

APPENDIX 4 TO AGENDA ITEM 12

HEARING SUB-COMMITTEE

Membership

Three members of the Standards Committee ie one independent member who will chair the meeting, one district councillor and one councillor representing parish councils.

The names of members will be determined in rotation and in alphabetical order of their surname in each category of membership.

The membership may include any members of the Assessment Sub-Committee, Review Sub-Committee or the Report Sub-Committee which had previously considered the complaint.

Terms of Reference

- 1 To conduct a hearing having regard to any relevant advice issued by the Standards for England.
- 2 To determine following a hearing:
 - (a) that the accused member has not failed to comply with the Members' Code of Conduct or
 - (b) that the accused member has failed to comply with the Members' Code of Conduct but no action needs to be taken or
 - (c) that the accused member has failed to comply with the Members' Code of Conduct and that a sanction set out in paragraph 5 below should be imposed.

3 Sanctions

(A) In respect of current members

One or more of the following sanctions:

- (a) censure of that member
- (b) restriction for a period not exceeding six months of that member's access to the premises of the authority or that member's use of the resources of the authority, provided that those restrictions –
 - (i) are reasonable and proportionate to the nature of the breach and
 - (ii) do not unduly restrict the person's ability to perform the functions of a member

- (c) partial suspensions of that member for a period not exceeding six months
- (d) suspension of that member for a period not exceeding six months
- (e) that the member submits a written apology in a form specified by the Standards Committee
- (f) that the member undertakes such training as the Standards Committee specifies
- (g) that the member participates in such conciliation as the Standards Committee specifies
- (h) partial suspension of the member for a period not exceeding six months or until such time as the member submits a written apology in a form specified by the Standards Committee
- (i) partial suspension of the member for a period not exceeding six months or until such time as the member has undertaken such training or has participated in such conciliation as the Standards Committee specifies
- (j) suspension of the member for a period not exceeding six months or until such time as the member has submitted a written apology in a form specified by the Standards Committee
- (k) suspension of the member for a period not exceeding six months or until such time as that member has undertaken such training or has participated in such conciliation as the Standards Committee specifies.

Normally any sanction imposed by the Sub-Committee will commence immediately but any sanction could be postponed for a period of up to six months before it takes effect.

Note

Where a member of Chichester District Council is suspended or partially suspended the Full Council may decide to withhold the member's allowances for the period of the suspension or require the member to repay allowances already paid relating to that period.)

(B) In respect of former members

- (i) censure

Quorum

Three members of the Standards Committee as described under **Membership** above.