

# Documents which support the Constitution Part H

## Hearing Sub Committee Meeting Procedure

<b><u>Item No.</u></b>	<b><u>Procedure</u></b>
1	<p>1.1. Only those members present throughout the entire proceedings will be able to participate in the decision.</p> <p>1.2. The Independent Person may attend at the Monitoring Officer's request, although they are not required to.</p>
2	<p><b><u>Opening</u></b></p> <p>2.1 The Chairman will outline the procedure for the meeting and remind all parties to turn off mobile phones, audible alarms and pagers etc.</p> <p>2.2 The Chairman will ask for apologies for absence to be given and which members are attending as substitute members.</p> <p>2.3 The Chairman will ask the Committee if they agree to the signing of the minutes of the last meeting.</p> <p>2.4 The Chairman will invite Members to declare any interests.</p> <p>2.5 The Committee will be invited to consider whether the public should be excluded from the meeting as the business is likely to involve the disclosure of exempt information and if so to pass the appropriate resolution identifying the relevant paragraph.</p> <p>2.5 The Chairman will ask all present to introduce themselves.</p>
3	<p><b><u>The Complaint</u></b></p> <p>3.1 The Monitoring Officer will introduce their report. The Investigating Officer will be invited to present their report including any documentary evidence or other material and may call witnesses. This report and documentary evidence must be based on the complaint made to the Council.</p> <p>3.2 The Councillor against whom the complaint has been made (or their representative) may question the Monitoring Officer, the Investigating Officer or any witnesses upon the content of the reports. (This is the Councillor's opportunity to ask questions rising from the Monitoring Officer's report and not to make a statement).</p>
4	<p><b><u>The Subject Member's case</u></b></p>

	<p>4.1 The Subject Member against whom the complaint has been made (or their representative) may present their case (and call any witnesses as required by the Subject Member or their representative)</p> <p>4.2 Members of the Committee may question the Subject Member and /or any witnesses.</p>
5	<p><b><u>Summing Up</u></b></p> <p>5.1 The Monitoring Officer or the Investigating Officer may sum up the complaint.</p> <p>5.2 The Subject Member (or their representative) may sum up their case.</p>
6	<p><b><u>Decision</u></b></p> <p>6.1 Members of the Committee will consider the complaint in the light of advice from the Monitoring Officer prior to reaching a decision.</p> <p>6.2 The Chairman will announce the Committee's decision in the following terms:-</p> <p>6.2.1 The Committee decides that the Member has failed to follow the Code of Conduct or</p> <p>6.2.1 The Committee decides that the Member has not failed to follow the Code of Conduct</p> <p>6.2.2 The Committee will give reasons for their decision</p> <p>6.3 If the Committee concludes that the subject Member did not fail to comply with the Code of Conduct they will dismiss the complaint.</p> <p>6.4 If the Committee decides that the Member has failed to follow the Code of Conduct they will consider any representations from the Monitoring Officer and/or the Member as to:</p> <p>6.4.1 Whether any action should be taken and</p> <p>6.4.2 What form any action should take</p> <p>6.5 The Committee will consider what action if any should be taken after considering advice from with the Monitoring Officer.</p> <p>6.6 The Chairman will announce the Committee's decision (in relation to a Parish Councillor a recommendation to the Parish Council)</p> <p>6.7 The Committee will consider whether it should make any recommendations to the Council or in relation to a Parish Councillor to the Parish Council with a view to promoting high standards of conduct among Members</p> <p>6.8 The Chairman will confirm that a full written decision shall be issued within 7 working days following the meeting, that the Committee's</p>

	findings will be published and that there is no right of appeal.
7.	<b>Review of Exempt Information</b>  7.1 If any of the proceedings have been conducted having excluded the press and public, the Committee will consider what information may be released to the public.