

Hearing Procedure – Standards Sub Committee

This is the normal procedure adopted by the Sub Committee. However, the Chair may vary the procedure where the circumstances warrant doing so.

Setting the scene

1. Chair introduces Sub Committee and Monitoring Officer and invites others present to introduce themselves.
2. Chair explains the hearings process or invites the Monitoring Officer to do so.

Decision as to whether the meeting is in public or private

3. Chair invites representations from the parties.
4. Sub Committee make decisions after taking legal advice if necessary.

Other submissions

5. Any submissions by either party about the conduct of the case including disputes about witnesses, potential new information, new supporting documents and so on.

Factual issues

6. The Monitoring Officer reports on any pre hearing discussions with the parties and identifies facts which are agreed or in dispute
7. The Chair asks parties to confirm that their position remains as outlined by the Monitoring Officer
8. The Chair invites the investigating officer to present his report.
9. The Chair calls the complainant to give evidence in relation to disputed facts. The Chair will confirm that Members have already seen the original complaint and the statement he submitted to the investigator.
10. The Sub Committee, the Member complained of and the investigating officer to ask questions of the complainant.

11. The Chair invites the subject Member (if present) to present the evidence of fact on which they rely and to call any witnesses. If the subject member is not present the Chair will confirm that the Sub Committee have read the written evidence submitted on behalf of the subject member.
12. The investigating officer and members of the Sub Committee to ask questions of the Member and/or their witnesses.
13. The investigating officer and subject Member to make submissions on questions of fact.
14. The Chair indicates that the Sub Committee will adjourn to decide its factual findings.
15. Findings of fact are outlined to the parties by Chair.

Whether the facts as found amount to a breach of the Code

16. The Chair invites the investigating officer to make submissions about whether the facts as found by the Sub Committee constitute a breach of the Code.
17. Members of the Sub Committee to ask questions of clarification.
18. The Chair invites the investigating officer to make submissions about whether the facts as found by the Sub Committee constitute a breach of the Code
19. Members of the Sub Committee to ask questions of clarification.
20. The Chair invites the subject Member to make submissions about whether the facts as found by the Sub Committee constitute a breach of the Code.
21. Members of the Sub Committee to ask questions of clarification.
22. The Chair asks the Independent Person for any observations
23. The Chair indicates that the Sub Committee will adjourn to decide whether there has been a breach of the Code.

What sanction to impose if a breach is found

24. The Chair invites the investigating officer to make submissions about factors to be taken into account when the Sub Committee decides on the appropriate penalty.
25. Members of the Sub Committee to ask questions of clarification.
26. The subject Member to make submissions about factors to be taken into account when the Sub Committee decides on the appropriate penalty.
27. Members of the Sub Committee to ask questions of clarification.
28. The Chair asks the Independent Person for any observations
29. The Sub Committee adjourns to decide on the appropriate penalty.
30. The Sub Committee will usually announce its decision at the end of the hearing. If possible, a short written notice may be provided on the day but in any event a full written decision will be provided to the parties within two weeks of the hearing

Recommendations from the Hearing Sub Committee

31. The Sub Committee will consider whether it should make any recommendations to the Parish Council, with a view to promoting high standards of conduct among members.