

APPENDIX 2

Draft hearings procedure

1. The Panel

1.1 The Hearings Panel (a Sub-Committee of the Council's Standards Committee) shall comprise a maximum of five members of the Council's Standards Committee, including not more than one member of the authority's Cabinet. The appointed Hearings Panel shall nominate a Hearings Panel Chair.

1.2 The Independent Person shall be invited to attend all meetings of the Hearings Panel.

1.3 The quorum for hearings by the Panel shall be three members of the Panel.

2. Opening

2.1 The Chair shall explain the procedure for the hearing and ask all present to introduce themselves.

3. Consideration of Exclusion of the Press and Public

3.1 Hearings will normally take place in public. The press and public may only be excluded from a hearing if the grounds in section 12A of the Local Government Act 1972 are made out. The Hearings Panel shall invite representations from the member complained about (or their representative) and the investigating officer before making any decision on whether to exclude the press or public.

4. The Complaint

3.1 The Investigating Officer shall be invited to present his/her report, including any documentary evidence, call such witnesses, including the complainant, as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. The report and documentary evidence must be based on the complaint made to the Council, any additional points will not be allowed.

3.2 The Council member against whom the complaint has been made (or their representative) may question the Investigating Officer upon the content of their report and may question any witnesses called by the Investigating Officer. (This is the Council member's opportunity to ask questions arising from the investigator's report, but not to make a statement).

3.3 Members of the Hearings Panel may question the Investigating Officer upon the content of his/her report and/or question any witnesses called by the Investigating Officer.

4. The Council Member's Case

4.1 The Council member, against whom the complaint has been made, (or their representative) may present their case (and call witnesses as required).

4.2 The Investigating Officer may question the Council member and/or any witnesses.

4.3 Members of the Hearings Panel may also question the Council member and/or any witnesses.

5. Summing Up

5.1 The Investigating Officer shall sum up the complaint.

5.2 The Council member (or their representative) may sum up their case.

6. Decision

6.1 Members of the Hearings Panel will deliberate in private to consider the complaint in consultation with the Independent Person prior to reaching a decision.

6.2 On the return of the Hearings Panel, the Chair will announce the Panel's decision in the following terms:

- a) the Hearings Panel decides that the Council member has failed to follow the Code of Conduct or;
- b) the Hearings Panel decides that the Council member has not failed to follow the Code of Conduct.

The Hearing Panel will give reasons for its decision. The Hearings Panel may give a brief summary of its reasons with more detailed written reasons to follow.

6.3 If the Hearings Panel decides that the Council member has failed to follow the Code of Conduct, the Panel will give the member the opportunity to make representations to the Panel and will consider any representations from the Investigating Officer as to:

- a) whether any action should be taken and,
- b) what form any action should take.

6.4 The Hearings Panel shall then deliberate in private, in consultation with the Independent Person, to consider what action, if any, should be taken.

6.5 On the return of the Hearings Panel, the Chair shall announce the Panel's decision as to any actions which the Hearings Panel resolves to take.

6.6 The Hearings Panel shall consider whether it should make any recommendations to the Council with a view to promoting high standards of conduct among Council members.

6.7 At the end of the meeting, the Chair shall confirm that a formal decision notice will be prepared by the Monitoring Officer and that within 7 working days following the Hearing, a copy will be sent to the complainant, and to the member. The Chair shall also confirm that the decision notice will be made available for public inspection and the decision reported to the next convenient meeting of the Council.