

## **PART D – Standards Hearings Sub-Committee Arrangements**

### **1. General**

- 1.1 The Standards Hearing Sub-Committee deals with the assessment and determination of complaints under the Members' Code of Conduct against Members and Co-opted Members where referred by the Monitoring Officer following consultation with the Council's Independent Person. Where an investigation finds evidence of a failure to comply with the Code of Conduct and a local resolution is not appropriate or not possible, a Standards Hearing Sub-Committee shall be convened by the Chair of the Standards Committee (or, where they are the subject of the complaint, the deputy Chair) on the request and advice of the Monitoring Officer to consider and determine the complaint.
- 1.2 The Standards Hearing Sub-Committee will have authority to determine the complaint referred to it and apply sanctions under the Council's procedure.
- 1.3 Given the wider provisions in place for determining complaints against members, it is expected that these arrangements will only be required to be used in exceptional circumstances where the alleged breach of the Code of Conduct is particularly serious and a satisfactory outcome has not been achieved through the other stages of the process.
- 1.4 The terms of reference will be formally approved by the Council.
- 1.5 These terms of reference shall be reviewed by the Standards Committee at least annually to ensure that they remain fit for purpose and in accordance with the law and any regulations. Any revisions will be agreed by the Council.

### **2. Membership, Chairmanship and Quorum**

Number of Members	3
Substitute Members Permitted	No
Political Balance Rules apply	No
Appointments/Removals from Office	As set out in para 4 below
Restrictions on Membership	As set out in para 4 below

Restrictions on Chairmanship/Vice-Chairmanship	Only the Chair or (in their absence) the Vice Chair of the Standards Committee may chair the Hearing Panel
Quorum	3
Number of ordinary meetings per Council Year	None – the Standards Hearing Sub-Committee only meets when convened to hear specific complaints by the Monitoring Officer <del>or appeals by a Member</del>

### 3. Terms of Reference

3.1 The Standards Hearing Sub-Committee will:

- (i) hear and determine complaints in relation to serious allegations of breaches of the Council's Code of Conduct by Members and co-opted Members as referred to it by the Monitoring Officer;
- (ii) ~~hear appeals from Members in relation to determinations of complaints made by the Monitoring Officer;~~
- (iii) where it has determined in a case referred to it by the Monitoring Officer that a Member has breached the Council's Code of Conduct for Members decide on an appropriate sanction from among those detailed in paragraph 5 below;
- (iv) on the advice of the Monitoring Officer, adopt a procedure for hearings which:
  - complies with the rules on access to information set out in the Local Government (Access to Information) Act 1985 (as amended, updated or replaced);
  - upholds the principles of natural justice and the right to a fair trial;
  - has regard to any advice and guidance on the conduct of hearings into member conduct issued by the Local Government Association from time to time;
  - is appropriate and proportionate taking into account the nature and complexity of the allegations concerned.

#### **4. Membership**

- 4.1 The Standards Hearing Sub-Committee comprises 3 Members.
- 4.2 Subject to paragraph 4.3, the Members of the Standards Hearing Sub-Committee will be:
- (i) The Chair or (in their absence or disqualification under paragraph 4.3) the Vice Chair of the Standards Committee; and
  - (ii) 2 other Members of the Standards Committee nominated by the Chair (or in their absence or disqualification under paragraph 4.3) the Vice Chair of the Standards Committee.
- 4.3 No Member who is the subject of a complaint to be determined by the Standards Hearing Sub-Committee may:
- (i) act as a member of the Standards Hearing Sub-Committee for the hearing; or
  - (ii) nominate a representative to be a member of the Standards Hearing Sub-Committee.

#### **5. Sanctions**

- 5.4 Where the Standards Hearing Sub-Committee has determined in a case referred to it by the Monitoring Officer that a Member has breached the Council's Code of Conduct for Members (or that a member of a parish council has breached their parish council's code of conduct for members) it may make a report to the Council (or, where appropriate, the parish council) for information and may further impose, or recommend that the Council (or the parish council where appropriate) imposes, any of the following sanctions which the Standards Hearing Sub-Committee determines to be appropriate having regard to its findings:

- (i) a recommendation to the Council (or, where appropriate, the parish council) that it should make a motion of censure in relation to the Member's conduct;
- (ii) a recommendation;
  - in the case of the Council, to the leader of the Member's political group (where the Member is a member of a political group, and otherwise to the Council) that the Member is removed; or
  - in the case of a member of a parish council, to the parish council, that the member is removed;from any or all Committees or Sub-Committees of the Council of which they are a member;
- (iii) a recommendation:
  - in the case of an Executive Member, to the Leader of the Council that the Member is removed from the Executive, or removed from particular Executive responsibilities;
  - in the case of the Leader of the Council, to the Council that the Member be removed from their role as Leader of the Council;
- (iv) an instruction to the Monitoring Officer to arrange training for the Member which is appropriate to the Member's conduct (or where appropriate, a recommendation to the parish council that such training should be arranged);
- (v) the removal of the Member from all outside appointments to which he/she has been appointed or nominated by the Council (or where appropriate, a recommendation to the parish council that such action should be taken);
- (vi) the withdrawal for a specified period of facilities provided to the Member by the Council, such as a computer, website and/or email and internet access (or where appropriate, a recommendation to the parish council that such action should be taken);

- (vii) the exclusion for a specified period of the Member from the Council's offices or other premises , with the exception of meeting rooms as necessary for attending Council, Executive, Committee and Sub-Committee meetings (or where appropriate, a recommendation to the parish council that such action should be taken);
- (viii) if relevant, a recommendation to the secretary or appropriate official of a political group that the Member be removed as group leader or other position of responsibility;
- (ix) A recommendation to the Council (or where ~~a~~ appropriate, to the parish council) that contact between the Member and officers of the Council should be restricted to specified officers only.

~~5.5 Where the Standards Hearing Sub-Committee has heard an appeal by a Member of a decision by the Monitoring Officer it may on a complaint against them:~~

- ~~(i) uphold the Monitoring Officer's decision and recommended sanction;~~
- ~~or~~
- ~~(ii) allow the appeal.~~