements for the use of recording equipment during hearings by the Committee and the retention of the resulting tapes.

2.0 BACKGROUND

- 2.1 The Standards Committee Procedure Rules provide that all hearings shall be recorded in full by tape recording.
- 2.2 This guidance note indicates the procedures to be followed in recording hearings by the Committee, and sets out the controls on access to taped evidence.

3.0 RECORDING OF HEARINGS

- 3.1 The primary purpose of taping hearings by the Committee is to obtain a verbatim record of proceedings in order to ensure accurate information can be provided in the event of an appeal. This is important as it is possible that evidence could be heard over a number of separate sessions.
- 3.2 In addition the recording may be used by the Committee to support their determination of a complaint by enabling them to rehear any part of the hearing in the event of uncertainty in relation to any part of the evidence.
- 3.3 It will be normal practice for hearings by the Committee to be taped as a matter of course. However the Committee retain discretion over the taping of business and the Committee may decide that taping is not required for all or part of the meeting, in accordance with Rule 9.1 of the Procedure Rules.
- 3.4 The Agenda for the hearing will indicate that the proceedings may be taped.
- 3.5 It will be the duty of the Chair to inform all parties involved that the hearing is being tape recorded.
- 3.6 It is the responsibility of the Governance Services Unit to provide appropriate equipment and organise the taping of hearings.

4.0 ACCESS TO TAPES

- 4.1 Since the purpose of taping the hearing is to provide a verbatim record of the hearing and to support the process of the Committee's determination, access to the tapes will be controlled by the Monitoring Officer⁸⁴.
- 4.2 Tapes will be kept by the Monitoring Officer for 2 months from the date of the hearing and will then be erased, except in the event of an appeal in which case the tapes will be retained until the final outcome of the case is known.

⁸⁴ Access will be provided where required in accordance with the Data Protection Act 1998, or where necessary in relation to an appeal to the Adjudication Panel.

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Excluding the public from hearings – Guidance

The Standards Board for England recommends that hearings should be held in public where possible to make sure that the hearing process is open and fair. However, there may be some circumstances where parts of the hearing should be held in private.

- 1 At the hearing, the Committee will consider whether or not the public should be excluded from any part of the hearing, in line with Part VA of the *Local Government Act 1972* (as modified in relation to local determinations by Standards Committees). If the Committee considers that "confidential information" is likely to be revealed during the hearing, the committee must exclude the public by law. "Confidential information" is defined for these purposes to mean information that has been provided by a Government department under the condition that it must not be revealed, and information that the law or a court order says cannot be revealed.
- 2 The Committee also has the power to exclude the public if it considers that "exempt information" is likely to be revealed during the hearing. The categories of "exempt information" are listed in the Access to Information Procedure Rules⁸⁵. The Committee should act in line with Article 6 of the *European Convention on Human Rights*, which gives people the right to a fair trial and public hearing by an independent and unbiased tribunal. The Committee also has a duty to act fairly and in line with the rules of natural justice.
- 3 Article 6 says that the public **may** be excluded from all or part of the hearing if it is in the interests of:
 - (a) morals;
 - (b) public order;
 - (c) justice;
 - (d) national security in a democratic society; or
 - (e) protecting young people under 18 and the private lives of anyone involved.
- 4 There should be a public hearing unless the Committee decides that there is good reason, which falls within one of the five categories above (3a to e), for the public to be excluded.
- 5 The Committee must also act in line with Article 10 of the *European Convention on Human Rights*, which sets out the right for people to "receive and impart information and ideas without interference by public authority". Any restrictions on this right must

⁸⁵ Contained within Part 4 of the Constitution

be "prescribed by law and ... necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary".

- 6 The Committee must act in line with Article 8 of the *European Convention on Human Rights*. Article 8 says that everyone has the right to respect for their private and family life, home and correspondence. It says that no public authority (such as the Committee) may interfere with this right unless it is:
- (a) in line with the law; and
 - (b) necessary in a democratic society in the interests of:
 - (i) national security;
 - (ii) public safety;
 - (iii) the economic wellbeing of the country;
 - (iv) preventing crime or disorder;
 - (v) protecting people's health and morals (which would include protecting standards of behaviour in public life); or
 - (vi) protecting people's rights and freedoms.

There is clear public interest in promoting the probity (integrity and honesty) of public authorities and public confidence in them. For these reasons, the hearing should be held in public unless the Committee decides that protecting the privacy of anyone involved is more important than the need for a public hearing.

- 7 Conflicting rights often have to be balanced against each other.
- 8 In relation to rights under both Articles 8 and 10 of the *European Convention on Human Rights*, it should be remembered that any interference with or restriction of those rights must be "necessary in a democratic society". A measure will only be "necessary" if it meets "a pressing social need", and any restriction on people's rights must be "proportionate".
- 9 The Standards Board for England recommends that a Standards Committee should exclude the public when considering its decisions. The Board considers that this will not conflict with the rights under the *European Convention on Human Rights* or the duty to act fairly.

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Procedure for dealing with complaints of misconduct against Members

SANCTIONS

Referred Complaints

If the Committee finds that the Member has failed to follow the Code of Conduct and that he or she should be penalised, it may do any one or a combination of the following:

- offer advice;
- censure the Member. This is the only form of sanction available when dealing with a person who is no longer a member of the Authority;
- restrict the Member's access to the premises or resources of the relevant Authority for up to six months, provided that the restrictions are reasonable and proportionate to the breach, and do not unduly restrict the Member's ability to perform his or her duties as a Member.
- suspend or partly suspend the Member for up to six months;
- require the Member to submit a written apology in a specified form;
- require the Member to undertake specified training;
- require the Member to undertake specified conciliation;
- suspend or partly suspend the Member for up to six months on the condition that the suspension or partial suspension will end if the Member apologises in writing, receives any training, or takes part in any conciliation that the Committee orders them to. Conciliation involves an independent person helping the relevant people try to reach an agreement on the matter set out by the Committee.

Suspension or partial suspension will normally start immediately after the Committee has made its decision. However, if the Committee chooses, the sanction may start at any time up to six months following its decision. This may be appropriate if the sanction would otherwise have little effect on the Member, for example, in the case of a suspension or partial suspension, if there are no full Council or committee meetings which the Member would normally go to in the period following the conclusion of the hearing.

Local Complaints

If the Committee decides that the Member has failed to follow a Local Code, and that he or she should be penalised, it may do any one or a combination of the following:

- offer advice;
- censure the Member;
- recommend to the Authority that the Member is removed from particular responsibilities e.g. a particular Committee; or
- restrict access to resources of the Authority.

Deciding a sanction

When deciding a sanction, the Committee should make sure that it is reasonable and in proportion to the Member's behaviour. Before deciding what sanction to set, the Committee should consider the following questions, along with any other relevant circumstances.

- What was the Member's intention? Did the Member know that he or she was failing to follow the Code?
- Did the Member get advice from officers before the incident? Was that advice acted on in good faith?
- Has there been a breach of trust?
- Has there been financial impropriety (for example, improper expense claims or procedural irregularities)?
- What was the result of failing to follow the Code?
- How serious was the incident?
- Does the Member accept he or she was at fault?
- Did the Member apologise to the relevant people?
- Has the Member previously been warned or reprimanded for similar misconduct?
- Has the Member failed to follow the Code before?
- Is the Member likely to do the same thing again?

So, for example, if a Member has repeatedly or blatantly misused the Authority's information technology resources, the Committee may consider withdrawing those resources from the Member.

Suspension may be appropriate for more serious cases, such as those involving:

- bullying officers;
- trying to gain an advantage or disadvantage for themselves or others; or
- dishonesty or breaches of trust.

Sanctions involving restricting access to an Authority's premises or equipment should not unnecessarily restrict a Member's ability to carry out his or her responsibilities as an elected representative or co-opted member.

There may be other factors, specific to the local environment, that the Committee may also consider relevant when deciding what sanction to set.

Any conciliation process should have an agreed timeframe for resolution. The process may be of an informal or formal nature, involving elements of training and mediation that will lead to an effective and fair conclusion of the matter. Any decisions reached during the process regarding future behaviour of the Member and measures to prevent a repetition of the circumstances that gave rise to the initial allegation, should be agreed by all parties.

When deciding on an appropriate sanction, the Committee may want to consider decisions made by other Standards Committees and case tribunals drawn from The Adjudication Panel for England that deal with similar types of cases.

Leeds City Council

Procedure for dealing with complaints of misconduct against Members

FULL WRITTEN DECISIONS

For consistency and thoroughness, the Committee will use the following format for its full written decision:

The front cover of the Committee's full written decision will include:

- the name of the Authority;
- the name of the Member;
- the name of the Complainant (unless there are good reasons for keeping his or her identity confidential);
- case reference numbers of the principal authority (and The Standards Board of England if relevant);
- the name of the Committee Member who chaired the hearing;
- the names of the Committee Members who took part in the hearing;
- the name of the Monitoring Officer;
- the name of the Investigator¹;
- the name of the Legal Advisor and Committee Clerk;
- the date of the hearing; and
- the date of the report.

The Committee's full written decision will include:

- a summary of the Complaint;
- the relevant section or sections of the Code of Conduct / Local Code
- a summary of the evidence considered and representations made;
- the findings of fact, including the reasons for them;
- the finding as to whether or not the Member failed to follow the Code of Conduct / Local Code, including the reasons for that finding;
- the penalties applied, if any, including the reasons for any penalties; and
- the right of appeal, including details of the postal and web site address for the Adjudication Panel. The appeal form produced by the Adjudication Panel (annex J to this procedure) will be attached to the decision.

¹ The Monitoring Officer, their nominee or the ESO

Leeds City Council

Procedure for dealing with complaints of misconduct against Members

Application for permission to appeal

1	Your Name and Address	
2	Local Authority or other body of which you are a Member	
3	Date of Standards Committee Decision against which you seek to appeal <i>(The decision itself should be attached to this form)</i>	
4	Do you dispute that you failed to comply with the provisions of the Code of Conduct as determined by the Standards Committee	YES/NO <i>(if yes, please give your reasons)</i>
5	Do you wish to appeal against the sanction imposed by Standards Committee?	YES/NO <i>(if yes, please give your reasons)</i>

Standards Committee Procedure Rules

6	If permission to appeal is granted do you agree to the Appeal being determined by way of written representations?	YES/NO
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Your signature

Print Name

Date

President's Decision:

Permission	Granted/Denied
Reason if permission refused:	

Signed

Date