

APPENDIX 1

The Pre-Hearing Process

1. Where, following the completion of an investigation, a decision is made to refer the matter for hearing, the Monitoring Officer shall provide the information in paragraph 2, on the understanding that it be treated as confidential, to

- the Member;
- the Hearing Panel;
- the Independent Person; and
- the standards committee of any other authority, other than a parish council, of which the person who was the subject of the investigation is a member, if that other authority so requests.

2. The information that is to be provided is as follows:–

- a copy of the Investigating Officer's final report,
- any documents relied upon by the Investigating Officer in reaching the Conclusion in his or her final report,
- a copy of the hearing procedure, and
- a covering letter explaining what will happen next.

3. The Member will be asked to provide a written response, within 10 working days, stating whether or not they:

- disagree with any of the findings of fact in the Investigating Officer's final report, including the reasons for any disagreement;
- wish to attend the hearing
- want to be represented at the hearing (at their own expense) by a solicitor, barrister or any other person;
- want to give evidence at the hearing, either verbally or in writing;
- want to call relevant witnesses to give evidence at the hearing;
- want any part of the hearing to be held in private;
- want any part of the final report or other relevant documents to be withheld from the public; and
- will be unavailable on any dates within the next 3 months.

4. The Monitoring Officer will request the Member to make clear in their response any disagreements they have with the findings of fact in the Investigating Officer's final report, as the Member will not be allowed to raise new disagreements at the hearing unless the Hearing Panel agrees there are good reasons to permit these.

5. The Monitoring Officer will inform the Member that to be represented at the hearing by a person other than a barrister or solicitor will require the permission of the Chair of the Hearing Panel in advance of the hearing. The Chair of the

Hearing Panel may refuse permission if they believe that the non-legal representative is directly involved in the matter being determined.

6. The Monitoring Officer will inform the Member that the Chair of the Hearing Panel and/or the investigating officer may call such witnesses as considered appropriate. The Monitoring Officer shall also inform the Member that he/she may call witnesses, subject to the Chair of the Hearing Panel's power to limit the number of witnesses where the number requested is unreasonable.

7. The Chair of the Hearing Panel may request the attendance of any additional witnesses to be present at the hearing whose evidence may assist the Hearing Panel with its decision.

8. The Monitoring Officer in consultation with the Chair of the Hearing Panel, will then write to the persons referred to at paragraph 1 at least two weeks before the hearing to:

- set the date, time and place for the hearing;
- summarise the allegation(s);
- outline the main facts of the case that are agreed;
- outline the main facts which are not agreed;
- note whether the member concerned or the Investigating Officer will attend or be represented at the hearing;
- list those persons to be invited to the hearing, including the Independent Person and those witnesses, if any, who will be asked to give evidence;
- indicate whether any part of the hearing should be in private or any documents or parts of documents withheld from the public; and
- outline the proposed procedure for the hearing.