



ISLINGTON

draft

**PROCEDURE FOR LOCAL
DETERMINATION
HEARINGS**

June 2006

1 Introduction

- 1.1 Where the Investigating Officer's report under the Council's Procedure for Local Investigation of Complaints contains a finding that a Member failed to comply with the Code of Conduct and the Standards Committee finds at its meeting to consider the report determines that the matter should be considered at a full local hearing before the Standards Committee, this procedure will apply to the hearing.
- 1.2 This procedure will also apply where an Ethical Standards Officer of the Standards Board for England (an "ESO") refers a matter to be heard by the Standards Committee.
- 1.3 No departure will be made from this procedure unless and until the Monitoring Officer has first notified the Member against whom the allegation has been made of the proposed variation to the procedure and the reasons for that variation. Interpretation of terms used in this procedure is explained in paragraph 15.
- 1.4 Although the main purpose of the Standards Committee's hearing is to decide whether or not a member has breached the Member Code of Conduct and what, if any, sanction should be imposed. The Committee may also want to give general guidance or advice to the authority or to all or some members.
- 1.5 The Member may appeal against the decision of the Standards Committee but only with the prior approval of the President of the Adjudication Panel

The Pre-Hearing Procedure

2. General Provisions

- 2.1 The Standards Committee will conduct an extensive pre-hearing procedure in preparation for the hearing. This pre-hearing procedure is designed to identify any disputes of fact between the member and the Investigating Officer or the ESO in respect of matters in the investigation report, and to identify any witnesses and evidence to be presented, so that the necessary documents and witnesses can be organised to ensure that there are no surprises at the hearing and that the Standards Committee has everything which it needs in order to determine the complaint.
- 2.2 The pre-hearing process will usually be carried out in writing, although occasionally a face-to-face meeting between the Chair, the people involved and their representatives may be necessary.

3 Setting the Hearing Date

- 3.1 The Committee Support Officer, in consultation with the Chair of the Committee, will write to the Member concerned to propose a date, time and place for the hearing, outline the hearing procedure and the Member's rights and shall enclose a copy of this procedure.

- 3.2 The Hearing shall take place within 3 months (or as soon as practicable thereafter) of
- i the date on which the Monitoring Officer received the report from the ESO; or
 - ii the date on which the Investigating Officer completed the final report;
- and not less than 14 days after the final report was sent to the Member, unless the Member agrees to an earlier date.
- 3.3 Any objection to the proposed hearing date must be notified in writing to the Monitoring Officer forthwith. The Monitoring Officer will act reasonably in considering any requests for an alternative hearing date but is not obliged to reschedule the hearing, having particular regard to the requirement to convene a hearing within three months. The Monitoring Officer will consult with the Chair before re-scheduling the meeting.

4. Written response from Member

- 4.1 The Committee Support Officer's letter under 3.1 will ask the Member for a written response within 14 days in respect of the findings in the report and other issues relevant to the Hearing, to find out whether or not s/he:
- i Disagrees with any of the findings of fact in the Investigator's report, including the reasons for any disagreements;
 - ii Agrees s/he has breached the Code of Conduct and, if not, why.
 - iii Has given, or would be willing to give an apology and/or undergo any training or conciliation.
 - iv Has anything s/he would like to be taken into account by the Committee when it considers whether a sanction should be imposed if a breach is found.
 - v Wants to be represented at the hearing by a solicitor, barrister or any other person;
 - vi Wants to give evidence to the Standards Committee either verbally or in writing (if he or she intends to submit only written representations the Member will be asked to attach the written representations);
 - vii Wants to call relevant witnesses to give evidence to the Standards Committee, and, if so, to provide the name and contact details for those witnesses and a brief description of the evidence each witness will give;
 - viii Wants to produce any documents in support of his/her case and if so to provide them with the response form;
 - ix Wants any part of the hearing to be held in private and, if so, the reasons for the request. Meetings will normally be held in public but the Committee will consider the Member's request to hold it in private;
 - x Wants any part of the Investigator's report or any other relevant documents to be withheld from the public;
 - xi Has any comments or questions on the procedure to be followed; and
 - xii Has (or any witnesses or representative has) any special access requirements or other special requirements e.g. interpreter, special print or a hearing loop.
- 4.2 The Member will be asked to make clear all the findings of fact in the Investigator's report with which s/he disagrees during this pre-hearing process. This will allow the Committee to decide what witnesses will be needed. The Standards Committee will not allow members to raise new disagreements over findings of fact in the Investigators report at the hearing unless there are good reasons for doing so, such as new evidence becoming available.

- 4.3 There are model forms available to help the member respond to the Standards Committee, including forms to identify any findings of fact that s/he disagrees with and to outline any further evidence for the Standards Committee.

5 The Investigator's response

- 5.1 The Committee will invite the relevant Investigator to comment on the member's response, within 14 days, to say whether or not s/he:
- i Wants to be represented at the hearing;
 - ii Wants to call relevant witnesses to give evidence to the Standards Committee and, if so, to provide the name and contact details for those witnesses and a brief description of the evidence they will give if different to the summary of their evidence in the Investigator's report;
 - iii Wants any part of the hearing to be held in private;
 - iv Wants any part of the Investigator's report or other relevant documents to be withheld from the public.
 - v Will be asking the Committee to consider any documentary or other written evidence (other than the report of the investigation) and, if so, to provide copies.
 - vi Thinks the hearing should be held in private and, if so, the reasons why.
 - vii Would wish to have any documents withheld from the public and, if so, why.

Other witnesses

- 5.2 The Standards Committee may also arrange for any other witnesses to be present if it feels they may help in determining the case, including the person who made the original allegation. However, the Committee cannot order witnesses to appear or give evidence.

6 The Pre-hearing Process Summary

- 6.1 When the Standards Committee has received a response from the member concerned and the Investigator or the time for receiving these responses has expired, the Chair of the Standards Committee, in consultation with the members, will write to everyone involved at least two weeks before the hearing with a Pre Hearing Summary:
- i Confirming the date, time and place for the hearing;
 - ii Enclosing a report from the Monitoring Officer which:
 - Summarises the allegation;
 - Outlines the main facts of the case that are agreed;
 - Outlines the main facts which are not agreed;
 - Gives an explanation of those parts of the Code of Conduct which are alleged to have been breached
 - States whether the Member has acknowledged the breach
 - States whether the Member has agreed to give an apology and/or to undergo any training or conciliation
 - Notes whether the member concerned or the Investigator will go to or be represented at the hearing;
 - Lists those witnesses, if any, who will be asked to give evidence; and

- iii Outlining the proposed procedure for the hearing.
- iv Enclosing the Investigator's report and any documents which the member or the Investigator has indicated they wish to rely on.

Disputes on the Pre-Hearing Summary

- 6.2 If having received the Pre-Hearing Summary the Member disagrees with any part of it he or she shall forthwith give notice of the disputed issues to the Monitoring Officer. The Member should then seek to resolve the disputed issues with the Monitoring Officer prior to the Hearing. If necessary, the Member should contact the Monitoring Officer to arrange a convenient time to meet the Monitoring Officer to discuss the issues. This meeting must take place before the Hearing and should be convened as soon as possible in order to allow sufficient time to try to resolve any disputes prior to the hearing. Any unresolved issues will be dealt with as a preliminary matter at the hearing.
- 6.3 Failure to notify the Monitoring Officer of any issues of dispute or any failure to attempt to resolve those issues with the Monitoring Officer prior to the Hearing may mean that the Committee may decline to listen to the Member's views on the disputed issues at the Hearing.

The Hearing Procedure

7 General Provisions

7.1 Modification of Procedure

The Chair may agree to vary this part of this procedure in any particular instance where s/he is of the opinion that such a variation is necessary in the interests of fairness.

7.2 Representation

The member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the committee, another person.

7.3 Legal Advice

The Committee may take legal advice from its Monitoring Officer or her representative at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Committee should be shared with the member and the Investigator if they are present.

7.4 Recordings

Hearings may be tape recorded but the tapes will only be transcribed in the event of an appeal and would not be available for general release.

7.5 Setting the Scene

At the start of the hearing, the Chair shall introduce each of the members of the Committee, the member (if present), the Investigator (if present) and any other

officers present, and shall then explain the procedure which the Committee will follow in the conduct of the hearing.

8 Preliminary procedural issues

The Committee shall deal with the following preliminary procedural matters in the following order:

8.1 Declarations of interest

The Chair shall ask members of the Committee to disclose the existence and nature of any personal or prejudicial interests which they have in the matter, and to withdraw from consideration of the matter if so required.

8.2 Quorum

The Chair shall confirm that the Committee is quorate. The quorum for a meeting of the Committee is 3 (at least one of whom must be an independent member).

8.3 Delay at start of hearing

The hearing shall commence on the date and at the time stipulated in the notice convening the meeting but the start may be delayed by the Chair for a reasonable period if, having had regard to the advice of the officers present and any representations received from or on behalf of the parties he or she considers such delay to be reasonable in the circumstances. The Chair will take into account the effect the delay may have on the likelihood of the hearing being concluded in the one session.

8.4 Hearing procedure

The Chair shall confirm that all present know the procedure which the Committee will follow in determining the matter. The Chair shall be responsible for regulating the proceedings and his/her ruling on any point shall be final.

8.5 Proceeding in the absence of the member

If the member is not present at the start of the hearing:

- (i) the Chair shall ask the Monitoring Officer whether the member has indicated his/her intention not to attend the hearing;
- (ii) the Committee shall then consider any reasons which the member has provided for not attending the hearing and shall decide whether it is satisfied that there is sufficient reason for such failure to attend;
- (iii) if the Committee is satisfied with such reasons, it shall adjourn the hearing to another date;
- (iv) if the Committee is not satisfied with such reasons, or if the member has not given any such reasons, the Committee shall decide whether to consider the matter and make a determination in the absence of the member or to adjourn the hearing to another date.

8.6 Exclusion of Press and Public

The Chair shall ask the member, the Investigator and the Monitoring Officer to the Committee whether they wish to ask the Committee to exclude the press or public from all or any part of the hearing. If any of them so request, the Chair shall ask them to put forward reasons for so doing and ask for responses from the others and the Committee shall then determine whether to exclude the press and public from all or any part of the hearing. Guidance on how to reach such a decision is set out in Appendix 1

9 A failure to comply with the Code of Conduct?

The Committee will then address the issue of whether the member failed to comply with the Code of Conduct in the manner set out in the Investigator's report.

9.1 Introduction by the Monitoring Officer

The Chair will ask the Monitoring Officer to present the Pre Hearing Summary report, highlighting any points of difference in respect of which the member has stated that s/he disagrees with any finding of fact in the Investigator's report, including the outcome of any discussions under paragraph 6.2 about this. The Chair will then ask the member, if present, to confirm that this is an accurate summary of the issues and ask the member to identify any additional points upon which s/he disagrees with any finding of fact in the Investigator's report.

- (i) If the member identifies additional points of difference, the Chair shall ask the member to explain why s/he did not identify these points as part of the pre-hearing process. S/he shall then ask the Investigator (if present) whether s/he is in a position to deal with those additional points of difference directly or through any witnesses who are in attendance or whose attendance at the hearing can conveniently be arranged. Where the Committee is not satisfied with the member's reasons for failing to identify each additional point of difference as part of the pre-hearing process, it may decide that it will continue the hearing but without allowing the member to challenge the veracity of those newly contested findings of fact, or it may decide to adjourn the hearing to allow the Investigator and/or any additional witnesses to attend the hearing.
- (ii) If the member admits that s/he has failed to comply with the Code of Conduct in the manner described in the Investigator's report, the Committee may then make a determination that the member has failed to comply with the Code of Conduct in the manner described in the Investigator's report and proceed directly to consider whether any action should be taken.
- (iii) In the event that the Member or the ESO or the Investigator has submitted written representations prior to the Hearing then they shall stand as read but the Member or the ESO or Investigator as the case may be will be asked whether they have anything new to add to them. If they do then they will be invited to do so during their submission.

9.3 At any time the members of the Committee and/or the Monitoring Officer may, with the permission of the Chair, question the investigator, the Member or their representative or any of the witnesses.

9.4 Presenting the Investigator's report

- (i) If the Investigator is present, the Chair will then ask the Investigator to present his/her report, having particular regard to any points of difference identified by the member and why s/he concluded, on the basis of the findings of fact, that the member had failed to comply with the Code of Conduct. The Investigator may call witnesses as necessary to address any points of difference.
- (ii) If the Investigator is not present, the Committee shall only conduct a hearing if they are satisfied that there are no substantial points of difference or that any points of difference can be satisfactorily resolved in the absence of the Investigator. In the absence of the Investigator, the Committee shall determine on the advice of the Monitoring Officer which witnesses, if any, to call. Where such witnesses are called, the Chair shall draw the witnesses' attention to any relevant section of the Investigator's report and ask the witness to confirm or correct the report and to provide any relevant evidence.
- (iii) The member or his/her representative may ask questions of the Investigator or witnesses. The Chair shall ensure that the questioning does not become overly adversarial and may intervene if s/he considers that this is the case.
- (iv) At the conclusion of the Investigator's report and/or the evidence of each witness, members of the committee should be able to ask direct questions of them to clarify any issues.

9.5 The member's response

- (i) If the member is present the Chair shall then invite the member to respond to the Investigator's report and to call any witnesses as necessary to address any points of difference.
- (ii) At the conclusion of the member's evidence and/or of the evidence of each witness, members of the committee should be able to ask direct questions of them to clarify any issues.
- (iii) The member or his/her representative may ask questions of the Investigator or witnesses. The Chair shall ensure that the questioning does not become overly adversarial and may intervene if s/he considers that this is the case.

9.6 Witnesses

The Committee shall be entitled to refuse to hear evidence from the Investigator, the Member or a witness unless they are satisfied that the witness is likely to give evidence which will assist them to determine whether there has been a failure to comply with the code of conduct.

9.7 Determination as to whether there was a failure to comply with the Code of Conduct

- (i) At the conclusion of the member's response, the Chair shall ensure that each member of the Committee is satisfied that s/he has sufficient information to enable him/her to determine whether there has been a failure to comply with the code of conduct as set out in the Investigator's report.

- (ii) The Committee shall then retire to another room to consider in private whether the member did fail to comply with the Code of Conduct as set out in the Investigator's report. The Monitoring Officer for the Council and the Committee Support Officer may accompany the Committee.

10 Reaching a decision

- 10.1 The Committee shall take its decision on the balance of probability based on the evidence which it has received at the hearing.
- 10.2 The Committee shall seek to reach a unanimous decision but if that is not possible than the decision shall be reached by a simple majority. In the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.
- 10.3 The Committee's function is to make a determination on the matter. It may, at any time, return to the main hearing room in order to seek additional evidence from the Investigator, the member or a witness, or to seek legal advice.
- 10.4 If the Committee requires any further information on a matter that has been investigated locally, it may adjourn (on one occasion only) and instruct an officer or request the member to produce such further evidence to the Committee. Where the matter has been referred to the Standards Committee by an ESO the Committee may prior to the conclusion of the hearing adjourn to make a written request to the ESO to carry out further investigation.
- 10.5 At the conclusion of the Committee's consideration, the Committee shall consider whether it is minded to make any recommendations to the authority with a view to promoting high standards of conduct among members.
- 10.6 If the Committee considers that the alleged breach of the Code has taken place, it may form an initial view on the appropriate sanction.
- 10.7 The Committee shall then return to the main hearing room and the Chair will state the Committee's principal findings of fact and their determination as to whether the member failed to comply with the Code of Conduct as set out in the Investigator's report. It shall indicate which sanction it is considering and shall invite the member to make representations on the question of the sanction if s/he so chooses. The Committee shall then retire, to make a final decision on the sanction to be imposed and shall return to the room to inform those present of the outcome of its deliberations.

11 Action consequent upon a failure to comply with the Code of Conduct

- 11.1 The sanctions which are available to the Committee are any, or any combination, of the following:
 - (i) censure of that member;
 - (ii) restriction for a maximum period of six 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 such restrictions imposed upon the member:
 - (a) are reasonable and proportionate to the nature of the breach; and
 - (b) do not unreasonably restrict the member's ability to perform his functions and duties as a member.
 - (iii) partial suspension of that member for a maximum period of six months;

- (iv) partial suspension of that member for a maximum period of six months or until such time as they submit a written apology or undergoes any training or conciliation specified by the Standards Committee;
- (v) suspension of that member for a maximum period of six months;
- (vi) suspension of that member for a maximum period of six months or until such time as they submit a written apology or undergoes any training or conciliation specified by the Standards Committee.
- (vii) to recommend to the Corporate Services Committee that they consider withdrawal or partial withdrawal of allowances to that councillor for a period of up to six months.

11.2 Any sanction imposed shall commence immediately unless the Committee direct (for any sanction other than censure) that it shall commence on any date specified by the Committee within six months of the date of the hearing.

11.3 It is also open to the committee to decide that in the circumstances no action should be taken against the member.

11.4 Appendix 3 contains guidance for the Committee in considering the appropriate sanction to impose.

12 If the member has not failed to follow the Code of Conduct

12.1 If the Committee determines that the member has not failed to follow the Code of Conduct in the manner set out in the Investigator's report they shall set out their reasons for not agreeing with the Investigators report.

12.2 If the Committee finds, from the evidence which they have received during the hearing, that a member has failed to comply with the Code of Conduct in some other respect but which has not been part of the original investigation the Chair shall outline the Committee's concerns and shall then refer this additional or alternative failure to the Monitoring Officer with a view to a further complaint being referred to the Committee's Initial Assessment Sub-Committee.

12.3 The Chair should then set out any recommendations which the Committee is minded to make to the authority with a view to promoting high standards of conduct among members and seek the views of the member, the Investigator and the Monitoring Officer before the Committee finalises any such recommendations.

12.4 Where there is a finding of no evidence of a breach, the Chair will also ask the Member whether he or she wishes the decision of the Committee to be published in the local paper.

13 The close of the hearing

13.1 The Committee will announce its decision on the day of the hearing and provide the Committee Support Officer with a short written statement of their decision, which the Committee Support Officer will deliver to the member as soon as practicable after the close of the hearing.

13.2 The Chair will thank all those present who have contributed to the conduct of the hearing and formally close the hearing;

14 Action after the hearing

14.1 Within two weeks after the close of the hearing, the Committee Support Officer will agree a formal written notice of the Committee's determination with the Monitoring Officer and shall send it to the following people:

- the Member
- the Ethical Standards Officer
- the Investigator (if not the Ethical Standards Officer)
- the members of the Committee
- the members of the Standards Committee of any other authority involved
- the person who made the allegation

14.2 The full written decision will follow the format recommended by the Standards Board for England and will also include guidance on how to appeal and the steps to be taken to avoid a suspended sanction taking effect.

14.3 The Monitoring Officer shall publish a summary of the findings in a local newspaper circulating in the area save in the case where there was no finding of a breach in which case a notice shall only be published if the Member agreed to such publication.

15 Interpretation

'Investigator' means the Ethical Standards Officer (ESO) who referred the report to the authority, and includes his or her nominated representative, or the Investigating Officer appointed by the Monitoring Officer under the Procedure for Local Investigation of Complaint.

'Member' means the member of the authority who is the subject of the allegation being considered by the Committee, unless stated otherwise. It also includes the member's nominated representative.

'Monitoring Officer' means the Council's the Monitoring Officer or other legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.

"The Matter" is the subject matter of the Investigator's report.

"The Chair" refers to the person presiding at the hearing.

'The Committee' refers to the Standards Committee.

"The Committee Support Officer" means an officer of the authority responsible for supporting the Committee's discharge of its functions and recording the decisions of the Committee.

Appendix 1

Admission of Press and Public to Standards Committee Hearings

The Standards Board for England recommends that hearings should be held in public where possible to make sure that the hearing process is open and fair. However, there may be some circumstances where parts of the hearing should be held in private.

- (a) At the hearing, the Committee will consider whether or not the public should be excluded from any part of the hearing, in line with Part VA of the Local Government Act 1972 (as modified in relation to local determinations by Standards Committees). If the Committee considers that 'confidential information' is likely to be revealed during the hearing, the Committee must exclude the public by law. 'Confidential information' is defined for these purposes to mean information that has been provided by a Government department under the condition that it must not be revealed, and information that the law or a court order says cannot be revealed.
- (b) The Committee also has the discretion to exclude the public if it considers that 'exempt information' is likely to be revealed during the hearing. The categories of 'exempt information' are listed in Appendix 2. The Committee should bear in mind Article 6 of the *European Convention on Human Rights*, which gives people the right to a fair trial and public hearing by an independent and unbiased tribunal. The Committee also has a duty to act fairly and in line with the rules of natural justice.
- (c) Article 6 says that the public may be excluded from all or part of the hearing if it is in the interest of:
 - (i) morals;
 - (ii) public order;
 - (iii) justice;
 - (iv) natural security in a democratic society; or
 - (v) protecting young people under 18 and the private lives of anyone involved.
- (d) There should be a public hearing unless the Committee decides that there is a good reason, which falls within one of the five categories above (3a to e), for the public to be excluded.
- (e) Conflicting rights often have to be balanced against each other. The Committee must act in line with Article 8 of the *European Convention on Human Rights*. Article 8 says that everyone has the right to respect for their private and family life, home and correspondence. It says that no public authority (such as the Committee) may interfere with this right unless it is:-
 - (i) in line with the law; and
 - (ii) necessary in a democratic society in the interests of:
 - (a) national security;
 - (b) public safety;

- (c) the economic well-being of the country;
- (d) preventing crime or disorder;
- (e) protecting people's health and morals (which would include protecting standards of behaviour in public life); or
- (f) protecting people's rights and freedoms.

There is a clear public interest in promoting the probity (integrity and honesty) of public authorities and public confidence in them. For these reasons the hearing should be held in public unless the Committee decides that protecting the privacy of anyone involved is more important than the need for a public hearing.

The Standards Board for England recommends that a Standards Committee should move to a private room when considering its decisions. Provided reasons for those decisions are given, and the content of any legal advice given in private is shared with the member and Investigator, it is not considered that this will conflict with the rights under the *European Convention on Human Rights* or the duty to act fairly.

Appendix 2

Categories of Exempt Information under the Local Government Act 1972

Category	Condition
1. Information relating to any individual.	This information is not exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual.	This information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under—</p> <ul style="list-style-type: none"> (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993. <p>Information falling within paragraph 3 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	This information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	This information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

<p>6. Information which reveals that the authority proposes -</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment</p>	<p>This information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>This information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information..</p>
<p>8. Information which is subject to any obligation of confidentiality. .</p>	<p>Information in this category is exempt where a meeting of the standards committee or a sub-committee of the standards committee is convened to consider a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of the Local Government Act 2000 Act.</p> <p>The public interest test applies</p>
<p>9. Information which relates in any way to matters concerning national security.</p>	<p>As above.</p>
<p>10. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part III of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of the Local Government Act 2000.</p>	<p>As above.</p>

Appendix 3

Deciding a penalty

- 1 When deciding a penalty, the Standards Committee should make sure that it is reasonable and in proportion to the member's behaviour.
- 2 Before deciding what penalty to set, the Standards Committee should consider the following questions, along with any other relevant circumstances.
 - What was the member's intention?
 - Did the member know that he or she was failing to follow the Code of Conduct?
 - Did the member get advice from officers before the incident?
 - Was that advice acted on in good faith?
 - Has there been a breach of trust?
 - Has there been financial impropriety (for example, improper expense claims or procedural irregularities)?
 - What was the result of failing to follow the Code of Conduct?
 - How serious was the incident?
 - Does the member accept he or she was at fault?
 - Did the member apologise to the relevant people?
 - Has the member previously been warned or reprimanded for similar misconduct?
 - Has the member failed to follow the Code of Conduct before?
 - Is the member likely to do the same thing again?
- 3 Suspension may be appropriate for more serious cases, such as those involving:
 - bullying officers;
 - trying to gain an advantage or disadvantage for themselves or others; or
 - dishonesty or breaches of trust.
- 4 It may be relevant to consider any decisions taken by other Standards Committees and case tribunals drawn from the Adjudication Panel for England that deal with similar types of cases.