

# AUDIT AND STANDARDS SUB COMMITTEE- STANDARDS HEARING PANEL

Tuesday, 3rd December, 2019  
6.00 pm





# AUDIT AND STANDARDS COMMITTEE-STANDARDS HEARING PANEL

## BURNLEY TOWN HALL

Tuesday, 3rd December, 2019 at 6.00  
pm

### AGENDA

**1) Apologies**

To receive any apologies for absence.

**2) Minutes**

5 - 10

To approve as a correct record the minutes of the previous Standards Hearing Panel meeting on the 23<sup>rd</sup> July 2019.

**3) Additional Items of Business**

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered as a matter of urgency.

**4) Declarations of Interest**

To receive any declarations of interest from Members relating to any item on the agenda, in accordance with the provisions of the Code of Conduct.

**5) Exclusion of the Public**

To determine during which items, if any, the public are to be excluded from the meeting.

### PUBLIC ITEMS

**6) Arrangements for dealing with complaints under the Code of Conduct for Members**

11 - 22

To consider the Arrangements for dealing with complaints under the Code of Conduct for Members (Appendix to Part 5.1 of the constitution)

**7) Exclusion of the Public**

To consider the exclusion of the public from the meeting before discussion takes place on the following item of business on the grounds that in view of the nature of the business to be transacted if the public were present there would be a disclosure to them of exempt information within the meaning of Part 12A of the Local Government Act 1972.

### PRIVATE ITEMS

**8) *Investigation Report***

23 - 46

To consider the Investigation Report regarding a Member relating to the Code of Conduct for Members, including Appendices 1-10.

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

**9) *Further Written Materials from the Member***

47 - 48

To consider further written materials from the Member.

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

**MEMBERSHIP OF COMMITTEE**

**Councillors**

Councillor Shah Hussain  
Councillor Margaret Lishman  
Councillor Mark Payne

Councillor John Harbour  
Councillor Tony Martin

**Co-opted Member**

Louise Gaskell, East Lancashire  
Chamber of Commerce

**Also in Attendance**

Pat Higginbottom- Independent Person

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## AUDIT AND STANDARDS COMMITTEE - HEARING

BURNLEY TOWN HALL

Tuesday, 23rd July, 2019 at 6.00 pm

### PRESENT

### MEMBERS

Councillor Mark Payne, In the Chair.

Councillors P Campbell, T Commis, A Khan and A Newhouse

### OFFICERS

Lukman Patel	– Chief Operating Officer
Eric Dickinson	– Democracy Officer
Catherine Waudby	– Head of Legal and Democratic Services

### INDEPENDENT MEMBER

Louise Gaskell

### INDEPENDENT PERSON

Pat Higginbottom

### 9. Appointment of Chair

Councillor Mark Payne was appointed Chair for this meeting.

### 10. Minutes

The Minutes of the last Hearing Panel on 27<sup>th</sup> September 2018 were agreed as a correct record.

### 11. Declarations of Interest

Following a query by the Monitoring Officer, there weren't any declarations of Interest by Members on the Hearing Panel.

### 12. Arrangements for dealing with complaints under the Code of Conduct for

## Members

The procedure that would be followed for the hearing was noted and introductions were made.

### 13. Investigation report

The Hearing Panel conducted a hearing into allegations that Councillor Alan Hosker had breached the Council's Code of Conduct for Members by referring to Burnley's MP in a derogatory manner by being misogynistic on his County and Borough Councillor Facebook page, and had breached respect, caused disrepute, and had breached the Leadership Principle.

The hearing was conducted in accordance with the Council's arrangements for investigating and taking decisions on alleged breaches of the Code of Conduct and the procedure was agreed by the Panel.

The Investigating Officer who had carried out an investigation into the allegations presented her report and made submissions to the Panel, and she did not call any witnesses.

Councillor Alan Hosker was invited to the Hearing but declined to attend.

The Panel carefully considered the investigation report and the Investigating Officer was asked a number of questions.

The Panel asked the public and the Investigating Officer to leave so that it could consider its findings and have regard to the views of the Independent Person.

Before considering its findings, the Panel took into account and had regard to the views of the Independent Person.

The Panel and all parties reconvened and gave its decision and reasons.

### Decision

The Hearing Panel found that Councillor Alan Hosker had breached the Council's Code of Conduct for Members in relation to the Leadership Principle.

Members should promote and support General Principles of the Code of Conduct by leadership and by example, and should act in a way that secures or preserves public confidence.

Councillor Alan Hosker had behaved in a manner which could reasonably be regarded as breaching this Leadership Principle.

## ***Reasons for decision***

- The action by Councillor Alan Hosker on his County and Borough Councillor Facebook page in liking the language referred to in the report was inappropriate.
- The management by Councillor Alan Hosker of his County and Borough Councillor Facebook page was inadequate

The Panel asked the public and the Investigating Officer to leave so that it could consider the actions it might take regarding the breach of Leadership.

Before considering any action to be taken, the Panel took into account and had regard to the views of the Independent Person.

The Panel and all parties reconvened and delivered the following sanctions;

### **Sanctions**

1. That the Panel publish its findings in respect of Councillor Alan Hosker's conduct;  
and
2. That the Panel report its finding to the Council for information.

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## **DECISION NOTICE FINDINGS; BREACH OF THE MEMBERS CODE OF CONDUCT**

### **Complaint**

On 23<sup>rd</sup> July 2019 the Audit and Standards Sub Committee Hearing Panel of this Council considered the report of the Investigating Officer in relation to a complaint into the alleged conduct of Councillor Alan Hosker, a Member of Burnley Borough Council. We have set out a general summary of the complaint below:

It was alleged that Councillor Alan Hosker had breached the Code of Conduct for Members by referring to Burnley's MP in a derogatory manner by being misogynistic on his County and Borough Councillor Facebook page, and had breached respect, caused disrepute, and had breached the Leadership Principle- which requires Members to promote and support the General Principles of the Code of Conduct by leadership and by example and by acting in a way that secures or preserves public confidence.

The cross-party Hearing Panel was chaired by Councillor Mark Payne.

Councillor Alan Hosker was invited to the Hearing but declined to attend.

### **Decision**

The Hearing Panel takes all complaints about Councillors very seriously and carefully considers all matters in accordance with its published criteria.

The Hearing Panel found that Councillor Alan Hosker had breached the Council's Code of Conduct for Members in relation to Leadership. Members should promote and support General Principles of the Code of Conduct by leadership, and by example, and should act in a way that secures or preserves public confidence. Councillor Alan Hosker had behaved in a manner which could reasonably be regarded as breaching this Leadership Principle.

## **Reasons for decision**

The Hearing Panel carefully considered the evidence set out in the Investigating Officer's report and the representations made by the Investigating Officer.

Before reaching its decision the Hearing Panel took into account and had regard to the views of the Independent Person and concluded that:

- The action by Councillor Alan Hosker on his County and Borough Councillor Facebook page in liking the language referred to in the report was inappropriate
- The management by Councillor Alan Hosker of his County and Borough Councillor Facebook page was inadequate

## **Sanctions**

Before considering the action to be taken, the Hearing Panel took into account and had regard to the views of the Independent Person.

The Hearing Panel resolved the following;

The Panel will publish its findings in respect of Councillor Alan Hosker's conduct.

The Panel will report its findings to the Council for information.

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Audit and Standards Sub-Committee – Hearing Panel

Decision Notice – 5<sup>th</sup> August 2019

Appendix

REVIW DRAFT JULY 2018

## **BURNLEY BOROUGH COUNCIL ARRANGEMENTS FOR DEALING WITH COMPLAINTS ABOUT THE CODE OF CONDUCT FOR MEMBERS**

### **Introduction**

1. This procedure applies when a complaint is received that a Member, Co-opted Member or Parish Member has or may have failed to comply with the Code of Conduct for Members.
2. The person making the complaint will be referred to as “the Complainant” and the person against whom the complaint is made will be referred to as the “Subject Member.”
3. No Member or officer will participate in any stage of the arrangements if he or she has, or may have, any personal conflict of interest in the matter.

### **4. Making a complaint**

A complaint must be made in writing by post or email to: –  
The Monitoring Officer  
Burnley Council  
Town Hall  
Manchester Road  
BB11 9SA

OR

[lpatel@burnley.gov.uk](mailto:lpatel@burnley.gov.uk)

The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it and, at the same time, write to the Subject Member (and in the case of a complaint about a Parish Councillor to the Clerk of the Parish Council as well) with details of the allegations (subject to any representations from the Complainant on confidentiality, which are accepted as valid by the Monitoring Officer).

The Subject Member may, within 5 working days of receipt, make written representations to the Monitoring Officer which must be taken into account when deciding how the complaint will be dealt with. Representations received after this time may be taken into account, at the discretion of the Monitoring Officer, but will in any event not be considered after the Monitoring Officer has issued his Complaint Initial Assessment.

### **5. Complaint Initial Assessment**

The Monitoring Officer will review the complaint and where there is a reasonable belief that an investigation is necessary, and after consultation with the Independent Person, take a decision (a Complaint Initial Assessment) as to whether it merits investigation, or another course of action. This decision will normally be taken within 20 working days of receipt of a complaint. If the complaint fails one or more of the following tests, it will be rejected:

- The complaint is against one or more named Members or co-opted Members of the Council or a Parish Council within its district;
- The Subject Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time;
- The complaint, if proven, would be a breach of the Code of Conduct under which the subject Member was operating at the time of the alleged misconduct.

If appropriate, the Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be accepted for investigation, dealt with informally, or rejected:

- Whether a substantially similar allegation has previously been made by the Complainant to Standards for England, or the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority;
- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
- Whether the allegation is anonymous;
- Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:-

(i) the resources needed to investigate and determine the complaint are wholly disproportionate to the allegations;

(ii) whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation;

- Whether the complaint appears to be malicious, vexatious, politically motivated or tit-for-tat;
- Whether the complaint suggests that there is a wider problem throughout the authority;
- Whether it is apparent that the subject of the allegation is relatively inexperienced as a Member, or has admitted making an error and the matter would not warrant a more serious sanction;
- Whether training or conciliation would be the appropriate response;

## **6. Additional Information**

The Monitoring Officer may require additional information to come to a decision and may request information from the Subject Member. Where the complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Clerk of the Parish Council of the complaint and seek the views of the Clerk of the Parish Council before deciding whether the complaint merits formal investigation or other action.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation. Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable and offering an apology, or taking other steps. Where the Subject Member or the authority (in appropriate cases) make a reasonable offer of local resolution, but it is rejected by the Complainant, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation. If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authorities.

## **7. Confidentiality**

If a Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the Complaint Initial Assessment stage. As a matter of fairness and natural justice, the Subject Member should usually be told who has complained about them and receive details of the complaint.

However, in exceptional circumstances, the Monitoring Officer may withhold the Complainant's identity if on request from the Complainant, or otherwise, they are satisfied that the Complainant has reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of physical harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the Complainant's identity being disclosed.

If the Monitoring Officer decides to refuse a request by a Complainant for confidentiality, they will offer the Complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the Complainant's wish to have his or her identity withheld from the Subject Member

## **8. Investigation**

The Monitoring Officer will appoint an Investigating Officer where a complaint merits formal investigation. The Investigating Officer may be a Council officer, an officer of another Council, or an external investigator.

The Investigating Officer will follow guidance issued by the Monitoring Officer on the investigation of complaints. The guidance will follow the principles of proportionality and the cost-effective use of Council resources and shall be interpreted in line with these principles.

The Investigating Officer will ensure that the Subject Member receives a copy of the complaint – subject to a Monitoring Officer decision on Confidentiality.

Where practicable an investigation should conclude within a month of the decision to carry out the investigation.

The Subject Member and Complainant should be kept informed on the progress of the investigation, particularly in more complex cases. However, this does not extend to providing details or information as part of the investigation itself; unless relevant to seeking clarification or additional representation.

During the investigation, and at all times, both the Subject Member and Complainant must maintain courteous, respectful and professional relationships with the Investigating Officer, and between themselves and any witnesses; and be cooperative to reasonable requests for information and representation from the Investigating Officer.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report to the Complainant and to the Subject Member, for comments. The Investigating Officer will take such comments into account, before issuing their final report to the Monitoring Officer.

### **9. Investigating Officer finding of insufficient evidence of failure to comply with the Code of Conduct**

The Monitoring Officer will review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is satisfactory, will make a Confirmation Decision to confirm the finding of no failure to comply with the Code of Conduct.

The Monitoring Officer will write to the Complainant and the Subject Member (and to the Clerk of the Parish Council, where the complaint relates to a Parish Councillor), with a copy of the Confirmation Decision and the Investigating Officer's final report.

If the Monitoring Officer is not satisfied that the investigation has been conducted a satisfactorily, the Investigating Officer may be asked to reconsider their report and conclusion.

### **10. Investigating Officer finding of sufficient evidence of failure to comply with the Code of Conduct**

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for Local Hearing before the Hearings Panel or, after consulting the Independent Person, seek Local Resolution.

## **11. Local Resolution**

If the Monitoring Officer considers that the matter can reasonably be resolved without the need for a hearing, they will consult with the Independent Person and the Complainant and seek to agree a fair resolution. Such resolution may include the Member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action.

If the Member accepts the suggested resolution, the Monitoring Officer will report the outcome to the Standards Committee and the Clerk to the Parish Council (if appropriate) for information, but will take no further action.

If the Complainant or the Subject Member refuses Local Resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter for a Local Hearing without further reference to the Complainant or the Subject Member.

## **12. Local Hearing**

Where, in the opinion of the Monitoring Officer, Local Resolution is not appropriate or the Complainant and/or Subject Member refuse to co-operate, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which 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 are included at Page 8 of this appendix [The Pre Hearing Process and The Hearing]

## **13. Constitution of the Hearings Panel**

The Hearings Panel is a Sub-Committee of the Council's Audit and Standards Committee. The Council has decided that it will comprise at least 1 of the Independent Members co-opted to the Audit and Standards Committee and 5 Members of the Council, drawn from at least 2 different political parties. Where the complaint is about a Parish Member, the Hearings Panel will include at least 1 of the Parish Members co-opted to the Standards Committee.

The Independent Person is invited to attend all meetings of the Hearings Panel and their views must be sought and taken into consideration before the Hearings Panel 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.

## **14. The Independent Person**

The Independent Person must be a person who has applied for the post following advertisement of a vacancy for the post, and appointed by a positive vote from a majority of all the Members of Council at a meeting of the Full Council.

A person is not eligible for appointment if they:

14.1 Are, or have been within the past 5 years, a Member, co-opted Member or officer of the Council;

14.2 Are or have been within the past 5 years, a Member, co-opted Member or officer of a parish council within the Borough, or

14.3 Are a relative or close friend, of a person within paragraph 14.1 or 14.2 above. For this purpose, "relative" means –

14.3.1 Spouse or civil partner;

14.3.2 Living with the other person as husband and wife or as if they were civil partners;

14.3.3 Grandparent of the other person;

14.3.4 A lineal descendent of a grandparent of the other person;

14.3.5 A parent, sibling or child of a person within paragraphs 14.3.1 or 14.3.2;

14.3.6 A spouse or civil partner of a person within paragraphs 14.3.3, 14.3.4 or 11.3.5; or

14.3.7 Living with a person within paragraphs 14.3.3, 14.3.4 or 14.3.5 as husband and wife or as if they were civil partners.

## **15. Action the Hearings Panel may take where a Member has failed to comply with the Code of Conduct**

Where a Hearings Panel find that a Member has failed to comply with the Code of Conduct, the Council has delegated to the Hearings Panel 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 Hearings Panel may –

15.1 Publish its findings in respect of the Member's conduct;

15.2 Report its findings to Council (or to the Parish Council) for information;

15.3 Recommend to Council that the Member be censured;

15.4 Recommend to the Member's Group Leader (or in the case of ungrouped Members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council;

15.5 Recommend to the Leader of the Council that the Member be removed from the Executive, or removed from their Portfolio responsibilities;



15.6 Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Member;

15.7 Recommend to Council (or recommend to the Parish Council that the Member be removed) from all outside body appointments to which they have been appointed or nominated by the Council (or by the Parish Council);

15.8 Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or

15.9 Exclude (or recommend that the Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

## **16. Revision of these arrangements**

The Council may by resolution or delegation to the Monitoring Officer agree to amend these arrangements and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

## **17. Appeals**

Subject to Judicial Review, or a decision of the Local Government Ombudsman, there is no right of appeal against a decision of the Monitoring Officer or of the Hearings Panel.

## **The Pre Hearing Process and Hearing**

1.1 In advance of the Hearing the Monitoring Officer (and/or his nominees) will:

- (a) agree a date for the hearing with all the relevant parties;
- (b) provide a timetable for the member to provide details about whether they wish to give evidence (and whether orally or in writing) at the hearing and any witnesses they intend to call, and additional papers they may wish to provide in time for inclusion in the committee papers;
- (c) establish whether the member will be represented or accompanied at the hearing;
- (d) establish whether the member wishes any part of the Investigation Report to be kept confidential or the Hearing itself to be held in private, and the reasons for this;
- (e) provide information about the procedure to be used at the hearing;
- (f) establish whether the member disagrees with any of the findings of fact in the Investigation Report;
- (g) establish whether the Investigating Officer intends to call any witnesses.

1.2 Wherever possible hearings conducted by the Hearing Panel shall take place within three calendar months of the referral to the Hearing Panel.

1.3 At the hearing, the Monitoring Officer/Investigating Officer will present the Investigation Report, call such witnesses as he/she considers 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 Monitoring Officer/Investigating Officer may request the person making the allegation to attend and give evidence to the Hearings Panel.

1.4 The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Members' Code of Conduct.

1.5 If a member fails to attend the hearing, the Hearing Panel may decide to proceed in the member's absence and make a determination, or to adjourn the hearing to a later date

1.6 Full details of the process to be undertaken at the hearing are contained in the Hearing Procedure note comprising the Appendix to these arrangements.

1.7 The Hearing Panel, having sought and taken into account the views of the Independent Person may conclude:

- (a) that the member did not fail to comply with the Members' Code of Conduct, and dismiss the complaint, or
- (b) that the member did fail to comply with the Members' Code of Conduct.

1.8 In the event of a finding under Paragraph 1.7 (b) above, the Chair will inform the member of this finding and the Hearing Panel will then consider what action, if any, it should take as a result of the member's failure to comply with the Members' Code of Conduct. In doing this, the Hearing Panel will give the member an opportunity to make representations to the Panel as to whether any action should be taken and what form any action should take and will seek and take into account the views of the Independent Person. It will then decide what action, if any, to take in respect of the matter.

## **2. Action which may be taken where a member has failed to comply with the Code of Conduct**

2.1 Having determined that a member has failed to comply with the Members' Code of Conduct, the Hearing Panel may:

- (a) Publish its findings in respect of the member's conduct;
- (b) Report its findings to Council (or to the Parish Council) for information;
- (c) Recommend to Council that the member be censured
- (d) Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (e) Recommend to the Leader of the Council that the member be removed from the Executive, or removed from Portfolio responsibilities;
- (f) Instruct the Monitoring Officer to (or recommend to the Parish Council ) arrange training for the Member;
- (g) Recommend to Council (or recommend to the Parish/Town Council that the Member be removed) from

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all outside body appointments to which they have been appointed or nominated by the Council (or Parish Council)

- (h) Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Member by the Council, such as computer, website and/or email and Internet access; or
- (i) Exclude (or recommend that the Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms necessary for attending Council, Committee and Sub-Committee meetings.

2.2 The Hearing Panel has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

2.3 At the end of the hearing, the Chair shall state the decision of the Hearing Panel as to whether the member failed to comply with the Code of Conduct and as to any action which the Panel has resolved to take.

2.4 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice after consultation with the Chair of the Hearing Panel, and send a copy to the person making the allegation; to the member concerned; make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

## **The Hearing Procedure**

The model procedure which follows comprises good and equitable practice and should be followed closely wherever possible. There may be occasions when circumstances require variations and subject to the maintenance of the principles of natural justice these may be affected at the discretion of the Hearing Panel and advised to the parties

1. The Chair shall facilitate introductions and explain the procedure for the hearing.
2. The Monitoring Officer/Investigating Officer shall be invited to present his/her Investigation Report including any documentary evidence or other material and to call witnesses as required. This report and documentary and witness evidence must be based on the allegation made to the Council; no new or additional matters will be allowed.
3. The Member against whom the allegation has been made or his/her representative may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer. This is the Member's opportunity to ask questions arising from the Investigation Report and the direct evidence and not to make a statement.
4. Members of the Panel may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer
5. The Member against whom the allegation has been made or his/her representative may present his/her case and call witnesses as required.
6. The Monitoring Officer/Investigating Officer may question the Member and any witnesses
7. Members of the Panel may question the Member and any witnesses.
8. The Monitoring Officer/Investigating Officer may sum up the investigation into the allegation and make a closing speech.
9. The Member or his/her representative may sum up his/her case and make a closing speech.

10. The Chair shall invite the parties to withdraw to enable the Panel to deliberate upon the allegation. Prior to reaching a determination the Panel shall seek and take into account the views of the Independent Person.
11. The parties shall be invited to return and the Chair shall announce the Panel's decision in the following terms:-
  - (a) The Panel has determined that the Member has failed to comply with the Code of Conduct, or
  - (b) The Panel has determined that the Member has not failed to comply with the Code of Conduct and the allegation is dismissed.

The Panel will give reasons for its decision.

12. If the Panel has determined that the Member has failed to comply with the Code of Conduct it shall consider any representations from the Member as to whether any action should be taken and what form any action should take.
13. The Chair shall invite the parties to withdraw to enable the Panel to deliberate upon what action if any should be taken. Prior to reaching a determination the Panel shall seek and take into account the views of the Independent Person.
14. In addition to any action upon the current matter, the Panel shall consider whether in consequence it should make recommendations to the Council with a view to promoting high standards of conduct amongst Members.
15. The parties shall be invited to return and the Chair shall announce the Panel's decision
16. A full written decision shall be issued to the Complainant and the Member within ten clear working days following the hearing and shall be published.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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