

HEARING SUB-COMMITTEE – HEARING PROCEDURE

1. The Sub-Committee will open in public session. It is a matter for the Sub-Committee to determine whether it moves into confidential session with the press and public excluded, in accordance with the provisions of Part VA and Schedule 12A of the Local Government Act 1972. The views of the subject member will be sought, if these have not already been received.
2. The Chairman introduces the members of the Sub-Committee and others present, and explains the purpose of the hearing, the procedure to be followed and the nature of the meeting.
3. The subject member may be legally represented if they wish, or accompanied by some other person, but will be expected to give evidence and answer any questions put to them personally.
4. The subject member (and anyone representing or accompanying them) are invited to be present throughout the hearing; other witnesses will enter to give evidence and then withdraw.
5. The Investigating Officer presents his report (N.B. the Investigating Officer is not acting as 'prosecutor' or 'defence'). The Investigating Officer will then answer questions (if any) from the subject member, the Independent Person and the Sub-Committee (in that order).
6. The subject member will be invited to make an opening statement which should be no more than ten minutes long.
7. The Chairman calls witnesses in the order agreed, or otherwise in the order that their statements appear in the papers. The statements will be taken as read rather than read out. Witnesses will be asked to confirm that their statements are true.
8. Immediately after confirming the contents of their statement each witness will be invited to answer questions (if any) from the subject member, the Independent Person and the Sub-Committee (in that order).
9. The Chairman has a discretion to manage the hearing in a fair and efficient manner and may therefore refuse to allow certain questions, or limit the time for questioning, in appropriate circumstances.
10. The views of the Independent Person in relation to the complaint will then be heard. The Independent Person will be invited to answer questions (if any) from the subject member and the Sub-Committee (in that order).
11. There will then be an opportunity for the subject member to make any closing comments if they so wish. Again, these should be no more than ten minutes long.
12. The Sub-Committee will then withdraw to consider the evidence and representations with the committee clerk and legal adviser and to take legal advice where necessary.

13. The Sub-Committee will then return to announce its decision as to whether there has been a breach of the Code of Conduct.
14. If the Sub-Committee considers that there has been a breach of the Code it may invite any representations from the subject member on the appropriate sanction (censure of the member; withdrawal of Corporation hospitality for an appropriate period; or removal of the member from a particular committee or committees). The Sub-Committee will also seek the views of the Independent Person on the question of sanction. The Sub-Committee may withdraw again to allow it to consider the appropriate sanction, then return to announce its decision as to any appropriate sanction.
15. The Sub-Committee will endeavour to conclude the hearing in one day but, in exceptional circumstances, may at any stage adjourn the hearing to a different day. This may be necessary, for example, where the subject member makes a request to introduce additional evidence at the hearing, and more time is needed to consider this. An adjournment may also be necessary where the Sub-Committee, having heard all of the evidence, requires more time to come to a decision.
16. The decision, together with the reasons for that decision, will be confirmed to the subject member in writing following the hearing.
17. This procedure may be varied by the Sub-Committee as it considers appropriate in order to dispose of the matter in a fair and efficient manner.