

APPENDIX A

PROCEDURE FOR HEARINGS

General:

Hearings will where possible be held within two months of the initial assessment decision where there is no prior investigation or within two months of receipt by the Monitoring Officer (MO) of the investigator's report where there has been a prior investigation.

The Hearing will be before a Panel of three members drawn from the Governance Committee. One of the members will be elected Chairman.

The Independent Person (IP) appointed under section 28 of the Localism Act 2011 will also be present. His/her views will be requested and taken into account by the Panel but by law he/she cannot vote.

The MO or Deputy MO will be present as legal adviser to the Panel.

Both the Councillor and complainant will be invited to appear. They may present their own case or they may be represented.

They may bring witnesses (of a number the Panel considers is reasonable), in which case written statements from the witnesses must be lodged with the MO at least eight working days before the Hearing. 'Character witnesses' who cannot provide evidence on the matter complained about will not be permitted.

The cost of any attendance/representation must be borne by the party concerned.

All written evidence will be circulated to the Panel, the IP, the Councillor and the complainant at least five working days before the Hearing.

Written statements will not be read out at the Hearing as it will be assumed all those present are already familiar with their contents.

The legal advisor can speak at any time to advise the Panel on technical matters or ask questions of any party.

Proceedings:

- (a) The complainant can address the Panel and call witnesses (if any).
- (b) The Councillor can ask the complainant and witnesses questions.
- (c) The Panel and IP can ask the complainant and witnesses questions.
- (d) The Councillor can address the Panel and call witnesses (if any)
- (e) The complainant can ask the Councillor and witnesses questions.
- (f) The Panel and IP can ask the Councillor and witnesses questions.
- (g) The complainant can make a closing statement.
- (h) The Councillor can make a closing statement.

- (i) All those present except the Panel, the IP, the legal adviser and Clerk will leave the room while the Panel makes its decision.
- (j) The Panel's decision will be announced orally as soon as possible, including any specific advice sought and given from the IP.
- (k) A written report of the Hearing and decision, with reasons, will be prepared, usually within five working days. A copy will be sent to all those present at the hearing and to the Clerk of the Parish/Town Council if the complaint was about a Parish/Town Councillor.
- (l) The written report will be available for public inspection.

Decisions open to the Panel:

These are:

- (a) That the Councillor did not fail to comply with his/her Council's Code of Conduct;
- (b) That the Councillor failed to comply with his/her Council's Code of Conduct, and that:
 - (i) No action need be taken; or
 - (ii) The Councillor be censured; and/or
 - (iii) Whatever publicity the Panel considers appropriate be given to their findings; and/or
 - (iv) It be recommended to the Council (or to the Councillor's political group where Committee appointments are made by political groups) that the Councillor be removed from a specific Committee(s), or from any other position to which the Council has appointed him/her.

The Panel may also make any recommendations it considers appropriate to the Council concerned on procedural amendments that might assist Councillors generally to follow the Code of Conduct.