

Chichester District Council

Arrangements for Dealing with Standards Allegations under the Localism Act 2011

1 Context

These **Arrangements** set out how you may make a complaint that an elected or co-opted member of this authority or of a Parish Council within the District has failed to comply with the authority's code of conduct, and set out how the authority will deal with allegations of a failure to comply with the authority's code of conduct.

Under section 28 (6) and (7) of the Localism Act 2011, the Council must have in place 'arrangements' under which allegations that a member or co-opted member of the authority or Parish Council or of a committee or sub-committee of the authority has failed to comply with that authority's code of conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the authority to appoint at least one 'independent person', whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated and whose views can be sought by the authority at any other stage, or by a member against whom an allegation as been made.

2 The Code of Conduct

The Council has adopted a Code of Conduct for members, which is attached as **appendix one** to these **Arrangements** and available for inspection on the authority's website and on request from the reception desk at Chichester District Council East Pallant House 1 East Pallant Chichester.

3 Making a complaint

If you wish to make a complaint, please write or e-mail to:

Ms Nicola Golding
Monitoring Officer
Chichester District Council
East Pallant House
1 East Pallant
Chichester
West Sussex
PO19 1TY

ngolding@chichester.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the complaint form, which can be downloaded from the authority's website, next to the Code of Conduct, and is available on request from the reception at Chichester District Council East Pallant House 1 East Pallant Chichester.

Please do provide us with your name and a contact address or e-mail address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. A full copy of your complaint form and supporting documents will be sent to the member against whom your complaint is about (the subject member). The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form. We will consider your request and if we decide to agree to it we will not disclose your name and address to the member against whom you make the complaint without your prior consent. If we refuse your request you will be notified and given the opportunity to decide whether or not you wish to proceed with your complaint.

The subject member may provide his/her written comments about your complaint to the Monitoring Officer. You will be sent a copy of such comments and may send a response if you feel that you have new points to make.

The subject member will have the opportunity to consult, at this stage, with an Independent Person.

4 Validation

Your complaint will be considered by the Monitoring Officer. If she is of view that it does not fundamentally relate to a code of conduct matter she will decline to process it further under this procedure. You will be informed of this and, if possible, other options open to you will be suggested. For example it is generally considered that complaints about statements made in respect of the merits of a planning applications will not be dealt with under this procedure. The planning system itself is considered to give all parties a fair opportunity to express their views and comment upon the views of others. The code of conduct complaints procedure will not produce an outcome that will assist in the planning process.

If the Monitoring Officer has declined to process your complaint further under this procedure, you will be informed of this and, if possible other options open to you will be suggested.

Once validated by the Monitoring Officer, your complaint will proceed to the Initial Assessment.

54 Will your complaint be investigated?

Monitoring Officer's Initial Assessment

The Monitoring Officer will carry out an initial assessment of every complaint received and, after consultation with the Independent Person, may take a decision as to whether it should proceed to the Assessment Sub-Committee stage. The details given in your complaint form together with any supporting documents that

you have submitted, together with any comments that the subject member has made and any further response from you, will be taken into consideration.

The Monitoring Officer may decide a complaint does not proceed if:

- It is about someone who is no longer a member of the Council
- There has been a long delay before the complaint was made
- The complaint appears to be minor, politically motivated, malicious or not sufficiently serious to warrant further action
- ~~Whilst framed as a code of conduct matter, is fundamentally about the assessment of a planning application~~
~~Whilst framed as a code of conduct matter, is fundamentally a challenge to an expression of fact or opinion made during a debate at a Council meeting or is fundamentally a challenge to the underlying merits of a council determination (eg a planning application)~~
- In order to resolve the matter, you are prepared to accept and the subject member has given a written apology
- Both you and the subject member are prepared to resolve the matter by having a mediation / conciliation meeting

This list is not intended to be exhaustive and the Monitoring Officer in consultation with the Independent Person may decide that a complaint does not merit further consideration for any other reason which appears to them to be relevant.

If you are a parish councillor and the subject member (or one of them) is a member of the same parish council, the Monitoring Officer may, in consultation with the Independent Person, refer the matterentire complaint to the Sussex Associations of Local Councils (SALC). SALC will appoint a Panel to hear your complaint and decide whether it is sufficiently serious to be put through the procedure set out below or whether it should be settled in some other way within the parish council.

Where the Monitoring Officer has taken the decision that the complaint does not merit further consideration or is to be referred to SALC for mediation / conciliation, the Monitoring Officer will inform you of his/her decision and the reasons for that decision.

Assessment Sub Committee

The Assessment Sub-Committee will consist of three members of the Council's Standards Committee. If the subject member is a parish councillor, a parish councillor who is a co-opted member of the Standards Committee will also attend in an advisory capacity. The Monitoring Officer will refer the complaint to the Assessment Sub-Committee provided she considers it is appropriate to do so (see above: Monitoring Officer's Initial Assessment).

The complaint form and any supporting documents that have been submitted will be copied to all members of the Sub Committee.

Having received a copy of the complaint form the subject member may have submitted written comments to the Monitoring Officer. Such comments will also be copied to all members of the Assessment Sub-Committee, together with any further response from you.

The Assessment Sub-Committee is likely to be held in private and therefore neither you nor the subject member may attend. The Monitoring Officer and the Independent Person will attend and, if required, give advice.

The Assessment Sub-Committee may decide:

- (i) To take no further action on the complaint
- (ii) To ask for further information
- (iii) To refer the complaint to the Monitoring Officer to arrange for an investigation to be carried out
- (iv) To refer the matter to the Monitoring Officer for other steps eg for a written apology from the subject member to be sent to the complainant or to request mediation / conciliation or training for the member
- (v) To refer the complaint to the police or other regulatory agency if the complainant identifies potential criminal conduct or breach of other regulation.

Where the Monitoring Officer or the Assessment Sub-Committee requires additional information in order to come to a decision, you may be asked to provide such information or the Assessment Sub-Committee may request information from the subject member against whom your complaint is directed.

As stated above, the Assessment Sub-Committee may request that the Monitoring Officer attempts to resolve the matter informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology or other remedial actions by the authority.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the police and/or other regulatory agencies.

The complainant and the subject member will be notified of the Assessment Sub-Committee's decision with reasons.

65 How is the investigation conducted?

The Council has adopted a procedure for the investigation of misconduct complaints, which is attached as **appendix two** to these **Arrangements**.

If the Assessment Sub-Committee decides that a complaint merits formal investigation, the Monitoring Officer will appoint an investigating officer, who may be

another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether they need to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the subject member and ask that member to provide his/her explanation of events, and to identify what documents they need to see and who they need to interview. In exceptional cases, where it is appropriate to keep your identity confidential or where disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member or delay notifying the member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the subject member, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send their final report to the Monitoring Officer.

7 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if satisfied, in consultation with the Independent Person, that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the subject member, notifying you that they are satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, the Investigating Officer may be asked to reconsider the report.

8 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then refer the matter for local hearing before the Hearing Sub-Committee.

The Hearing Sub-Committee will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Council has agreed a procedure for local hearings, which is attached as **Appendix Three** to these **Arrangements**.

Essentially, the Monitoring Officer will conduct a pre-hearing process, requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing. At the hearing, the Investigating Officer will present his/her report, call such

witnesses as considered necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearing Sub-Committee. The subject member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearing Sub Committee as to why they consider that they did not fail to comply with the Code of Conduct.

The Hearing Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Hearing Sub-Committee concludes that the member did fail to comply with the Code of Conduct, it will then consider what action, if any, the Hearing Sub-Committee should take as a result of that failure to comply. In doing this, the Hearing Sub-Committee will give the subject member an opportunity to make representations and will consult the Independent Person, and will then decide what action, if any, to take in respect of the matter.

9 What action can the Hearing Sub-Committee take where a member has failed to comply with the Code of Conduct?

The Standards Committee has delegated to the Hearing Sub-Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearing Sub-Committee may:

- 3.1 9.1 Publish its findings in respect of the member's conduct.
- 3.2 9.2 Write a formal letter of censure to the councillor found to have breached the Code of Conduct.
- 3.3 9.3 Report its findings to the Council meeting for information.
- 3.4 9.4 Recommend to the member's group leader or the parish council (or in the case of un-grouped members recommend to the Council meeting) that they be removed from any or all committees or sub-committees of the Council.
- 3.5 9.5 Recommend to the Leader of the Council or the parish council that the member be removed from the Cabinet or be removed from particular portfolio responsibilities, or if the subject member is the Leader of the Council, recommend to the Council that the Leader be removed from office in accordance with Article 6 of Part 2 of the Constitution.
- 3.6 9.6 Recommend to the relevant Council to arrange training or mediation / conciliation or other appropriate remedy for the member.
- 8.7 9.7 Accept the written apology of the subject member to you.

The Hearing Sub-Committee has no power to suspend or disqualify the member or to withdraw members' basic or special responsibility allowances.

What happens at the end of the hearing?

At the end of the Hearing Sub-Committee, the chairman will state the decision of the Hearing Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearing Sub-Committee resolves to take.

As soon as reasonably practicable thereafter, a formal decision notice will be issued and a copy will be sent to you, to the subject member and the clerk to any relevant parish council. The decision notice will be available for public inspection at the Council's offices and the decision may be reported to the next meeting of the Council.

Who sits on the Hearing Sub-Committee?

The Hearing Sub-Committee is a sub-committee of three (3) members of the Council's Standards Committee. The Hearing Sub-Committee will elect one of its members to act as chairman.

The Independent Person is invited to attend all meetings of the Hearing Sub-Committee and their views are sought and taken into consideration before the Hearing Sub-Committee takes any decision on whether the member'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.

12 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is then appointed by the Council. The definition of an Independent Person can be found in section 28 of the Localism Act 2011.

13 Revision of these arrangements

The Council may by resolution agree to amend these **Arrangements**, and has delegated to the Monitoring Officer the right to depart from these **Arrangements** where she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

Appeals

There is no right of appeal for you as complainant or for the subject member against a decision of the Monitoring Officer or of the Assessment Sub-Committee or Hearing Sub Committee.

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

Code of Conduct

Appendix Two

Investigations Procedure

Introduction

This document sets out the procedure which will be followed once a decision has been taken that an allegation of misconduct by a member should be investigated.

It should be read in conjunction with the document **Arrangements for Dealing with Standards Allegations under the Localism Act 2011** [link].

The appointment of the Investigating Officer

Upon deciding to refer an allegation for investigation, the Monitoring Officer will appoint an Investigating Officer and instruct him/her to conduct an investigation of the allegation and report on it. The Monitoring Officer may appoint a replacement if the Investigating Officer is unable to complete the investigation. The Investigating Officer may be an officer of the authority or another authority or an external investigating officer. They should not be connected with the Standards Committee.

The role of the Investigating Officer

The role of the Investigating Officer is to ensure, as far as possible, that all the information which is relevant to the allegation is identified and presented in their report.

Subject to the agreement of the Monitoring Officer, the Investigating Officer may appoint a person(s) to assist him/her in the conduct of his/her functions and may obtain such professional advice as may be necessary for the conduct of the investigation.

Notification requirements

Once an Investigating Officer has been appointed, the Monitoring Officer will notify the subject member against whom the allegation has been made that the matter is being referred for investigation and inform him/her who is conducting the investigation.

The Monitoring Officer will notify the complainant that an investigation will take place and that they may be contacted in relation to that investigation.

Conduct of the investigation

The Investigating Officer shall have a broad discretion as to how to conduct the investigation.

They may require the subject member and the complainant to provide them with information and/or documents which are relevant to the investigation. They may require them to provide details of other people who may be able to assist with the investigation.

The Investigating Officer may request any person to attend an interview with him/her and/or provide him/her with documents and/or information.

Any person who is interviewed may arrange to have a friend or solicitor with him/her (provided that person is not connected to any matter under investigation).

The Investigating Officer will produce a written statement for signature in respect of any interviews that they conduct.

Referral to the Monitoring Officer

The Investigating Officer may refer the matter back to the Monitoring Officer if it appears to them appropriate to do so. For example, if the member is seriously ill or the decision to investigate should be reconsidered in the light of new evidence.

Deferral of investigation

The Monitoring Officer has discretion to defer the investigation if it appears appropriate to do so. For example, if there is a criminal investigation taking place.

Confidentiality

The Investigating Officer shall request that anyone contacted in relation to the investigation shall maintain confidentiality in order to maintain the integrity of the process.

Draft report

When the Investigating Officer is satisfied that they have sufficient information, or have obtained as much information as is reasonably practicable to obtain, they shall prepare a confidential draft report setting out the details of the allegation, the relevant sections of the code, a summary of the allegation, the response of the subject member, the information, documents and evidence taken during the course of the investigation, a statement of his/her draft findings, and the Investigating Officer's conclusion as to whether the member has breached the Code of Conduct.

The draft report should be sent to the Monitoring Officer, the complainant, the subject member and the Independent Person for their comments. The Investigating Officer may wish to conduct further investigations once they have received those comments, before producing the final report.

Final report

The final report should include the same sections as the draft report and a final conclusion as to whether there has been a breach of the Code of Conduct.

It may be helpful to include a chronology, summary of disputed facts and/or to append witness statements or other documents.

Action on receipt of report

If the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct, the Monitoring Officer will review the report and, if satisfied that the report is sufficient, in consultation with the Independent Person, will write to the complainant and the subject member notifying them that no further action is required and enclosing a copy of the report.

If the Monitoring Officer is not satisfied that the investigation has been conducted properly, she may ask the Investigating Officer to reconsider his/her report.

If the report concludes that there is evidence of a failure to comply with the Code of Conduct the matter will be referred to the Hearing Sub-Committee.

The hearings process is the subject of a separate procedure [\[link\]](#).

Hearings Procedure

The following process will be followed where the Investigating Officer has considered that there is evidence that the subject member has breached the Code of Conduct.

Pre-hearing process

The Monitoring Officer will, where possible, arrange for the Hearing Sub-Committee to meet to hear the complaint within three months of receiving the Investigating Officer's report. She should aim to find a date which the witnesses, the Investigating Officer, the complainant and the subject member can attend. The Monitoring Officer should give all those involved sufficient notice of the date for the Hearing Sub-Committee meeting.

The Monitoring Officer will require the subject member to give his/her response to the Investigating Officer's report in order to identify what is likely to be agreed and what is likely to be in contention at the Hearing Sub-Committee.

If the subject member wishes to rely on evidence at the committee, they should provide it in writing to the Monitoring Officer as soon as possible. The Investigating Officer may have taken a witness statement from him/her or set out his/her comments in the report but if the subject member wishes to add to what the Investigating Officer has written they should provide a witness statement to the Monitoring Officer as soon as possible.

The Hearing Sub-Committee will not allow new arguments or evidence to be presented at the hearing.

The Monitoring Officer will consider whether it is appropriate to hear two complaints together eg if they relate to the same member or to the same incident or occasion.

The subject member should be provided with the Investigating Officer's report and any evidence which will be heard at the hearing.

The Monitoring Officer should provide the members of the Hearing Sub-Committee with all the evidence in advance of the hearing so that they can read it to identify any potential conflicts of interest.

The Monitoring Officer will provide the Hearing Sub-Committee with a report which summarises the allegation. This should include a list of agreed facts and disputed issues and outline the proposed procedure for the hearing (this will be based upon the **Procedure for the Hearing Sub-Committee** at the end of this appendix).

A Member Services officer will act as a point of contact for the subject member, the complainant, the Independent Person and any witnesses who will give evidence.

The Hearing Sub-Committee

The Hearing Sub-Committee will generally take place in public. If the subject member is a parish councillor, a parish councillor who is a co-opted member of the Standards Committee will attend in an advisory capacity, in addition to the three voting members of the Sub-Committee.

An Independent Person will be invited to attend the hearing and will be asked to comment on whether there has been a breach of the Code of Conduct and on appropriate sanctions. ~~This will be an Independent Person who has not previously been consulted by the subject member.~~

If the subject member does not attend the hearing, the Hearing Sub-Committee may adjourn the hearing or may continue to reach a decision on the basis of the Investigating Officer's report and, if it decides to do so, any evidence that it hears.

Whilst the Hearing Sub Committee is a meeting of the authority, it is not a court of law. It does not hear evidence under oath. The rules of natural justice should nevertheless be carefully followed and the Hearing Sub-Committee will have due regard to the seriousness of the proceedings for those involved, the Council and the public.

The Hearing Sub-Committee will decide disputed issues and whether the subject member has breached the code on the balance of probabilities.

Representation

The subject member may choose to be represented if they wish. They will have to bear the cost of being represented. The Hearing Sub-Committee may refuse to allow any person to remain at the hearing if they are disruptive. The Hearing Sub-Committee will have the discretion to hear opening or closing arguments from the subject member and the Investigating Officer if it feels it would assist them in reaching a decision.

Evidence

The Hearing Sub-Committee will control the procedure and evidence presented at a hearing, including the number of witnesses and the way they are questioned. All matters relating to the evidence and procedure are within its discretion.

Generally the subject member is entitled to present his/her case as they see fit.

Witnesses of facts that are disputed would normally be expected to attend to be questioned. Character witnesses will normally provide written evidence, which can be read at the hearing.

Witnesses may be questioned by the Hearing Sub-Committee, the Independent Person, the Investigating Officer and the subject member.

The onus is on the subject member to ensure the attendance of the witnesses whom they would like to give evidence to assist them. The Hearing Sub-Committee can limit the number of witnesses or the issues which can be covered by them.

Neither the Hearing Sub-Committee nor the subject member will have any power to compel witnesses to give evidence.

At the Hearing Sub Committee

At the hearing, the Investigating Officer will present his/her report, call such witnesses as they consider necessary and make representations to substantiate his/her conclusion that

the member has failed to comply with the Code of Conduct. The Investigating Officer may ask the complainant to attend and give evidence to the Hearing Sub-Committee. The Investigating Officer may be asked about his/her report or any matters relating to his/her involvement.

Role of the Monitoring Officer

References to the Monitoring Officer should be read to include any representative of the Monitoring Officer.

The Monitoring Officer has a key role in ensuring the smooth running of the pre-hearing and hearing process. He or she will remain neutral throughout and will provide independent advice to the Hearing Sub-Committee.

Role of the complainant

The role of the complainant will usually be limited to being a witness for the Investigating Officer and they are not a party to the proceedings. However, the Hearing Sub-Committee might wish to consult him/her at any stage in the hearing if it feels that his/her comments would assist it.

Decision

The Hearing Sub-Committee must consult the Independent Person before reaching its decision.

The Hearing Sub-Committee may wish to retire to consider its decision. The Monitoring Officer may assist it in setting out the reasons for their decision.

The Hearing Sub-Committee will reach a decision as to whether the subject member has breached the code of conduct. If it decides that the subject member has not breached the Code of Conduct, it will take no further action. If it decides that the subject member has breached the Code of Conduct, it should go on to decide what sanction, if any, is appropriate.

Sanctions

The Hearing Sub-Committee will consult the Independent Person before imposing any sanction and give the subject member the opportunity to make representations.

The Hearing Sub-Committee should consider all the mitigating and aggravating circumstances that appear to it to be relevant. For example, it may wish to consider:

- What were the actual and potential consequences of the breach?
- How serious was the breach?
- What is the attitude of the subject member now? Have they apologised?
- Has the subject member previously been dealt with for a breach of the Code of Conduct?

The following are examples of mitigating and aggravating factors, but these lists should not be regarded as exhaustive.

Mitigating Factors

- An honest but mistaken belief that the action was not a breach of the Code of Conduct
- A previous record of good service
- Evidence that they were suffering from ill health at the time of the breach

Aggravating Factors

- Dishonesty
- Continuing to deny the facts or blaming other people
- Evidence of a failure to follow advice or warnings

The priority of the Hearing Sub-Committee should be to ensure that there are no further breaches of the Code of Conduct and that public confidence is maintained.

Sanctions

The sanctions available to the Hearing Sub-Committee are:

- Publish its findings in respect of the member's conduct.
- Write a formal letter of censure to the member found to have breached the Code of Conduct.
- Report its findings to Council for information.
- Recommend to the member's group leader or the Parish Council (or, in the case of un-grouped members, recommend to the Council meeting) that they be removed from any or all committees or sub-committees of the Council.
- Recommend to the Leader of the Council or the Parish Council that the member be removed from the Cabinet or removed from particular portfolio responsibilities.
- Recommend to the relevant Council training, mediation / conciliation (or other appropriate remedy) for the member.
- Accept the written apology of subject member.

Notice of the decision

As soon as is reasonably practicable after the hearing, the Monitoring Officer shall issue a formal decision notice in consultation with the chairman of the Hearing Sub-Committee, and send a copy to the complainant, the subject member and any relevant parish council. The decision notice will be available for public inspection and may be reported to the next meeting of the Council.

Procedure of the Hearing Sub-Committee

- 1 Election of a chairman.
2. Chairman to introduce members and all parties present.
- 3 Chairman to outline complaint and explain procedure.
- 4 Investigating officer to outline the case as to why they believe the subject member has breached the Code of Conduct and call any witnesses (including the complainant if necessary).
- 5 Subject member and the Hearing Sub-Committee may ask questions of the Investigating Officer and any witnesses.
- 6 The subject member outlines their case as to why they believe that they have not breached the Code of Conduct and may call witnesses.
- 7 The Investigating Officer (and possibly the complainant) and the Hearing Sub-Committee may ask questions of the subject member or any of his/her witnesses.
- 8 The subject member and the Investigating Officer may be asked to give brief closing remarks.
- 9 The Independent Person will be invited to give comments.
- 10 The Hearing Sub-Committee will retire to consider whether the subject member has breached the Code of Conduct.
- 11 The chairman will announce the Hearing Sub-Committee's decision as to whether the Code of Conduct has been breached by the subject member.
- 12 If no breach, is found the meeting will be closed.
- 13 If a breach is found, the subject member will be invited to give further comment on any mitigating circumstances;
- 14 The Investigating Officer may comment upon appropriate sanction.
- 15 The Independent Person will be invited to give further comments.
- 16 The Hearing Sub-Committee will retire to consider sanction.
- 17 The Hearing Sub-Committee will announce sanctions which it is imposing on the subject member and then close the meeting.
- 18 A written decision notice will be issued and sent to all parties as soon as reasonably practicable after the Hearing Sub-Committee.