

## HEARINGS SUB-COMMITTEE

27 SEPTEMBER 2022

### SUMMARY OF PROCEDURE FOR THE CONDUCT OF THE HEARING

#### **Agenda Item 1: Election of chairman**

The Sub-Committee to elect a chairman for the hearing.

#### **Agenda Item 2: Apologies for Absence and Notification of Substitutes**

#### **Agenda Item 3: Local Code of Conduct – Disclosure of Interests**

#### **Agenda Item 4: Allegations regarding the Conduct of Two Borough Councillors**

#### **Preliminary matters:**

- The Chairman to confirm that the Sub-Committee is quorate.
- The Chairman to introduce:
  - the members of the Sub-Committee
  - the Deputy Monitoring Officer
  - the Investigating Officer
  - the Complainant
  - the Subject Member(s), if present
- the Deputy Monitoring Officer has confirmed that neither the Investigating Officer nor the Subject Members think that any part of the hearing should be held in private and no documents (or parts thereof) should be withheld from the public and press.

#### **Conduct of the hearing**

- (i) **Presentation of the Complaints** by the Investigating Officer, after which
  - the Subject Members, if present, shall be given the opportunity, through the Chairman, to ask any questions regarding the evidence presented by the Investigating Officer
  - the Sub-Committee may question the Investigating Officer on the content of his report
- (ii) **Presentation of the Subject Members' case**, after which
  - the Investigating Officer shall be given the opportunity, through the Chairman, to ask any questions regarding the evidence presented by the Subject Members

- the Sub-Committee may question the Subject Members on the contents of their case

**(iii) Summing Up**

- the Investigating Officer to sum up the complaints
- the Subject Members to sum up their case.

**(iv) Deliberations of the Sub-Committee**

- The Chairman to ask the Sub-Committee to agree to adjourn the hearing and deliberate in private to consider whether, on the facts found, the Subject Members have failed to comply with the Code of Conduct.
- After the agreement to adjourn, the webcast will be suspended, and the Sub-Committee will retire to the Members' Room to deliberate.
- The Sub-Committee will make its decision on the balance of probability based on the evidence before it during the hearing.
- After the Sub-Committee has deliberated on its decision, it will reconvene in public, and the webcast will resume.
- The Chairman will announce whether the Sub-Committee considers that there has been a breach of the Code of Conduct, or no breach, as the case may be and will set out the principal reasons for its decision.

**If the Sub-Committee finds that there has been no breach of the Code of Conduct**

The chairman will announce that

- the Sub-Committee's full decision and reasons will be issued by the Deputy Monitoring Officer, in writing to the Subject Members and the Complainant, within approximately 10 working days following the close of this hearing, and
- A summary of the decision and the reasons for the finding will also be published on the Council's website
- The chairman will then close the hearing.

**If the Sub-Committee finds that there has been a breach of the Code of Conduct**

- The Chairman will invite both the Investigating Officer and the Subject Members to make their representations as to whether any sanction(s) of recommendation(s) should be applied and what form any sanction(s) or recommendation(s) should take.

- The Chairman to ask the Sub-Committee to agree to adjourn the hearing and deliberate in private to consider the suggested sanction(s) and/or recommendation(s) and the application of any sanction(s) in the light of the representations from the Investigating Officer and Subject Member and taking into account the Independent Person's views
- After the agreement to adjourn, the webcast will be suspended, and the Sub-Committee will retire to the Members' Room to deliberate.
- After the Sub-Committee has deliberated, it will reconvene in public, and the webcast will resume.
- On behalf of the Sub-Committee, the Chairman will announce
  - whether any sanctions are to be applied
  - whether any recommendations will be made to the Council or the Monitoring Officer
  - that the Sub-Committee's full decision and reasons will be issued by the Deputy Monitoring Officer, in writing to the Subject Members and the Complainant, within approximately 10 working days following the close of this hearing
  - that the decision and the reasons for it will also be published on the Council's website; and
  - that there is no internal right of appeal against the Sub-Committee's decision(s) and/or recommendation(s)
- The chairman will then close the hearing.