

Standards Hearing Committee - Hearing Procedure

1. The Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such variation is necessary in the interests of fairness.
2. The Subject Councillor may be legally represented, or with the permission of the Committee, by another person. It is the responsibility of the Subject Councillor to arrange any representation.
3. The Committee may take legal advice from its Legal Adviser at any time during the hearing or during its deliberations. The substance of any advice given to the Committee will be shared with the Subject Councillor and Investigating Officer (IO) if they are present at the hearing.
4. At the start of the hearing, the Chairman shall introduce each of the members of the Committee, the Subject Councillor (if present), the IO (if present), and the Legal Adviser, and shall then explain the procedure which the Committee will follow.
5. The Committee shall then deal with any disclosures of interests.
6. If the Subject Councillor is not present at the start of the hearing:
 - The Chairman will ask the Legal Adviser whether the Subject Councillor has indicated his/her intention not to attend the hearing
 - The Committee shall then consider any reasons which the Subject Councillor has provided for not attending the hearing
 - If it is not satisfied with such reasons, or if the Subject Councillor has not given any such reasons, the Committee shall decide whether to consider the matter and make a determination in the absence of the Subject Councillor, or to adjourn the hearing to another date.

Investigating Officer

7. The IO will present their report, including any documentary evidence or other material. They may also provide witness statements. No new points shall be introduced unless agreed by the Committee. There is a requirement for the IO to attend the hearing and present their report. Since the report and any witness statements will have been circulated to the Independent Person, Committee and to the Subject Councillor in advance of the hearing, the IO's presentation should briefly summarise the report and other material, amend errors, provide updates and clarify the written report.
8. After the IO has presented the report and after any witnesses have given their evidence, the Subject Councillor or their representative may question the IO and any witnesses called by the IO about any matter in the IO's report or witness statement.
9. After the IO has presented the report and after any witnesses have given their evidence, members of the Committee may ask questions of the IO and any witnesses whose statements have been provided by the IO.
10. Any person who does not participate after being invited by the IO to submit a witness statement will be excluded from participating in the Hearing.
11. The Subject Councillor retains the right to address the Hearing.

Subject Councillor

12. The Subject Councillor or their representative (the latter only with the agreement of the Committee) may then present their case and call witnesses. They must provide a written summary of their case no less than 5 days in advance of the hearing. No new points or evidence should be introduced unless agreed by the Committee.
13. The IO may question the Subject Councillor and any witnesses called by the IO.
14. Members of the Committee may ask questions of the Subject Councillor and any witnesses called by the Subject Councillor.

Summing Up

15. The IO will sum up the complaint.
16. The Subject Councillor will sum up their case.
17. The Committee will consider in private all the evidence which it has heard in order to establish its findings of fact, and to reach a conclusion as to whether there has been a failure to comply with the Code of Conduct.
18. At any stage in the consideration of the matter, the Committee may return to ask further questions of the IO or the Subject Councillor or seek further information. The other party will be given an opportunity to comment upon the questions asked or the responses made.
19. At the conclusion of the Committee's deliberations, the Chairman will announce its findings and the decision of the Committee. Written notice of the findings of the Committee will be given as soon as is reasonably practicable to the Subject Councillor, the Standards Committee of any other authority concerned, any parish council concerned, and any person who made an allegation that gave rise to the investigation.