

## **PROCEDURAL NOTE**

To ensure a fair and orderly hearing, the Sub-Committee will follow the procedure set out below:

### **1. Quorum:**

- 2.1 Three District Council Members must be present throughout the hearing to form a quorum.
- 2.2 The Sub-Committee shall nominate a District Council Member as Chairman for the meeting.

### **2. Opening**

- 2.3 The Chairman explains the procedure for the hearing.
- 2.4 The Chairman asks all present to introduce themselves.
- 2.5 The Member against whom the complaint has been made (or his/her representative) will be asked whether they wish to briefly outline his/her position.

### **3. The Complaint**

- 3.1 The Monitoring Officer will be invited to present his/her report including any documentary evidence or other material (and to call witnesses as required). This report and documentary evidence must be based on the complaint made to the Council – no new points will be allowed.
- 3.2 The Member against whom the complaint has been made (or his/her representative) may question the Monitoring Officer upon the content of his/her report and any witnesses called by the Monitoring Officer. (This is the Member's opportunity to ask questions arising from the Monitoring Officer's report; not to make a statement.)
- 3.3 Members of the Sub-Committee may question the Monitoring Officer upon the content of his/her report and/or any witnesses called by the Monitoring Officer.

### **4. The Member's Case**

- 4.1 The Member against whom the complaint has been made (or his/her representative) may present his/her case (and call any witnesses as

required).

4.2 The Monitoring Officer may question the Member and/or any witnesses.

4.3 Members of the Sub-Committee may question the Member and/or any witnesses.

## **5. Summing Up**

5.1 The Monitoring Officer may sum up the Complaint.

5.2 The Member (or his/her representative) may sum up his/her case.

## **6. Decision**

6.1 Members of the Sub-Committee will deliberate in private to consider the complaint, in consultation with the Independent Person, prior to reaching a decision.

6.2 Upon the Sub-Committee's return the Chairman will announce the Sub-Committee's decision in the following terms:-

(a) The Sub-Committee has decided that the Member has failed to follow the Code of Conduct or

(b) The Sub-Committee has decided that the Member has not failed to follow the Code of Conduct.

(c) The Sub-Committee will give reasons for its decision.

6.3 If the Sub-Committee has decided that the Member has failed to follow the Code of Conduct the Sub-Committee will consider any representations from the Monitoring Officer and/or the Member as to:

(a) Whether any action should be taken and

(b) What form any action should take.

6.4 The Sub-Committee will then deliberate in private to consider what action if any should be taken, in consultation with the Independent Person.

6.5 On the Sub-Committee's return the Chairman will announce the Sub-Committee's decision (or, in relation to a Parish/Town Councillor, its recommendation to the Parish/Town Council).

6.6 The Sub-Committee will consider whether it should make any recommendations to the Council or, in relation to a Parish/Town Councillor, to the Parish/Town Council with a view to promoting high standards of conduct

among Members.

6.7 The Chairman will confirm that a full written decision will be issued within 7 working days following the hearing and that the Sub-Committee's findings will be published

**7. Close**

7.1 The Chairman will then close proceedings.