

Pre Hearing Procedure

1. Where a decision has been made that a complaint needs to be referred for a hearing then a Sub Committee meeting will be arranged for that purpose. The Sub Committee will sit as a Hearing Panel.
2. A copy of the final investigation report will be sent to the Subject Member, the complainant and to the Independent Persons. If the complaint relates to the Subject Member's conduct as a parish councillor then a copy will also be sent to the Clerk to the Parish Council.
3. The Subject Member and the complainant will be asked to confirm within fifteen working days whether he/she:
 - Disagrees with any of the findings of fact in the report and the reasons for any disagreement
 - Wishes to be represented by a solicitor or barrister, or by any other person (such representation should not normally be necessary)
 - Wishes to attend the hearing
 - Wishes relevant witnesses to be called to give evidence to the Panel
 - Wishes any part of the hearing to be held in privateⁱ
 - Wishes any part of the Investigating Officer's report or other relevant documents to be withheld from the publicⁱⁱ
4. The Subject Member and the complainant will be informed that if, at the meeting of the Committee, he/she seeks to dispute any matter contained in the Investigating Officer's report without having previously notified the intention to do so, the Committee may refuse to allow the disputed matters to be raised unless satisfied that there are good reasons why they have not been raised beforehand.

5. Upon receipt of the Member's and complainant's responses, the Investigating Officer shall be invited to comment on it within ten working days, and to say whether or not he/she:
 - Considers that the Committee should request other witnesses to give evidence or submit written or other evidence to the Committee
 - Believes any part of the hearing should be held in private
 - Believes any part of the report or other relevant documents should be withheld from the public
6. The Monitoring Officer will consider the responses and set a date for the hearing in consultation with the Chair of the Panel.
7. The Monitoring Officer together with the Chair of the Hearing Panel will consider which witnesses should be invited to attend. **They will carefully consider any wishes expressed by the parties and aim to ensure that the hearing will not only be fair but also be seen to be fair. However, the decision is theirs.** Witnesses may not be called if the number requested is unreasonable and it appears that some witnesses will simply be repeating the evidence of earlier witnesses, or else not providing evidence that will assist the Panel to reach its decision.
8. The Chair of the Hearing Panel may request the attendance of any additional witnesses whose evidence he/she considers would assist the Panel to reach its decision. The Panel does not though have powers to compel any witness to attend.
9. The Monitoring Officer will:
 - Confirm a date, time and place for the hearing
 - Confirm the main facts of the case that are agreed
 - Confirm the main facts that are not agreed
 - Provide the Panel with a copy of the investigating officer's report

- Provide copies of any other written evidence to the relevant parties and the Panel
- Confirm which witnesses will be called by the parties
- Provide the parties with copies of the proposed procedure for the hearing.

ⁱ The Standards Committee's general position is that hearings should be held in public and that documents should be publicly available in advance of the meeting. However, there may be circumstances in which fairness to individuals dictates and the provisions of schedule 12A to the Local Government Act 1972 allow, information to be considered in private. **If the Monitoring Officer believes this may be the case then relevant papers may not be published in advance. The decision as to whether any part of the hearing should take place in private will be for the Sub Committee hearing the case.**

ⁱⁱ See note i