

Procedure for Hearings before the Standards Committee

1. Introductions
2. Chair of the Standards Committee outlines the hearing procedure.

The Chair can depart from the procedure outlined below where he/she considers it expedient to do so in order to secure the fair consideration of the matter.

Findings of Fact

3. The Committee should consider whether there are any significant disagreements about the facts contained in the investigating officer's report.

If there is no disagreement about the facts the committee can move on to the next stage of the hearing (go to paragraph 9)

4. Where there is a disagreement the investigating officer will be invited to make representations to support the findings of fact and with the committee's permission, call witnesses to give evidence.

The member, against whom the complaint has been made, will be given the opportunity to challenge the evidence put forward by any witness called by the investigating officer by asking the witness questions.

5. The member will then be given the opportunity to make representations and with the committee's permission, call any witnesses to give evidence.

The investigating officer will be given the opportunity to challenge the evidence put forward by any witness called by the member by asking the witness questions.

6. At any time, the committee and independent person may question any of the people involved or any witnesses.

7. The Committee will usually consider the representations and evidence in private.

The committee may take legal advice, in private if necessary, from its legal adviser at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the committee in private will be shared with the meeting as a whole.

8. Once the committee has made its decision, the Chair will announce the committee's finding of fact to the meeting.

Did the member fail to comply with the Code of Conduct?

9. The committee should then consider whether, based on the facts it has found, the member has failed to comply with the Code.
10. The member will be invited to make representations on the matter.
11. The investigating officer will be invited to make representations.
12. The independent person will be invited to make representations
13. The committee may, at any time, question the member, investigating officer or independent person on any point raised in the representations.
14. The member will be invited to make any final relevant points.
15. The committee will usually consider the representations in private
16. Once the committee has made its decision, the Chair will announce the committee's decision to the meeting as to whether the member has failed to comply with the Code.

If there is a finding that the member has not failed to comply with the Code of Conduct

17. Where the committee decides that the member has not failed to comply with the Code, the committee can consider whether it wishes to make any recommendations to the authority.

If there is a finding that the member has failed to comply with the Code of Conduct

18. If the committee decided that the member has failed to comply with the Code, it will consider representations from the member, investigating officer and independent person as to:
 - Whether the committee should apply a sanction
 - What form any sanction should take.
19. The committee may question the investigating officer, member and independent person and take legal advice, to make sure they have the information they need in order to make an informed decision.
20. The committee will consider in private whether to impose a sanction and if, so what sanction it should be.
21. The Chair will announce the decision to the meeting.

22. The committee will also consider whether it should make any recommendations to the authority with a view to promoting high standards of conduct.

The written decision

22. As soon as practicable the Monitoring Officer will prepare a formal decision notice in consultation with the Chair and send a copy to the complainant, the member and make the decision available for public inspection.