

Standards Panel Hearing Procedure

Hearing Procedure

1. Chair to introduce panel members, and explain role of independent person

The Independent Person (IP) is a statutory appointee whose chief role is to advise the Council before it makes a decision on an allegation of a breach of the members' code of conduct which has been formally investigated.

Under local arrangements, the IP chairs Standards Panels and will advise elected Members of the Panel in relation to allegations, but does not themselves vote.

As a Panel member, they may ask questions during submissions, and the voting Members of the Panel must seek their views and take them into account before they make their decision regarding the allegation that a breach of the code of conduct has occurred.

If voting Members decide that the subject Member did breach the code, they may take advice from the Independent Person as to whether to take action in respect of the Member's breach, and what action that should be.

2. Chair to summarise hearing procedure

(as laid out below)

3. Investigating Officer to present their report, and to state material facts that are in contention

- Any witnesses may then be called to give evidence.

4. Questions to Investigating Officer about their report from:

- Panel
- Subject Member*

5. Submissions by the subject Member

- Any witnesses may then be called to give evidence.

6. Questions to subject Member from:

- Panel
- Investigating Officer*

** Questions are to be asked through the Panel Chair.*

7. Summing up of evidence presented.

Final submissions from Investigating Officer and subject Member.

No new evidence permitted.

8. Panel goes into recess (closed session) to determine allegation

9. Panel reverts to open session and declares its findings, with reasons

Note: if the Panel finds there was a failure to comply with the Code of Conduct for Members and is minded to take action in respect of the subject Member, the Chair will invite the subject Member to make representations with regard to the possible action.

The Panel will then go into recess to determine what action (if any) to take. It will then declare in open session what action (if any) it has decided to take in respect of the subject Member, with reasons.

10. Arrangements for issuing formal decision notice

(Legal officer to outline)

11. Appeal process

(Legal officer to outline)