



AGENDA

- Committee - **GOVERNANCE & AUDIT HEARING PANEL**
- Date & Time - **MONDAY, 19TH NOVEMBER, 2018 AT 11.00 AM**
- Venue - **NORFOLK ROOM, ELIZABETH HOUSE, WALPOLE LOKE, DEREHAM**

Members of the Committee requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting. If the information requested is available, this will be provided, and reported to Committee.

Membership

Mr W.P. Borrett
Mr M. J. Nairn

Mr P. S. Wilkinson

PERSONS ATTENDING THE MEETING ARE REQUESTED TO TURN OFF MOBILE TELEPHONES

Democratic Services
Elizabeth House, Walpole Loke,
Dereham Norfolk, NR19 1EE

Date: 9 November 2018

	<u>Page(s)</u> <u>herewith</u>
1. <u>DECLARATION OF INTEREST</u>	
2. <u>PROCEDURES</u>	3 - 4
3. <u>EXCLUSION OF PRESS AND PUBLIC</u> To consider passing the following resolution: “That under Section 100(A)(4) of the Local Government Act 1972, the press and the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 and 4 of Schedule 12A to the Act”. <u>PART B – ITEM FROM WHICH THE PRESS AND THE PUBLIC ARE EXCLUDED</u>	
4. <u>CONSIDERATION OF COMPLAINT AGAINST A COUNCILLOR UNDER THE LOCALISM ACT 2011</u> Report of Maxine O’Mahony, Executive Director Strategy & Governance & Monitoring Officer.	5 - 20

Standards Hearing Procedure (District Councillor)

<p>1. Formal Introductions of those present by the Chairman</p> <ul style="list-style-type: none"> • Members introduced • Officers introduced – Monitoring Officer (MO) (or his/her Deputy) and Independent Person
<p>2. Preliminary Issues</p> <ul style="list-style-type: none"> • Confirm Members interests disclosed in accordance with Code of Conduct (if relevant) • Confirm meeting is quorate • If the subject member is not present, decide whether to proceed • Confirm whether the meeting will be held in public or in private session. If the meeting will be held in public session, confirmation that the Panel may decide to make their determination in private. • Determine whether any additional witnesses are present, and whether they have been presented by the Subject member or Complainant. Determine whether the witnesses will be allowed to speak.
<p>3. Hearing of complaint and findings</p> <ul style="list-style-type: none"> • MO to present their report. • Complainant to make any further comments and invite any of their own witnesses to speak. The Panel may determine the amount of time the complainant, or witnesses, are provided to speak. • Panel may cross-examine the complainant and witnesses • Subject member to make any further comments and invite any of their own witnesses to speak. The Panel may seek to clarify the amount of time the complainant, or witnesses, are provided to speak. • Panel may cross-examine the subject or witnesses. • The Independent Person to present their views to the Panel • The Panel may ask further questions of the Independent Person, and any of the other parties present.
<p>4. Determination</p> <ul style="list-style-type: none"> • The Panel may resolve to close the meeting to deliberate in private. • If so, the Panel to ask the Subject member, Complainant and any witnesses, members of the public and press to leave the room. • Panel to determine whether the member failed to follow the Code of Conduct • Panel to determine any sanctions or recommendations in light of their findings as to whether the member breached the Code of Conduct
<p>5. Confirmation</p> <ul style="list-style-type: none"> • All parties are recalled to the meeting • The Chairman to summarise the Panels' deliberations and announce their finding as to whether the member has breached the Code of Conduct • The Chairman to confirm any sanctions to be undertaken (or, in respect of Parish Councillors, to be recommended to the Parish Council) • The Chairman to confirm that a decision notice will be placed on the Council's website and available for public inspection. • Chairman to close the meeting

Notes on the outcomes of the Hearing Panel:

The decision of the Hearing Panel is final. There are no further rights of appeal.

The Panel may decide on the following Sanctions where they identify that a Councillor has breached the Code of Conduct:

- 1 Publish its findings in respect of the subject member's conduct;
- 2 Report its findings to Council for information;
- 3 Recommend to the subject member's Political Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 4 Recommend to the Leader of the Council that the subject member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 5 Instruct the Monitoring Officer to arrange training for the subject member;
- 6 Recommend the subject Member be removed from any or all outside appointments to which he/she has been appointed or nominated by the authority.
- 7 Withdrawal of facilities or services from the member including access to Council premises and/or IT facilities

When determining the sanctions that should be employed, the Panel may take into account any subsequent action undertaken by the Councillor to remedy the breach (for example, receipt of training or apology)

In respect of District Councillors, the Monitoring Officer is charged with ensuring that the necessary action is undertaken, including making recommendations to Council where necessary. The subject member will receive formal written notification within two weeks of the hearing as to the outcome of the meeting and any sanctions to be undertaken.

By virtue of paragraph(s) 1, 3, 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 4

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