

LANCASTER CITY COUNCIL STANDARDS COMMITTEE

PRE-HEARING PROCEDURE

1. Where a Standards Committee or Assessment Sub-Committee or other Sub-Committee has made a finding that a matter should be considered at a hearing, the following procedure shall apply.
2. A Hearing Sub-Committee shall be convened in accordance with the principles set out in Appendix 1 hereto.
3. The Subject Member will be asked for a written response within fifteen days, which response shall set out the Subject Member's reply to the Investigating Officer's report and shall state whether he/she
 - disagrees with any of the findings of fact in the report, giving the reasons for any disagreement
 - wishes to be represented by a solicitor or barrister, or with the consent of the Sub-Committee by any other person
 - wishes to give evidence to the Sub-Committee, either orally or in writing
 - wishes to call relevant witnesses to give evidence to the Committee
 - wishes any part of the hearing to be held in private
 - wishes any part of the Investigating Officer's report or other relevant documents to be withheld from the public

Forms A-D appended hereto will be provided for this response.

4. The Subject Member shall be informed that if, at the meeting of the Sub-Committee, he/she seeks to dispute any matter contained in the Investigating Officer's report without having previously notified the intention to do so, the Sub-Committee may refuse to allow the disputed matters to be raised unless satisfied that there are good reasons why it has not been raised beforehand.
5. Upon receipt of the Member's response, the Investigating Officer shall be invited to comment on it within ten working days, and to say whether or not he/she
 - wishes to call relevant witnesses to give evidence or submit written or other evidence to the Sub-Committee
 - wishes any part of the hearing to be held in private
 - wishes any part of the report or other relevant documents to be withheld from the public
6. Upon receipt of the Investigating Officer's response, the Chairman of the Sub-Committee and the Monitoring Officer or other legal adviser will consider the responses of the Subject Member and the Investigating Officer and set a date for the hearing in consultation with the Head of Democratic Services.
7. The Member and the Monitoring Officer are entitled to request that any witnesses they want should be called. However, the Chairman of the hearing may limit the number of witnesses to be called, if he/she believes the number requested is unreasonable and that some witnesses will simply be repeating the evidence of earlier witnesses, or else not providing evidence that will assist the Sub-Committee to reach its decision.

8. Nothing in this procedure shall limit the Chairman of the hearing from requesting the attendance of any additional witnesses whose evidence he/she considers would assist the Sub-Committee to reach its decision.
9. The Monitoring Officer/Legal Adviser, in consultation with the Chairman, will:
 - confirm a date, time and place for the hearing, which must be within three months from the date on which the Investigating Officer's report was completed and not less than fourteen days after the report was sent to the Subject Member
 - confirm the main facts of the case that are agreed
 - confirm the main facts that are not agreed
 - provide copies of any written evidence to the relevant parties
 - confirm which witnesses will be called by the parties
 - provide the parties with copies of the proposed procedure for the hearing, specifying which parts of the matter, if any, may be considered in private

APPENDIX 1 COMPOSITION OF THE HEARING SUB-COMMITTEE

1. The Sub-Committee shall comprise five Members drawn from the full members of the Standards Committee, and of these, three shall be drawn from the Independent Members and Parish representatives, and two shall be elected Members of the Council.
2. The membership of the Sub-Committee will vary for each individual hearing, and will be determined by the Head of Democratic Services on the principles set out below. The Chairman of the Standards Committee will generally be a member of and the Chairman of the Sub-Committee. Otherwise, another independent member will be the Chairman of the Sub-Committee
3. In addition to the Chairman, the membership of the Sub-Committee will include two members selected from the other Independent Members of the Standards Committee and the Parish Members. Where the matter for determination relates to a parish council matter, at least one Parish Member will always be a member of the Sub-Committee.
4. In selecting the membership of a Sub-Committee, the Head of Democratic Services will endeavour to ensure that members are selected in rotation, taking into account their availability for the proposed hearing date, and any possible conflicts of interest. Wherever possible, members of the Assessment (and if relevant the Review Sub-Committee) which considered the complaint will not be appointed to the Hearing Committee, but it is recognised that there are occasions when this may be necessary provided that there is no conflict of interest.
5. Two elected members of the Council shall wherever possible (and it is acknowledged that this will not always be possible) be selected on the following principles:
 - neither Member should be a member of the same Group as the Member who is the subject of the hearing.
 - if the complainant is an elected Member of the Council, neither member should be a member of the same Group as the complainant.
 - The two Members should not be Members of the same Group.
 - Wherever possible there should be a gender balance on the Sub-Committee.

Subject to these principles, the Head of Democratic Services will endeavour to ensure that elected members of the Committee are selected in rotation, taking into account their availability for the proposed hearing date, and any possible conflicts of interest.

6. Once a Sub-Committee has been selected for a hearing, if a Member becomes unavailable to attend, the Head of Democratic Services will select a substitute from the membership of the Standards Committee, in accordance with the above principles.
7. The quorum of the Sub-Committee meeting shall be three members, of whom one must be an independent member, one must be an elected member, and if the hearing concerns a parish matter, the other must be a parish representative.