

Standards Committee

Procedure relating to complaints about the conduct of Councillors



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Councillors and co-opted members of the Royal Borough of Kensington and Chelsea are required to comply with the Councillors' Code of Conduct. This procedure sets out what happens when a complaint is made by any person that the provisions of the Code have been breached. The Councillors' Code of Conduct can be found in Part 5 of the Royal Borough's Constitution. The procedure relating to the holding of hearings pursuant to complaints and the sanctions that may be imposed following a hearing are set out in the attached Appendix.

This Procedure has been prepared having regard to Part 3 of the Local Government Act 2000 as amended; The Standards Committee (England) Regulations 2008; and guidance issued by the Standards Board for England. All matters of interpretation shall be resolved so as to give effect to the relevant legislation.

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1. Definitions

- "Complaint" means an allegation that a Councillor has failed, or may have failed, to comply with the Code of Conduct.
- "Councillor" means the Councillor or co-opted member who is the subject of the complaint being considered by the Standards Committee, unless stated otherwise.

- “Investigator” means the Monitoring Officer, and includes any person nominated by the Monitoring Officer to be their representative.
- “Report” means a report prepared by the Investigator or by an Ethical Standards officer appointed by the Standards Board for England concerning an allegation that a Councillor or co-opted member has breached the Councillors’ Code of Conduct.

2 Receipt and initial handling of complaints

- 2.1 Any person (hereafter called the “complainant”) may make a written complaint to the Standards Committee that a Councillor has failed, or may have failed, to comply with the Code of Conduct. Anybody making a verbal complaint will be asked whether they are prepared to put it in writing. If they are unwilling to do so, the Standards Committee will not deal with the complaint, but the Monitoring officer will consider the options for informal resolution to satisfy the complainant. Reasonable adjustments can be made for complainants with a disability which prevents them making their complaint in writing.
- 2.2 Where a complaint is obviously not about a breach of the Code but requires consideration under alternative Council procedures, the Monitoring Officer will pass it to the appropriate part of the Council and so inform the complainant.
- 2.3 The Monitoring Officer will acknowledge receipt of the complaint within 5 working days.
- 2.4 On receipt of a complaint, where necessary, the Monitoring Officer may seek clarification of the details from the complainant before consideration by the Initial Assessment Committee.
- 2.5 Where the Council receives a complaint the Initial Assessment Sub-Committee will, as soon as practicable (subject to paragraphs 2.6 and 2.7 below), arrange for the Councillor concerned to be sent a copy of the complaint.
- 2.6 If the complainant has requested that their name or any details of the complaint should be withheld from the Councillor, the Initial Assessment Sub-committee will grant this request only when it considers that it is justified in terms of the public interest or possible prejudice to any investigation of the allegation. It will inform the complainant of its decision and, unless the matter is an exceptionally serious one, offer the complainant the chance to withdraw their complaint if the decision is that details should be released to the Councillor.

- 2.7 The Initial Assessment Sub-Committee will, however, normally ensure that a written summary of the complaint, together with the identity of the complainant, is sent to the Councillor. It may also decide to withhold the written summary and/or the full complaint, and in exceptional circumstances the identity of the complainant, in the absence of such a request from the complainant if it determines that to do so would be contrary to the public interest or would prejudice any investigation of the allegation.
- 2.8 In making a determination under paragraph 2.6 or 2.7 the Standards Committee shall have regard to any guidance issued by the Standards Board.
- 2.9 If the Monitoring Officer at any time advises the Standards Committee that it would no longer be contrary to the public interest or prejudicial to any investigation, the Standards Committee must take reasonable steps to give at least a written summary of the allegation to the Councillor as soon as practicable and in any event before any consideration of any report or recommendation from the Monitoring Officer.
- 2.10 Even where it has been decided that details of the complaint shall be kept confidential, the Monitoring Officer or the Standards Committee may notify the Councillor that an allegation has been made. In such circumstances, the SC may also decide to give the Councillor some details of the allegation if disclosure of those details would not be contrary to the public interest and would not prejudice any investigation.

3 Informal mediation of allegations immediately after receipt

- 3.1 Informal mediation is intended to provide the Monitoring Officer with an opportunity to resolve those allegations where
- it is likely that the parties may reach an amicable agreement; or
 - it appears that a simple confusion or misunderstanding of the principles or rules governing conduct of Councillors has given rise to the allegation; or
 - where an administrative error not relating to any conduct by the Councillor; or
 - other non-complex explanation for the allegation exists.

The Monitoring Officer has absolute discretion as to whether it is appropriate to offer mediation having regard to all the circumstances of the allegation.

- 3.2 On receipt of any allegation the Monitoring Officer may offer the complainant and/or the Councillor (subject to any decision on confidentiality in paragraphs 2.6 and 2.7 above) the opportunity for

informal mediation with the purpose of resolving the cause of the allegation.

- 3.3 Such informal mediation is completely voluntary on the part of both the Councillor and the complainant; either can refuse and the Monitoring Officer cannot compel a complainant or a Councillor to cooperate with informal mediation of an allegation, in which case it will be considered by the Initial Assessment Committee in the normal way.

4 Decisions by the Initial Assessment Sub-Committee

- 4.1 Before assessing a complaint, the Initial Assessment Sub-Committee shall determine that it meets the following criteria:

- the complaint concerns a named Councillor of the Council;
- the Councillor was in office at the time of the alleged conduct and the Code was in force; and
- the alleged conduct would, if proven, be a breach of the Code under which the Councillor was operating at the time.

If one or more of these criteria is unmet, the Monitoring officer will inform the complainant that no further action can be taken on the complaint under the Code.

- 4.2 Once it has established that the complaint meets the criteria, the Initial Assessment Sub-Committee shall decide whether to:

- (a) Take no action in respect of the complaint, either because the matter is outside the scope of the Code of Conduct or for some other reason such as the trivial nature of the alleged complaint;
- (b) refer the allegation to the Monitoring Officer, either for investigation or for other action (which could include conciliation or arranging training as detailed in paragraph 6.4), or
- (c) refer the allegation to the Standards Board for England, see paragraph 9 below.

- 4.3 The Initial Assessment Committee may take account of any factual information obtained as a result of any attempt at informal mediation, or any preliminary factual information submitted by the Councillor before the meeting.

- 4.4 The Initial assessments Committee will aim to carry out its assessment of a complaint within 15 working days wherever possible.

- 4.5 Where the allegation is in respect of a person who is no longer a Councillor of the Council but is a Councillor of another relevant

authority in England, the Standards Committee may refer the allegation to the Monitoring Officer of that other authority. "Relevant authority" has the meaning ascribed to it in the Standards Committee (England) Regulations 2008.

5. Decision to take no action and right to review

- 5.1 If the Initial Assessment Sub-Committee decides to take no action in respect of the complaint, it shall inform the complainant and the Councillor in writing of that decision and the reasons for it, subject to any decision on confidentiality in line with paragraphs 2.6 and 2.7.
- 5.2 The Initial assessment Sub-Committee shall in such circumstances also inform the complainant that he or she may make a request to the Standards Committee for that decision to be reviewed and shall inform the person of the time limit for making the request and that the complainant may make further written statements in support of the allegation.
- 5.3 A request under paragraph 5.1 above must be made in writing and must be made within 30 days beginning with the date of the notice under paragraph 5.1 above.
- 5.4 Where a request for a review is received, the Clerk to the Standards Committee will arrange for the Review Sub-Committee to receive copies of the original allegation and the notice under 5.1 above and the request for a review; and will also inform the Councillor who is the subject of the complaint and the Initial Assessment sub-committee.
- 5.5 No member of the Initial assessment Sub-Committee which considered the allegation shall be a member of the Review Sub-Committee which considers the same allegation.
- 5.6 The Review Sub-Committee shall aim, within 15 working days (and in any event within 3 months) of the date on which the Standards Committee received the request for a review, to decide whether to:
 - (a) refer the allegation to the Monitoring Officer, either for investigation or for other action (which could include conciliation or arranging training as detailed in paragraph 6.4);
 - (b) refer the allegation to the Standards Board for England;
 - (c) if further information provided by the complainant changes the nature or substance of the complaint, decline to grant the review request but invite the complainant to make a fresh complaint;
 - (d) take no action in respect of the allegation.

5.7 If the Review Sub-Committee decides to take no action in respect of the allegation it shall give notice of that decision in writing to the complainant and the Councillor.

6 Referral to the Monitoring Officer for steps other than investigation

6.1 Before deciding to refer the matter to the Monitoring Officer for steps other than investigation the Initial Assessment Committee may seek confirmation from the Councillor and/or the complainant that they will co-operate with the proposed action.

6.2 Where the Initial Assessment Sub-Committee or Review Sub-Committee decides to refer the allegation to the Monitoring Officer they shall do so as soon as practicable and inform the parties.

6.3 An allegation shall only be referred to the Monitoring Officer after the relevant Sub-Committee has consulted him or her.

6.4 An allegation may be referred to the Monitoring Officer with a direction to take steps other than carrying out an investigation. The steps are:

- (a) arranging for the Councillor who is the subject of the allegation to attend a training course;
- (b) arranging for the Councillor and the complainant to engage in a process of conciliation; or
- (c) such other steps as appear appropriate to the relevant Sub-Committee.

6.5 The Monitoring Officer shall deal with the matter in accordance with the direction and shall give notice that the allegation has been so referred to:

- (a) the Councillor who is the subject of the allegation;
- (b) the complainant; and
- (c) the Standards Committee of any other authority concerned.

6.6 The Monitoring Officer shall as soon as reasonably practicable, and in any case within 3 months, unless there are exceptional reasons for delay, submit a written report to the relevant Sub-Committee giving details of the action taken or proposed, to comply with the direction. If the Initial Assessment Sub-Committee or Review Sub-Committee is not satisfied with the action described in the report it shall give a further direction to the Monitoring Officer. If the Initial Assessment Sub-Committee or Review Sub-Committee, as appropriate, is satisfied with the action described in the report it shall give written notice to that effect to:

- (a) the Councillor who is the subject of the allegation;
- (b) the complainant; and
- (c) the Standards Committee of any other authority concerned.

7. Referral to the Monitoring Officer for investigation of allegations

7.1 Where the Initial Assessment Sub-Committee or Review Sub-Committee decides to refer the allegation to the Monitoring Officer for investigation, the Monitoring Officer shall, unless otherwise directed by the Ethical Standards Officer or the Sub-Committee, inform the complainant and the Councillor who is the subject of the investigation and the Standards Committee of any other authority concerned, that the allegation has been referred to him or her for investigation.

7.2 The Monitoring Officer may in conducting an investigation:

- (a) appoint any person or persons to carry out or assist him or her in carrying out any functions relating to this procedure (in which case the Councillor who is the subject of the investigation and the complainant will be informed of the name of anybody carrying out investigations);
- (b) make such enquiries of other persons as he or she thinks necessary or expedient;
- (c) require any person to give such information or explanation as he or she thinks necessary or expedient.

7.3 The Monitoring Officer shall give any Councillor who is the subject of the investigation the opportunity to comment on the allegation.

7.4 In the case of an investigation referred to the Monitoring Officer by an Ethical Standards Officer of the Standards Board for England, the Monitoring Officer may at any stage prior to the completion of the investigation, by a request in writing to the Ethical Standards Officer concerned, ask that the matter be referred back to that Ethical Standards Officer for investigation; and any such request must set out the reasons for making it.

7.5 On completion of an investigation under this regulation, the Monitoring Officer shall

- (a) make a finding either:
 - (i) that there is evidence to substantiate the allegation of a failure to comply with the Code of Conduct; or

- (ii) that there is no evidence to substantiate the allegation that there has been a failure to comply with the Code of Conduct;
- (b) prepare a written report of the investigation which contains a statement as to the finding;
- (c) send a copy of that report to the Councillor who was the subject of the investigation, and;
- (d) refer the report to:
 - (i) the Standards Committee, and
 - (ii) the Standards Committee of any other authority, other than a parish council, of which the person who was the subject of the investigation is a Councillor, if that other authority so requests.

8. Consideration of Monitoring Officer's reports by Standards Committee

- 8.1 Where the Monitoring Officer refers a report to the Standards Committee the latter shall convene a hearing to consider that report and make one of the following findings:
- (a) that it accepts the Monitoring Officer's finding that there has not been a failure to comply with the Code of Conduct; or
 - (b) that the matter should be considered at a hearing of the Standards Committee conducted under the procedure in the attached Annex; or
 - (c) that the matter should be referred to the Adjudication Panel of the Standards Board for England for determination.
- 8.2 The Standards Committee may decide to refer the matter to the Adjudication Panel under 8.1(c) only if
- (a) it has determined that the alleged breach was so serious that the action it could take against the Councillor following a hearing confirming the breach would be insufficient; and
 - (b) the president or deputy president of the Adjudication Panel has agreed to accept the referral.
- 8.3 As soon as reasonably practicable after making a finding that there has been no failure to comply with the Code of Conduct under 8.1(a), the Standards Committee shall:
- (a) give written notice of that finding to
 - (i) the Councillor who is the subject of the finding of no failure;

- (ii) any Ethical Standards Officer concerned;
 - (iii) the Standards Committee of any other authority concerned;
 - (iv) any parish council concerned; and
 - (v) the complainant; and
- (b) unless the Councillor concerned requests otherwise, arrange for a notice to be published stating that the Standards Committee have found that there has been no failure on the part of the Councillor concerned to comply with the Code of Conduct or, as the case may be, with the code of conduct of any other authority concerned.

8.4 The notice referred to in paragraph 8.3(b) shall be published:

- (a) in at least one newspaper circulating in the area of any authority concerned; and
- (b) if considered appropriate by the Standards Committee, on the web page of any authority concerned, subject to the other authority's agreement; and
- (c) if considered appropriate by the Standards Committee, in any other publication.

9 Referral to the Standards Board for England

9.1 Local Authorities are expected to deal with most allegations of breach of the Councillors' Code of Conduct. However, the Initial Assessment Sub-Committee may refer a complaint to the Standards Board for England for investigation by an Ethical Standards Officer, for example where the issues raised or public interest considerations make it difficult for the Council to deal with the case fairly and speedily.

9.2 The Standards Board for England may accept cases for investigation but may alternatively decide to take no action or to refer cases back to the Council. There is no appeal mechanism against a decision by the Standards Board for England.

9.3 If the complaint is referred back to the Council by the Standards Board for England the Initial Assessment Sub-Committee will decide whether to

- (a) take no action, in which case paragraph 5 and the review provisions apply;
- (b) refer the complaint to the Monitoring Officer for investigation or other steps.

9.4 If the Standards Board for England accepts the case for investigation by an Ethical Standards Officer, and following the ESO's

report refers the matter back to the Standards Committee, the Monitoring Officer shall, upon receipt of the Ethical Standards Officer's report, send a copy of the report to any Councillor who is the subject of the report and refer the report to the Standards Committee for consideration under paragraph 8 above.

10 Multiple complaints

10.1 Where the Standards Committee receives a number of complaints from different persons concerning the same matter, the Initial Assessment or Referrals Sub-Committee, as appropriate, may decide to consider the complaints at the same meeting and may ask the Monitoring Officer to prepare one report and recommendation. However, the Sub-Committee shall where appropriate make a decision on each individual complaint. In any case the Sub-Committee shall follow the notification procedure in paragraph 10 above for each complainant.

11 Access to meetings and summaries of proceedings

11.1 Meetings of the Initial Assessment and Review Sub-Committees are held in private and are not subject to the notice and publicity requirements under Part 5 of the Local Government Act 1975. Their proceedings may not be disclosed.

11.2 The Initial Assessment and Review Sub-Committees must produce a summary of their consideration of an allegation or review as appropriate. The summary must include:

- (a) the main points considered;
- (b) the conclusions on the complaint; and
- (c) the reasons for the conclusions

11.3 The summary may give the name of any Councillor who was the subject of the allegation. When the Sub-Committee has determined that there has been no breach of the Code of Conduct, the Sub-Committee will ascertain from the Councillor concerned whether they wish their name to be included in the summary.

11.4 The summary will be available for public inspection at Kensington Town Hall for six years after the Councillor concerned has received a copy of the Sub-Committee's decision notice.

12. Withdrawal of complaints

12.1 If the complainant wishes at any time to withdraw their complaint, the Initial Assessment Sub-committee must give its agreement. It will normally do so unless there are exceptional reasons for pursuing the alleged breach of the Code, for instance because of its serious

nature or because of a suspicion that the withdrawal may have been under duress.

PROCEDURE FOR HEARING COMPLAINTS ABOUT THE CONDUCT OF COUNCILLORS

Introduction

1. This procedure shall apply where the Standards Committee decides to hold a hearing after consideration of a report into an allegation that a Councillor or co-opted member has breached the Councillors' Code of Conduct prepared by the Monitoring Officer or an Ethical Standards Officer (ESO).

Interpretation

2. "Committee" means the Standards Committee and includes a Standards Sub-Committee.
3. "Councillor" means the Councillor or co-opted member who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise and includes their nominated representative.
4. "Investigator" means the Monitoring Officer, or ESO who referred the report to the authority, and includes any person nominated by the Monitoring Officer or ESO to be their representative.
5. "Report" means a report prepared by the Monitoring Officer or ESO of the investigation concerning an allegation that a Councillor or co-opted member has breached the Councillors' Code of Conduct.
6. "Legal advisor" means the officer or other person appointed to provide legal advice to the Committee. The Committee may take legal advice at any time during the hearing or while they are making a decision. The substance of any legal advice given to the Committee should be shared with the Councillor and the Investigator if they are present.

Timing

7. The Committee shall ensure that the hearing is held within 3 months beginning either on the date on which the report made by the Monitoring Officer is completed, or in the case of a report referred by an ESO, on the date on which the report was received by the Monitoring Officer. If the hearing is not held within 3 months the Committee shall ensure that it is held as soon as practicable thereafter.

8. The hearing shall not, however, take place until at least 14 days after the date on which the Monitoring Officer sends the report to the Councillor, unless the Councillor agrees to the hearing being held earlier.

Action before the hearing

9. As soon as practicable after the Committee decides to conduct a hearing the Clerk shall:
 - (a) notify the Councillor of the Committee's intention to hold the hearing;
 - (b) ask the Councillor to reply within 15 working days:
 - (i) stating in writing whether and in what particulars they disagree with any of the findings of fact in the Investigator's report or the Ethical Standards Officer's report, as the case may be. The Clerk shall also inform the Councillor that, at the hearing, if the Councillor seeks to disagree with findings of fact in the Investigator's report that they have not previously raised, the Standards Committee may either adjourn the meeting to enable the Investigator to provide a response or refuse to allow the disputed matter to be raised;
 - (ii) will attend the hearing or not;
 - (iii) will be represented by any other person;
 - (iv) will give evidence to the Standards Committee, orally or in writing. The Clerk shall also request the Councillor to provide any written evidence or other documentation at least 10 working days before the hearing;
 - (c) ask the Councillor to state at least 10 working days before the date set for the hearing whether they:
 - (i) want any part of the hearing to be held in private; and
 - (ii) want any part of the Investigator's report to be withheld from the public.
10. As soon as possible after receipt of the Councillor's response to the requests in paragraph 9 (b) the Clerk shall send a copy of the response to the Investigator and shall invite the Investigator to reply in writing within 15 working days stating:

- (a) his or her comments, if any, on any response from the Councillor as to the findings of fact in the Investigator's report;
 - (b) if he or she intends to call relevant witnesses to give evidence at the hearing;
 - (c) if he or she requests any part of the hearing to be held in private; and
 - (d) if he or she requests any part of the report or other relevant documents to be withheld from the public.
11. As soon as possible after receipt of the Investigator's reply the Chairman of the Standards Committee shall, in consultation with the Monitoring Officer or legal advisor, prepare a summary of the allegation, including the agreed facts and facts not agreed, a list of persons and witnesses who will attend the hearing and outline the procedure for the hearing. The Chairman shall also decide:
- (a) whether any part of the hearing shall be held in private;
 - (b) whether any part of the investigation report or any other relevant documents shall be withheld from the public;
 - (c) the date, time and location of the hearing, which shall not be heard earlier than the 10th working day on which the Councillor receives the agenda and notice of the hearing date, time and place.
12. The Clerk shall inform the Councillor and the Investigator of the Chairman's decisions and send them a copy of the agenda which shall contain the Investigator's report, any comments by the Councillor under paragraph 9(b)(i) above, any reply by the Investigator, and the summary referred to in paragraph 11 above.

Quorum

13. The quorum for a hearing shall be 3 members of the Committee. The Chairman of the hearing shall be an independent member of the Committee.

Representation

14. The Councillor may be represented or accompanied during the hearing by a solicitor, counsel or, with the permission of the Committee, another person.
15. The Councillor is responsible, subject to any indemnity provided by the Council, for meeting the costs of their representation. Details of the Councillors Legal Protection Policy are available on the intranet or may be obtained from the Council's Risk and Insurance Manager.

Witnesses and Evidence

16. The Standards Committee controls the evidence presented at the hearing, including the way in which witnesses are questioned.
17. Subject to paragraph 19, the Councillor and the Investigator are entitled to:
 - (a) present evidence either orally or in writing; and
 - (b) call any witnesses.
18. The Complainant may be present (but is not required to be) and may be requested to give evidence.
19. The Standards Committee may limit the number of witnesses called by the parties if it believes the:
 - (a) number called is unreasonable;
 - (b) witnesses will simply be repeating evidence of earlier witnesses; or
 - (c) witnesses will not be providing evidence that will assist the Standards Committee to reach its decision.
20. The Standards Committee may also invite other witnesses to give evidence, where it believes this may help it reach a decision.

Attendance

21. Where the Councillor elects not to attend the hearing, the Standards Committee may consider the complaint and all available evidence in the Councillor's absence.
22. The Standards Committee may adjourn a hearing where a Councillor or the complainant wishes to attend the hearing and is unable to do so for a good reason.

Preliminary procedural matters

23. In opening the hearing the Chairman shall outline the procedure to be followed.
24. It is for the Standards Committee to decide how to conduct the hearing but they will usually adhere to the following procedure:
 - (a) Introductions

- (b) Declarations of interest
- (c) Determination of whether to adjourn or proceed when applicable
- (d) Determination of whether to exclude the public
- (e) Making findings of fact, and/or statements by the parties and questions, including questions of any witnesses
- (f) Summing up or final comments and representations
- (g) Decision making

Making findings of fact

- 25. If there are disagreements about the facts contained in the Investigator's report, the Investigator, if present, will be invited to make representations to support the findings of his or her report and with the Committee's permission to call supporting witnesses.
- 26. If there is no disagreement about the facts the Committee may allow the parties to make such statements and ask questions as it sees fit and then move on to the next stage of the hearing at paragraph 32.
- 27. If there is disagreement about the facts, the Councillor may ask questions of the Investigator and, with the permission of the Committee, any witnesses called by the Investigator.
- 28. The Committee may then ask questions, and is entitled to ask questions of all parties and witnesses at any time during the hearing.
- 29. The Councillor may then make representations to support his or her version of the facts and with the Committee's permission call supporting witnesses.
- 30. The Investigator may ask questions of the Councillor and, with the permission of the Committee, any witnesses called by the Councillor.
- 31. The Committee may then ask questions, and is entitled to ask questions of all parties and witnesses at any time during the hearing.
- 32. When statements and questions have been completed, the Investigator will be asked to make a final statement.
- 33. The Councillor will then be asked to sum up or add any final comments and to make any representations as to sanctions.

34. The Committee may at any stage prior to the conclusion of the hearing adjourn and require the Investigator to seek further information or undertake further investigation on any point specified by the Committee. The Committee shall not adjourn the hearing on more than one occasion under the provisions of this paragraph.
35. If the Councillor seeks to dispute any relevant fact in the Investigators report and the Councillor has not given prior notice of the disagreement in the Councillor's response, the Committee should allow the Councillor to make representations as to why the dispute should be included in the hearing and may decide:
 - (a) not to admit the dispute and continue with the hearing;
 - (b) allow the Councillor to make representations about the issue, and invite the Investigator to respond and call any witnesses as necessary;
 - (c) adjourn the hearing to arrange for appropriate witnesses or parties to be present.

Decision making

36. At the conclusion of the hearing the Committee will deliberate in private (if necessary asking all parties to withdraw from the room where the hearing is taking place) and make one of the following findings:
 - (a) that the Councillor who was the subject of the hearing had not failed to comply with the Code of Conduct;
 - (b) that the Councillor who was the subject of the hearing had failed to comply with the Code of Conduct but that no action needed to be taken in respect of the matters which were considered at the hearing;
 - (c) that the Councillor who was the subject of the hearing had failed to comply with the Code of Conduct and that any one, or any combination of the following sanctions should be imposed:
 - (i) censure of the Councillor;
 - (ii) restriction for a period not exceeding six months of the Councillor's access to the premises of the Royal Borough of Kensington and Chelsea including use of Council resources, provided that the restrictions are reasonable and proportionate to the nature of the breach and do not unduly restrict the Councillor's ability to perform the functions of a Councillor;

- (iii) partial suspension of the Councillor (for instance restrictions as to the meetings that the Councillor can attend) for a period not exceeding six months;
- (iv) suspension of the Councillor for a period not exceeding six months;
- (v) that the Councillor should submit a written apology in a form specified by the Standards Committee;
- (vi) that the Councillor should undertake such training as the Standards Committee specifies;
- (vii) that the Councillor should participate in such conciliation as the Standards Committee specifies;
- (viii) partial suspension of the Councillor for a period not exceeding six months or until such time as the Councillor submits a written apology in a form specified by the Standards Committee;
- (ix) partial suspension of the Councillor for a period not exceeding six months or until such time as the Councillor has undertaken such training or has participated in such conciliation as the Standards Committee specifies;
- (x) suspension of the Councillor for a period not exceeding six months or until such time as the Councillor has submitted a written apology in a form specified by the Standards Committee;
- (xi) suspension of the Councillor for a period not exceeding six months or until such time as that Councillor has undertaken such training or has participated in such conciliation as the Standards Committee specifies.

37. If the Committee makes a finding under paragraph 36(c) that there was a failure to comply with the Code of Conduct in respect of a person who is no longer a Councillor and that action needed to be taken in respect of the failure, it shall censure that person.

38. Any sanction under paragraph 36(c) shall commence immediately following its imposition by the Standards Committee unless the Committee direct that any one or more of the sanctions imposed, as the Committee specifies, shall commence on such date, within a period of six months after the imposition of that sanction, as the Committee specifies, or unless the Councillor gives notice that he or she intends to apply for permission to appeal and for the sanction to be suspended pending appeal (on which see paragraph 40 et seq below). In the latter case, the Committee may decide that the sanction will remain suspended until such time as either the President of the Adjudication Panel for England has taken a decision on the Councillor's application for suspension of the sanction; or the Councillor withdraws his appeal or his application for suspension of the sanction; or the period for making an appeal has elapsed without an appeal being made.

Notification of findings of the Standards Committee

39. Where possible the Standards Committee may verbally inform the parties of their decision and the reasons for it immediately following their deliberations at the end of the hearing. The Standards Committee shall, in any case, as soon as reasonably practicable after making a finding under paragraph 36 above:
- (a) give written notice of the finding and the reasons for it to:
 - (i) the Councillor who is the subject of the finding;
 - (ii) the Standards Board;
 - (iii) the Standards Committee of any other authority concerned; and
 - (iv) any person who made an allegation that gave rise to the investigation;
 - (b) arrange for a summary of the notice to be published:
 - (i) in at least one newspaper circulating in the area of every authority concerned; and
 - (ii) if considered appropriate by the Committee, on the web page of any authority concerned; and
 - (iii) if considered appropriate by the Committee, in any other publication.
 - (c) Where the Committee makes a finding that the Councillor had not failed to comply with the code of conduct:
 - (i) the notice shall state that the Committee has found that the Councillor had not failed to comply with the code and shall give its reasons for that finding; and
 - (ii) the duty to publish a summary of the notice under paragraph 39(b) shall not apply if the Councillor concerned so requests.
 - (d) Where the Committee makes a finding that the Councillor had failed to comply with the code but that no action needs to be taken, the notice shall:
 - (i) state that the Committee found that the Councillor had failed to comply with the code of conduct but that no action needs to be taken in respect of that failure;
 - (ii) specify the details of the failure;
 - (iii) give the reasons for the Committee's finding; and
 - (iv) state that the Councillor concerned may apply for permission to appeal against the finding.
 - (e) Where the Committee makes a finding that a sanction under paragraph 36(c) should be imposed, the notice shall:

- (i) state that the Committee found that the Councillor had failed to comply with the code of conduct;
- (ii) specify the details of the failure;
- (iii) give reasons for the Committee's finding;
- (iv) specify the sanction(s) imposed; and
- (v) state that the Councillor concerned may apply for permission to appeal against the finding or sanction imposed.

Appeal

40. Where the Committee makes a finding under paragraph 36 above, the Councillor who is the subject of that finding may, by way of notice in writing given to the president of the Adjudication Panel for England:
- (a) seek permission to appeal; and
 - (b) apply for the suspension of any sanction imposed under paragraph 36 above until such time as any appeal is determined.
41. The notice must be received by the president of the Adjudication Panel within 21 days of the Councillor's receipt of the notice under paragraph 39 and must specify:
- (a) the finding against which the Councillor seeks permission to appeal;
 - (b) in the case of a finding under paragraph 36(c) whether the appeal is against the finding that the Councillor has failed to comply with a code of conduct, or if it is against the sanction which has been imposed, or both;
 - (c) the grounds of the appeal;
 - (d) whether any application for suspension of any sanction is made; and
 - (e) whether or not the Councillor consents to the appeal being conducted by way of written representations.

END