

OUTLINE PROCEDURE FOR HEARING

1. Prior to the Hearing, the Monitoring Officer will undertake a “pre-hearing process” to:
 - identify whether any of the findings of fact in the investigation report are in dispute and, if so, how relevant they are likely to be at the hearing;
 - ask the parties to consider whether any additional evidence is likely to be needed at the hearing and identify any relevant witnesses bearing in mind the nature of the issue and the need for proportionality;
 - ascertain whether there are any particular access, equality, or disability requirements to be taken into account;
 - consider whether there are any parts of the hearing that are likely to be held in private or whether any parts of the investigation report or other documents should be withheld from the public prior to the hearing, on the grounds that they contain ‘exempt’ material; and, if necessary,
 - require the member who is the subject of the investigation (the Subject Member) to respond to the Investigating Officer’s report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and state whether the Subject Member wishes to be represented at the Hearing.
2. The Monitoring Officer may consult with the Chair of the Standards Sub-Committee and/or the Standards Sub-Committee as necessary and may issue directions as to the manner in which the hearing will be conducted. Should the Subject Member refuse or fail to respond to any requirement of the Monitoring Officer, or fail to attend the hearing without reasonable excuse, then the hearing may proceed in the absence of the Subject Member.
3. At the hearing, the Investigating Officer will present the investigator’s report, call such witnesses as are considered necessary and make representations to substantiate the report’s conclusion that the Subject Member has failed to comply with the Code of Conduct.
4. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the Standards Sub-Committee.
5. The Subject Member will then have an opportunity to give evidence, to call witnesses and to make representations to the Standards Sub-Committee as to why the Subject Member considers that the Subject Member did not fail to comply with the Code of Conduct.
6. The Standards Sub-Committee, having regard to the views of 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 Sub-Committee 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 Sub-Committee will then consider what action, if any, it should take as a result of the Subject Member’s failure to comply with the Code of Conduct.
7. In doing this, the Standards Sub-Committee will give the Subject Member an opportunity to make representations to the Sub-Committee. The Sub-Committee will then consult the Independent Person and will then decide what action, if any, to take in respect of the matter.

DETAILED PROCEDURE FOR CONDUCTING HEARINGS

1. The Chair opens the hearing and:
 - i. Introduces the Members of the Standards Sub-Committee (the Panel) and the other parties present including the Member against whom complaint made, the Investigating Officer and other officers.
 - ii. Explains the procedure as follows: “The Investigating Officer will give a summary of their report and their conclusions. The Member who is the subject of the investigation can then ask questions of the Investigating Officer. The Panel may also wish to ask questions. The Subject Member will then present their case. The Investigating Officer may wish to ask questions of the Subject Member. The Panel may also wish to ask further questions. At the end of this process the Panel will ask the parties to leave whilst they consider their conclusions on the facts and on whether there has been a breach of the code. The parties will then be asked to return and to make representations on what sanctions should be imposed if we decide that there has been a breach”.
2. The Chair asks Members of the Panel if they have any interests to declare.
3. The Chair invites the Investigating Officer to present a summary of their report together with any witnesses.
4. The Chair invites the Subject Member to question the Investigating Officer and then any witnesses when appropriate.
5. The Chair invites Members of the Panel to question the Investigating Officer and any witnesses when appropriate.
6. The Chair invites the Subject Member to present their case, including any witnesses when appropriate.
7. The Chair invites the Investigating Officer to question the Subject Member and any witnesses when appropriate.
8. The Chair invites Members of Panel to question the Subject Member and any witnesses when appropriate.
9. The Chair then asks the parties to leave room so that the Panel can retire in private to:
 - a) Reach its conclusions on the facts;
 - b) Decide if there has been a breach of the code.
10. The parties are invited to come back to the room.
11. The Chair will invite the views of the Independent Person to which the Panel must have had regard. The Chair then advises the parties of the conclusions reached.
12. The Chair (where appropriate if there is a breach) invites firstly the Investigating Officer, and then the Subject Member, to give their views on what sanction should be imposed. The Chair may seek legal advice.
13. The Chair asks the parties to leave the room whilst the Panel sits in private to decide on appropriate sanctions, to which the independent persons will have input.
14. The parties are then invited to return.

15. The Chair will invite the views of the Independent Person to which the Panel must have had regard. The Chair advises the parties of the Panel's decision and informs the parties that it will be confirmed in writing as soon as practicable.
16. The Chair closes the hearing and thanks everybody for their attendance.

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