



## 2014 CHAPTER 8

### PART 9

#### CONDUCT OF COUNCILLORS

##### *Decisions and recommendations*

##### **Decisions on interim reports**

**60.—**(1) Where the prima facie evidence is such that it appears to the Commissioner—

- (a) that the person who is the subject of an interim report has failed to comply with the code of conduct;
- (b) that the nature of that failure is such as to be likely to lead to disqualification under section 59(3)(c); and
- (c) that it is in the public interest to suspend or partially suspend that person immediately,

the Commissioner may give notice to the clerk of the council concerned that that person is suspended or partially suspended from being a councillor for such period and in such way as may be specified in the notice.

(2) The period specified in a notice under subsection (1) must not exceed six months or (if shorter) the remainder of the person's term of office.

(3) The effect of a notice under subsection (1) is to suspend or partially suspend the person concerned as mentioned in that subsection.

(4) A decision of the Commissioner under this section does not prevent the Commissioner from continuing with the investigation under section 55 which gave rise to the interim report concerned and producing a report under section 57,

or a further interim report under section 58, in respect of any matters which are the subject of the investigation.

(5) The suspension or partial suspension of any person under this section must not extend beyond the day on which a notice under section 59 is given to the clerk of the council concerned with respect to that person.

(6) A copy of any notice under this section must be given to any person who is the subject of the notice.

(7) Where a person is no longer a councillor of the council concerned but is a councillor of another council—

(a) the notice under subsection (1) must be given to the clerk of that other council and a copy of that notice must be given to the clerk of the council concerned;

(b) the reference in subsection (5) to the clerk of the council concerned is to be construed in accordance with section 59.

(8) The Commissioner must take reasonable steps to inform any person who made any allegation which gave rise to the investigation under section 55 of the Commissioner's decision under this section.

(9) A person who is suspended (or partially suspended) by the Commissioner by notice as mentioned in subsection (1) may appeal to the High Court if the High Court gives the person leave to do so.

(10) An appeal under subsection (9) may be made—

(a) against the suspension (or partial suspension);

(b) against the length of the suspension (or partial suspension).