

THE BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

STANDARDS COMMITTEE HEARING PROCEDURE

1. The Panel

- 1.1 The Hearings Panel (a Sub-Committee of the Council's Standards Committee) shall comprise a maximum of three members of the Council's Standards Committee. The appointed Hearings Panel shall nominate a Hearings Panel Chair.
- 1.2 The Independent Person shall be invited to attend all meetings of the Hearings Panel.
- 1.3 The complainant may be asked by the Investigating Officer to attend and give evidence if the Investigating Officer considers it necessary.
- 1.4 Where the complaint refers to a Parish Councillor, if there are non-voting Parish members of the Standards Committee, one Parish member of the Standards committee may also attend.
- 1.5 The quorum for hearings by the Panel shall be three members of the Panel.

2. Opening

- 2.1 The Chair shall explain the procedure for the hearing and ask all present to introduce themselves.

3. The Complaint

- 3.1 The Investigating Officer shall be invited to present their report, including any documentary evidence, call such witnesses, including the complainant, as they consider necessary and make representations to substantiate their conclusion that the member has failed to comply with the Code of Conduct. The report and documentary evidence must be based on the complaints made to the Council, any additional points will not be allowed.
- 3.2 The subject member against whom the complaint has been made (or their representative) may question the Investigating Officer upon the content of their report and may question any witnesses called by the Investigating Officer. (This is the subject member's opportunity to ask questions arising from the investigator's report, but not to make a statement).
- 3.3 Members of the Hearings Panel may question the Investigating Officer upon the content of their report and/or question any witnesses called by the Investigating Officer.

4. The Member's Case

- 4.1 The member, against whom the complaint has been made, (or their representative) may present their case (and call witnesses as required).
- 4.2 The Investigating Officer may question the member and/or any witnesses.
- 4.3 Members of the Hearings Panel may also question the member and/or any witnesses.

5. Summing Up

- 5.1 The Investigating Officer shall sum up the complaint.
- 5.2 The member (or their representative) may sum up their case.

6. Decision

- 6.1 Members of the Hearings Panel will deliberate in private to consider the complaint in consultation with the Independent Person (if in attendance) prior to reaching a decision.
- 6.2 On the Hearings Panel's return, the Chair will announce the Panel's decision in the following terms:
 - a) the Hearings Panel decides that the member has failed to follow the Code of Conduct or;
 - b) the Hearings Panel decides that the member has not failed to follow the Code of Conduct.

The Hearing Panel will give reasons for their decision.

- 6.3 If the Hearings Panel decides that the member has failed to follow the Code of Conduct, the Panel will give the member the opportunity to make presentations to the Panel and will consider any representations from the Investigating Officer as to:
 - a) whether any action should be taken and,
 - b) what form any action should take.
- 6.4 The Hearings Panel shall then deliberate in private. They may consult with the Monitoring Officer and/or the Independent Person if present, to consider what action, if any, should be taken.
- 6.5 On the Hearings Panel's return, the Chair shall announce the Panel's decision as to any actions which the Hearings Panel resolves to take (or in relation to a Parish Councillor their recommendation to the Parish Council).

- 6.6 The Hearings Panel shall consider whether it should make any recommendations to the Council (or in relation to a Parish Councillor, to the Parish Council) with a view to promoting high standards of conduct among Council members.
- 6.7 At the end of the meeting, the Chair shall confirm that a formal decision notice will be prepared by the Monitoring Officer and that within 7 working days following the Hearing, a copy will be sent to the complainant, and to the member and to the Parish Council, if applicable. The Chair shall also confirm that the decision notice will be made available for public inspection and reported to the next meeting of the Standards Committee.