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STATUTORY INSTRUMENTS

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**2003 No. 1483**

**The Local Authorities (Code of Conduct)  
(Local Determination) Regulations 2003**

**PART 2**

**CONSIDERATION BY STANDARDS COMMITTEES**

**Reports received by a monitoring officer**

**5.** Where a matter is referred to a monitoring officer of an authority under section 64(2) or 71(2) of the Act he shall—

- (a) send a copy of any report received from the ethical standards officer who has referred the matter to any member who is the subject of such a report; and
- (b) arrange for the standards committee of that authority to meet to consider that report.

**Hearings by standards committees**

**6.—(1)** Where a monitoring officer refers to a standards committee a report received from the ethical standards officer under section 64(2) or 71(2) of the Local Government Act 2000 the standards committee shall convene to conduct a hearing in relation to the allegation that the member failed to comply with the authority's code of conduct or with the code of conduct of any other authority concerned.

(2) The standards committee of an authority shall ensure that—

- (a) the hearing is conducted having regard to any guidance issued by the Standards Board<sup>(1)</sup> pursuant to section 57(5) of the Act;
- (b) subject to sub-paragraph (c), the hearing is held within the period of three months beginning on the date on which the monitoring officer first received a report pursuant to sections 64(2) or 71(2) of the Act;
- (c) the hearing shall not be held until at least 14 days after the date on which the monitoring officer sent the report under the provisions of regulation 5(a) to the member who is to be the subject of the hearing unless the member concerned agrees to the hearing being held earlier;
- (d) any member who is the subject of a report being considered by the standards committee is given an opportunity to present evidence in support of his case; and
- (e) any member who is the subject of a report being considered by the standards committee is given the opportunity to make representations at the hearing—
  - (i) either orally or, if he so chooses, in writing; and

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(1) Section 57(5)(b) of the Act gives the Standards Board for England power to issue guidance to relevant authorities in England and police authorities in Wales on matters relating to the conduct of members and co-opted members of such authorities.

(ii) either himself or, if he so chooses, through any representative appointed by him pursuant to paragraph (7).

(3) A standards committee may, subject to the provisions of paragraph (2), conduct a hearing using such procedures as it considers appropriate in the circumstances.

(4) A standards committee may arrange for the attendance at a hearing of such witnesses as it deems appropriate.

(5) Subject to paragraph (6), a member who is the subject of a hearing may arrange for the attendance at that hearing of such witnesses as he wishes.

(6) A standards committee may place a limit on the number of witnesses a member may call if it is of the view that the number the member proposes to call is unreasonable.

(7) Any member who is the subject of a hearing may be represented by counsel, by a solicitor or, with the prior consent of the standards committee, by any person whom he wishes to represent him.

(8) If a member who is the subject of a report to the standards committee fails to attend a hearing of which he has had notice, the standards committee may—

- (a) unless it is satisfied that there is sufficient reason for such failure, consider the allegation and make a determination in the absence of the member; or
- (b) adjourn the hearing to another date.

### **Findings of standards committees**

7.—(1) Following a hearing held pursuant to regulation 6(1), a standards committee shall make one of the following findings—

- (a) that the member who was the subject of the hearing had not failed to comply with the code of conduct of the authority concerned or the code of conduct of any other authority concerned;
- (b) that the member who was the subject of the hearing had failed to comply with the code of conduct of the authority concerned or the code of conduct of any other authority concerned but that no action needs to be taken in respect of the matters which were considered by the standards committee; or
- (c) that the member who was the subject of the hearing had failed to comply with the code of conduct of the authority concerned or the code of conduct of any other authority concerned and that a sanction under paragraph (2) or (3) should be imposed.

(2) If a standards committee makes a finding under paragraph (1)(c) in respect of a person who is no longer a member of any authority in respect of which that standards committee exercises any functions under Part III of the Act, it shall censure that person.

(3) If a standards committee makes a finding under paragraph (1)(c) in respect of a member who is a member of an authority in respect of which that standards committee exercises any functions under Part III of the Act, it shall impose any one of, or any combination of, the following sanctions—

- (i) censure of that member;
- (ii) restriction for a maximum period of three months of that member's access to the premises of the authority and that member's use of the resources of the authority, provided that any such restrictions imposed upon the member—
  - (aa) are reasonable and proportionate to the nature of the breach; and
  - (bb) do not unduly restrict the member's ability to perform his functions and duties as a member.

- (iii) partial suspension<sup>(2)</sup> of that member for a maximum period of three months;
- (iv) partial suspension of that member for a maximum period of three months or until such time as he submits a written apology or undertakes any training or conciliation specified by the standards committee;
- (v) suspension<sup>(3)</sup> of that member for a maximum period of three months;
- (vi) suspension of that member for a maximum period of three months or until such time as he submits a written apology or undertakes any training or conciliation specified by the standards committee.

(4) Subject to paragraph (5), any sanction imposed under this regulation shall commence immediately following its imposition by the standards committee.

(5) A standards committee may direct that any sanction imposed under paragraphs (3)(ii) to (vi) shall commence on any date within a period of six months after the imposition of that sanction.

#### **Notification of findings of standards committees**

**8.—**(1) A standards committee of an authority shall, as soon as reasonably practicable—

- (a) take reasonable steps to give written notice of a finding made under regulation 7 and the reasons for such finding to—
  - (i) the member who is the subject of that finding;
  - (ii) the ethical standards officer concerned;
  - (iii) the standards committee of the authority concerned;
  - (iv) the standards committee of any other authority concerned;
  - (v) any parish councils concerned; and
  - (vi) any person who made an allegation that gave rise to the investigation; and
- (b) subject to paragraph (2), arrange for a summary of the finding to be published in one or more newspapers circulating in the area of the authorities concerned.

(2) Where the standards committee makes a finding under regulation 7(1)(a), the notice under paragraph (1)(a) shall—

- (a) state that the standards committee found that the member who was the subject of the hearing had not failed to comply with the code of conduct of the authority concerned or the code of conduct of any other authority concerned and shall give its reasons for reaching that finding; and
- (b) not be published in summary in accordance with paragraph (1)(b), if the member concerned so requests.

(3) Where the standards committee makes a finding under regulation 7(1)(b), the notice under paragraph (1)(a) shall—

- (a) state that the standards committee found that the member who was the subject of the hearing had failed to comply with the code of conduct of the authority concerned or the code of conduct of any other authority concerned but that no action needs to be taken in respect of that failure;
- (b) specify the details of the failure;
- (c) give reasons for the decision reached by the standards committee; and

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(2) See section 83(7), (9) and (10) of the Act for the interpretation of partial suspension.

(3) See section 83(9) and (10) of the Act for the interpretation of suspension.

- (d) state that the member concerned may apply for permission to appeal against the finding under the provisions of Part 3 of these Regulations.
- (4) Where the standards committee makes a finding under regulation 7(1)(c), the notice under paragraph (1)(a) shall—
  - (a) state that the standards committee found that the member who was the subject of the hearing had failed to comply with the code of conduct of the authority concerned or the code of conduct of any other authority concerned;
  - (b) specify the details of the failure;
  - (c) give reasons for the decision reached by the standards committee;
  - (d) specify the sanction imposed in accordance with regulation 7(2) or (3), and
  - (e) state that the member concerned may apply for permission to appeal against the finding under the provisions of Part 3 of these Regulations.