



**LIVERPOOL  
CITY REGION**  
COMBINED AUTHORITY

**METROMAYOR**  
LIVERPOOL CITY REGION

## **Members Code of Conduct Protocol**

Arrangements for Investigating and Making Decisions in relation  
to allegations made under the Members' Code of Conduct

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## **1. Definitions and Interpretation**

- 1.1 An index of terms and interpretation is set out in Appendix 1.

## **2. About this Protocol**

- 2.1 The aims of this Members Code of Conduct Protocol are to provide a framework within which the Combined Authority can work with Members to maintain satisfactory standards of conduct and to encourage improvement where necessary. The standards of conduct expected of all Members are set out in the Code of Conduct which is contained in the Constitution of The Liverpool City Region Combined Authority and are accessible from the Combined Authority's website <https://www.liverpoolcityregion-ca.gov.uk/>
- 2.2 Under Sections 28(6) and (7) of the Localism Act 2011, the Combined Authority must have in place "arrangements" under which allegations that a Statutory Member or Co-opted Member of the Combined Authority has failed to comply with the Code of Conduct can be investigated and decisions can be made on such allegations.
- 2.3 Such arrangements must provide for the Combined Authority to appoint at least one Independent Person whose views must be sought by the Combined Authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Combined Authority at any other stage, or by a Member or Co-opted Member against whom an allegation has been made.
- 2.4 Any action/steps taken, discretion exercised, and decisions made pursuant to this Protocol must promote the following:
- 2.4.1 fairness to all parties and in proceedings;
  - 2.4.2 accountability;
  - 2.4.3 transparency of decision making;
  - 2.4.4 efficiency; and
  - 2.4.5 value for money.
- 2.5 Subject to consultation with the Audit and Governance Committee, this Protocol may be amended at any time. Procedures, including any time limits, may be varied as appropriate in any case.

## **3. Applicability**

- 3.1 This Protocol applies to all Statutory Members and provides the action that can be taken by the Combined Authority when a Standards Complaint alleges a breach of the Code of Conduct.
- 3.2 Co-opted Members are not subject to the Code of Conduct or this Protocol but are instead subject to the Members code of conduct and associated procedures

for dealing with complaints implemented by the Constituent Authority to which they belong.

3.3 The Statutory Members of the Combined Authority are:

- 3.3.1 A directly elected Mayor (Metro Mayor);
- 3.3.2 6 elected councillors, appointed separately by each of the Combined Authority's Constituent Authorities (Constituent Members); and
- 3.3.3 An individual appointed by The Liverpool City Region Combined Authority Local Enterprise Partnership (LEP Member).

3.4 Co-opted Members include all other elected councillors who support the work of the Combined Authority through their attendance at meetings such as the Overview and Scrutiny Committee, the Audit and Governance Committee and the Transport Committee.

**4. How to make a complaint**

4.1 Complaints about the behaviour/conduct of a Member must be addressed to the Monitoring Officer and made in writing using the prescribed 'Complaint Form Template' (unless otherwise accepted by the Monitoring Officer) which is set out in Appendix 2 and also available on the Combined Authority's website. In accordance with the requirements of the Equality Act 2010 (and other related legislation), the Combined Authority can make reasonable arrangements to assist people if they have a disability that prevents them from making a Standards Complaint in writing or using the website.

4.2 As a matter of fairness and natural justice, a Member should usually be told who has complained about them and the nature of the complaint. The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it. A full copy of the complaint will, subject to any ruling on disclosure, ordinarily be sent to the Member within 5 working days of receipt of a Standards Complaint inviting their written comments within 10 working days, unless the Monitoring Officer believes to do so would:

- 4.2.1 put the Complainant at risk of bullying, harassment or intimidation;
- 4.2.2 put other witnesses at risk of bullying, harassment or intimidation;
- 4.2.3 prejudice any investigation;
- 4.2.4 prejudice any other action from being taken;
- 4.2.5 not be in the public interest; and/or
- 4.2.6 not be consistent with guidance provided by the Audit and Governance Committee or Secretary of State.

4.3 The Subject Member shall not disclose (except to his/her advisor(s) confidentially) any information provided to him/her under paragraph 4.2 above to any other person/body without the express written consent of the Monitoring Officer.

- 4.4 Where a complaint has been received which does not allege a potential breach of the Members' Code of Conduct/misconduct by a Statutory Member or provides insufficient information to enable the complaint to be progressed under this Protocol, the Monitoring Officer will inform the Complainant of this issue within five working days of receipt of the complaint and advise the Complainant to either raise his/her issue through an alternative and more appropriate route (if available), or request that the Complainant provides further information in connection with the complaint.
- 4.5 Where no further information is provided by the Complainant, no further action shall be taken in relation to the complaint and the Monitoring Officer shall inform the Complainant accordingly.
- 4.6 It should be noted that complaints which allege that a Member may have committed a criminal offence in breaching the "disclosable pecuniary interest" provisions under Section 34 of the Localism Act 2011, will be referred by the Monitoring Officer to Merseyside Police for consideration.
- 4.7 Ordinarily complaints will be dealt with in no more than 6 months from the date the complaint is received to the conclusion. This will very much depend on the facts of each complaint and some investigations may be concluded earlier, and others may take longer. The overall process for dealing with complaints is set out in the flowchart in Appendix 3.
- 4.8 If the Monitoring Officer believes a complaint will not be concluded within 6 months he/she will consult with the Independent Person and submit a report to the Assessment Panel for consideration.

## **5. Anonymous Complaints**

- 5.1 No action shall be taken in respect of any anonymous complaints received unless, in the opinion of the Monitoring Officer, to do so would be in the public interest. For example, if an allegation is made of a criminal nature and evidence is provided to support the allegation, the matter may be referred to the Police or the matter raised should be considered under the Combined Authority's Whistleblowing Policy.
- 5.2 Details of such allegations will be retained on file by the Monitoring Officer for future reference and monitoring purposes.

## **6. Preliminary Assessment, Evaluation, Reports and Enquiries**

- 6.1 Upon receipt of a Standards Complaint, the Monitoring Officer may, if it is considered appropriate and/or necessary, ask the Complainant for clarification or additional information in relation to the complaint. The Monitoring Officer shall be entitled to undertake such preliminary enquiries as he/she considers necessary in order to carry out the Preliminary Assessment and Evaluation.

- 6.2 Before the assessment of a complaint begins, the Monitoring Officer must be satisfied that the complaint meets the following requirements:
- 6.2.1 It is a complaint against one or more named Statutory Members;
  - 6.2.2 The named Member or Members were in Office at the time of the alleged conduct and acting in their official capacity; and
  - 6.2.3 The complaint, if proven, would be a breach of the Members Code of Conduct in force at the relevant time.
- 6.3 If the complaint fails any one of these tests, it cannot be investigated as a breach of the Combined Authority's Code of Conduct and the Complainant must be informed that no further action can be taken in relation to the complaint.
- 6.4 Prior to undertaking any Preliminary Assessment and Evaluation, the Monitoring Officer shall consult with the Monitoring Officer of the Constituent Authority to which the Subject Member has been elected in order to determine whether the Standards Complaint should be dealt with under this Members Code of Conduct Protocol or the equivalent arrangements of the appropriate Constituent Authority.
- 6.5 Should the Monitoring Officers determine that it would be more appropriate for the Standards Complaint to be dealt with under equivalent arrangements of the appropriate Constituent Authority, the Combined Authority's Monitoring Officer shall inform the Complainant in writing and no further action shall be taken in respect of the Standards Complaint under this Members Code of Conduct Protocol.

## **7. Preliminary Assessment & Evaluation**

- 7.1 The Monitoring Officer shall, within 10 working days after receipt of a valid Standards Complaint (and after receiving any clarification/information requested), assess and evaluate the Standards Complaint to determine whether:
- (i) It can be dealt with by local resolution;
  - (ii) It is frivolous and/or vexatious;
  - (iii) It can be dealt with by adopting another approach that is considered more effective and/or efficient;
  - (iv) It is appropriate to be referred for investigation (see paragraph 11 below); or
  - (v) It is appropriate to refer the matter to the Assessment Panel.

**(“Preliminary Assessment and Evaluation”).**

- 7.2 The Preliminary Assessment and Evaluation carried out by the Monitoring Officer under paragraph 7.1 above, must consider:
- (i) the views of the Independent Person; and
  - (ii) the public interest.

7.3 Any action/steps taken, discretion exercised, and decisions made pursuant to this Protocol must promote the following:

- (i) Fairness to all parties and in proceedings;
- (ii) Accountability;
- (iii) Transparency of decision making;
- (iv) Efficiency; and
- (v) Value for money.

7.4 The Monitoring Officer is unlikely to refer a complaint for investigation where it falls into any of the following categories:

- (i) The same, or substantially similar, complaint has already been the subject of assessment or investigation and there is nothing more to be gained by further action being taken.
- (ii) It appears that the complaint concerns or is really about dissatisfaction with a Combined Authority decision or policy rather than a breach of the Code of Conduct.
- (iii) There is not enough information currently available to justify a decision to refer the matter for investigation.
- (iv) The complaint is about someone who has died, resigned, is seriously ill or is no longer a Member of the Combined Authority and therefore it is not in the public interest to pursue.
- (v) Where the allegation is anonymous, unless it includes documentary or photographic evidence indicating an exceptionally serious or significant matter and it is considered in the public interest for it to be investigated.
- (vi) Where the event(s) or incident(s) took place more than 6 months prior to the date of complaint being received or where those involved are unlikely to remember the event(s) or incident(s) clearly enough to provide credible evidence.
- (vii) The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter and where independent evidence is likely to be difficult or impossible to obtain.
- (viii) He/she is satisfied that having regard to the nature of the complaint and the level of its potential seriousness, the public interest in conducting an investigation does not justify the cost of such an investigation.
- (ix) Where the allegation discloses a potential breach of the Code of Conduct but it is considered that the complaint is not serious enough to warrant any further action and:

- (a) the Member and Officer resource needed to investigate and determine the complaint is wholly disproportionate to the matter complained about; or
- (b) in all the circumstances there is no overriding public benefit or interest in carrying out an investigation.

7.5 The suitability of an alternative course of action to an investigation of a Standards Complaint will be heavily influenced by the nature of the complaint. Certain Standards Complaints may indicate that there is a wider underlying problem/trend. Deciding to deal pro-actively with such a matter in a positive way that does not involve an investigation can be a sensible way of resolving the matter/Standards Complaint. This may be the simplest and most cost-effective way of:

- (i) getting the matter/Standards Complaint resolved promptly;
- (ii) helping the Combined Authority work more effectively; and
- (iii) avoiding similar complaints in the future.

7.6 The Monitoring Officer, in carrying out the assessment and evaluation may consider that it is appropriate and proportionate that an alternative course of action is taken in relation to Standards Complaint as it:

- (i) enables a more satisfactory resolution to be achieved for all parties concerned;
- (ii) enables working practices or policies to be amended considering the issues raised; and/or
- (iii) allows a better understanding of Members knowledge of the Members' Code of Conduct and/or Combined Authority procedures to be gauged. Evidence of this may include:

- (a) several Members failing to comply with the same part(s) of the Code of Conduct;
- (b) Officers giving incorrect advice;
- (c) failure to adopt the Code of Conduct; or
- (d) inadequate or incomplete protocols.

7.7 Other action may also be appropriate where a breakdown in relationships within the Combined Authority is apparent; evidence of this may include:

- (i) a pattern of allegations of disrespect, bullying or harassment;
- (ii) factionalised groupings within the Combined Authority;
- (iii) a series of 'tit-for-tat' allegations; or
- (iv) ongoing employment issues, which may include resolved or ongoing employment tribunals, or grievance procedures.

7.8 The Monitoring Officer in his/her discretion may refer complaints to an Assessment Panel in order to assess more serious or complex allegations and for the Assessment Panel to take the decision as to whether a formal investigation is merited where he/she feels it reasonable and appropriate to do so. The terms of reference for the Assessment Panel are set out in Appendix 5.



7.9 Unless otherwise stated within this Protocol, Standards Complaints that are referred for investigation under paragraph 7.1(iv) above, will not be referred to the Standards Panel in the event that the other action undertaken has (or is perceived to have) failed due to no fault or reason on the part of the Subject Member. To do so in such circumstances is considered unfair to the Subject Member.

## **8. Local Resolution**

8.1 If, following Preliminary Assessment and Evaluation, the Monitoring Officer is of the opinion that a local resolution of the complaint is possible and appropriate, he/she shall approach the Subject Member and ask whether he/she admits, denies or otherwise wishes to comment on the allegation made in the Standards Complaint; and whether he/she would be prepared to offer an apology or undertake other remedial action conducive to achieving a local resolution.

8.2 If the Subject Member agrees to offer an apology or undertake other remedial action, and duly does so, the Standards Complaint shall not be progressed any further. In such circumstances there shall be no reporting of the Standards Complaint and/or its outcome to the Combined Authority or any Committee of the Combined Authority other than as part of a periodic anonymous summary to the Audit and Governance Committee for monitoring and review purposes.

8.3 If the Monitoring Officer, whilst seeking local resolution of the Standards Complaint, is of the opinion that:

- (i) local resolution is unlikely to be achieved at all or within an acceptable timescale;
- (ii) the Subject Member fails to offer an apology or undertake the agreed remedial action within the timescales agreed or within a reasonable time; and/or there has been a material change in circumstances (i.e. further information coming to light and issues being raised) since the Monitoring Officer undertook the Preliminary Assessment and Evaluation under paragraph 7.1 he/she shall refer the Standards Complaint and the additional information for investigation and the investigation report produced shall be considered by the Assessment Panel.

## **9. Frivolous/Vexatious Complaints**

9.1 If, following the Preliminary Assessment and Evaluation, the Monitoring Officer is of the opinion that the Standards Complaint is frivolous and/or vexatious, he/she shall inform the Complainant of his/her view and the reasons for reaching that conclusion. The Standards Complaint shall not be progressed any further and nor will there be a right of appeal against the decision of the Monitoring Officer in such circumstances.

## **10. Alternative approach**

10.1 If, following the assessment and evaluation outlined above, the Monitoring Officer is of the opinion that an alternative approach exists that could achieve a more effective and efficient resolution of the Standards Complaint than that outlined in paragraphs 8.2 and 8.3 above, he/she shall adopt that approach accordingly and endeavour to achieve a resolution of the Standards Complaint.

10.2 If the Monitoring Officer, whilst seeking resolution of the Standards Complaint by adopting an alternative approach, under paragraph 10.1, is of the opinion that:

- (i) A resolution of the Standards Complaint is unlikely to be achieved at all or within an acceptable timescale; and/or
- (ii) The Subject Member fails to co-operate or undertake the agreed remedial action within the timescales agreed or within a reasonable time; and/or
- (iii) there has been a material change in circumstances (i.e. further information coming to light and issues being raised) since the Monitoring Officer undertook the Preliminary Assessment and Evaluation under Paragraph 7.1;

he/she shall refer the Standards Complaint and any other relevant information for investigation and the investigation report produced shall be considered by the Assessment Panel.

## **11. Referral of a Complaint for Investigation**

11.1 Where the Monitoring Officer has determined that the Standards Complaint should be referred for investigation, he/she may undertake the investigation in person, or alternatively:

- (i) appoint another person (including the Deputy Monitoring Officer); or
- (ii) another appropriate officer (having regard to the nature of the allegations); or
- (iii) a Monitoring Officer/Deputy Monitoring Officer of another local authority; or
- (iv) an external investigator of appropriate experience and standing, (an "Investigator"), to undertake the investigation.

11.2 Within ten working days of the Monitoring Officer's decision that the Standards Complaint should be investigated, he/she will:

- (i) begin to investigate the matter personally; or
- (ii) seek to appoint an Investigator and set out the terms of reference for the investigation; and
- (iii) request the Investigator to submit an investigation plan for approval by the Monitoring Officer and then to conduct an investigation of the Standards Complaint and to report his/her findings to the Monitoring Officer and subsequently to the Standards Panel.

- 11.3 The Monitoring Officer may appoint another person (or other persons) to assist him/her or the Investigator in the conduct of his/her functions.
- 11.4 The investigation will be carried out having regard to any terms of reference and/or any guidance provided by the Assessment Panel and/or the Monitoring Officer. The timescale for investigation may take longer when dealing with complex complaints or where there are large numbers of witnesses. In such cases the Monitoring Officer will ensure that the process is dealt with in a timely manner; concluded as soon as reasonably practicable; and that the Complainant, Subject Member and Chair of the Assessment Panel (should the Assessment Panel have been consulted) are kept informed of progress.
- 11.5 The Monitoring Officer shall ensure that the investigation is conducted in a manner that is appropriate and proportionate to the seriousness of the complaint and compliant with natural justice and human rights. The Monitoring Officer shall have regard to all relevant considerations, including:
- (i) the extent to which allegations are supported by any evidence;
  - (ii) the Combined Authority's financial position; and
  - (iii) the public interest.

The investigation process is set out in the flowchart at Appendix 4.

## **12. Production of Documents, Information and Explanations**

- 12.1 In the course of the investigation, the Investigator (and any person authorised on his/her behalf) may make such enquiries of any person (and/or request any person to provide any document, information or explanation), as he/she thinks necessary for the purposes of carrying out the investigation.

## **13. Interviews**

### Requesting attendance

- 13.1 In the course of the investigation the Investigator may request any person to attend and appear before him/her or otherwise provide advice or information, as he/she thinks necessary for the purposes of carrying out the investigation.
- 13.2 The Complainant, Subject Member and other relevant Members (as determined by the Investigator) shall co-operate fully with the Investigator and make themselves available for interview within 15 working days of the Investigator requesting a convenient time and date for interview.
- 13.3 In the event that the Complainant or Subject Member fails to respond to a request for interview or fail to make him/herself available for interview within 15 working days of the Investigator request for interview or fails to co-operate fully with the Investigator thereby leading to unnecessary and/or unacceptable delay, the Monitoring Officer shall be entitled, after seeking the views of the Independent Person, to instruct the Investigator to complete the investigation and final report without interviewing the Complainant or Subject Member.

## Representation

13.4 Any person who is interviewed by the Investigator may be accompanied (at their own expense) by one friend/adviser provided that that person is not a witness in the same investigation.

## Notes of interviews

13.5 Where reasonably practicable, following the interview the Investigator will produce a written note of the material points of the interview and provide two copies of that note to the person interviewed within 5 working days of the interview. The person interviewed will be asked to return one copy signed as a correct record of the interview, with such corrections or amendments as they may feel necessary for that purpose within 10 working days of receipt of the interview notes, otherwise the notes will be taken as agreed.

13.6 The Investigating Officer may, following consultation with the Independent Person, refer an investigation to the Monitoring Officer for re-consideration as to whether the investigation should proceed where:

13.6.1 As a result of new evidence or information, the Investigating Officer is of the opinion that the matter is materially less serious than may have seemed apparent to the Monitoring Officer or Assessment Panel when the decision was made to refer the complaint for investigation, and a different decision may have been made had either the Monitoring Officer or Assessment Panel been aware of the new evidence or information;

13.6.2 The Subject Member has died, is seriously ill or has resigned from the Combined Authority and in the circumstances the Investigator is of the opinion that it is no longer appropriate to proceed with the investigation;  
or

13.6.3 Other circumstances arise, which in the reasonable opinion of the Investigator, render it appropriate for the investigation to be referred to the Monitoring Officer or Assessment Panel for re-consideration.

## **14. Investigator's Report**

14.1 The Investigator will decide whether it is appropriate to produce a draft report or to produce a final report without first producing a draft report; a draft report will only be produced in the case of unusually lengthy or complex investigations. In either event, the Investigator may wish to confirm the accuracy of parts of the report directly with the Complainant and/or any other persons interviewed during the investigation.

14.2 The draft report will be marked "Confidential" and "Draft". It will also be made clear that the draft report does not necessarily represent the Investigator's final

findings and that a final report will be presented to the Standards Panel once the Investigator has considered any comments received on the draft report.

- 14.3 The Investigator will then send a copy of his/her draft report to the Monitoring Officer and to the Complainant and Subject Member, who will be afforded the opportunity to make comments on the draft report for consideration by the Investigator. All such comments shall be made by the Complainant and Subject Member, to the Investigator, within 10 working days of receipt of the draft report.
- 14.4 The Investigator, upon receipt of any comments received under paragraph 14.3 above, will consider such comments when preparing his/her final report for submission to the Monitoring Officer.

## **15. Rights and Responsibilities of Members and the Investigator**

- 15.1 Depending upon the seriousness of the allegations and the available evidence, the Investigator may also interview other persons named by the Subject Member or the Complainant if the Investigator considers such persons may assist the investigation.
- 15.2 Neither the Subject Member nor the Complainant shall seek to interview any person who may be of assistance to the investigation.
- 15.3 The Subject Member and Complainant may provide the Investigator with any documents and information, they would like the Investigator to examine as part of the investigation, or the contact details of persons they would like the Investigator to interview.
- 15.4 The Complainant and Subject Member will normally be interviewed face-to-face by the Investigator. However, witnesses may be interviewed by telephone or alternative electronic means or invited to make written submissions, as the Investigator considers appropriate. The Subject Member will normally be given an opportunity to comment upon all evidence submitted by the Complainant (or others) to substantiate the complaint.
- 15.5 It is a breach of the Members' Code of Conduct to attempt to intimidate the Investigator, members of the Audit and Governance Committee, members of the Overview and Scrutiny Committee, or any witness, potential witness or any other person involved in relation to the Standards Complaint and any investigation.
- 15.6 Neither the Complainant nor Subject Member should attempt to discuss or otherwise communicate matters and issues relating to a Standards Complaint in which they are involved with members of the Audit and Governance Committee or members of the Overview and Scrutiny Committee. Should the Complainant or Subject Member have any queries or concerns in respect of the Standards Complaint or investigation, then he/she should raise them directly with the Monitoring Officer in writing.

- 15.7 Anyone involved with the investigation will be advised that they may be compromising their position if they communicate with the media on matters relevant to the investigation whilst the investigation is ongoing and that any communication that is made should emanate from the Combined Authority's communication team.
- 15.8 It is the responsibility of the Investigator to seek to discover the facts in an impartial and thorough manner. It is the responsibility of the Standards Panel (and Standards Appeal Panel) to determine the facts and decide whether there has been a failure to comply with the Code of Conduct.

## **16. Processing the Investigator's Report**

- 16.1 Within seven working days from receipt of the Investigator's final report the Monitoring Officer shall send a copy of the Investigator's final report to both the Complainant and the Subject Member.
- 16.2 In the event that the Investigator in his/her final report concludes that the Code of Conduct has not been breached (and the Monitoring Officer is satisfied, after seeking the views of the Independent Person, with the investigation and the Investigator's final report), then no further action shall be taken in respect of the Standards Complaint and the matter shall be closed. The Monitoring Officer shall, with agreement of the Subject Member, arrange for a media statement to be issued in relation to the Standards Complaint and the findings/outcome of the investigation.
- 16.3 Where the Investigator has concluded in his/her final report that the Code of Conduct has been breached, the Monitoring Officer shall, within 10 working days of receipt of the Investigator's final report, write to the Complainant and Subject Member requesting that they complete relevant forms to enable the Standards Panel to be convened within 20 working days at a convenient time and date to all parties to consider the Investigator's Report. Responses must be returned to the Monitoring Officer within 5 working days of the request being made. Should either the Complainant or Subject Member fail to reply, a reminder will be sent to him/her allowing a further 5 working days to reply. Should a reply still not be received, the Monitoring Officer shall be entitled to assume that the Complainant or Subject Member (as applicable) does not dispute the findings and conclusions of the Investigator's final report and does not wish to participate in the Standards Panel hearing.

## **17. Confidentiality of Information gathered during an Investigation**

- 17.1 Information gathered during an investigation will be treated as confidential until it is reproduced in the form of a final report. Anyone involved in the investigation or interviewed will be required to maintain confidentiality and any Member (including the Subject Member) will be reminded of his/her obligation under part 1.3 of the Code of Conduct not to disclose information they have received in confidence.

17.2 If a draft report is issued in relation to the outcome of the investigation, it will be marked “confidential”, to preserve the integrity of the final report or any further investigation that may need to be carried out, and must not be disclosed by the recipient to another person (unless disclosure is to his/her advisor(s) confidentially).

## **18. Role of Investigator and the Panels**

18.1 The function of the Investigator is to ensure, as far as possible, that all the information which is relevant to the allegation is identified and presented to the Standards Panel (and the Standards Appeal Panel as applicable), to assist it in determining whether the Subject Member has failed to comply with the Code of Conduct as alleged in the Standards Complaint.

18.2 It is essential that the Investigator acts, at all times, in a manner that is impartial and fair to all parties.

18.3 The Standards Panel (and the Standards Appeal Panel as applicable) shall act in an inquisitorial manner seeking the truth in relation to the conduct of the Subject Member and, on the balance of probabilities, reach a decision having regard to all relevant representations, evidence and information adduced.

## **19. Standards Panel**

19.1 Where a Standards Complaint has been referred for investigation and a finding of a breach has been found by the Investigator, the Monitoring Officer shall seek to convene a Standards Panel within 20 working days of the Monitoring Officer receiving the response of the Complainant and the Subject Member in accordance with paragraph 16.3 above.

19.2 The Standards Panel shall consider and/or have regard to:

- (i) The Investigator’s final report;
- (ii) The views of the Independent Person;
- (iii) Material factors, relevant issues and evidence;
- (iv) Relevant representations made by the parties,
- (v) Available guidance and advice; and
- (vi) Any aggravating and/or mitigating factors (as considered appropriate).

19.3 The Standards Panel will then reach one of the following decisions in respect of the Standards Complaint:

19.3.1 Agree with findings and conclusions of the Investigator as set out in the Investigator’s final report; or

19.3.2 Reach an alternative decision.

19.4 All relevant parties shall be entitled to attend the meeting of the Standards Panel. The Standards Panel will afford all relevant parties the opportunity to make representations to the Standards Panel in support of their respective positions. Whilst the parties will not be entitled to directly cross-examine each

other, they will be entitled to challenge and rebut any evidence adduced or representations made by the other. The Subject Member may be represented, legally or otherwise, at the Standards Panel. The procedure adopted at the Standards Panel meeting will be as set out in Appendix 6. If the Standards Panel considers that a party or witness should give evidence and they do not attend then the Standards Panel will be entitled to give such weight as it considers appropriate to the evidence given.

19.5 The Standards Panel, with the benefit of any advice from the Independent Person, may conclude that the Subject Member did not fail to comply with the Code of Conduct and so dismiss the complaint. If the Standards Panel concludes that the Subject Member did fail to comply with the Code of Conduct, the Chair will inform the Subject Member of this finding and the Standards Panel will then consider what action, if any, it recommends should be taken as a result of the Subject Member's failure to comply with the Code of Conduct.

## **20. Action the Standards Panel can take where a Member has failed to comply with the Code of Conduct**

20.1 The Combined Authority has delegated to the Standards Panel such of its powers to act in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly, the Standards Panel may:

20.1.1 instruct the Monitoring Officer to write a formal warning letter to the Subject Member reminding him/her of the need to comply with the Code of Conduct; and/or

20.1.2 require the Subject Member to apologise to the Complainant (whether verbally or in writing) for breaching the Code of Conduct. Should the Subject Member in question fail or refuse to do so promptly, the Monitoring Officer shall report this fact to the Subject Member's Political Group Leader\*; and/or

20.1.3 report the Standards Panel's decision to a public meeting of the Audit and Governance Committee for reference/consideration; and/or

20.1.4 recommend to the Member's Political Group Leader\* that disciplinary action should be taken against the Subject Member in question and/or that he/she be removed from all (or some) outside bodies to which the Subject Member has been appointed; and/or

20.1.5 instruct the Monitoring Officer to arrange training for the Subject Member in question who shall be required to attend. Should the Subject Member fail to attend the training arranged, the Monitoring Officer shall report this fact to the Subject Member's Political Group Leader\*

*\* In the event that the Subject Member in question is the Political Group Leader, the recommendation shall be referred to the relevant Deputy Political*



*Group Leader; in the event that the Subject Members in question are both the Political Group Leader and Deputy Political Group Leader, the recommendation shall be referred to the next most relevant senior Political Group Official/Spokesperson.*

20.2 The Standards Panel has no power to suspend or disqualify the Subject Member or to withdraw a Subject Member's basic allowance or any special responsibility allowance.

## **21. Action the Standards Panel can take where a Member has NOT failed to comply with the Code of Conduct**

21.1 Where the Standards Panel determines that the Code of Conduct has NOT been breached, it may:

21.1.1 recommend, subject to the agreement of the Subject Member, that a media statement be issued on the Combined Authority's website detailing the nature and outcome of the investigation into the allegations made and the decision of the Standards Panel; or

21.1.2 subject to the agreement of the Subject Member, report the Standards Panel's decision to a public meeting of the Audit and Governance Committee.

21.2 The Standards Panel may commission further investigation(s) or request additional information as necessary to enable it to decide in relation to the Standards Complaint; and accordingly adjourn the consideration of a Standards Complaint to another meeting.

## **22. Notification of Standards Panel Decision**

22.1 At the end of the Standards Panel meeting, the Chair will state the decision of the Standards as to whether the Subject Member has failed to comply with the Code of Conduct and as to any action which the Standards Panel resolves to take.

22.2 The Standards Panel decision and its reasons shall be confirmed in writing to the Complainant and the Subject Member within seven working days of the Standards Panel meeting. The Complainant and Subject Member have a right to seek permission to appeal to the Standards Appeal Panel against the decision of the Standards Panel in accordance with paragraph 23 below.

## **23. Request for Permission to Appeal**

23.1 If the Complainant or Subject Member is dissatisfied with the decision of the Standards Panel, he/she may seek permission to appeal to the Standards Appeal Panel against the decision on the grounds set out below.

23.2 Any request seeking permission to appeal must be made in writing to the Monitoring Officer within 10 working days of receipt of the Standards Panel's decision.

23.3 The Monitoring Officer shall acknowledge any request seeking permission to appeal made under paragraph 23.2 within 5 working days of receipt.

23.4 A request seeking permission to appeal will only be valid and accepted providing:

- (i) It confirms the procedural, legal and/or evidential issues are relied upon in support of the request; and
- (ii) The Monitoring Officer is satisfied, having considered the views of the Independent Person, that:
  - (a) significant and/or important procedural, legal and material evidential issues have been raised; and/or
  - (b) it is considered reasonable and equitable in the circumstances that the request for appeal be permitted. The Monitoring Officer shall make a decision in respect of the request within 5 working days and promptly notify the Complainant and Subject Member of his/her decision.

## **24. Review Panel**

24.1 The Monitoring Officer shall seek to convene a meeting of the Standards Appeal Panel to consider the appeal within 20 working days of his/her decision to allow an appeal under paragraph 23.4 above.

24.2 The Monitoring Officer shall, within 5 working days of allowing the appeal, write to the Complainant and Subject Member requesting that they complete relevant forms to enable the Standards Appeal Panel to be convened at a convenient time and date to all parties to hear the appeal. Responses must be returned to the Monitoring Officer within ten working days of the request being made. Should either the Complainant or Subject Member fail to reply, a reminder will be sent to him/her allowing a further five working days to reply. Should a reply still not be received, the Monitoring Officer shall be entitled to assume that the Complainant or Subject Member (as applicable) does not dispute the findings and conclusions of the Investigator's final report and does not wish to participate in the Standards Appeal Panel hearing.

24.3 The Standards Appeal Panel will consider and have regard to:

- (i) The Investigator's final report;
- (ii) The views of the Independent Person;
- (iii) Material factors, relevant issues and evidence;
- (iv) Relevant representations made by the parties,
- (v) Available guidance and advice; and

(vi) Any aggravating and/or mitigating factors (as considered appropriate).

24.4 The Standards Appeal Panel will then reach one of the following decisions in respect of the appeal:

24.4.1 Agree with findings and conclusions of the Investigator as set out in the Investigator's final report; or

24.4.2 Reach an alternative decision.

24.5 All relevant parties shall be entitled to attend the meeting of the Standards Appeal Panel. The Standards Appeal Panel will afford all relevant parties the opportunity to make representations to the Standards Appeal Panel in support of their respective positions. Whilst the parties will not be entitled to directly cross-examine each other, they will be entitled to challenge and rebut any evidence adduced or representations made by the other. The Subject Member may be represented, legally or otherwise, at the Standards Appeal Panel. The procedure adopted at the Standards Appeal Panel meeting will be as set out in Appendix 7. If the Standards Appeal Panel considers that a party or witness should give evidence and they do not attend then the Standards Appeal Panel will be entitled to give such weight as it considers appropriate to the evidence given.

## **25. Action the Standards Appeal Panel can take where a Member has failed to comply with the Code of Conduct**

25.1 The Combined Authority has delegated to the Standards Appeal Panel such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly, the Standards Appeal Panel may take any of the actions as detailed in paragraph 20.1.

## **26. Action the Standards Appeal Panel can take where a Member has NOT failed to comply with the Code of Conduct**

26.1 Where the Standards Appeal Panel determines that the Members' Code of Conduct has NOT been breached, it may take any of the actions as detailed in paragraph 21.1.

26.2 The Standards Appeal Panel may commission further investigation/s or request additional information as necessary to enable it to make a decision in relation to the appeal; and accordingly adjourn the consideration of the appeal to another meeting.

## **27. Notification of Standards Appeal Panel Decision**

At the end of the Standards Appeal Panel meeting, the Chair will state the decision of the Standards Appeal as to whether the Subject Member has failed to comply with the Code of Conduct and as to any action which the Standards Appeal Panel resolves to take.

The Standards Appeal Panel decision and its reasons shall be confirmed in writing to the Complainant and the Subject Member, normally within seven working days of the Standards Appeal Panel meeting. The Complainant and Subject Member do not have a right of appeal against the decision of the Standards Appeal Panel.

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

- 28.1 Where the Standards Panel or Standards Appeal Panel is considering allegations that a Subject Member has failed, or may have failed, to comply with the Code of Conduct, the Standards Complaint and all associated reports, documents and information will likely be exempt from disclosure under paragraph 10 of the Combined Authority's Access to Information Procedure Rules unless the Standards Panel or the Standards Appeal Panel at its meeting considers that the public interest in lifting the exemption outweighs the public interest in maintaining the exemption.
- 28.2 Agendas and papers for meetings of the Standards Panel and Standards Appeal Panel shall be distributed in accordance with the Combined Authority's Access to Information Procedure Rules.
- 28.3 The publication of Standards Panel and Standards Appeal Panel decisions and associated information shall be kept for six years from the date of the decision.

## **29. Confidentiality**

- 29.1 Unless otherwise permitted under this Protocol or required by legislation, a Standards Complaint (and all associated information, documents, information) shall remain confidential until such time that the Monitoring Officer, or Audit and Governance Committee, or the Standards Panel or the Standards Appeal Panel, consider it appropriate (if at all) to disclose the Standards Complaint (and all associated information, documents, information) in the public domain.
- 29.2 Any request by the Complainant to keep his/her name confidential will be considered by the Monitoring Officer within five working days of receipt of any such request and the decision (with reasons) communicated to the Complainant in writing. Where the request is refused, the Complainant may be afforded the opportunity to withdraw the Standards Complaint. However, where the Standards Complaint relates to a serious matter, the Monitoring Officer reserves the right to progress the Standards Complaint in accordance with this Protocol.
- 29.3 In exceptional circumstances, despite the Monitoring Officer agreeing to the Complainant's identity being kept confidential under paragraphs 2.2 or 29.2 above, the confidential details in question may still become known in the public domain or have to be provided for other reasons and purposes when disclosing them in the public domain.
- 29.4 The Subject Member will not be informed/notified of the Standards Complaint and/or the identity of the Complainant, in accordance with paragraph 2 until

after the Monitoring Officer has considered the Standards Complaint and made a determination in relation to any request for confidentiality made under paragraph 29.2 above.

### **30. Conflicts of Interest**

30.1 Members and officers shall not take part in meetings of the Standards Panel or Standards Appeal Panel where any of the following circumstances apply:

30.1.1 The complaint is likely to affect the well-being or financial position of that Member or officer or the well-being or financial position of a friend, family member of person with whom they have a close association.

30.1.2 The Member or officer is directly or indirectly involved in the Standards Complaint and/or investigation in any way.

30.1.3 A family member, friend or close associate of the Member or officer is involved in the Standards Complaint and/or investigation.

30.1.4 The Member or officer has an interest in any matter relating to the Standards Complaint and/or investigation. For example, it concerns a Member's failure to declare an interest in a planning application in which the Member or officer has an interest. This is even though the outcome of any investigation or other action could not affect the decision reached on the application.

### **31. Monitoring and Review**

31.1 For monitoring and review purposes, the Monitoring Officer shall provide the Audit and Governance Committee, annually (unless otherwise directed by the Audit and Governance Committee), an anonymous summary (unless the information is already in the public domain) of all Standards Complaints received, their progress, outcome and any costs incurred.

### **32. Failure to Comply with the Requirements of this Protocol**

32.1 Failure by a Member to comply with the reasonable requirements of the Investigator, or this Protocol, may result in a complaint being made to or by the Monitoring Officer under the Members' Code of Conduct.

### **33. Modification of Procedure**

33.1 The Monitoring Officer, in consultation with the Chair of the Audit and Governance Committee (or their nominated spokesperson), may vary the procedures and practices detailed in this Protocol where the variation is considered:

- (i) necessary to ensure the effective and timely administration, investigation and/or
- (ii) determination of a Standards Complaint; and

(iii) it is fair and equitable to do so.

33.2 Any such variation shall be recorded in writing (which shall include the reasons for the variation) and be signed by the Chairperson of the Audit and Governance Committee.

## Appendix 1 - Definitions and Interpretation

Access to Information Procedure Rules	means the access to information procedure rules contained in Part 4 – Section C of the Constitution of The Liverpool City Region Combined Authority.
Assessment Panel	<p>means a group of 3 individuals comprised of:</p> <ul style="list-style-type: none"><li>(a) 1 member of the Audit and Governance Committee;</li><li>(b) 2 members of the Overview and Scrutiny Committee; and</li><li>(c) so that the members of the panel taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Authorities when taken together;</li></ul> <p>whose principal purpose is to assess complaints involving more serious or complex allegations as referred by the Monitoring Officer and take the decision as to whether a formal investigation is merited.</p>
Audit and Governance Committee	<p>means a group of 7 individuals who provide independent review of LCRCA's governance, risk management and control frameworks and oversee the financial reporting and annual governance processes comprised of:</p> <ul style="list-style-type: none"><li>(a) 2 members of the Combined Authority who hold voting rights;</li><li>(b) 4 members of the Overview and Scrutiny Committee; and</li><li>(c) 1 independent individual.</li></ul>
Chair	refers to the relevant person presiding at the Audit and Governance Committee or Standards Panel or Standards Appeal Panel.

Code of Conduct	means the Code of Conduct for Members which is contained in the Constitution of The Liverpool City Region Combined Authority and is accessible from the Combined Authority' website <a href="https://www.liverpoolcityregion-ca.gov.uk/">https://www.liverpoolcityregion-ca.gov.uk/</a>
Complainant	means the person who is making the Standards Complaint.
Constituent Authority(ies)	means the councils for Halton, Knowsley, Liverpool, Sefton, St Helens and Wirral.
Co-opted Member(s)	means a person who is not a Statutory Member but: <ul style="list-style-type: none"> <li>(a) is appointed as a member of any of the Combined Authority's committees or sub-committees, or</li> <li>(b) is a member of and represents the Combined Authority on any joint committee or joint subcommittee of the Combined Authority, and</li> <li>(c) is entitled to participate at such meetings.</li> </ul>
Independent Person	means a person appointed by a Constituent Authority (other than the Constituent Authority to which the Subject Member belongs) in accordance with section 28(7) Localism Act;
Investigator	means the Monitoring Officer or other person nominated by the Monitoring Officer (or his/her representative) to investigate a Standards Complaint.
Liverpool City Region Combined Authority or Combined Authority	means the body corporate established by statutory instrument known as Liverpool City Region Combined Authority, whose role it is to oversee and undertake responsibility for the exercise of those functions through the Local Democracy, Economic



Development and Construction Act 2009 and the 2014 and the 2017 Orders made under it and any subsequent enactments.

Member(s)

means a Statutory Member or a Co-Opted Member.

Overview and Scrutiny Committee

means a group of individuals, comprised of such a number of members of each of the Constituent Authorities so that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Authorities when taken together, whose principal purpose is to achieve greater public accountability over decisions made and services delivered to the whole Liverpool City Region under the remit of LCRCA and the Metro Mayor.

Protocol

means this Members Code of Conduct Protocol.

Standards Appeal Panel

means a group of 3 individuals, who as far as reasonably practicable were not part of Assessment Panel or Standards Panel for the purposes of the Standards Complaint comprised of:

- (a) 1 member of the Audit and Governance Committee;
- (b) 2 members of the Overview and Scrutiny Committee; and
- (c) so that the members of the panel taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Authorities when taken together;

whose principal purpose is to consider an appeal against the decision of the Standards Panel and make a final determination of the merits a Standards Complaint;

Standards Complaint

means

- (i) a complaint made against a Subject Member alleging a potential breach of the Code of Conduct / misconduct that is accepted by the Monitoring Officer as a valid complaint; and
- (ii) has been made in writing using the prescribed 'complaint form template' set out at Appendix 2 to this Protocol (unless otherwise accepted by the Monitoring Officer).

Standards Panel

means a group of 3 individuals, who as far as reasonably practicable were not part of Assessment Panel for the purposes of the Standards Complaint comprised of:

- (a) 1 member of the Audit and Governance Committee;
- (b) 2 members of the Overview and Scrutiny Committee; and
- (c) so that the members of the panel taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Authorities when taken together;

whose principal purpose is to review a Standards Complaint referred by the Monitoring Officer or Assessment Panel, provide a determination of its merits and, in the event that sanctions are to be imposed against a Subject Member(s), liaise with Monitoring Officer in relation to their imposition;

Subject Member(s)

means the Member(s) of the Combined Authority who is the subject of an allegation(s) made under a Standards

Complaint unless stated otherwise or the context so requires.

Statutory Member(s)

means the individuals appointed to be a member of the Combined Authority in accordance with The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 comprised of:

- (a) a directly elected Mayor (“Metro Mayor”);
- (b) a councillor (elected member), who holds voting rights, appointed by each of the Constituent Authorities;
- (c) an unelected individual, who is non-voting, appointed by the Liverpool City Region Local Enterprise Partnership.

## Appendix 2 – Complaint Form Template

### Customer Details

Title:	
First name:	
Surname:	
Address:	
Telephone number:	
Mobile number:	
Work number:	
Email:	
Please tell us which statement best describes you:	<p>Member of the public <input type="checkbox"/></p> <p>Elected or co-opted member of an authority <input type="checkbox"/></p> <p>An independent person (pursuant to the Localism Act) <input type="checkbox"/></p> <p>Member of Parliament <input type="checkbox"/></p> <p>Local authority Monitoring Officer <input type="checkbox"/></p> <p>Other authority office or authority employee <input type="checkbox"/></p> <p>Other <input type="checkbox"/> <i>(Please detail):</i></p>

### Member Details

Title:	
First name:	
Surname:	
Authority name:	

Does the complaint involve additional Members?	Yes <input type="checkbox"/> No <input type="checkbox"/>

### Additional Member Details

Title:	
First name:	
Surname:	
Authority name:	
Does the complaint involve additional Members?	Yes <input type="checkbox"/> No <input type="checkbox"/>

### Complaint Details

Please provide details of your complaint:

### Confidentiality Details

Do you wish to request that your identity is kept confidential?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Please provide details as to why you believe details of your name and/or details of your complaint should be withheld:	

--

**Desired Outcome**

Please indicate the desired outcome you are looking for or hoping to achieve by submitting this complaint:

**Equality Monitoring (Optional)**

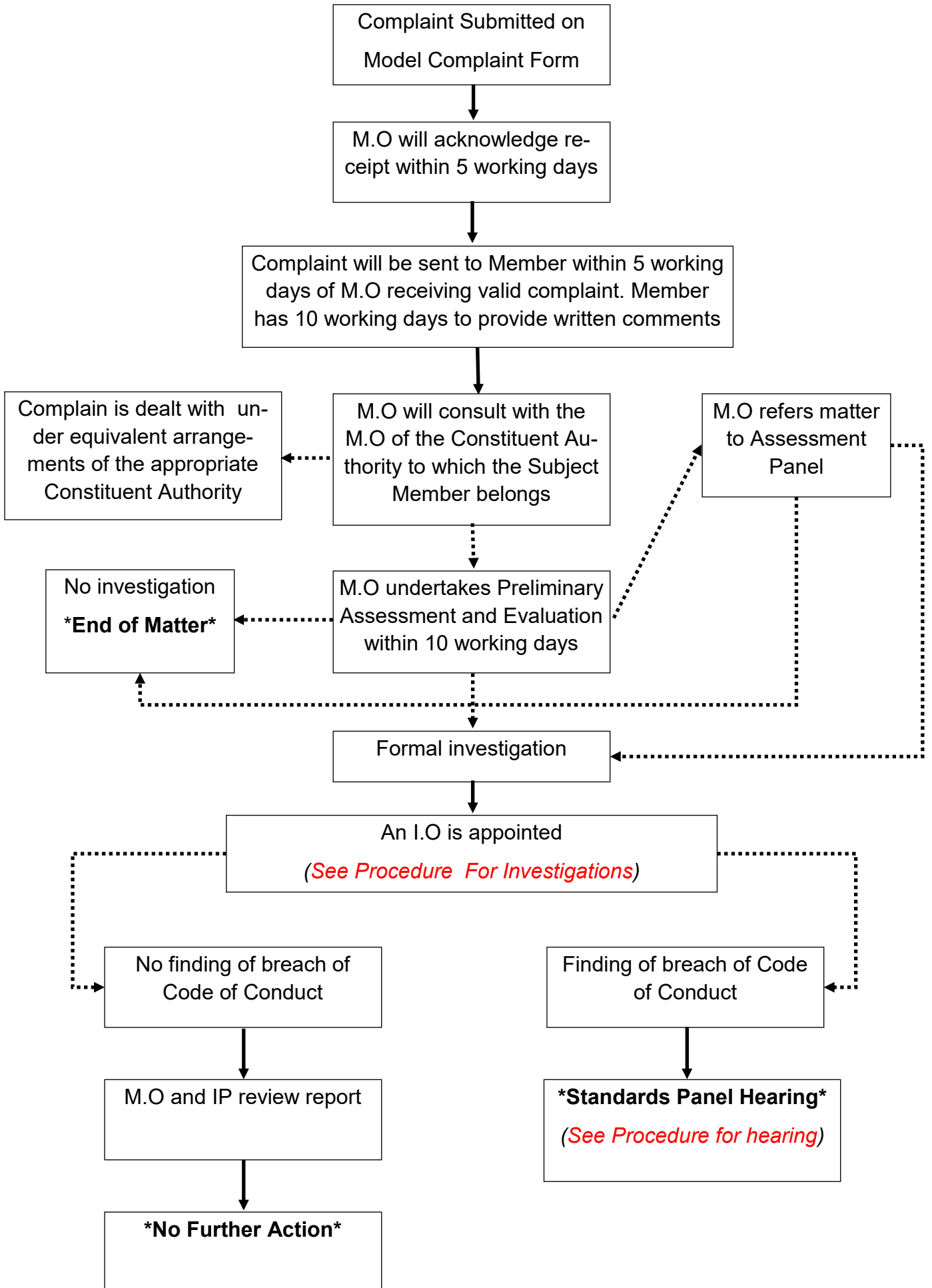
Are you prepared to provide some personal information for monitoring purposes?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are you:	Male <input type="checkbox"/> Female <input type="checkbox"/> Other <input type="checkbox"/> <i>(Please detail):</i> Prefer not to say <input type="checkbox"/>
How old are you?	Under 16 <input type="checkbox"/> 16 – 30 <input type="checkbox"/> 31 – 49 <input type="checkbox"/> 50 – 64 <input type="checkbox"/>

	Over 65 <input type="checkbox"/>
Do you consider yourself disabled:	Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say <input type="checkbox"/>
Ethnicity:	White <input type="checkbox"/> Asian or Asian British <input type="checkbox"/> Black or Black British <input type="checkbox"/> Mixed <input type="checkbox"/> Other <input type="checkbox"/> <i>(Please detail):</i>
Religion:	None <input type="checkbox"/> Christian (all denominations) <input type="checkbox"/> Buddhist <input type="checkbox"/> Hindu <input type="checkbox"/> Jewish <input type="checkbox"/> Muslim <input type="checkbox"/> Sikh <input type="checkbox"/> Other <input type="checkbox"/> <i>(Please detail):</i>
Sexuality:	Heterosexual <input type="checkbox"/> Bisexual <input type="checkbox"/> Gay <input type="checkbox"/> Lesbian <input type="checkbox"/>

	Unknown <input type="checkbox"/>  Other <input type="checkbox"/> <i>(Please detail):</i>  Prefer not to say <input type="checkbox"/>
Is your gender identity the same gender you were assigned at birth?	Yes <input type="checkbox"/>  No <input type="checkbox"/>  Prefer not to say <input type="checkbox"/>
Are you married?	Yes <input type="checkbox"/>  No <input type="checkbox"/>  Prefer not to say <input type="checkbox"/>
Are you in a civil partnership?	Yes <input type="checkbox"/>  No <input type="checkbox"/>  Prefer not to say <input type="checkbox"/>



### Appendix 3 - Standards Complaint Process Flowchart



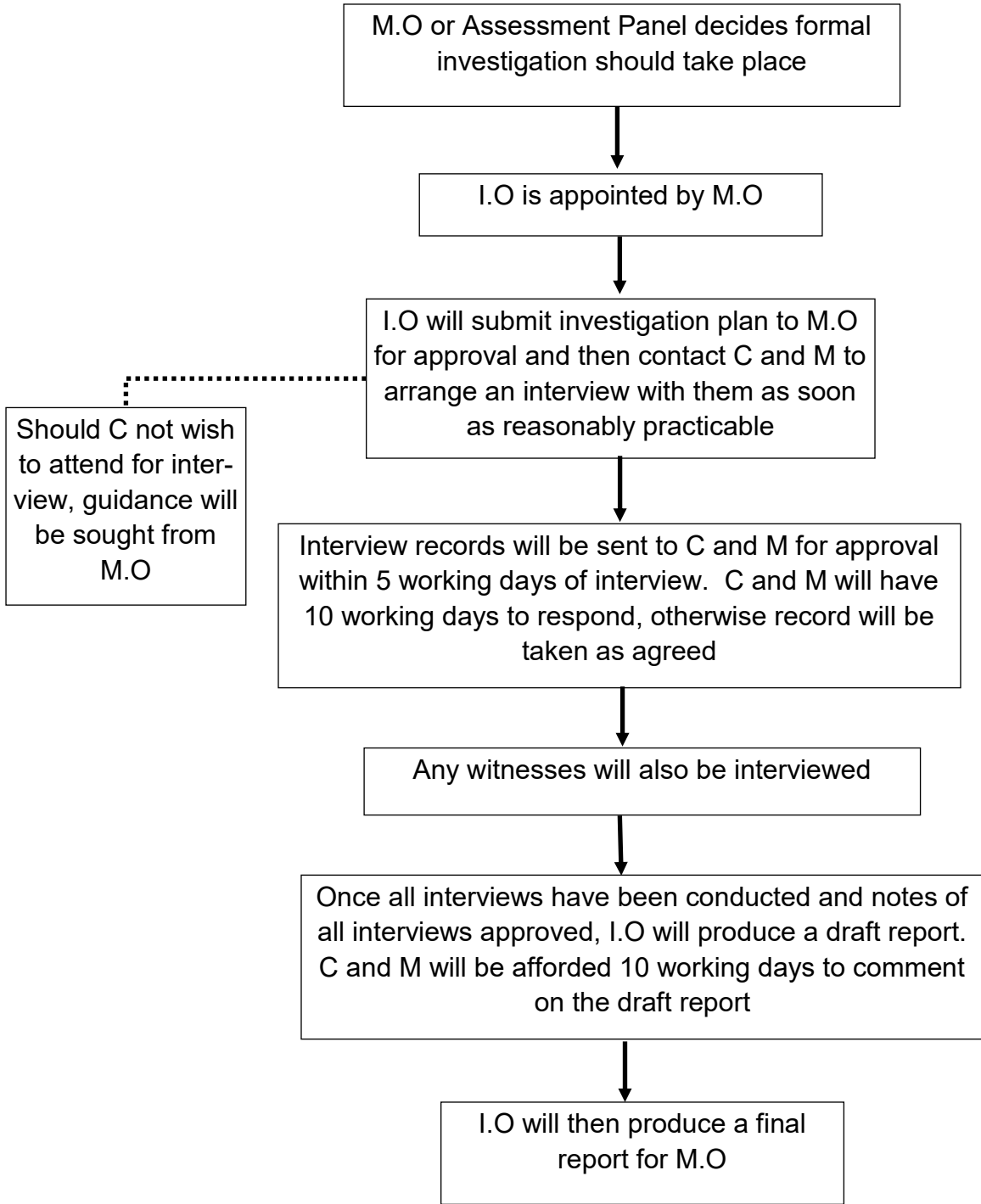
**Key**

M.O—Monitoring Officer

I.O—Investigating Officer

I.P—Independent Person

## Appendix 4 - Investigations Process Flowchart



### Key

M.O—Monitoring Officer

I.O—Investigating Officer

C—Complainant

M—Member

## Appendix 5 - Terms of Reference for the Assessment Panel

1. The Assessment Panel will:
  - (a) consider those complaints/allegations that a Statutory Member of the Combined Authority may have failed to comply with the Code of Conduct that the Monitoring Officer in his/her discretion refers to the Assessment Panel in order to evaluate and assess the complaint/ allegations and to take the decision as to whether a formal investigation is merited.
  - (b) Take into account:
    - (i) the views of the Independent Person;
    - (ii) the public interest;
    - (iii) paragraph 2.4 of the Members Code of Conduct Protocol.
2. The Assessment Panel after consideration of a complaint/allegations may:
  - (a) ask for additional information on the complaint/allegations before reaching a decision;
  - (b) determine that a local resolution of the complaint/allegations is possible and appropriate;
  - (c) determine that an alternative approach exists that could achieve a more effective and efficient resolution of the complaint;
  - (d) determine that the complaint/allegations should be investigated.
3. No individual shall sit on the Assessment Panel where they a conflict of interest.
4. The Chair shall be appointed by the Assessment Panel at each meeting. The Chair shall not be a member of the same political party of the Member against whom the complaint/allegation(s) have been made.
5. The quorum for a meeting of the Assessment Panel shall be a group of 3 individuals comprised of:
  - (a) 1 member of the Audit and Governance Committee;
  - (b) 2 members of the Overview and Scrutiny Committee; and
  - (c) so that the members of the sub-committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together.

6. The Assessment Panel will only meet when required to undertake its role and discharge its functions as set out in these Terms of Reference.

## **Appendix 6 - Standards Panel Procedure**

1. Appointment of Chair of the Standards Panel
2. Declarations of interest
3. Opening remarks of the Chair
4. Standards Panel to determine whether the exemption to exclude the press and public is to be maintained. (Parties invited to make representations)
5. Complainant (or representative) invited to make opening remarks
6. Subject Member (or representative) invited to make opening remarks
7. Investigator to present his/her report
8. Parties invited to question the Investigator and/or seek points of clarification on the report
9. Standards Panel to question the Investigator on his/her report
10. Complainant (or representative) invited to make final submissions
11. Standards Panel to seek clarification on any points relevant to the Complainant
12. Subject Member (or representative) invited to make final submissions
13. Standards Panel to seek clarification on any points relevant to the Subject Member
14. Standards Panel to invite the views of the Independent Person for consideration
15. Standards Panel hearing adjourned to allow for deliberation (as deemed appropriate the Standards Panel)
16. Standards Panel hearing resumed for decision
17. If the Standards Panel decision upholds/finds a breach of the Code of Conduct, the Subject Member (or representative) shall be invited to make submissions in respect of any mitigation (including in respect of actions the Standards Panel can take) for consideration by the Standards Panel

18. Standards Panel hearing adjourned to allow for deliberation (if deemed necessary by the Standards Panel)
19. Standards Panel hearing resumed for decision on actions (if any) the Standards Panel have decided to take.

*The Chair and Standards Panel shall have discretion to vary the above procedure if it is considered appropriate and necessary to ensure fairness to all parties.*

## **Appendix 7 - Standards Appeal Panel Procedure**

1. Appointment of Chairperson of the Standards Appeal Panel
2. Declarations of interest
3. Opening remarks of the Chair
4. Standards Appeal Panel to determine whether the exemption to exclude the press and public is to be maintained. (Parties invited to make representations)
5. Appellant (or representative) invited to make opening remarks
6. Complainant (or representative) invited to make opening remarks
7. Relevant witnesses shall in turn be called to answer questions and/or provide points of clarification as are relevant to the grounds of appeal
8. Complainant (or representative) invited to make final submissions
9. Standards Appeal Panel to seek clarification on any points relevant to Complainant
10. Appellant (or representative) to make final submissions
11. Standards Appeal Panel to seek clarification on any points relevant to Appellant
12. Standards Appeal Panel to invite the views of the Independent Person for consideration
13. Standards Appeal Panel hearing adjourned to allow for deliberation (as deemed appropriate the Panel)
14. Standards Appeal Panel hearing resumed for decision
15. If the Standards Appeal Panel decision upholds/finds a breach of the Code of Conduct, the Appellant (or representative) shall be invited to make submissions in respect of any mitigation (including in respect of actions the Standards Appeal Panel can take) for consideration by the Standards Appeal Panel
16. Standards Appeal Panel hearing adjourned to allow for deliberation (if deemed necessary by the Standards Appeal Panel)



17. Standards Appeal Panel hearing resumed for decision on actions (if any) the Standards appeal Panel decide to take

*The Chair and Standards Appeal Panel shall have discretion to vary the above procedure if it is considered appropriate and necessary to ensure fairness to all parties.*