



BEDFORD BOROUGH COUNCIL

Procedure for dealing with complaints against Councillors and Co-opted Members

The Localism Act 2011 requires all Local Authorities to adopt a Code of Conduct setting out the standards of behaviour expected from their Councillors or Co-opted Members.

Bedford Borough Council has adopted a Code of Conduct for its Councillors and Co-opted Members, which is available on the Council's website at www.bedford.gov.uk and on request from the Council's Monitoring Officer.

Each of the Parish/Town Councils within Bedford Borough should adopt their own Code of Conduct and a copy of their Code of Conduct should be available on the relevant Parish/Town Council website.

The Localism Act 2011 also requires Local Authorities to have in place "arrangements" under which allegations that an Elected or Co-opted Member of the Borough or Parish/Town Council has failed to comply with the relevant Code of Conduct can be investigated and decisions made on such allegations, which should set out:

- (a) How to make a complaint about the conduct of a Councillor or Co-opted Member of Bedford Borough Council or of any Parish/Town Councils within the Borough
- (b) How Bedford Borough Council will deal with such complaints

This procedure acts as Bedford Borough Council's "arrangements" for this purpose.

1. How do I make a formal complaint about the conduct of a Councillor or Co-opted Member?

- 1.1 Complaints must be submitted in writing to Bedford Borough Council's Monitoring Officer and can be submitted electronically or by post using the email address or postal address shown below:

Email: standards@bedford.gov.uk

Post: The Monitoring Officer
Bedford Borough Council
Borough Hall
Cauldwell Street
Bedford
MK42 9AP

- 1.2 Upon receipt of your complaint you may be asked to complete a complaint form. This ensures that the Monitoring Officer has all the information necessary to process your complaint.
- 1.3 If you require any support submitting your complaint or completing the complaint form, please contact the Council's Monitoring Officer by telephoning (01234) 276585 or emailing standards@bedford.gov.uk. If you cannot write your complaint in English the Monitoring Officer can arrange for it to be translated.

2. What information will I be asked to provide?

2.1 You will be asked to provide the following information to support your formal complaint against the conduct of a Councillor or Co-opted Member:

- (a) **Your personal details** (Your name, postal address, email address and telephone number)
- (b) **The capacity with which you are complaining** (Are you a member of the public, Councillor or complaining in any other capacity?)
- (c) **The name of the Councillor or Co-opted Member** (Together with the name of the Council they were representing at the time of the incident)
- (d) **Details of the incident(s)** (Such as the date, time and location, a description of what happened, whether anyone witnessed the alleged misconduct and any other supporting information you believe is relevant)
- (e) **The part of the Code of Conduct alleged to have been breached** (Which specific part of the relevant Council's Code of Conduct are you alleging has been breached?)

2.2 Where a complaint is made against more than one Councillor or Co-opted Member, it must be made clear which aspects of the alleged breach of the Code of Conduct relate to each individual Councillor or Co-opted Member. Otherwise, it may be necessary to submit separate complaints.

2.3 If you are making the complaint on behalf of a number of individuals, please make this clear as part of the complaint. As the person submitting the original complaint you will be treated as the single point of contact to whom all correspondence will be addressed, unless you nominate someone else.

3. Can I submit my complaint anonymously?

3.1 Anonymous complaints, or complaints submitted using a pseudonym, are not ordinarily accepted unless there is a clear public interest in doing so. The Monitoring Officer will balance the right of the Subject Councillor or Co-opted Member to properly understand the complaint made against them and respond to it against the rights of yourself as the complainant and the reasons for requesting anonymity. This normally means that the Subject Councillor or Co-opted Member will need to be informed who is making the complaint against them.

4. How will my complaint be processed?

4.1 Your complaint against a Councillor or Co-opted Member will progress through the following stages:

- (a) **Acknowledgement of your complaint** (the Council will aim to acknowledge your complaint within five working days and seek any further information required or provide you with the complaints form for completion and return)
- (b) **Sharing of allegation with the Subject Councillor or Co-opted Member** (subject to your consent having been received or agreement that the complaint will be treated anonymously)

- (c) **Assessment of the complaint** (an initial assessment of your complaint by the Monitoring Officer or an Assessment Panel of Bedford Borough Council's Standards Committee, in consultation with one of the Borough Council's Independent Persons)
- (d) **Assessment decision** (a decision taken by the Monitoring Officer or Assessment Panel determining whether the complaint will be referred for formal investigation)
- (e) **Formal investigation** (the appointment of an Investigating Officer to undertake a formal investigation into the allegations made as part of your complaint)
- (f) **Investigation outcome** (decision taken by the Monitoring Officer or Assessment Panel determining whether the complaint will be referred to a Hearing)
- (g) **Formal Hearing** (Consideration of investigation report and final decision at a Hearing to determine whether a breach of the Code of Conduct occurred and, if so, what sanctions will be imposed. The Hearing will be facilitated by the Borough Council's Standards Sub-Committee which acts as a Hearing Panel)

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

- (a) The Subject Councillor or Co-opted Member is no longer a Councillor or in office, or is seriously ill
- (b) The complaint is made anonymously, unless there are exceptional circumstances which the Monitoring Officer agrees are legitimate
- (c) The same, or substantially the same, issue has been the subject of a previous Code of Conduct allegation against an individual Councillor or Co-opted Member and there is nothing further to be gained
- (d) The complaint is essentially against the action of the Borough Council or Parish/Town Council as a whole and cannot properly be directed against an individual Councillor(s) or Co-opted Member(s)
- (e) The complaint does not relate to the conduct of a Councillor or Co-opted Member and is a service complaint or other matter
- (f) The complaint is against an employee of the Council
- (g) The complaint relates to an incident that occurred over six months prior to the date of the complaint and, in the opinion of the Monitoring Officer, (in consultation with the Independent Person) is not serious enough to justify formal consideration
- (h) The complaint is abusive towards the Councillor or Co-opted Member being complained about or those persons involved in assessing or investigating the complaint

4.3 If the complaint identifies criminal conduct (including a failure to register or declare Disclosable Pecuniary Interests) and the Monitoring Officer agrees that a breach of the Code of Conduct may have occurred, the Monitoring Officer will refer the complaint to the Police. No further action will be taken in relation to such complaints until any related criminal investigation, proceedings or processes have been concluded.

4.4 All parties are encouraged to respond promptly to any correspondence in relation to the complaint. All parties will be kept updated as to how the complaint is progressing. If at any stage in the complaint process the Complainant fails to respond to requests for clarification or further information in a timely manner, the complaint may be treated as withdrawn. If the Subject Councillor or Co-opted

Member fails to respond to requests for clarification or further information, the complaint will be determined on the basis of the information available.

5. How will my complaint be assessed?

- 5.1 Ordinarily the Monitoring Officer will undertake the assessment of your complaint. However, the Monitoring Officer may decide to refer assessment of your complaint onto the Assessment Panel. The Assessment Panel comprises three Members of Standards Committee, drawn from at least two political groups on the Council.
- 5.2 One of the Council's Independent Persons will be consulted as part of the assessment of any complaint and their views will be taken into consideration as part of the assessment decision made by the Monitoring Officer or the Assessment Panel.

First Assessment Stage

- 5.3 The first stage of the assessment process will consist of a jurisdictional test which assesses whether:
- (a) The complaint is against one or more named Councillors or Co-opted Members of Bedford Borough Council or of a Parish or Town Council within Bedford Borough
 - (b) The named Councillor or Co-opted Member was in office at the time of the alleged conduct
 - (c) The complaint relates to matters where the Councillor or Co-opted Member was acting as a Councillor or representative of the authority and it is not a private matter
 - (d) The complaint, if proven, would be a breach of the Code of Conduct under which the Councillor or Co-opted Member was operating at the time of the alleged misconduct
- 5.4 If the complaint fails one or more of these tests it cannot be investigated as a breach of the Code of Conduct and no further action will be taken in respect of the complaint.

Second Assessment Stage

- 5.5 The second stage of the assessment process will review the complaint against the following criteria to establish if there are valid grounds to refer the complaint for formal investigation:
- (a) **Sufficient evidence** - is there sufficient evidence to demonstrate a potential breach of the Councillor Code of Conduct?
 - (b) **Alternative action** - are there any alternative, more appropriate remedies that can be explored such as an informal resolution?
 - (c) **Robust political debate** - has the individual's conduct exceeded what could be classified as robust political debate, taking into account the protections afforded to elected representatives with regard to freedom of expression and freedom of speech?
 - (d) **Seriousness** - is the allegation serious enough to warrant formal investigation and any available sanctions? Is the complaint malicious, vexatious, politically motivated or submitted on the basis of 'tit-for-tat'?

- (e) **Public interest** - is it in the public interest to refer the complaint for formal investigation and the allocation of resources?

5.6 As part of the assessment of the complaint, the Monitoring Officer or Assessment Panel may request further information from yourself as the Complainant, the Subject Councillor or Co-opted Member and any witnesses, or obtain further information which is readily available before reaching an assessment decision.

Assessment Decision

5.7 The Monitoring Officer or Assessment Panel will aim to reach an assessment decision within 15 working days of receipt of the complaint, however, in some instances this may take longer if they are reliant on the receipt of further information. The Monitoring Officer or Assessment Panel will always, however, seek to assess complaints as soon as possible.

5.8 A Decision Notice setting out the Monitoring Officer or Assessment Panel's decision will be produced and shared with all parties, setting out the following:

- (a) A summary of the complaint
- (b) The part(s) of the Code of Conduct alleged to have been breached
- (c) A summary of any response from the Subject Councillor or Co-opted Member
- (d) A summary of any witness statements or additional information relied upon during the assessment
- (e) A summary of the Independent Person's considerations
- (f) An overview of the Monitoring Officer or Assessment Panel's decision
- (g) A record of any further action required

5.9 The assessment decision will either be to:

- (a) Take no further action
- (b) Agree that the complaint can be resolved through informal resolution
- (c) Refer the complaint for formal investigation

5.10 If the Subject Councillor of a complaint is a Parish or Town Councillor, a copy of the Decision Notice will be sent to the relevant Parish or Town Clerk, unless the decision is to take no further action.

5.11 If the assessment decision is to take no further action, the reasons for the decision will be set out in the Decision Notice. There will be no right of appeal regarding the assessment decision, which will have been made in consultation with the Council's Independent Person.

5.12 The Decision Notice should be treated as private and confidential and not be shared with any other third party, unless the Monitoring Officer states otherwise.

6. What happens if my complaint is referred to formal investigation?

6.1 The Decision Notice from the assessment stage will highlight which aspect(s) of the original complaint will be subject to formal investigation.

- 6.2 Having established the scope of the investigation the Monitoring Officer, or a person appointed as an Investigating Officer, will inform:
- (a) The Subject Councillor or Co-opted Member
 - (b) Yourself as the Complainant
 - (c) One of the Council's Independent Persons
 - (d) The Clerk to the relevant Town or Parish Council, should the Subject Councillor be a Town or Parish Councillor
- 6.3 The Monitoring Officer/Investigating Officer will undertake the investigation in accordance with the following key principles:
- (a) **Proportionality** – the investigation will be proportionate to the seriousness or complexity of the matter under investigation
 - (b) **Fairness** – the Subject Councillor should know what they are accused of and have the opportunity to make comments on the investigation
 - (c) **Transparency** – as far as practical and having regard to an individual's right to confidentiality, investigations should be carried out as transparently as possible with all parties being kept up to date with progress on the case
 - (d) **Impartiality** – an investigator should not approach an investigation with pre-conceived ideas and should avoid being involved where they have a conflict of interest
- 6.4 The formal investigation is a process the Monitoring Officer/Investigating Officer follows to gather as much information about the allegation as possible, which can then be used as evidence. This could be documentary evidence, but it may also be necessary for the Monitoring Officer/Investigating Officer to conduct interviews with the Subject Councillor or Co-opted Member, yourself as Complainant and key witnesses to gain as much evidence as is deemed necessary to inform their investigation.
- 6.5 During the course of the investigation it may be necessary to reappraise if an investigation remains the right course of action, for example:
- (a) The evidence uncovered suggests a case is less serious than was originally apparent and that a different decision might therefore have been made regarding whether to investigate, or not
 - (b) Having examined the matter in greater detail it becomes apparent as part of the investigation that the matter under investigation was not carried out by the Subject Councillor or Co-opted Member in their capacity as a Councillor or representative of the authority but rather in a private capacity
 - (c) Something is uncovered which is potentially more serious and may require referral to the Police
 - (d) The Subject Councillor or Co-opted Member has died, is seriously ill or has resigned from the Council and it is considered inappropriate to continue with the investigation
 - (e) The Subject Councillor or Co-opted Member indicates that they wish to make a formal apology which the Monitoring Officer/Investigating Officer, in consultation with one of the Council's Independent Persons, considers should draw a line under the matter

Draft Report

- 6.6 The Monitoring Officer/Investigating Officer will produce a draft report of their findings and share this with the Independent Person so that they can be satisfied that the investigation is of an acceptable standard and meet the scope of the aspects of the complaint under investigation.
- 6.7 The Monitoring Officer/Investigating Officer, once satisfied, will send the draft report to the Subject Councillor and yourself as Complainant with a deadline for providing any comments as to its content.
- 6.8 The report should be treated as an explanation of all the essential elements of the case and a justification for why the Monitoring Officer/Investigating Officer have concluded there has been a breach of the Code of Conduct, or not. The report will cover:
- (a) Agreed facts
 - (b) Any disputed facts together with the view of the Monitoring Officer/Investigating Officer as to which version is more likely
 - (c) Whether those facts amount to a breach of the Code, or not
 - (d) Reasons for reaching that conclusion
- 6.9 The draft report will be treated as private and confidential by all recipients.
- 6.10 Where criticism or challenge is made of a third party, such as a witness, who will not otherwise have the opportunity to comment on the draft report, the Monitoring Officer/Investigating Officer will ensure that the third party has an opportunity to comment on that proposed criticism or challenge before the report is confirmed as a final version.
- 6.11 The Monitoring Officer/Investigating Officer is under no obligation to accept any comments made but where they do not accept comments they should provide a written explanation as to why. By exception, it may be necessary to issue a second draft of the report if there have been significant changes.

Final Report

- 6.12 The final report will be issued by the Monitoring Officer and must be sent to:
- (a) The Subject Councillor
 - (b) Yourself as Complainant
 - (c) The relevant Independent Person
 - (d) The relevant Parish or Town Council of which the Subject Councillor is a Member, if necessary
- 6.13 The report must make one of the following findings on a balance of probabilities:
- (a) That there have been one or more failures to comply with the Code of Conduct
 - (b) That there has not been a failure to comply with the Code of Conduct

7. What happens if the investigation report concludes that there is no breach of the Code of Conduct?

7.1 If the findings of the investigation conclude that there has not been a breach of the Code of Conduct, this will be the end of the matter and all parties will be notified of the outcome when provided with a final version of the report.

7.2 There will be no right of appeal regarding the outcome of an investigation report.

8. What happens if the investigation report concludes that there has been a breach of the Code of Conduct?

8.1 If the Monitoring Officer considers that there has been a breach of the Code of Conduct, they will decide the appropriate course of action to take in consultation with one of the Council's Independent Person and notify relevant parties. This could include:

- (a) Seeking an informal resolution
- (b) Taking no further action on the basis of it being a technical breach which would not lead to any sanction
- (c) Referring the matter to a Hearing

9. Will the investigation report be published?

9.1 Where the Monitoring Officer, in consultation with one of the Council's Independent Persons, has concluded that there is no breach, that no further action is required or the matter has been resolved in some other way, the report will not be published. A statement explaining the outcome and Monitoring Officer's reasoning will be published. A summary of the report will be presented to the Standards Committee, for information purposes only.

9.2 The investigation report will not be published in the interim if the matter has been referred to a Hearing. In such circumstances the report must be treated as private and confidential and not shared with any other third parties.

9.3 Once a date is set for the Hearing a recommendation will be made as to whether the Hearing should be held in public or in private, depending upon the circumstances and information included as part of the report or supporting documents.

9.4 If the Hearing is recommended to be held in public, the full report will be published with an agenda pack for the Hearing, which will be facilitated by the Council's Hearings Panel.

9.5 If the Hearing is recommended to be held in private, the Hearings Panel will be provided with the reasons for holding the Hearing in private and will be required to take a vote. If the Hearing continues to be held in private the investigation report must continue to be treated as private and confidential and not shared with any other third parties.

10. What happens at a formal Hearing and how are these conducted?

- 10.1 A formal Hearing should, wherever possible, take place within three months of the date on which the Monitoring Officer/Investigating Officer's report was completed. Where that is not possible, the Monitoring Officer will notify the relevant parties of the reason for the delay and provide an estimated timescale.
- 10.2 The Hearing will not take place sooner than 14 days after the investigation report has been issued, unless the Subject Councillor or Co-opted Member agrees. This is to allow them sufficient time to prepare their defence and consider any witnesses they may wish to call.
- 10.3 The Hearing will be facilitated by a Hearings Panel, which is a Sub-Committee of the Council's Standards Committee.
- 10.4 Once a date has been set for the Hearing, the Monitoring Officer will notify:
 - (a) The Subject Councillor or Co-opted Member
 - (b) The Investigating Officer if the Monitoring Officer themselves did not undertake the investigation
 - (c) The relevant Independent Person
 - (d) Yourself as Complainant
 - (e) The Clerk of any Parish or Town Council if the complaint relates to a Parish or Town Councillor
- 10.5 The Monitoring Officer will also outline the Hearing procedure, the Subject Councillor or Co-opted Member's rights and they will additionally ask for a written response from the Subject Councillor or Co-opted Member to confirm whether they:
 - (a) Want to be represented at the Hearing by counsel, a solicitor or any other person they wish
 - (b) Disagree with any of the findings of fact in the investigation report, including reasons for any of these disagreements
 - (c) Want to give evidence to the Hearing either verbally or in writing
 - (d) Want to call relevant witnesses to give evidence to the Hearing
 - (e) Want to request any part of the Hearing be held in private
 - (f) Want to request any part of the investigation report or other relevant documents be withheld from the public
- 10.6 The Monitoring Officer will give consideration as to any witnesses they wish to call for the Hearing or, if they did not undertake the investigation themselves, seek confirmation from the Investigating Officer.
- 10.7 Pre-hearings will be held between the Monitoring Officer and Members of the Hearings Panel as and when deemed necessary and appropriate. The pre-meeting will not be held in public and will not be used to debate the merits of the case, but will be used to:
 - (a) Consider whether any findings of fact in the investigation report are in dispute and, if so, how relevant they will be to the Hearing
 - (b) Consider any additional evidence considered necessary for the Hearing

- (c) Identify any witnesses that should be invited to the Hearing if not already identified
 - (d) Decide whether witnesses called by the Monitoring Officer/Investigating Officer and the Subject Councillor or Co-opted Member are relevant
 - (e) Consider whether any parts of the Hearing should be held in private or any parts of the investigation report or other documents should be withheld from the public prior to the Hearing
 - (f) Identify any potential conflicts of interest
- 10.8 The pre-meeting does not necessarily have to be held as a meeting, with some of the information able to be confirmed through correspondence.
- 10.9 The Hearings Panel will comply with Council Procedure Rules, Access to Information Procedure Rules and the Standards Committee Procedure Rules for the purpose of facilitating the Hearing as set out in the Council's Constitution.
- 10.11 The Hearing is not a court of law and will not hear evidence under oath, but it will decide factual evidence on the balance of probabilities.
- 10.12 The protocol to be followed at Hearings is set out at **Appendix 1** to this procedure.
- 11. If a Hearing determines that a Councillor or Co-opted Member has breached the Code of Conduct, what sanctions can be imposed?**
- 11.1 The Hearings Panel can impose the following sanctions should a breach of the Code of Conduct have occurred:
- (a) Present a report of its findings in respect of the Subject Councillor or Co-opted Member's conduct to Full Council (or relevant Parish or Town Council)
 - (b) Issue a formal Censure Notice (or recommend the same action to the relevant Parish or Town Council)
 - (c) Recommend to the Subject Councillor's political group leader, or a recommendation to Full Council, that they or a Co-opted Member be removed from any or all Committees and other bodies to which they are appointed (or recommend the same action to the relevant Parish and Town Council)
 - (d) Recommend to the Subject Councillor's political group leader that they be removed from positions of responsibility (or recommend the same action to the relevant Parish or Town Council)
 - (e) Instruct the Monitoring Officer to arrange training for the Subject Councillor or Co-opted Member (or recommend that the relevant Parish or Town Council arrange for suitable training to be held for the Subject Councillor)
 - (f) Recommend to Full Council that the Subject Councillor be removed from all outside appointments to which they have been appointed or nominated by the Authority (or recommend the same action to the relevant Parish or Town Council)
 - (g) Recommend to Full Council that facilities provided to the Subject Councillor or Co-opted Member by the authority be withdrawn for a specified period, such as a laptop/tablet, website, email account, social media account (or recommend the same action to the relevant Parish or Town Council)

- (h) Recommend to Full Council that the Subject Councillor or Co-opted Member be excluded from the authority's Offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending the Council's meetings or other approved duties, and/or restricts contact with Officers to named Officers only (or recommend the same action to the relevant Parish or Town Council)
 - (i) Recommend to an appropriate official of a political group that the Subject Councillor be removed as Political Group Leader or other position of responsibility within the Political Group, if relevant
- 11.2 The Council, its Monitoring Officer, the Standards Committee or the Hearings Panel has no power to suspend or disqualify a Councillor who is found to have breached the Councillor Code of Conduct, or withdraw or suspend allowances. It is only the above sanctions that they are able to impose.
- 12. What happens at the end of a Hearing?**
- 12.1 A Decision Notice setting out the Hearings Panel decision will be produced and published.
- 12.2 If the Hearings Panel finds that the Subject Councillor or Co-opted Member did not fail to follow the authority's Code of Conduct and determines there was no breach, the Decision Notice will state this and provide reasons for this finding.
- 12.3 If the Hearings Panel finds that the Subject Councillor or Co-opted Member failed to follow the Code of Conduct and determines there was a breach, but no further action is required, the Decision Notice will:
 - (a) State that the Councillor or Co-opted Member failed to follow the authority's Code of Conduct and that there was a breach but no further action needs to be taken
 - (b) Outline what happened
 - (c) Provide reasons for the decision not to take any action
- 12.4 If the Hearings Panel finds that a Councillor or Co-opted Member failed to follow the Code, determined there was a breach and a sanction was imposed, the Decision Notice will:
 - (a) State that the Councillor or Co-opted Member failed to follow the authority's Code of Conduct and that there was a breach
 - (b) Outline what happened
 - (c) Explain what sanction has been imposed
 - (d) Provide reasons for the decision
- 12.5 There is no right of appeal for yourself as Complainant or for the Subject Councillor or Co-opted Member against a decision of the Monitoring Officer or the Hearings Panel in relation to any decision they make at the relevant stage of this procedure.
- 12.6 Should any party feel a complaint has not been processed correctly they have the right to raise this with the Local Government and Social Care Ombudsman via the online complaints form: <https://complaints.lgo.org.uk/complaint-form>.

- 12.7 The Local Government and Social Care Ombudsman cannot be used as an appeals process and will not re-consider or overturn the decision of the Council's Monitoring Officer or Hearings Panel.

13. Local Government Association Guidance

- 13.1 This procedure will be followed in conjunction with the latest guidance published by the Local Government Association in respect of dealing with complaints against Councillors.
- 13.2 In the event that this procedure conflicts with any aspect of the Local Governance Association guidance, the Local Government Association's latest guidance will take precedence.

Protocol for Formal Hearings – Code of Conduct

1. Preliminary Procedural Issues

- (a) Introductions
- (b) Declarations of Interests
- (c) To consider any requests for the exclusion of the Press and Public

2. Monitoring Officer or Investigating Officer

- (a) Monitoring Officer, Investigating Officer or their representative to present the report and call such witnesses as they consider necessary, and make representations to substantiate their conclusions within the report.
- (b) The Hearings Panel to raise any issues or clarify any matters with the Monitoring Officer or Investigating Officer's report and to question and clarify matters with any of the witnesses called (if any).
- (c) The Subject Councillor or Co-opted Member to raise any issues or clarify any matters with the Monitoring Officer or Investigating Officer's report and to question and clarify matters with any of the witnesses called (if any).

3. Subject Councillor or Co-opted Member

- (a) The Subject Councillor or Co-opted Member, or their appointed representative if relevant, to respond to the investigation report and call such witnesses as they consider necessary (if any) and make representations.
- (b) The Monitoring Officer, Investigating Officer or their representative to raise any issues and to question or clarify any matters with the Subject Councillor or Co-opted Member and to question or clarify any matters with any of the witnesses called (if any).
- (c) The Hearings Panel to raise any issues, question or clarify any matters with the Subject Councillor or Co-opted Member .

4. Independent Person

- (a) The Independent Person to provide their views.
- (b) The Subject Councillor or Co-opted Member to seek any points of clarification from the Independent Person or ask any questions.
- (c) The Monitoring Officer, Investigating Officer or their representative to seek any points of clarification from the Independent Person or ask any questions.

- (d) The Hearings Panel to seek any points of clarification from the Independent Person or ask any questions.

5. Hearing Panel Deliberations

- (a) The Hearings Panel to retire, along with the representative from Democratic Services/designated Legal Advisor to the Panel to determine whether there has been a breach of the Code of Conduct.
- (b) The Hearings Review Panel to resume the Hearing to report its decision:
 - i. If further information or clarification is required, this will be reported and a decision taken as to whether an adjournment or postponement is necessary
 - ii. If no breach of the Code of Conduct, the Hearing ends
 - iii. If there has been a breach of the Code of Conduct, the Hearing will continue

6. Breach of the Code of Conduct

- a) Monitoring Officer, Investigating Officer or their representative to outline possible sanctions.
- b) The Subject Councillor or Co-opted Member to respond with any mitigation.
- c) The Independent Person to provide their views on appropriate sanctions.
- d) The Hearings Panel determines appropriate sanctions.

7. End of Hearing

A Decision Notice to be produced and published to all parties within 5 working days.