

# Hearing procedure

## Setting the scene

1. After all the everyone involved has been formally introduced, the Chair will explain how the Committee is going to run the hearing.

## Preliminary procedural issues

2. The Committee will resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.

## Making findings of fact

3. The Committee will then move on to consider whether there are any significant disagreements about the facts contained in the Investigating Officer's report. If there is no disagreement about the facts, the Committee can move on to the next stage of the hearing.
4. If there is a disagreement, the Investigating Officer, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the Committee's permission, the Investigating Officer may call any necessary supporting witnesses to give evidence.
5. The Committee may give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigating Officer.
6. The Member should then have the opportunity to make representations to support their version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.
7. At any time, the Committee may question any of the people involved or any witnesses, and may allow the Investigating Officer to challenge any evidence put forward by witnesses called by the Member.
8. If the Member disagrees with most of the facts, it may make sense for the Investigating Officer to start by making representations on all the relevant facts, instead of discussing each fact individually.
9. If the Member disagrees with any relevant fact in the Investigating Officer's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. If the Investigating Officer is not present, the Committee will consider whether it would be in the public interest to continue in their absence.
10. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:
  - continue with the hearing, relying on the information in the Investigating Officer's report
  - allow the Member to make representations about the issue, and invite the Investigating Officer to respond and call any witnesses, as necessary
  - postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigating Officer to be present if they are not already
11. The Committee will usually move to another room to consider the representations and evidence in private. On their return, the Chair will announce the Committee's findings of fact.

## Did the Member fail to follow the Code of Conduct?

12. The Committee then needs to consider whether, based on the facts it has found, the Member has failed to follow the Code.
13. The Member should be invited to give relevant reasons why the Committee should decide that they have not failed to follow the Code.
14. The Committee should then consider any verbal or written representations from the Investigating Officer.
15. The Committee may, at any time, question anyone involved on any point they raise on their representations.
16. The Member should be invited to make any final relevant points.

17. The Committee will then move to another room to consider the representations.
18. On their return, the Chair will announce the Committee's decision as to whether the Member has failed to follow the Code.

**If the Member has not failed to follow the Code of Conduct**

19. If the Committee decides that the Member has not failed to follow the Code, the Committee can move on to consider whether it should make any recommendations to the authority.

**If the Member has failed to follow the Code of Conduct**

20. If the Committee decides that the Member has failed to follow the Code, it will consider any verbal or written representations from the Investigating Officer and the Member as to:
  21. whether the committee should apply a sanction
  22. what form any sanction should take
23. The Committee may question the Investigating Officer and Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.
24. The Committee will then deliberate in private to consider whether to impose a sanction on the Member and,
  25. if so, what sanction it should be.
26. On their return, the Chair will announce the Committee's decision.

**Recommendations to the authority**

27. After considering any verbal or written representations from the Investigating Officer, the Committee will consider whether it should make any recommendations to the authority, with a view to promoting high standards of conduct among Members.