

Wednesday, 16 March 2022

Tel:  
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## STANDARDS SUB-COMMITTEE

You are summoned to a meeting of the Standards Sub-Committee which will be held in the Committee Room 1, Council Offices, Woodgreen, Witney OX28 1NB on **Wednesday, 23 March 2022 at 2.00 pm.**



Giles Hughes  
Chief Executive

To: Members of the Standards Sub-Committee

Councillors: Norman MacRae MBE (Chairman), Andrew Beaney (Vice-Chair), Andrew Coles, Ted Fenton and Elizabeth Poskitt


Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted. By participating in this meeting, you are consenting to be filmed.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Democratic Services officers know prior to the start of the meeting.

# AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest**  
To receive any declarations from Members of the Committee on any items to be considered at the meeting
3. **Oxfordshire Wide Code of Conduct (Pages 3 - 22)**  
Purpose  
To consider the Oxfordshire Councils' Councillor Code of Conduct 2022.  
  
Recommendation  
That the Oxfordshire Councils' Councillor Code of Conduct 2022 be approved and recommended to Council for inclusion in the Constitution.
4. **Standards Sub-committee - Hearings Procedure (Pages 23 - 34)**  
Purpose  
To consider the draft Hearings Procedure attached and provide comment where necessary.  
  
Recommendation  
To adopt the Standards Sub-Committee Hearings Procedure.

# Agenda Item 3

 <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p><b>WEST OXFORD DISTRICT COUNCIL</b></p>
<p>Name and date of Committee</p>	<p><b>STANDARDS COMMITTEE – 23 MARCH 2022</b></p>
<p>Report Number</p>	<p><b>Agenda Item No. 3</b></p>
<p>Subject</p>	<p><b>MEMBERS CODE OF CONDUCT</b></p>
<p>Wards affected</p>	<p>ALL</p>
<p>Accountable member</p>	<p>Cllr Michele Mead – Leader of the Council Email: Michele.Mead@westoxon.gov.uk</p>
<p>Accountable officer</p>	<p>Susan Sale, Monitoring Officer Tel: 07766 775716 Email: Susan.Sale@westoxon.gov.uk</p>
<p>Summary/Purpose</p>	<p>To consider and approve a revised Member Code of Conduct, in accordance with the Localism Act 2011, and recommend its adoption and inclusion in the West Oxfordshire constitution to the Council.</p>
<p>Annexes</p>	<p>Annex A: Proposed Code of Conduct for Members of West Oxfordshire District Council</p>
<p>Recommendation/s</p>	<p>Please write recommendations using letters and italics as below.</p> <p>a) <i>To note the report and consider the revised draft code of conduct for Members of West Oxfordshire District Council in annex A.</i></p> <p>b) <i>To recommend to West Oxfordshire District Council that they formally adopt the Code of Conduct for Members effective from 18 May 2022.</i></p> <p>c) <i>To recommend to West Oxfordshire District Council that they include the Code of Conduct for Members within their Constitution effective from 18 May 2022.</i></p>
<p>Corporate priorities</p>	<p>Modern Council Services and Sustainable Finance</p>
<p>Key Decision</p>	<p>NO</p>
<p>Exempt</p>	<p>NO</p>
<p>Consultees/ Consultation</p>	<p>Consultation has taken place with Group Leaders on West Oxfordshire District Council.</p> <p>Significant consultation has also taken place with Monitoring Officers from Oxfordshire County Council, Oxford City Council, Cherwell District Council, South Oxfordshire District Council and Vale of White Horse District Council.</p>

## 1. BACKGROUND

- 1.1 Section 27(2) of the Localism Act 2011 provides that a Local Authority must adopt ‘a code dealing with the conduct that is expected of Members and Co-opted Members of the authority when they are acting in that capacity.’
- 1.2 West Oxfordshire District Council formally adopted a Code of Conduct in 2012. The Code should form part of the Council’s constitution and be included within Codes and Protocols in Part 5, but this section is currently being reviewed and updated.
- 1.3 All Oxfordshire Local Authorities adopted a single, jointly-agreed Code of Conduct which ensured that Councillors who are Members of multiple authorities within the area are covered by a single code, providing clarity and consistency. The same Members' Code of Conduct was also adopted by each of the 54 Town and Parish Councils in West Oxfordshire.

## 2 MAIN ISSUES

### 2.1 Committee on Standards in Public Life

2.1.1 In 2018 the Committee on Standards in Public Life (“the CSPL”) undertook a review of local government ethical standards. The Committee on Standards in Public Life considered that robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government. A consultation period ran from 29 January to 18 May 2018 seeking the views of Local Authorities.

2.1.2 The terms of reference for the review were to:

i. examine the structures, processes and practices in local government in England for:

- maintaining codes of conduct for local councillors
- investigating alleged breaches fairly and with due process
- enforcing codes and imposing sanctions for misconduct
- declaring interests and managing conflicts of interest
- whistleblowing

ii. assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government

iii. make any recommendations for how they can be improved

iv. note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation

2.1.3 The Committee on Standards in Public Life (“the CSPL”) published the Local Government Ethical Standards report (“the Report”) on 30 January 2019.

### 2.2 The LGA Model Code

2.2.1 The Local Government Association (“the LGA”) then released a draft Model Member Code of Conduct on 8 June 2020 and sought views on it. The LGA published a Model Member Code of Conduct in December 2020 which was updated in January and May 2021. The LGA issued some accompanying guidance in July 2021.

2.2.2 The LGA Model Code is said to “have been designed to protect our democratic role, encourage good conduct, and safeguard the public’s trust and confidence in the role of councillor in local government. While it sets out the minimum standards of behaviour expected, together with the guidance, it is designed to encourage councillors to model the high standards expected of councillors, to be mutually respectful even if they have personal or political differences, to provide a personal check and balance, and to set out the type of conduct that could lead to complaints being made of behaviour falling below the standards expected of councillors and in breach of the code. It is also to protect councillors, the public, local authority officers and the reputation of local government. The LGA Model Code does not differ significantly in content from the local code already in operation in Oxfordshire, although some of the language used is different.

## 2.3 The Oxfordshire Code

2.3.1 The Oxfordshire authorities have worked collaboratively to consider whether to adopt the model code from the LGA, to keep the current Members' Code of Conduct or to adopt an amended Members' Code of Conduct. The West Oxfordshire Monitoring Officer has drafted an amended Councillors’ Code of Conduct which will be considered by each of the Oxfordshire Authorities for approval. The proposed draft is contained in Annex A to this report and it is intended that all of the Oxfordshire Authorities, and their Town and Parish Councils, adopt the Code for implementation from May 2022 onwards.

2.3.2 The draft Code sets out general principles of conduct expected of all Councillors as well as specific obligations in relation to standards of conduct. The fundamental aim of the draft Code is to create and maintain public confidence in the role of the Councillor and in Local Government. The Code of Conduct will apply to each Councillor as soon as they sign the declaration of acceptance of the office of Councillor or attend their first meeting as a co-opted member and continues to apply until the role as a Councillor ceases.

2.3.3 The draft Code is attached at Annex A. The Standards Committee will note that it:-

a) Applies to Members acting in their capacity as a Councillor which may include when:

- the position as a Councillor is misused; or when
- the impression is given to a reasonable member of the public with knowledge of all the facts that an individual is acting as a Councillor.

Members are expected to uphold high standards of conduct and show leadership at all times.

b) Applies to all forms of communication and interaction, including at face-to-face meetings, at online or telephone meetings, in written communication, in verbal communication, in non-verbal communication and in electronic and social media communication, posts, statements and comments;

c) Includes the following standards/obligations, with guidance given for each obligation to help explain the reasons for the obligation and how they should be followed:

(i) Respect

A Councillor: Shall treat everyone, including other Councillors and members of the public with respect and shall treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play. Respect means politeness and courtesy in behaviour, speech, and in the written word.

(ii) Bullying, Harassment and Discrimination

A Councillor: Shall not bully or harass any person and shall promote equalities and not discriminate against any person. Bullying is described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others. The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person. Discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

(iii) Impartiality of Officers of the Council

A Councillor: Shall not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

(iv) Confidentiality and access to information

A Councillor:

Shall not disclose information either given to them in confidence by anyone or acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, unless:

- they have received the consent of a person authorised to give it; or
- they are required by law to do so; or
- the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- the disclosure is reasonable and in the public interest; and also made in good faith and in compliance with the reasonable requirements of the local authority and consultation with the Monitoring Officer has taken place prior to its release.

Shall not improperly use knowledge gained solely as a result of their role as a Councillor for the advancement of themselves, their friends, family members, employer or business interests.

Shall not prevent anyone from getting information that they are entitled to by law. When making decisions on behalf of, or as part of, the Council shall have due regard to any professional advice provided by the Council's Officers.

(v) Disrepute

A Councillor: Shall not bring their role or local authority into disrepute.

(vi) Use of position

A Councillor: Shall not use, or attempt to use, their position improperly to the advantage or disadvantage of anyone.

(vii) Local authority Resources and Facilities

A Councillor: Shall not misuse council resources. Shall, when using the resources of the local authority or authorising their use by others, act in accordance with the local authority's requirements; and ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which they have been elected or appointed.

(viii) Compliance with the Code of Conduct

A Councillor: Shall undertake Code of Conduct training as required by the local authority. Shall cooperate with any Code of Conduct assessment, investigation, hearing and/or determination. Shall not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings. Shall comply with any sanction imposed on them following a finding that they have breached the Code of Conduct.

(ix) Gifts and Hospitality

A Councillor: Shall not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage. Shall register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt. Shall register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.

d) Sets out the obligations for councillors in relation to the registration/declaration of interests including Disclosable Pecuniary Interests (DPI) and other registrable interests. It also contains guidance on the steps that must be taken if a councillor has an interest in a matter that is under consideration by the Council, including when it relates to a non-registrable interest. Where a matter arises at a meeting which directly relates to a councillor's financial interest or wellbeing (and does not fall within the definition of disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, it is a non-registrable interest.

## **2. FINANCIAL IMPLICATIONS**

2.1. There are no financial implications arising from the proposals within this report.

## **3. LEGAL IMPLICATIONS**

3.1. Legal issues are addressed in the body of the report.

## **4. RISK ASSESSMENT**

4.1. The risks of not adopting a Code of Conduct are of failure to comply with a statutory requirement, failure to demonstrate with the clarity the standards of conduct that Members must uphold, and failure to have clear documentation against which to assess complaints.

## **5. EQUALITIES IMPACT (IF REQUIRED)**

5.1. Equalities issues are addressed in the body of the report. The code will apply to all Members and not have a positive or negative effect on different Members.

**6. CLIMATE CHANGE IMPLICATIONS (IF REQUIRED)**

- 6.1.** There are no climate change implications arising from the proposals.

**7. ALTERNATIVE OPTIONS**

- 7.1.** Alternative options that were considered were to retain the existing code and to adopt the LGA model code. Both options were rejected and Officers recommend to you the revised code in Annex A.

**8. BACKGROUND PAPERS**

- 8.1.** The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:
- The West Oxfordshire District Council Constitution



## Oxfordshire Councils' Councillor Code of Conduct 2022

Draft

Version 4: 8<sup>th</sup> February 2022

### 1.0 Introduction

The Council has a duty to promote and maintain high standards of conduct by members and co-opted members of the Council, and formally adopt a code of conduct, in accordance with the *Localism Act 2011*.

### 2.0 Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of the Councillor and in Local Government.

### 3.0 Definitions

For the purposes of this Code of Conduct, a “Councillor” means a member or co-opted member of the local authority. A “co-opted member” is defined in the *Localism Act 2011 Section 27(4)* as “a person who is not a member of the authority but who

- 3.1 is a member of any committee or sub-committee of the authority, or;
- 3.2 is a member of, and represents the authority on, any joint committee or joint sub- committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

### 4.0 General Principles of Councillor Conduct

Everyone in public office and all who serve the public or deliver public services, including Councillors and local authority officers, should uphold the Seven Principles of Public Life, also known as the Nolan Principles, (see Appendix A).

Building on these principles of selflessness, objectivity, accountability, openness, honesty and integrity and leadership, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in Councillors, on all occasions a Councillor shall:

- act with integrity and honesty

- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of Councillor.
- impartially exercise their responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with the local authority's requirements and in the public interest.

These general principles have been incorporated into the obligations of the Code of Conduct as set out below.

## **5.0 Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor;

The Code applies to all forms of communication and interaction, including at face-to-face meetings, at online or telephone meetings, in written communication, in verbal communication, in non-verbal communication and in electronic and social media communication, posts, statements and comments.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish Councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

## **6.0 Standards of Councillor Conduct**

This section sets out the obligations (in bold below), which are the minimum standards of conduct required of a Councillor. Should a Councillor's conduct fall short of these standards, a complaint may be made against them, which may result in action being taken.

Guidance is also included below each obligation to help explain the reasons for the obligations and how they should be followed.

### **6.1 Respect**

## **A Councillor:**

- 6.1.1 Shall treat everyone, including other Councillors and members of the public with respect.**
- 6.1.2 Shall treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from everyone. If members of the public are being abusive, intimidating or threatening you are entitled to stop any conversation or interaction in person or online and report them to the relevant social media provider and/or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

## **6.2 Bullying, Harassment and Discrimination**

### **A Councillor:**

- 6.2.1 Shall not bully any person.**
- 6.2.2 Shall not harass any person.**
- 6.2.3 Shall promote equalities and not discriminate against any person.**

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Legislation places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **6.3 Impartiality of Officers of the Council**

**A Councillor:**

- 6.3.1 Shall not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral, (other than political assistants where applicable). They should not be coerced or persuaded to act in a way that would undermine their neutrality. A Councillor may question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, a Councillor must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **6.4 Confidentiality and access to information**

**A Councillor:**

- 6.4.1 Shall not disclose information either given to them in confidence by anyone or acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, unless**
- i. They have received the consent of a person authorised to give it; or**
  - ii. They are required by law to do so; or**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is reasonable and in the public interest; and also made in good faith and in compliance with the reasonable requirements of the local authority and consultation with the Monitoring Officer has taken place prior to its release.**
- 6.4.2 Shall not improperly use knowledge gained solely as a result of their role as a Councillor for the advancement of themselves, their friends, family members, employer or business interests.**
- 6.4.3 Shall not prevent anyone from getting information that they are entitled to by law.**
- 6.4.4 When making decisions on behalf of, or as part of, the Council shall have due regard to any professional advice provided by the Council's Officers.**

### **6.5 Disrepute**

**A Councillor:**

### **6.5.1 Shall not bring their role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions.

## **6.6 Use of position**

### **A Councillor:**

**6.6.1 Shall not use, or attempt to use, their position improperly to the advantage or disadvantage of anyone.**

A Councillor should not take advantage of opportunities, responsibilities and privileges to further their own or others' private interests or to disadvantage anyone unfairly.

## **6.7 Local authority Resources and Facilities**

### **A Councillor:**

**6.7.1 Shall not misuse council resources.**

**6.7.2 Shall, when using the resources of the local authority or authorising their use by others, act in accordance with the local authority's requirements; and ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which they have been elected or appointed.**

A Councillor may be provided with resources and facilities by the local authority to assist them in carrying out their duties as a Councillor. Examples may include office support, stationery, equipment such as phones, computers and transport and access and use of local authority buildings and rooms.

## **6.8 Compliance with the Code of Conduct**

### **A Councillor:**

**6.8.1 Shall undertake Code of Conduct training as required by the local authority.**

**6.8.2 Shall cooperate with any Code of Conduct assessment, investigation, hearing and/or determination.**

**6.8.3 Shall not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**6.8.4 Shall comply with any sanction imposed on them following a finding that they have breached the Code of Conduct.**

It is extremely important for a Councillor to demonstrate high standards, to have your actions open to scrutiny and not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with the Monitoring Officer.

## **7.0 Registering and Declaring Interests**

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

### **7.1 Disclosable Pecuniary Interests**

A Councillor must, within 28 days of taking office as a member or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State (see Appendix B), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You must disclose the interest at any meeting of the Council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'. If it is a 'sensitive interest', you must disclose the fact that you have an interest but do not have to disclose the nature of it. (A sensitive interest is an interest which, in the opinion of the Monitoring Officer, if disclosed, could lead to the Councillor, or a person connected with them, being subjected to violence or intimidation.) You are personally responsible for deciding whether or not you should disclose an interest in a meeting.

Following any disclosure of an interest not on the Council's register, or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, by the Monitoring Officer, you may not participate in any discussion of, or vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.

Where you have a disclosable pecuniary interest on a matter to be considered or being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps

or further steps in the matter apart from arranging for someone else to deal with it.

You must ensure that your register of interests is kept up to date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Appendix B is a criminal offence under the Localism Act 2011.

## 7.2 Other Registerable Interests

You must also register your other registerable interests with the Monitoring Officer within 28 days of taking office and ensure these are kept up to date by notifying any changes within 28 days.

Where a matter arises at a meeting which *directly relates* to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Appendix C), you must disclose the interest. Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

## 7.3 Non-Registerable Interests

Where a matter arises at a meeting which *directly relates* to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests at 7.1 above), or the financial interest or wellbeing of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a sensitive interest you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which *affects* your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under Other Registrable Interests as set out at 7.2 above and appendix C you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants

- of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have a Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

## **8.0 Gifts and Hospitality**

### **A Councillor:**

- 8.1 Shall not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 8.2 Shall register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 8.3 Shall register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.**

The presumption should always be not to accept significant gifts or hospitality but there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

You do not need to register gifts and hospitality which are not related to your role as a Councillor.

It is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor.



## Appendices

### Appendix A – The Seven Principles of Public Life

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B: Discloseable Pecuniary Interests

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner’s interest, within the descriptions set out in the table below.

“**Partner**” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

This table sets out the explanation of Discloseable Pecuniary Interests as set out in the [Relevant Authorities \(Discloseable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.  This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council.  'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest

\* 'Director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.


## Appendix C: Disclosure of Other Registrable Interests

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any Body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any Body
  - (i) exercising functions of a public nature
  - (ii) directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

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# Agenda Item 4

 <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>
<p>Name and date of Committee</p>	<p><b>STANDARDS COMMITTEE – 23<sup>RD</sup> MARCH 2022</b></p>
<p>Report Number</p>	<p><b>Agenda Item 4</b></p>
<p>Subject</p>	<p><b>STANDARDS SUB COMMITTEE: LOCAL HEARING PANEL PROCEDURE RULES</b></p>
<p>Wards affected</p>	<p>ALL</p>
<p>Accountable member</p>	<p>Cllr MacRae Cabinet Member for Environment Email: <a href="mailto:norman.macrae@westoxon.gov.uk">norman.macrae@westoxon.gov.uk</a></p>
<p>Accountable officer</p>	<p>Susan Sale, Monitoring Officer Tel: Email: <a href="mailto:susan.sale@westoxon.gov.uk">susan.sale@westoxon.gov.uk</a></p>
<p>Summary/Purpose</p>	<p>A report to govern the procedures of the Local Hearing Panel when it meets as a Sub Committee of the Standards Committee to determine an allegation that a Member has breached the Code of Conduct.</p>
<p>Annexes</p>	<p>Annex A: LOCAL HEARING PANEL PROCEDURE RULES</p>
<p>Recommendation/s</p>	<p>Please write recommendations using letters and italics as below.</p> <p><i>a) To note the report</i></p> <p><i>b) To approve the Local Hearing Panel Procedure Rules and recommend to full Council their formal adoption into the West Oxfordshire District Council's Code of Conduct</i></p> <p><i>c) To delegate the authority to the Monitoring Officer to make minor and consequential amendments</i></p>
<p>Corporate priorities</p>	<p>Modern Council Services and Sustainable Finance</p>
<p>Key Decision</p>	<p>NO</p>
<p>Exempt</p>	<p>NO</p>
<p>Consultees/ Consultation</p>	<p>Consultation has taken place with the Group Leaders of West Oxfordshire District Council and the Chief Executive</p>

## **1. BACKGROUND**

The Localism Act 2011 provides that Local Authorities must have a Code of Conduct that governs the conduct of Members when acting in their capacity as a Councillor.

West Oxfordshire District Council has a procedure setting out the arrangements for dealing with a complaint that a Member has breached the code. These arrangements can be found on the Council's website and include the convening of a Sub-Committee of the Standards Committee, in circumstances where a complaint has been investigated and referred to the Sub-Committee by the Monitoring Officer for determination.

## **2. MAIN POINTS**

- 2.1.** When the Standards Committee sit as a Sub Committee to determine a Code of Conduct allegation they are known as a Local Hearing Panel. Their purpose is to determine whether a Member of the District, or a Town or Parish Council, has breached the code, and to apply sanctions to that Member if appropriate to do so.
- 2.2.** Hearings held by the Local Hearing Panel are quasi-judicial and the principles of natural justice and fairness must be upheld. It is therefore prudent to have agreed procedure rules to govern the procedure at a Local Hearing Panel and to give clarity to those involved as to what to expect. There is sufficient flexibility in the rules to enable the Chairman to amend the procedure, in consultation with the Monitoring Officer, where prudent to do so, provided that the principles of natural justice remain upheld.
- 2.3.** The Local Hearing Panel Procedure Rules can be found at Annex A to this report. They set out the procedure to include the ability for the Panel to set directions in advance of the hearing, for the Subject Councillor to be represented and for the Independent Person's views to be taken into account. They provide that both the Investigating Officer and the Subject Councillor may present witnesses at the hearing and both have the opportunity to question each other's witnesses, as do the Panel Members and the Independent Person.
- 2.4.** It is a statutory requirement that the views of the Independent Person must be taken into account before the Panel makes its decision and determines a breach or otherwise and the Panel should also take their view into account in respect of sanction where these are being considered.
- 2.5.** Many Local Hearings will take place in public, unless there is exempt information likely to be disclosed and the public interest test determines that the interest of the public in the matter does not outweigh the rights of the individual. The advice of the Monitoring Officer will be provided in each case.
- 2.6.** There is no appeal against the decision of the Local Hearing

## **3. FINANCIAL IMPLICATIONS**



3.1 There are no financial implications arising from this report.

#### **4. LEGAL IMPLICATIONS**

4.1. Section 27(2) Localism Act 2011 provides that a Local Authority must adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.

4.2. Section 28(6) Localism Act 2011 provides that a Local Authority must have in place arrangements under which allegations can be investigated and arrangements under which decisions on allegations can be made.

4.3. Section 28(7) Localism Act 2011 provides that the views of the Council's Independent Person must be sought before the Council makes its decision on an allegation that it has investigated.

#### **5. RISK ASSESSMENT**

5.1. The Council has a statutory duty to promote and maintain high standards of conduct by members and co-opted members of the Council. The implementation of these procedures support that duty.

#### **6. EQUALITIES IMPACT (IF REQUIRED)**

6.1. There are no equality issues arising from this report. There is sufficient flexibility in the procedure rules to enable the Local Hearing Panel to accommodate any disability or equality issues and make reasonable adjustments to ensure fairness and accessibility on a case by case basis.

#### **7. CLIMATE CHANGE IMPLICATIONS (IF REQUIRED)**

7.1. There are no climate change implications arising from this report.

#### **8. ALTERNATIVE OPTIONS**

8.1. It is not a prudent alternative option to not have any documented Local Hearing Procedure Rules.

#### **9. BACKGROUND PAPERS**

**9.1.** The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

- The West Oxfordshire District Council Constitution and Code of Conduct
- The Localism Act 2011



**WEST OXON DISTRICT COUNCIL: STANDARDS COMMITTEE**

**STANDARDS SUB-COMMITTEE:  
LOCAL HEARING PANEL PROCEDURE RULES**

**1.0 DEFINITIONS**

Complainant(s)	The person/people making the complaint
Subject Councillor	The Councillor, co-optee, or Parish Councillor against whom an allegation has been made
Appointed representative	The Subject Councillor may be represented or accompanied during the meeting by a Solicitor, Counsel or, with the permission of the Local Hearing Panel members, another person.
Local Hearing Panel	A Sub-Committee in accordance with the provisions of the Local Government Act 1972. A meeting of a panel of three members of the Standards Committee at which they consider whether the “Subject Councillor” has breached the Code of Conduct.
Independent Person	An Independent Person will be invited by the Monitoring Officer to attend a Local Hearing Panel as a co-opted member. Their views are sought and taken into consideration before the Local Hearing Panel takes any decision on whether the Subject Councillor’s conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct, in accordance with the provisions of the Localism Act 2011.
Investigating Officer	The person appointed by the Monitoring Officer to undertake a formal investigation on behalf of the Monitoring Officer. This person may be another officer of the Council, an officer of another council or an external third party investigator appointed for the purpose.
Investigating Officer’s report	The report of the Investigating Officer to the Monitoring Officer, setting out their findings and recommendations in respect of the allegation.
Legal Advisor	The officer responsible for providing legal advice to the Local

	Hearing Panel. This may be the Monitoring Officer, another legally qualified officer, or an external third party legal advisor appointed for the purpose.
Chair	The Chairperson of the Local Hearing Panel, elected by the Sub-Committee to chair the meeting.
Code	The Members' Code of Conduct for the relevant Authority formally adopted by it at the relevant time.
The Monitoring Officer	The Officer designated as such by West Oxfordshire District Council in accordance with section 5 of the Local Government and Housing Act 1989.
Exempt Information	As defined in <i>Section 100A and Schedule 12A to the Local Government Act 1972</i>

## 2.0 INTRODUCTION

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

The Monitoring Officer will seek to convene the Local Hearing Panel within 25 working days of receipt of the final Investigator's report or as soon as practicably possible thereafter.

The Local Hearing Panel will comprise a minimum of three elected members of the Standards Committee plus an Independent Person acting as a co-opted Member. The Monitoring Officer will select the membership of each Local Hearing Panel. Whilst there is no legal requirement for the Sub-Committee to be politically balanced, its composition will, where possible, take into account political, demographic and equality issues and be representative, where Members' availability permits.

## 3.0 PRE-HEARING PROCESS

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

The Local Hearing Panel, taking account of the advice of the Monitoring Officer, may issue directions about the way in which the Local Hearing Panel will be conducted, for example agreeing the number and identity of witnesses. Such directions may be given either before or at

the Local Hearing Panel, and may be decided at a pre-meeting or by correspondence involving all members of the Local Hearing Panel.

Any pre-meeting to deal with pre-hearing process issues will be held in private without the Complainant or the Subject Councillor present.

#### **4.0 DOCUMENTATION**

Local Hearing Panel meetings of the Standards Committee are subject to the normal rules for publication of Council Agendas and Access to Information.

The Agenda papers for the Local Hearing Panel will include:

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

The Agenda and documents will be published under the Council's rules for exempt information. Prior to the Local Hearing Panel, any documentation issued or exchanged during the process must be treated by all recipients as confidential unless and until the Local Hearing Panel resolves that the press and public should be excluded from the meeting at which the allegations are going to be heard.

If the Local Hearing Panel agrees that the meeting should be held in public, the Investigating Officer's report will be made available to the press and public in attendance at the meeting. The Chair may, at their discretion, allow a short adjournment of the meeting to enable them to read the report.

#### **5.0 LOCAL HEARING PANEL PROCEDURE**

5.1 The Local Hearing Panel will follow usual Committee procedures for apologies, selection of a Chair for that meeting and declarations of interests.

5.2 The quorum for a Local Hearing Panel will be 2 elected Members from the Standards Committee. Substitute Members are allowed only from the membership of the Standards Committee. Members will only be able to sit on the Local Hearing Panel if they have undertaken standards training within the preceeding two years.

5.3 The Local Hearing Panel will be assisted on matters of law and procedure by the Legal Advisor. The Local Hearing Panel may take legal advice, in private if necessary, from the

Legal Advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given should be shared with the Subject Councillor and the Investigating Officer.

- 5.4 The hearing will normally be held in public. However, the Local Hearing Panel will consider, having regard to any representations made by the Investigating Officer and / or by the Subject Councillor and advice from the Legal Advisor as to the public interest, whether to hear the matter, after the passing of a resolution to exclude the press and public from the meeting. Any such resolution may only be passed on the grounds set out in *Section 100A and Schedule 12A to the Local Government Act 1972*.
- 5.5 The Subject Councillor may be represented or accompanied by Counsel or a Solicitor or, with the permission of the Local Hearing Panel, any other person.
- 5.6 Normal hearing rules will apply in terms of providing opportunities to question witnesses and test evidence, subject to the principles of natural justice and the Human Rights Act 1998.
- 5.7 If the Subject Councillor (or their appointed representative) is not present, then the Local Hearing Panel will consider whether to proceed and hear the case and make a decision in absence, or whether to adjourn the hearing to another time or date. If the Subject Councillor has indicated that the hearing should carry on without him/her this will normally happen.
- 5.8 The Chair will introduce the Members of the Local Hearing Panel, the Independent Person, the Legal Advisor, the Investigating Officer, the Subject Councillor and any other persons present.
- 5.9 The Legal Advisor gives a brief outline of the allegation before the Local Hearing Panel, namely that the Subject Member has failed to comply with the Code of Conduct, and outlines the procedure to be followed and confirms that those present understand it.
- 5.10 The Investigating Officer will present the report into the allegation against the Subject Councillor including any findings of fact and make representations to substantiate the conclusion that the Councillor has failed to comply with the Code of Conduct.
- 5.11 The Subject Councillor (or their representative) may question the Investigating Officer.
- 5.12 The Local Hearing Panel Members may question the Investigating Officer.
- 5.13 The Investigating Officer may call such witnesses as necessary (which may or may not include the Complainant).

- 5.14 The Subject Councillor (or their appointed representative) may question any witnesses called by the Investigating Officer.
- 5.15 The Local Hearing Panel Members may question any witnesses called by the Investigating Officer.
- 5.16 The Investigating Officer may ask further questions of any witnesses in order to clarify any point brought out in questioning of the witness by the Subject Councillor or the Local Hearing Panel.
- 5.17 The Subject Councillor (or their appointed representative) will present his/her case in relation to the Investigating Officer's findings and make representations about why he/she considers that he/she did not fail to comply with the Code of Conduct. If the Subject Councillor admits that he/she has breached the Code of Conduct the Local Hearing Panel may move to paragraph 5.32 below.
- 5.18 The Investigating Officer may question the Subject Councillor.
- 5.19 The Local Hearing Panel may question the Subject Councillor.
- 5.20 The Subject Councillor may call any witnesses.
- 5.21 The Investigating Officer may question any witness called by the Subject Councillor.
- 5.22 The Local Hearing Panel may question any witness called by the Subject Councillor.
- 5.23 The Subject Councillor may ask further questions of any witness in order to clarify any point brought out in questioning of the witness by the Investigating Officer or the Local Hearing Panel.
- 5.24 The Independent Person may ask questions of the Investigating Officer, the Subject Councillor and any witness called by either of them, after such persons have been questioned by the Local Hearing Panel.
- 5.25 The Investigating Officer will sum up his/her case in relation to the findings in their report.
- 5.26 The Subject Councillor (or their appointed representative) will sum up his/her case in relation to the findings in the Investigating Officer's report of whether there has been a breach of the Code.

- 5.27 The Independent Person will give his/her views to the Local Hearing Panel and these will be recorded in the Minutes of the meeting.
- 5.28 The Local Hearing Panel will then retire with the Legal Advisor. If the hearing has been in public the Committee will need to pass a resolution under *Section 100A of the Local Government Act 1972* to exclude the public from the meeting. The Panel must take into account the views of the Independent Person before reaching a decision.
- 5.29 The Local Hearing Panel will announce their decision as to whether there has been a breach of the Code in the presence of all parties, and this will normally be after passing a resolution that the public should no longer be excluded from the meeting. The Local Hearing Panel will provide reasons for their decision and will explain any reasons why any advice from the Independent Person has or has not been followed in giving its decision.
- 5.30 If the Local Hearing Panel decide that the Subject Councillor has not breached the Code, the Local Hearing Panel will dismiss the complaint and take no further action. However, they may still make general recommendations to the Council, its Standards Committee or the Monitoring Officer or Parish Council on any remedial actions if it considers necessary to address the issues raised.
- 5.31 If the Local Hearing Panel decide that the Subject Member has breached the Code then the following paragraphs will apply.
- 5.32 The Local Hearing Panel may request, or allow, the Complainant, whether or not called as a witness, to make a statement in relation to the effect on the Complainant of any conduct of the Subject Councillor towards them which is the subject of the allegation. Such a statement may be made in person to the Local Hearing Panel or may be submitted in writing, but if submitted in writing, will be shown to both the Investigating Officer, the Subject Councillor and the Independent Person. A Complainant who makes such a statement may be questioned by the Local Hearing Panel but may not be questioned in relation to the statement by the Investigating Officer or the Subject Councillor without the consent of the Local Hearing Panel.
- 5.33 The Investigating Officer may make representations as to whether the Local Hearing Panel should impose a sanction and what form any sanction should take.
- 5.34 The Local Hearing Panel may question the Investigating Officer in relation to any such representations.
- 5.35 The Subject Councillor (or their appointed representative) may make representations as to whether the Local Hearing Panel should impose a sanction and what form any sanction should take and may make representations as to mitigation.



- 5.36 The Local Hearing Panel may question the Subject Councillor in relation to any such representations.
- 5.37 The Legal Advisor will then raise any points that need to be addressed before the matter is determined.
- 5.38 The Independent Person will then give their views on the appropriate sanction, if any, to be imposed and their views will be recorded in the Minutes of the meeting.
- 5.39 The Local Hearing Panel will then retire with the Legal Advisor. If the hearing has been in public the Committee will need to pass a resolution under *Section 100A of the Local Government Act 1972* to exclude the public from the meeting.
- 5.40 The Local Hearing Panel will come to a decision as to sanctions. Any sanction imposed must be reasonable and proportionate to the breach found and the Legal Advisor may advise the Committee in this regard. The Local Hearing Panel has no power to suspend or disqualify the member or to withdraw or suspend allowances. The Local Hearing Panel may:
- Censure or reprimand the Subject Councillor;
  - Recommend to the Subject Councillor's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
  - Recommend to the Leader of the Council that the Subject Councillor be removed from the Cabinet or removed from particular Portfolio responsibilities;
  - Recommend to Council that the Subject Councillor be replaced as Executive Leader of the Council;
  - Instruct the Monitoring Officer to, or recommend that a Parish Council, arrange training for the Subject Councillor;
  - Publish its findings in respect of the Subject Councillor's conduct;
  - Report its findings to Council, or to a Parish Council, for information.
- 5.41 The Local Hearing Panel will announce its decision in the presence of all parties, and this will normally be after passing a resolution that the public should no longer be excluded from the meeting. The Local Hearing Panel will give reasons for its decision and will explain the reasons why any advice from the Independent Person has or has not been followed in giving its decision.
- 5.42 The Monitoring Officer will, within 10 working days of the Local Hearing Panel prepare a formal Decision Notice, in consultation with the Chair of the Local Hearing Panel, and send a copy to the Complainant, to the Investigating Officer and to the Subject Councillor (and to the Parish Council if appropriate). The Decision Notice will be published as part of the Minutes of the Standards Committee Local Hearing Panel

meeting and will be placed on the Council's website unless the Monitoring Officer determines that it should remain confidential or it contains exempt information.

- 5.43 The findings and recommendations of the Local Hearing Panel are final and there is no right of appeal against the decision of the Local Hearing Panel.
- 5.44 The Chair of the Local Hearing Panel has the right to depart from this procedure, in consultation with the Monitoring Officer, or Legal Advisor, at any hearing where he/she considers that it is sensible to do so to deal with the case fairly, effectively and in the public interest, provided that the principles of natural justice are upheld.