

Standards Committee

Procedure For Hearings

1. Welcome

The Chair will welcome everyone and introduce the Committee, legal advisor and Member Services officer.

The Chair will explain the role of the Independent Person

The Chair will ask the investigator to introduce themselves and anyone they have brought with them.

The Chair will ask the subject councillor to introduce themselves and anyone they have brought with them.

2. Declaration of interests by the Committee

3. Minutes of the Last Meeting

Non-attendance by the subject councillor

If the subject councillor is not present the Committee will consider whether to proceed in their absence or whether to adjourn to give an opportunity for attendance.

4. Exclusion of the press and public

The Chair will ask both the investigator and the subject councillor whether they are seeking the exclusion of the press and public and, if they are, on what grounds.

The Committee will consider any representations made and will determine whether the press and public are to be excluded.

5. Procedural matters

The Chair will check that all present have a copy of this procedure.

The Chair will ask whether anyone has any questions about the procedure.

The Chair will ask whether there are any procedural issues to be determined before the hearing proceeds.

NB: the Committee may agree to vary this procedure if it is satisfied that this is necessary in the interests of fairness and transparency

NB: the Committee may limit the number of witnesses if they consider this is appropriate for the efficient conduct of the hearing (for example, because multiple witnesses are present to give evidence on the same points or because there are multiple character witnesses)

6. Presentation of the investigation report

The investigator will present their report and may call witnesses.

The Committee may ask questions of the investigator and their witnesses.

The subject councillor, or their representative, may through the Chair, ask questions of the investigator and their witnesses.

The subject councillor, or their representative, may make representations in respect of the investigation report and may call witnesses.

The Committee may ask questions of the subject councillor and their witnesses.

The investigator may, through the Chair, ask questions of the subject councillor and their witnesses.

The Chair will invite the investigator to sum up.

The Chair will invite the subject councillor, or their representative, to sum up.

NB: the Committee may decide to adjourn if it wishes to hear from a witness who is not in attendance at the meeting.

7. Determination of facts and decision as to breach of the code of conduct

The investigator, the subject councillor and any representative, the witnesses and the press and public (if present) will withdraw while the Committee makes its findings of fact and reaches a decision in respect of breach of the code of conduct.

The investigator and subject councillor etc will be invited back into the meeting room and the Chair will read out the decision of the Committee on questions of fact and on breach of the code of conduct.

8. Decision as to sanction

If the Committee has determined that there has been a breach of the code of conduct, the Chair will ask both the investigator and the subject councillor (or their representative) to make representations as to possible sanction(s).

The investigator, the subject councillor and any representative, the witnesses and the press and public (if present) will withdraw while the Committee makes its decision as to sanction(s).

The investigator and subject councillor etc will be invited back into the meeting room and the Chair will read out the decision of the Committee as to the sanction(s), if any, to be made.

