

Terms of Reference of the Hearings Sub-Committee

As approved by the Standards Committee

1. Terms of Reference
 - a. The Hearings Sub-Committee is established to determine any matters referred to it from the Standards Committee, the Standards Board for England, the Monitoring Officer or a complainant; for local determination.
 - b. Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall be responsible for determining whether:
 - i. it accepts a finding of no failure to observe the Code of Conduct by the Monitoring Officer;
 - ii. the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee, and if so, for dealing with any necessary preliminary steps; or
 - iii. the matter should be referred to the Adjudication Panel for determination.

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the Member concerned of that decision.
 - c. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) above, the Sub-Committee shall state its reasons for that decision.
 - d. Upon completion of a hearing by the Hearings Sub-Committee the Sub Committee shall be responsible for determining that:
 - i. the Member has not failed to follow the Code of Conduct; or
 - ii. the Member has failed to follow the Code of Conduct but no action needs to be taken; or
 - iii. the Member has failed to follow the Code of Conduct and should be penalised.
 - e. Where the Sub Committee finds that a Member should be penalised it may do one or a combination of the following:
 - i. censure the Member; this is the only form of penalty available when the person is no longer a member of the authority;
 - ii. restrict the Members access to the resources of the authority for up to six months, which could include limiting access to the premises of the authority;
 - iii. suspend or partly suspend the Member for up to six months;
 - iv. suspend or partly suspend the Member for up to six months on the condition that the suspension or partial suspension shall end if the Member apologises in writing, receives any training, or takes part I n any conciliation that the Sub-Committee requires them to ;

- v. require the Member to submit a written apology in a form specified by the Sub-Committee;
- vi. require the Member to undertake such training as is specified by the Sub-Committee;
- vii. require the Member to participate in such conciliation as is specified by the Sub –Committee.

2. Composition of the Hearings Sub-Committee

The Hearings Sub-Committee shall comprise 5 Members drawn from the Standards Committee who must have completed the Councils prescribed training on the Hearing of complaints of breaches of the Members Code of Conduct. The Chair of the Sub-Committee shall be an independent co-opted Member of the Standards Committee and at least one Member of the Sub Committee shall be an elected Member of the Authority.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 Members, with an Independent Co-opted member as Chairman, and at least one elected Member of the Council.

4. Frequency of Meetings

The Hearings Sub-Committee shall meet as and when required to enable it to determine any matters referred to it.