

Formal Hearings – Guidance for Setting Hearing Dates

Where possible arrangements for all formal Hearings will be agreed with the Councillor. If a Councillor fails to attend through circumstances outside their control and unforeseeable at the time the meeting was arranged, the Council will arrange another Hearing date subject to the rules below.

There may be occasions when a Councillor is repeatedly unable or unwilling to attend a meeting. This may be for various reasons, including genuine illness or a refusal to face up to the issue. The Council will consider all the facts and come to a reasonable decision on how to proceed.

Considerations may include:

- any rules the organisation has for dealing with failure to attend hearings (see below)
- the seriousness of the conduct issue under consideration
- medical opinion on whether the Councillor is fit to attend the meeting
- how similar cases in the past have been dealt with and /or any formal feedback on timescales for dealing with such issues, e.g. previous tribunal findings.

Where a Councillor continues to be unavailable to attend a Hearing the Authority may conclude that a decision will be made on the evidence available. The Councillor will be informed where this is to be the case.

Rules for dealing with failure to attend a hearing.

1. Where a Hearing date is proposed by the Council and it is not acceptable to the Councillor or their representative a further date will be offered. This will normally be within two weeks of the first date offered unless otherwise agreed to extend the period.
2. If a Councillor's representative cannot attend on a proposed date, the Councillor can suggest another date so long as it is reasonable and no more than two weeks after the date originally proposed by the Authority. The two week limit can be extended by mutual agreement.
3. A decision may be taken in the Councillors' absence if they fail to attend the rearranged Hearing without good reason