

Bath & North East Somerset Council

MEETING:	Standards Committee
MEETING DATE:	6 th December 2012
TITLE:	Local Hearings Procedure
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Draft Procedure	

1 THE ISSUE

1.1 To agree a procedure for Hearings.

2 RECOMMENDATION

The Committee is asked to agree the procedure attached at Appendix 1.

3 FINANCIAL IMPLICATIONS

3.1 None.

Contact person	<i>Vernon Hitchman Monitoring Officer & Divisional Director (Legal & Democratic Services)</i>
Background papers	<i>None</i>
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APPENDIX 1

STANDARDS COMMITTEE HEARING PROCEDURE

1. Purpose of hearing

To consider the report concerning the allegation made about the conduct of Councillor X.

2. Material to be provided to the hearing

The Monitoring Officer/his representative will provide a report which will identify the relevant facts and provisions of the Code of Conduct.

3. Procedure

In attendance:-

Committee Members, Committee Administrator, Legal Adviser (who will be the Monitoring Officer or his representative), Complainant and/or his representative, any witnesses, Councillor X, his or her representative (if any) and his or her witness(es).

1. The Chairman introduces the Committee, its advisers, checks quorum. Any declarations of interest? If relevant should the Committee proceed in the absence of councillor the subject of the complaint or the complainant.
2. The Chairman indicates what material the Committee has before it.
3. The Chairman explains the procedure to be followed:-
 - (i) should the Committee exclude the press/public?
 - (ii) the complainant (or representative) explains why it is considered the Code has been breached.
 - (iii) the Monitoring Officer presents the report prepared.
 - (iv) the complainant explains why it is considered the Code has been breached.
 - (v) the Committee seeks clarification of any points if necessary.
 - (vi) Councillor X is asked whether he has any queries and, if so and subject to the agreement of the Chair, such queries are put to the complainant.
 - (vii) Councillor X presents his case.
 - (viii) the Committee seeks any necessary clarification.

- (ix) the complainant Councillor X is asked whether he has any queries and, if so and subject to the agreement of the Chair, such queries are put to the complainant.
- (x) the complainant may sum up.
- (xi) Councillor X may sum up.
- (xii) the Committee retire to consider decision.
- (xiii) wherever possible, any necessary legal advice will be given publicly but the Committee reserve the right to seek it privately in exceptional circumstances.
- (xiiii) Decision with brief reasons announced by the Chairman.
- (xv) Minutes of meeting are prepared and published in accordance with the usual Committee requirements.

Notes:

- (1) The Committee, subject to the above, will regulate its own procedure having regard to the principles of natural justice and the law.
- (2) Issues such as relevance of material before the Committee, objections and so on will be determined by the Chairman.
- (3) The Committee will consider carefully the position covering public/private business in accordance with the requirements of the Local Government Act 1972 (as amended), the Freedom of Information Act and relevant regulations.