

ITEM 10 APPENDIX A

Member Code of Conduct Governance Sub Committee 2 (Hearing Stage) Procedure

1.0 Introduction

- 1.1 The Chair of the Governance Sub Committee (the Chair) will have the responsibility to manage the meeting in line with the following procedure.
- 1.2 The Chair will introduce those present and explain why they are there including any other person/representative. The Chair will explain that the purpose of the meeting is to consider whether the subject Member has breached the Code of Conduct. The Chair will explain how the Hearing will be conducted.
- 1.3 The Hearing will normally be in public unless deemed exempt under Access to Information legislation.
- 1.4 The Subject Member may be accompanied or represented at the Hearing.
- 1.5 The Monitoring Officer will advise the Sub Committee on matters of procedure.

2.0 Statement of Complaint

- 2.1 The Investigating Officer will state what the complaint is and outline the case briefly by going through the evidence that has been gathered without interruptions and call any witnesses.
- 2.2 Questions may be asked on evidence presented by Hearing Members and/or the Subject Member.
- 2.3 Questions must be put through the Chair.
- 2.4 The Subject Member is allowed to see any statements made by witnesses.

3.0 Subject Member's Reply

- 3.1 The Subject Member will be given the opportunity to state his/her case and answer any allegations that have been made, present evidence, call witnesses and also give any explanation for conduct and any special circumstances to be taken into account without interruptions.
- 3.2 Witnesses and/or the Subject Member may be asked questions on their evidence by Hearing Members and/or the Investigating Officer.
- 3.3 The questions must be put through the Chair.
- 3.4 The view of the Independent Person and Parish representative (where appropriate) will be considered.

4.0 General questions and discussion

- 4.1 The Hearing may be adjourned if further investigation is necessary or if appropriate at the request of the Subject Member.
- 4.2 The decision to adjourn is in line with normal Sub Committee rules.

5.0 Summing Up

- 5.1 The Investigating Officer will summarise the main points concerning the complaint.
- 5.2 The Subject Member will be given the opportunity to summarise the main points of their case.
- 5.3 The Subject Member will be given the opportunity to say anything further.
- 5.4 If the Chair at any time becomes satisfied that the Subject Member has provided an adequate explanation and there is no real evidence to support the allegations, the matter will be put to the vote and if appropriate proceedings will be stopped. If there is more than one allegation then that part satisfied shall be formally dispensed with.
- 5.5 The meeting may be adjourned by the Chair under normal Sub Committee rules at any time if further investigation is necessary.
- 5.6 The meeting will be adjourned prior to the decision being made.
- 5.7 The Monitoring Officer and/or Solicitor to the Council may accompany the Sub Committee at an adjournment at the request of the Sub Committee. Any advice given during the adjournment will be shared with the meeting on return.

6.0 Decision

- 6.1 The Chair will put forward the decision under normal sub |Committee rules and a vote will take place.
- 6.2 The decision will be announced.
- 6.3 Prior to any decision on censure the Subject Member will have an opportunity to put forward any mitigation.

7.0 Appeal

- 7.1 The Subject Member has 21 days to appeal against the decision to the Appeals Committee.