

Extract from

Hinckley & Bosworth Borough Council Arrangements for dealing with complaints against councillors (Borough and Parish)

Hearings by the Ethical Governance and Personnel Committee

Hearings are not a court. Evidence will not be taken on oath and persons attending the hearing will not be expected to stand. The committee is quasi-judicial and the principles of natural justice will be applied. All comments or questions must be put through the Chair. The committee will reach its decisions on the balance of probabilities based on the evidence presented to it.

The subject member may be represented or accompanied during the meeting.

The EGPC Chair will:

- (i) introduce those present;
- (ii) establish that the hearing is quorate
- (iii) deal with any disclosures of interest;
- (iv) ensure that the participants understand the procedure to be followed;
- (v) ensure that the member, if unaccompanied, was made aware that he or she could have been represented.
- (vi) ensure that any issues of confidentiality are dealt with

If the subject member is not present, the committee will consider whether to hold the hearing in their absence or adjourn the hearing.

The investigator will act as a facilitator introducing any witnesses to give evidence. The subject member and/or his/her representative may ask questions of the investigating officer and any witnesses. The EGPC may ask questions of the investigating officer and any witnesses.

The subject member and/or his/her representative will put his/her case and may call witnesses. The EGPC may ask questions of the subject member and any witnesses.

The EGPC will withdraw to consider the case and come to a decision in private. The Monitoring Officer and the officer recording the proceedings will remain with the Committee. The Chair will announce the Ethical Governance and Personnel Committee's decision in respect to the material facts and whether they amounted to a breach of the Code of Conduct.

If a complaint is upheld:

The EGPC will decide if any of the following sanctions should be imposed:

- Formal apology
- Additional training
- Formal letter to the member concerned highlighting failings in their conduct
- Recommendation to Council / Parish Council on the removal of the member from membership of a specific committee, outside body or position of responsibility
- Recommendation to the political group leader (if applicable) on the removal of the member from a specific committee, outside body or position of responsibility
- Issue of a press release on the nature of the complaint and the committee's decision which will be published on the council's website
- A recommendation to Council that the member be censured.
- Limit the member's access to support services and officers (if a Borough member).

If the complaint is not upheld

No action will be taken against the councillor concerned.

You, the subject member, the group leader and town or parish clerk (if applicable) will be informed of the committee's decision.