

**Peak District National Park Authority – Audit, Resources & Performance Committee (Hearings Panel) Determinations**

**Guidance for a Member subject to an investigation**

- 1 A Member has the right to:
  - receive the report of the investigation by the Investigating Officer (appointed by the Monitoring Officer);
  - comment on the findings of fact in the report and request that other relevant evidence be considered;
  - attend the Programmes and Resources Committee (Hearing Panel) (“the Hearing Panel”) and present their case or submit evidence in writing;
  - call a reasonable number of witnesses to give relevant evidence at the Hearing Panel; and
  - be represented at the Hearing Panel by a solicitor, barrister or any other person, noting that the Hearing Panel will also normally give permission for Members to be represented by people who are not lawyers, but may refuse permission if the representative is directly involved in the matter being determined.
- 2 If the Member chooses not to go to the Hearing Panel, the Hearing Panel may make a determination in their absence.

**Pre-hearing process**

- 3 At the start of the pre-hearing process the Member will be supplied with:
  - a copy of the Investigating Officer’s report
  - Guidance for a Member subject to an investigation
  - the procedures for hearings
  - Member’s response to evidence – Form A
  - other evidence relevant to the complaint – Form B
  - representations to be taken into account if failure to follow the Code is found – Form C
  - arrangements for the hearing - Form D
  - details of proposed witnesses to be called – Form E
- 4 The Member will be requested to complete Forms A to E above.
- 5 The Investigating Officer will be requested to complete Form D and Form E and will also be supplied with details of the Member’s response in Forms A to E above.
- 6 At least two weeks before the hearing all the arrangements will be confirmed to the Member, Investigating Officer and members of the Hearing Panel.

**The Hearing**

- 7 The hearing will be conducted in accordance with the procedures agreed by the Authority.
- 8 The hearing will be held in public and the relevant papers will be available for public inspection unless the Hearing Panel is persuaded that there is good reason to exclude the public, in line with the relevant access to information and human rights legislation.
- 9 Any disagreements with the findings of fact in the Investigating Officer's report must be raised during the pre-hearing process. The Hearing Panel will not consider any new disagreements about the report’s findings of fact at the hearing itself, unless there are good reasons why these have not been raised beforehand.

### **Penalties that may be imposed**

- 10 If the Hearing Panel in consultation with the Independent Person decides that the Member has failed to follow the Code of Conduct and that they should be sanctioned it may impose any one or a combination of the following:
- Censure of that the Member;
  - Publish its findings on the Authority's website;
  - Report its findings to full Authority for information;
  - Recommend to full Authority that he/she be removed from any or all Committees or Sub-Committees of the PDNPA subject to statutory and constitutional arrangements;
  - Recommend to full Authority that the Member be replaced as Chair of the Authority;
  - Recommend to full Authority that the Member be removed from a particular Member Representative role;
  - Recommend to full Authority that the Member be removed from all outside appointments to which he/she has been appointed or nominated by the Authority;
  - Recommend that the Monitoring Officer arrange training for the Member;

### **Publication of the decision**

- 11 The decision of the Hearing Panel will be announced at the end of the hearing. A written copy of the decision and the reasons for it will be supplied to the Member and complainant within 10 working days.
- 12 The Hearing Panel will arrange for a summary of its decision and the reasons for it to be published on the Authority's website and sent to the Members appointing Authority and where relevant their Parish Council or Parish Meeting. If the Hearing Panel finds that the Member did not fail to follow the Code the Member can request the Hearing Panel to have this information published on the Authority's website.

### **Appeals**

- 13 There is no right of appeal against any decision of the Hearings Panel which shall be final and binding.

### **Costs**

- 14 A Member is responsible for meeting their own costs and the costs of their legal or other representative and witnesses at any Hearings Panel. The Authority may indemnify the Member for reasonable costs incurred in defending the proceedings. However, if a finding is made in those proceedings that the Member in question has failed to comply with the Code of Conduct or if the Member admits failure to comply with the Code of Conduct, then the Member shall reimburse the Authority or the insurer (as the case may be) for any sums expended by the Authority or insurer in relation to those proceedings pursuant to the indemnity or insurance. A request for an indemnity should be made to the Programmes and Resources Committee before any costs are incurred. Retrospective requests will not be considered.