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## Part 2 (b) – Thurrock Council Local Assessment Protocol

### 1. Introduction

- 1.1 This protocol has been developed to inform complainants and Members of the procedure involved in managing the Local Assessment function of Thurrock Council's Standards Committee.

### 2. The Complaint

- 2.1 The complaint form may be found on the internet but if a complainant telephones the Monitoring Officer, a complaint form can be sent out in the post and returned to the Monitoring Officer.
- 2.2 A mailbox address has been created, which is: [standardscommittee@thurrock.gov.uk](mailto:standardscommittee@thurrock.gov.uk). This will be checked daily to monitor any complaints received.

### 3. Acknowledging the Complaint

- 3.1 The Monitoring Officer will acknowledge receipt of the complaint to the complainant within 7 working days.
- 3.2 The Monitoring Officer has the discretion as to whether to notify the Member subject to the complaint. Generally the Monitoring Officer will notify the Member subject to the complaint unless there are exceptional reasons for not notifying the Member. In considering whether to notify the Member that a complaint has been made regarding their conduct, the Monitoring Officer must have regard to section 63 of the Local Government Act 2000 and paragraph 12 of the Standards Committee (England) Regulations 2008 and ensure the legal power exists to make the disclosure.

### 4. Arranging the Assessment Sub-Committee

- 4.1 The Assessment Sub-Committee is scheduled to meet once a month and will meet if there is any business to be conducted. However, there will be occasions when a Sub-Committee will be out of time and a further Committee may need to be scheduled.

### 5. Pre-assessment Reports and Enquiries

- 5.1 The Monitoring Officer, or his/her nominated Officer, is to prepare a short summary of the complaint for the Assessment Sub-Committee. This may include the following, depending on the complexity of the complaint:
- (a) Whether the complaint is within jurisdiction
  - (b) Which paragraphs of the Code are alleged to have been breached
  - (c) A summary of key aspects if the complaint is lengthy or complex
  - (d) Any further information that the Officer has obtained to assist the Assessment Sub-Committee, which may include:
    - (i) copy of declaration of acceptance
    - (ii) minutes of meetings
    - (iii) copy of register of interest
    - (iv) information from Companies House or Land Registry
    - (v) other easily obtainable documents
  - (e) Further clarification obtained by contacting the complainant

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## 6. Initial Tests by the Assessment Sub-Committee

- 6.1 Before the formal assessment of the complaint is undertaken, there are three tests to be considered:
- (a) Is the complaint against one of more named Members of the Council?
  - (b) Was the named Member in office at the time of the alleged offence and was the Code of Conduct in force at the time?
  - (c) Would the complaint, if proven, be a breach of the Code of Conduct under which the Member was operating at the time of the alleged misconduct?
- 6.2 If the complaint fails one or more of these tests, the complaint cannot be investigated as a breach of the Code of Conduct and the complainant must be notified accordingly.

## 7. Assessment Criteria

- 7.1 The Assessment sub-Committee will consider the complaint and in doing so may consider any or all of the following criteria:
- (a) Has the complainant submitted enough information to satisfy the Assessment sub-Committee that the complaint should be referred for investigation or other action?
  - (b) Is the complaint about someone who is no longer a Member of the Council but is a Member of another authority? If so, is it pertinent to refer the matter to the Monitoring Officer of that authority?
  - (c) Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct and has the complaint already been subject to an investigation?
  - (d) Is the complaint about something that happened so long ago that there would be little benefit in taking action now?
  - (e) Is the complaint too trivial to warrant further action?
  - (f) Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?
- 7.2 These criteria are not exhaustive, as the Standards Committee will review the assessment criteria on a regular basis.

## 8. Initial Assessment Decisions

- 8.1 The Assessment Sub-Committee must reach one of three decisions:
- (a) Referral of a complaint to the Monitoring Officer
  - (b) Referral of a complaint to the Standards for England
  - (c) No action to be taken
- 8.2 The assessment should place within 20 working days and must keep to this timescale where possible.

### Referral to the Monitoring Officer

- 8.3 The Monitoring Officer must write to all relevant parties notifying them of the decision. If at the time of the notification, a person has been appointed to conduct the investigation, this information may be released if considered appropriate. The notification should contain information about the nature of the allegation and what decision was reached, but it must not explain why a decision has been made. Furthermore, if the Assessment Sub-Committee

consider it to be in the public interest or likely to prejudice an investigation if the Member subject to the complaint was to receive a summary of the complaint, it may decide not to release that information upon receipt of advice from the Monitoring Officer. However, the Assessment sub-Committee may decide to refer to the Monitoring Officer for other action. Please refer to paragraph 10 below for further details.

### **Referral to the Standards for England**

- 8.4 The notification process for referral to the Standards for England is the same procedure as for a referral to the Monitoring Officer. There will be instances where the local Assessment Sub-Committee feels unable to conduct the matter locally, such as in the following examples:
- (a) Seriously complex or sensitive
  - (b) Large number of Members involved
  - (c) Substantial governance dysfunction within the Council
  - (d) Relates to long term systematic Member/Officer bullying
- 8.5 The list is not exhaustive and the Monitoring Officer will give guidance to the Assessment Sub-Committee as to whether the Standards Board for England would be likely to accept such referral.
- 8.6 If the Standards for England decline to investigate, the matter will be referred back to the Assessment Sub-Committee, which must consider the complaint within an average of further 20 working days from the date of the referral back from the Standards for England.

### **Decision to Take No Further Action**

- 8.7 Assessment sub-Committee can decide to take no action for the following reasons:
- (a) Complaint not sufficiently serious
  - (b) Length of time that has elapsed
- 8.8 The decision must have had regard to the assessment criteria. The complainant must be notified of the right to appeal. It should be explained they must write to the Standards Committee setting out the reasons why they are seeking a review.

## **9. Notification Requirements**

- 9.1 The decision of the Assessment Sub-Committee should be conveyed within 30 working days from the date of the initial assessment.

## **10. Referral for Other Action**

- 10.1 A referral for other action may be appropriate where it is not considered good governance to undertake an investigation. The suitability of this course of action will be dependent on the nature of the complaint.
- 10.2 Examples where this may be appropriate are as follows:
- (a) Where the Member has a poor understanding of the Code of Conduct
  - (b) A number of Members failed to comply with the same paragraph
  - (c) Officers gave incorrect advice
  - (d) Inadequate protocols

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- 10.3 This list is not exhaustive and the Assessment Sub-Committee may take the advice from the Monitoring Officer before reaching a decision as the decision to take other action closes the possibility of a full investigation.
- 10.4 In order to ensure co-operation from all parties, the Assessment Sub-Committee should seek written confirmation of the agreement to co-operate. This should set out the following:
- (a) what is being proposed
  - (b) why it is being proposed
  - (c) why they should co-operate
  - (d) what the Standards Committee hopes to achieve
- 10.5 Examples of alternative action include the following:
- (a) arranging for the Member to attend training
  - (b) arranging for the Member and complainant to have mediation
  - (c) instigating changes to protocols and procedures
- 10.6 The type of other action will be dependent on the nature of the complaint.

## **11. Review of No Further Action**

- 11.1 The complainant must write to the Standards Committee setting out the reasons why they would like a review of the decision of the Assessment Sub-Committee. This may be reasonable in view of the following:
- (a) Not enough emphasis has been give to a particular aspect of the complaint
  - (b) There has been a failure to follow the published assessment criteria
  - (c) There has been an error in procedures
- 11.2 This list is not exhaustive as the complainant may have other reasons. The review must be completed within three months of receiving the request but it is recommended to take place within 30 working days. The Member subject to the complaint must be notified.
- 11.3 Members of the Assessment Sub-Committee must not take part in the review.
- 11.4 The Review Sub-Committee must use the same assessment criteria and has the same options available as to what decision to make.
- 11.5 The decision should be sent out within 7 working days of having been taken.

## **12. Access to Meetings and Decision Making**

- 12.1 Initial assessment and review meetings are not subject to the notice and publicity requirements under Part 5 of the Local Government Act 1972.
- 12.2 Therefore, these meetings are closed meetings and not open to the press or public. The Rules do require a written summary to be produced (excepting in circumstances detailed above as to when the Member subject to the complaint is not deemed entitled to have a summary pending an investigation). This summary must contain three elements:
- (a) the main points considered
  - (b) the conclusions on the complaint

- (c) the reasons for the conclusion

### **13. Withdrawing Complaints**

- 13.1 Once a complaint has been made, if a complainant changes their mind and seeks to withdraw the complaint, it is a decision of the Assessment Sub-Committee as to whether it agrees to the complaint being withdrawn.
- 13.2 There are three criteria that must be considered before reaching a decision to allow the complaint to be withdrawn:
- (a) Does the public interest in taking some action on the complaint outweigh the complainant's desire to withdraw it?
  - (b) Is the complaint such, that action can be taken on it without the need to involve the complainant?
  - (c) Is there an underlying reason for the request to withdraw the complaint?
- 13.3 The Assessment Sub-Committee does not have to agree to allow the complainant to withdraw the complaint.

### **14. Multiple Complaints**

- 14.1 Where several complaints are received regarding the same matter, the Assessment Sub-Committee may consider these complaints at the same meeting and there may be one pre-assessment report dealing with all the issues in a concise and clear format.

### **15. The Protocol in General**

- 15.1 Any queries on the protocol or its application should initially be referred to the Monitoring Officer.

### **16. Procedure for Cases Referred for Investigation to the Monitoring Officer**

- 16.1 When an allegation is referred to the Monitoring Officer for investigation, he/she will within five working days, unless otherwise directed by the Assessment Sub-Committee or the Ethical Standards Officer inform the Member who is the subject of the allegation ("the Subject Member"), the person who made the allegation ("the Complainant"), and the standards Committee of any other authority concerned, that the matter has been referred for investigation and who will carry out the investigation.
- 16.2 Members should note that until this time the Monitoring Officer has no authority to discuss the summary of the complaint with the subject Member. Group leaders may be informed at this stage.
- 16.3 Unless the Assessment Sub-Committee or Ethical Standards Officer have directed that it would be contrary to the public interest or prejudicial to the investigation, the Monitoring Officer will at the same time provide the subject Member with a written summary of the allegation.
- 16.4 The Monitoring Officer will appoint an Investigating Officer who may be an Officer of the Council, or an external person. The Investigating Officer may appoint persons to assist him/her in the conduct of the investigation, and may obtain such professional advice as may be necessary.
- 16.5 In carrying out the investigation, the Investigating Officer shall have regard to any relevant guidance issued by the Standards for England, and shall comply with any relevant direction given by the Standards for England.
- 16.6 The Investigating Officer may make such inquiries as he/she thinks necessary or expedient for the purposes of conducting the investigation, and may require any person to give such information or explanation as the Investigating Officer thinks necessary. The Investigating

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Officer may require any relevant authority concerned to provide such advice and assistance as may reasonably be needed to assist in the investigation, and to provide reasonable access to such documents in the possession of that authority as appear to the Investigating Officer to be necessary for the purpose of conducting the investigation.

- 16.7 Statements will be prepared and agreed with each person interviewed during an investigation. The subject Member may be accompanied by a professional representative or advisor, a political colleague or friend during the interview. Any other person interviewed may be accompanied by a friend or representative. Interviews will be tape recorded with the agreement of the subject Member.
- 16.8 The Investigating Officer will try to complete the investigation within a reasonable period of time according to the nature of the complaint and the extent of the investigation required.
- 16.9 Where during the investigation, as a result of new evidence or information, the Investigating Officer forms an opinion that the matter is materially more serious or materially less serious than may have seemed apparent to the Assessment Sub-Committee, when it made its decision to refer the matter for investigation, he/she shall refer the matter to the Assessment Sub-Committee who shall consider the matter as if it were a new allegation.
- 16.10 If the Subject Member has died, is seriously ill or has resigned from the authority concerned, and the Investigating Officer is of the opinion that it is no longer appropriate to continue with the investigation, he/she shall refer the matter to the Assessment Sub-Committee
- 16.11 The Investigating Officer, having concluded the investigation, will consider whether to produce a draft report before the final report. A draft report may be appropriate where the facts are complex or ambiguous, or where the facts are disputed. Any draft report will be issued to the subject Member and complainant for comment, and will indicate that it does not necessarily represent the Investigating Officer's final finding.
- 16.12 The Investigating Officer's final report will include a statement of his/her finding. This will be either that there has been a failure to comply with the code of conduct ("a finding of failure"), or that there has not been a failure to comply with the code of conduct ("a finding of no failure"). A copy of the report will be sent to the subject Member and referred to the Standards Committee Consideration, Pre- Hearing and Hearing Sub-Committee.

## **17. Consideration stage**

- 17.1 When the Standards Consideration, Pre-Hearing and Hearing Sub-Committee considers the report of the Investigating Officer, it shall make one of the following findings:
- (a) That it accepts the finding of no failure ("a finding of acceptance")
  - (b) That the matter should be considered at a Hearing by a Consideration, Pre-Hearing and Hearing Sub- Committee of the Standards Committee, or
  - (c) That the matter should be referred to the First Tier Tribunal for determination (but only if it has determined that the action it could take against the subject Member would be insufficient were a finding of failure to be made, and the President or Deputy President of the First Tier Tribunal has agreed to accept the referral)
- 17.2 Where there is a finding of acceptance, written notice of that finding shall be given to those involved, and published as required by the relevant Regulations, unless the subject Member requests otherwise.
- 17.3 Where the Consideration, Pre-Hearing and Hearing Sub-Committee decides to hold a hearing, this shall be conducted in accordance with the Committee's Pre-hearing and Hearing Procedures.
- 17.4 If the investigation report finds that there has been a failure to comply with the Code a hearing must take place – unless the Standards Consideration, Pre-Hearing and Hearing Sub-

Committee decides that the matter should be referred to the First Tier Tribunal for determination.

## **18. Pre-hearing and Hearing Procedure**

### **Interpretation**

18.1 The following words will be interpreted as set out below:

- (a) 'Subject Member' means the Member of the Authority who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the Member's nominated representative.
- (b) 'Investigating Officer' means the Monitoring Officer or Ethical Standards Officer and includes their nominated representative.
- (c) 'The Matter' is the subject matter of the investigator's report.
- (d) 'Committee' also refers to a Sub-Committee.
- (e) 'Legal Adviser' means the Officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified Officer of the authority, or someone appointed for this purpose from outside the Authority, or someone delegated by the Monitoring Officer to so advise. The Legal Officer may not be the Investigating Officer.
- (f) 'The Committee Support Officer' means an Officer of the authority responsible for supporting the Standards Committee discharge of its functions and recording the decisions of the Standards Committee.
- (g) 'The Chair' refers to the person presiding at the Hearing.

### **Pre-Hearing Stage**

18.2 The Pre-Hearing process is to be carried out in writing unless the case is very complicated and the Chair of the Standards Committee and Legal Adviser agree that a Consideration, Pre-Hearing and Hearing Sub-Committee should be organised.

18.3 A Consideration, Pre-Hearing and Hearing Sub-Committee shall be convened in accordance with the terms of reference in Part 2(a) of this Chapter, and with a composition in accordance with those terms of reference.

18.4 The Subject Member will be asked for a written response to the Investigating Officer report within 15 working days and shall state whether he/she:

- (a) disagrees with any of the findings of fact in the report, giving the reasons for any disagreement
- (b) wishes to detail other evidence relevant to the complaint
- (c) wishes to be legally represented or by any other person
- (d) wishes to give evidence to the Sub-Committee, either orally or in writing
- (e) confirm if any party has specific needs (e.g. access requirements)
- (f) confirm they are attending the Hearing
- (g) wishes to call relevant witnesses to give evidence to the Sub-Committee (and to outline that evidence)
- (h) wishes any part of the Hearing to be held in private

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- (i) wishes any part of the Investigating Officer's report or other relevant documents to be withheld from the public
  - (j) wishes to outline any representations to be taken into account if the Subject Member is found to be in breach
- 18.5 The Subject Member shall be informed that if, at the meeting of the Sub-Committee, he/she seeks to dispute any matter contained in the Investigating Officer's report without having previously notified the intention to do so, the Sub-Committee may refuse to allow the disputed matters to be raised unless satisfied that there are good reasons why they have not been raised beforehand.
- 18.6 The Investigating Officer shall be invited to comment on the Subject Member's response within 10 working days of receipt, and shall state whether or not he/she:
- (a) wishes to call relevant witnesses to give evidence or submit written or other evidence to the Sub-Committee
  - (b) wishes any part of the Hearing to be held in private
  - (c) wishes any part of the report or other relevant documents to be withheld from the public
- 18.7 Witnesses may only give evidence with the express approval of the Chair of the Sub Committee.
- 18.8 The Subject Member and the Investigating Officer are entitled to request the Chair's approval for the attendance of such witnesses as either considers to be necessary. However, in consultation with the Monitoring Officer, the Chair may limit the witnesses to be called, if he/she believes the number requested for the relevant party is unreasonable or that the relevant witnesses will be repeating the evidence of other witnesses to be called, or else not likely to provide such relevant evidence that will assist the Sub-Committee to reach its decision.
- 18.9 The Chair may request the attendance of any additional witnesses whose evidence he/she considers would assist the Sub-Committee to reach its decision.
- 18.10 The Monitoring Officer or the Legal Adviser (who must not be the Investigating Officer), in consultation with the Chair of the Sub Committee, will write to the Subject Member and the Investigating Officer to:
- (i) confirm a date, time and place for the Hearing, which must be within three months from the date on which the Investigating Officer's report was completed and not less than fourteen working days after the report was sent to the Subject Member
  - (ii) confirm the main facts of the case that are agreed
  - (iii) confirm the main facts that are not agreed
  - (iv) provide copies of any written evidence to the relevant parties
  - (v) confirm which witnesses will be called by the parties
  - (vi) provide the parties with copies of the proposed procedure for the
- 18.11 The Monitoring Officer or the Legal Adviser will also specify which parts of the proceedings, if any, may be considered in private. The Monitoring Officer will also write to update the complainant.

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**Consideration, Pre-hearing and Hearing Sub-Committee – Procedure for hearing**

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

**Representation**

- 18.13 The Subject Member may be legally represented, or with the permission of the Sub-Committee, by another person. It is the responsibility of the Subject Member to arrange for their own representation.

**Legal Advice**

- 18.14 The Sub-Committee may take legal or procedural advice from its Legal Adviser (who may be the Monitoring Officer, provided the Monitoring Officer is not also the Investigating Officer) at any time during the Hearing or during the Sub-Committee's deliberations. The substance of any advice given to the Sub-Committee will be shared with the Subject Member and Investigating Officer if they are present at the Hearing.

**Introductions and Setting the Scene**

- 18.15 At the start of the Hearing, the Chair shall introduce each of the Members of the Sub-Committee, the Subject Member (if present), the Investigating Officer (if present), and the Legal Adviser, and shall then explain the procedure, which the Sub-Committee will follow.

**Preliminary Procedural Issues**

- 18.16 The Sub-Committee shall deal with the following preliminary procedural matters:
- (a) Disclosures of interest
    - The Chair shall ask Members of the Sub-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.
  - (b) Quorum
    - The Chair shall confirm that the Sub-Committee is quorate.
  - (c) Exclusion of Press and Public
    - The Chair shall ask the Subject Member, the Investigating Officer and the Legal Adviser to the Sub-Committee whether they wish to ask the Sub-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 Sub-Committee shall then determine whether to exclude the press and public from all or any part of the Hearing.
  - (d) Hearing procedure
    - The Chair shall confirm that all present know the procedure which the Sub-Committee will follow in determining the matter.
  - (e) If the Subject Member is not present at the start of the hearing:
    - The Chair will ask the Legal Adviser whether the Subject Member has indicated his/her intention not to attend the hearing
    - The Sub-Committee shall then consider any reasons which the Subject Member has provided for not attending the hearing

- If it is not satisfied with such reasons, or if the Subject Member has not given any such reasons, the Sub-Committee shall decide whether to consider the matter and make a determination in the absence of the Subject Member, or to adjourn the hearing to another date

### **Making Findings of Fact**

- 18.17 After the preliminary procedures, the Sub-Committee will consider whether or not there are any significant disagreements about the facts contained in the Investigating Officer's report. If there is no disagreement about the facts, the Committee can move on to the next stage of the hearing.
- 18.18 If there is disagreement, the Investigating Officer will present the evidence which is relevant to the facts in dispute. With the permission of the Sub-Committee, witnesses can be called to give relevant evidence. The Subject Member and the Sub-Committee Members may ask questions of the Investigating Officer or any witness.
- 18.19 The Subject Member or his/her representative will then present the evidence which is relevant to the facts in dispute. With the permission of the Sub-Committee, witnesses can be called to give relevant evidence. The Investigating Officer and the Sub-Committee Members may ask questions of the Subject Member or any witnesses.
- 18.20 At any time, the Sub-Committee may question any of the people involved or any witnesses, and may allow the Investigating Officer to challenge any evidence put forward by witnesses called by the Subject Member.
- 18.21 If the Subject Member disagrees with most of the facts, the Investigating Officer will make representations on all the relevant facts, instead of discussing each fact individually.
- 18.22 If the Subject Member disagrees with any relevant fact in the report without having given prior notice, he or she must give good reasons for not mentioning it before the hearing. After considering the Subject Member's explanation, the Sub-Committee may continue with the hearing, relying on the information in the report; may allow the Subject Member to make representations about the issue and invite the Investigating Officer to respond and call witnesses as necessary, or may postpone the hearing to arrange for appropriate witnesses to be present.
- 18.23 The Sub-Committee will consider in private all the evidence which has been heard or received as written evidence first, to establish its findings of fact.
- 18.24 On their return, the Chair will announce the Sub-Committee's findings of fact.
- 18.25 At any stage in the consideration of the matter, the Sub-Committee may return to ask further questions of the Investigating Officer or the Subject Member or seek further information. The other party will be given an opportunity to comment upon the questions asked or the responses made.

### **Did the Subject Member Fail to Follow the Code of Conduct?**

- 18.26 The Sub-Committee will then consider whether, based on the facts it has found, the subject Member has failed to follow the Code.
- 18.27 The Subject Member will be invited to give relevant reasons why the Sub-Committee should decide that they have not failed to follow the Code.
- 18.28 The Sub-Committee will then consider any verbal or written representations from the Investigating Officer.
- 18.29 The Sub-Committee may, at any time, question anyone involved on any point they raise on their representations.

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- 18.30 The Subject Member will then be invited to make any final relevant points.
- 18.31 The Sub-Committee will consider in private the representations.
- 18.32 On their return, the Chair will announce the Sub-Committee's decision as to whether the Subject Member has failed to follow the Code.

**If the Subject Member has not Failed to Follow the Code of Conduct**

- 18.33 If the Sub-Committee decides that the subject Member has not failed to follow the Code, the Committee can move on to consider whether it should make any recommendations to the Authority.

**If the Subject Member has Failed to Follow the Code of Conduct**

- 18.34 If the Sub-Committee concludes that the Subject Member has failed to comply with the Code of Conduct, the Sub-Committee will consider any verbal or written representations from the Investigating Officer and the Subject Member as to:
- (i) Whether the Sub-Committee should apply a sanction
  - (ii) What form any sanction should take
- 18.35 The Sub-Committee may ask questions of the Subject Member and the Investigating Officer and take legal advice, to make sure they have the information they need in order to make an informed decision.
- 18.36 The Sub-Committee shall then consider in private whether to impose a sanction on the Subject Member, and, if so, what sanction to impose and when that sanction should take effect.
- 18.37 The sanctions open to the Sub-Committee are:
- (a) censure (to express formal disapproval or formally rebuke the actions and/or behaviour) of the Subject Member (suitable for investigations relating to persons who are no longer Members of the authority);
  - (b) restriction for a period not exceeding six months of the Subject Member's access to the premises of the authority or use of the resources of the authority, provided that those restrictions are reasonable and proportionate to the nature of the breach and do not unduly restrict the person's ability to perform the functions of a Member;
  - (c) partial suspension of the Subject Member for a period not exceeding six months;
  - (d) suspension of the Subject Member for a period not exceeding six months;
  - (e) require the Subject Member to submit a written apology in a form specified by the Sub-Committee;
  - (f) require the Subject Member to undertake such training as the Sub-Committee specifies;
  - (g) partial suspension of the Subject Member for a period not exceeding six months or until such time as the Subject Member submits a written apology in a form specified by the Sub-Committee;
  - (h) partial suspension of the Subject Member for a period not exceeding six months or until such time as the Subject Member has undertaken such training or has participated in such conciliation as the Sub-Committee specifies;
  - (i) suspension of the Subject Member for a period not exceeding six months or until such time as the Subject Member has submitted a written apology in a form specified by the Sub-Committee;

- (j) suspension of the Subject Member for a period not exceeding six months or until such time as the Subject Member has undertaken such training or has participated in such conciliation as the Sub-Committee specifies;
  - (k) any combination of the above sanctions.
- 18.38 Any sanction imposed by the Sub-Committee shall commence immediately unless the Sub-Committee directs that a sanction shall commence on another date within six months from the imposition of the sanction.
- 18.39 In deciding to impose a sanction, the Sub-Committee shall consider all the relevant circumstances and shall have regard to any relevant guidance issued by the Standards Board.
- 18.40 If the Sub-Committee has determined that the action which it could itself take (if there were a finding that there had been a failure to follow the provisions of the Code) would be insufficient then it may decide to refer the matter to the First Tier Tribunal for determination. The reference itself can be made only if the President or Deputy President has agreed to accept it.
- 18.41 The Chair will announce the decision of the Sub-Committee. Written notice of the findings of the Sub-Committee will be given as soon as it is reasonably practicable to the Subject Member, the Standards Board, the Standards Committee of any other authority concerned, any parish Council concerned, and any person who made an allegation that gave rise to the investigation. Public notices shall be given in accordance with the Regulations.
- 18.42 Where the Sub-Committee determines that the Subject Member has failed to comply with the Code of Conduct, the Chair shall inform the Subject Member of the right to seek permission to appeal against the Sub-Committee's findings or any sanction imposed by sending a notice in writing to:

**The First-tier Tribunal (Local Government Standards in England)**

Tribunal Service  
York House  
31-36 York Place  
Leeds  
West Yorkshire  
LS1 2ED

**19. Recommendations to the Authority**

- 19.1 The Sub-Committee may consider making recommendations with a view to promoting higher standards of conduct among Members.

**20. Performance indicators**

- 20.1 The Investigating Officer will seek to complete reports within 6 months of the Assessment Sub Committee
- 20.2 Hearings will be held within 3 months of completion of the investigation