

## BATH AND NORTH EAST SOMERSET COUNCIL STANDARDS COMMITTEE HEARING PROCEDURE

Members should bear in mind that a Standards Committee Hearing is a formal meeting of the Authority and is not a Court of law. It does not hear evidence under oath, but it does decide factual evidence on the balance of probabilities.

The Standards Committee should work at all times in a fair, independent and politically impartial way. This helps to ensure that members of the public and Members of the Authority have confidence in its procedures and findings. The Chair and the Committee have the ability to amend the procedures as necessary from time to time as circumstances of individual cases to ensure the procedures fair and independent

The Committee will follow the following stages:-

- (1) Formal introductions
- (2) Making Findings of Fact
- (3) Did the Subject Member fail to follow the Code of Conduct?
- (4) Any sanctions if the Subject Member has been found to have breached the Code of Conduct
- (5) Decision.

### **Stage 1      Formal introductions.**

The Chair will outline how the Committee will be run and deal with any preliminary procedural issues. For example, determine whether the matter should be held in private and the reasons for this.

### **Stage 2      Making Findings of Fact**

The Committee will consider whether there are any significant disputed facts contained within the Investigation Report.

If there are no disputed facts, the Committee will move onto the next stage.

If there is a dispute, the Investigator will be invited to make representations to support the relevant findings of fact in the Report.

The Investigator may call any necessary supporting witnesses to give evidence.

The Subject Member will then have an opportunity to challenge any evidence put forward.

The Subject Member will make representations to support their version of facts and call evidence as necessary.

The Investigator will be given the opportunity to challenge any evidence put forward by the Member.

The Committee can at any time ask any questions or seek clarification from either party via the Chair.

The Committee will retire, along with the Monitoring Officer, to deliberate on the representations and evidence.

On their return, the Chair will announce the Committee's findings of fact.

### **Stage 3 Did the Subject Member fail to follow the Code of Conduct?**

The Subject Member will be invited to make representations why the Committee should decide that they have not breached the Code of Conduct.

The Committee will invite the Investigator to make any verbal or written representations.

The Committee will raise /clarify issues. The views of the Independent Person will be sought.

The Subject Member should be invited to make any final, relevant points as to whether there has been a breach of the Code of Conduct.

The Committee will retire, along with the Monitoring Officer, to determine whether there has been a breach of the Code of Conduct.

On their return, the Chair will announce the Committee's decision as to whether the Subject Member has failed to follow the Code.

If the Committee decides that the Subject Member has not failed to follow the Code, the Committee can move onto consider whether it should make any recommendations to the Authority or the Monitoring Officer following the investigation, to promote high standards of behaviour.

### **Stage 4 If the Subject Member has been found to have breached the Code of Conduct**

The Committee will consider any verbal or written representations from the Investigator and the Subject Member as to:-

- Whether the Committee should apply a sanction;
- What form any sanction should take.

The Committee will raise /clarify issues. The views of the Independent Person will be sought.

The Committee will retire, along with the Monitoring Officer, to determine whether to impose a sanction and if so, what it should be.

### **Stage 5      Decision**

On their return, the Chair will announce the Committee's decision.

After considering any verbal or written representations from the Investigator, the Committee will decide whether it should make any recommendations to the relevant Authority with a view to promoting high standards of conduct.

A full written decision will be provided to all parties as soon as reasonably practicable after the Hearing.

There is no formal right of appeal.