

# **BURY METROPOLITAN BOROUGH COUNCIL**

## **STANDARDS COMMITTEE**

### **PROCEDURE FOR LOCAL DETERMINATION OF ALLEGATIONS ABOUT THE PERSONAL CONDUCT OF COUNCIL MEMBERS**

#### **1. Introduction and Outline**

- Introductions by Chair
- Outline of procedure by Chair
- Chair to ask if either party wishes to raise any issues about the procedure as outlined.

#### **2. Findings of Fact**

- The Chair to explain that the next part of the proceedings is to consider whether or not there are any significant disagreements about the facts contained in the Investigator's Report.
- If NOT move on to Stage 3.
- If YES the Investigator will be invited to make representations to support findings of fact and he/she may call witnesses.
- The Member may challenge the evidence put forward by any witness called by the Investigator.
- The Member may make representations to support his/her version of the facts and call witnesses.
- At any time the Panel may question any of the people involved or any of the witnesses and may allow the Investigator to challenge any evidence put forward by witnesses called by the Member.
- Panel retires to consider the findings and representations.
- The Chair will announce the Panel's findings of fact.

#### **3. Did the Member fail to follow the Code of Conduct?**

- The Chair will explain that the Panel now needs to consider whether or not the Member has failed to follow the Code of Conduct.
- The Member is invited to give relevant reasons why the Panel should not conclude that he/she has failed to follow the Code.
- The Panel should consider representations from the Investigator.
- The Panel may ask questions at any time on points made during representations.
- The Member will be invited to make any final relevant points.
- The Panel will retire to consider if there has been a breach of the Code.
- The Chair will announce the decision.
- If the finding is that the Member did NOT fail to follow the Code, the Panel will consider whether or not it wishes to make any recommendations to Council.
- If the Panel decides that the Member HAS failed to follow the Code, move to Stage 4.

**4. Failure to follow Code**

- If the Member has failed to follow the Code, the Panel will consider representations from the Investigator and the Member as to whether or not a penalty should be set and what form any penalty should take.
- The Panel will retire to consider its decision.
- The Chair will announce the decision.

**5. Recommendations to the Authority**

- After considering any verbal or written representations from the Investigator, the Committee will consider whether or not it should make any recommendations to the Authority, with a view to promoting high standards of conduct among Members.

**6. Closing Remarks**

- The Chair will announce the Panel's decision and indicate that a short written decision will be made available.
- A full written decision will be published within two weeks.
- Arrangements will be made for the findings and decision to be published in at least one newspaper circulating in the area.
- The Member has a right of appeal to the Adjudication Panel for England within 21 days of receiving notice of the decision.