

**LANCASTER CITY COUNCIL STANDARDS COMMITTEE**

**HEARING PROCEDURE**

1. The Hearing Committee shall decide, on a balance of probabilities, on the evidence presented to it, whether the complaint is upheld.
2. All matters shall be decided by a simple majority of votes cast. If there are equal numbers, the Chairman shall have a second and casting vote.
3. The Independent Person shall attend the hearing in an advisory, non-voting capacity.
4. The meeting will be open to the press and public unless confidential or exempt information is likely to be disclosed.
5. The Procedure for the hearing shall be as follows, but the Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such variation is necessary in the interests of fairness.
6. The Subject Member may be represented or accompanied during the meeting by a solicitor or barrister, or with the permission of the Committee, another person. It is the responsibility of the Subject Member to arrange any representation.
7. The Committee may take legal advice from its legal adviser at any time during the hearing or during its deliberations. The substance of any advice given to the Committee will be shared with the Subject Member and Investigating Officer if they are present at the hearing.
8. At the start of the hearing, the Chairman shall introduce each of the members of the Committee, the Independent Person, the Subject Member (if present), the Investigating Officer (if present) and any other officers present, and shall then explain the procedure which the Committee will follow in the conduct of the hearing.
9. The Committee shall then confirm that it is quorate, and deal with any disclosures of interests.
10. If the Subject Member is not present at the start of the hearing:
  - The Chairman will ask the Monitoring Officer/Legal Adviser whether the Subject Member has indicated his/her intention not to attend the hearing
  - The Committee shall then consider any reasons which the Subject Member has provided for not attending the hearing and shall decide whether it is satisfied that there is sufficient reason for such failure to attend
  - If the Committee is satisfied with such reasons, it shall adjourn the hearing to another date
  - If the Committee is not satisfied with such reasons, or if the Subject Member has not given any such reasons, the Committee shall decide whether to consider the matter and make a determination in the absence of the Subject Member, or to adjourn the hearing to another date.

11. After the preliminary procedures, the Committee will consider whether or not there are any significant disagreements about the facts contained in the Investigating Officer's report.
12. If there is disagreement, the Investigating Officer will present the evidence which is relevant to the facts in dispute. With the permission of the Committee, witnesses can be called to give relevant evidence. The Subject Member, the Committee members and the Independent Person may ask questions of the Investigating Officer or any witness.
13. The Subject Member or his/her representative will then present the evidence that is relevant to the facts in dispute. With the permission of the Committee, witnesses can be called to give relevant evidence. The Investigating Officer, the Committee members and the Independent Person may ask questions of the Subject Member or any witnesses.
14. If the Subject Member disagrees with any relevant fact in the report without having given prior notice, he or she must give good reasons for not mentioning it before the hearing. After considering the Subject Member's explanation, the Committee may continue with the hearing, relying on the information in the report, may allow the Subject member to make representations about the issue and invite the Investigating Officer to respond and call any witnesses as necessary, or may postpone the hearing to arrange for appropriate witnesses to be present.
15. The Committee will consider in private, with the Independent Person, all the evidence which it has heard in order to establish its findings of fact, and to reach a conclusion as to whether there has been a failure to comply with the Code of Conduct. Depending on the complexity of the case, this may be done in two stages, with the Committee first hearing evidence and making findings of fact, and then hearing representations as to whether, on those facts, there has been a failure to comply with the Code of Conduct and making a finding on that issue.
16. At any stage in the consideration of the matter, the Committee may return to ask further questions of the Investigating Officer or the Subject Member or seek further information. The other party will be given an opportunity to comment upon the questions asked or the responses made.
17. At the conclusion of the Committee's deliberations, the Chairman will advise the Subject member and the Investigating Officer of their findings.
18. If the Committee concludes that the Subject Member has failed to comply with the Code of Conduct, the Chairman will invite representations from the Investigating Officer and the Subject Member as to what action, if any, it should take, and will take advice also from the Independent Person. The Committee may ask questions of the Subject Member and the Investigating Officer. The Subject Member will be invited to make any final relevant points.
19. The Committee shall then consider in private, with the Independent Person whether to impose a sanction, and, if so, what sanction to impose and when that sanction should take effect.
20. The sanctions open to the Committee are:
  - to censure the Subject Member
  - to report its findings to full Council

- to recommend the Subject Member's Group leader to remove the member from any or all Committees, or, if appropriate, to recommend the Leader to remove the member from Cabinet
  - to withdraw facilities, such as a computer, or exclude the member from the Council's offices with the exception of meeting rooms as necessary for attending meetings of Council/Committees
21. If the finding relates to the Subject Member's conduct in his/her capacity as a parish councillor, the Committee will report its findings to the parish council, and may make recommendations to the parish council on sanctions.
  22. In deciding to impose a sanction, the Committee shall consider all the relevant circumstances.
  23. The Chairman will announce the decision of the Committee. Written notice of the findings of the Committee will be given as soon as is reasonably practicable to the Subject Member. If the complaint was against the Subject Member as a parish councillor, written notice of the findings of the Committee will be sent to the clerk to the parish council.
  24. The Committee may consider making any recommendations to the authority concerned with a view to promoting higher standards of conduct among its members.
  25. The decision of the Committee, whether or not there has been a finding of breach of the Code of Conduct, will be made public.