

Mark Sanders MBA, BSc(Hons)
Chief Executive

Our Ref

Your Ref

Date

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DRAFT

Councillor

Dear Councillor

REPORT – ETHICAL STANDARDS OFFICER

I refer to the final report by the Ethical Standards Officer,
. As you know, referred his/her final report to the
Monitoring Officer for determination by the Council's Standards
Committee under The Local Authorities (Code of Conduct) (Local
Determination) Regulations 2003.

I am writing in relation to the proposed meeting of the Standards
Committee to determine the matter.

... I enclose a copy of the Standards Committee's Pre-Hearing
Procedures (Enclosure 1) and Hearing Procedures (Enclosure 2).

Please note you have the right to –

- go to the hearing and present your case,
- call a reasonable number of witnesses to give relevant evidence to the Standards Committee, and
- be represented at the hearing by a solicitor, barrister or any other person. Please note that the Committee will normally give permission for Members to be represented by people who are not lawyers, but may refuse permission if the representative is directly involved in the matter being determined.



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Any disagreements with the findings of fact in the Ethical Standards Officer's report must be raised during the Pre-Hearing Process. The Standards Committee will not consider any new disagreements about the report's findings of fact at the hearing itself, unless there are good reasons why these have not been raised beforehand.

You do not have to go to the hearing or be represented. If you choose not to go to the hearing, the Committee may make a determination in your absence.

The hearing will be held in public and the relevant papers will be available for public inspection unless the Standards Committee is persuaded that there is good reason to exclude the public, in line with the relevant access to information and human rights legislation.

Please let me know in writing by _____ whether or not
you –

...

- disagree with any of the findings of fact in the Ethical Standards Officer's report, including the reasons for any disagreements. I enclose a Form (Enclosure 3) which you may wish to use to indicate where you disagree with the findings of fact in the Ethical Standards Officer's report,
- want to attend the hearing,
- want to be represented at the hearing by a solicitor, barrister or any other person. Please note that the Committee will normally give permission for Members to be represented by people who are not lawyers, but may refuse permission if the representative is directly involved in the matter being determined,
- want to give evidence to the Standards Committee, either verbally or in writing,
- want to call relevant witnesses to give evidence to the Standards Committee and, if so, which witnesses,
- want any part of the hearing to be held in private,
- want any part of the Ethical Standards Officer's report or other relevant documents to be withheld from the public.

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A copy of your response will be sent to _____ who will be invited to say whether he/she: –

- wants to be represented at the hearing,
- wants to call relevant witnesses to give evidence to the Standards Committee,
- wants any part of the hearing to be held in private,
- wants any part of his report or other relevant documents to be withheld from the public,
- wants to invite any other witnesses the Committee may feel are appropriate.

The Chair of the Committee, in consultation with the Legal Advisor to the Committee, will then: –

- confirm a date, time and place for the hearing,
- confirm the main facts of the case which are agreed,
- confirm the main facts of the case which are not agreed,
- confirm which witnesses will give evidence,
- outline the proposed procedure for the hearing, and
- provide this information to everyone involved in the hearing at least two weeks before the proposed date of the hearing.

After considering the written and verbal presentations, the Standards Committee will reach and announce its findings of fact, whether or not the Member has failed to follow the Code of Conduct and whether or not a penalty should be set. As well as announcing its decision at the hearing and providing a short written decision on the day of the hearing, the Committee will give you its full written decision within two weeks of the end of the hearing.

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If the Standards Committee decides that you have failed to follow the Code of Conduct and that you should be penalised, it may do any one or a combination of the following –

- censure you,
- restrict your access to the resources of the Authority for up to three months, which could include limiting your access to the premises of the Authority,
- suspend or partly suspend you for up to three months, or
- suspend or partly suspend you for up to three months on the condition that the suspension or partial suspension will end if you apologise in writing, receive any training, or take part in any conciliation which the Standards Committee orders you to. (Conciliation involves an independent person helping the relevant people try to reach an agreement on the matter set out by the Standards Committee).

Penalties may start immediately or up to six months after the hearing, if the Standards Committee wishes.

The Standards Committee will also arrange to publish a summary of its findings, reasons for its findings and any penalty set in one or more newspapers circulating in the Authority's area. If the Standards Committee finds that you have not broken the Code, you can ask the Standards Committee not to have this information published.

A member who is the subject of a Standards Committee finding has the right to apply in writing to the President of The Adjudication Panel for England for permission to appeal against that finding.

I hope this letter is helpful.

Please let me have the requested information in writing by

Yours sincerely