

PART 5.1.2 ANNEX 5

GOVERNANCE COMMITTEE HEARING

PROCEDURE

<u>ITEM NO.</u>	<u>PROCEDURE</u>	<u>NOTES</u>
1.	<p><u>Quorum</u></p> <p>1.1 Three voting members must be present throughout the hearing to form a quorum.</p> <p>1.2 Where the complaint refers to a Parish Tier Councillor a co-opted Parish Tier Councillor of the Governance Committee should be present.</p> <p>1.3 The Governance Committee shall nominate a Chair for the meeting, where neither the Chair nor Vice Chair of the Committee are in attendance.</p>	
2.	<p><u>Opening</u></p> <p>The Chair will-</p> <p>2.1 Explain the procedure for the hearing and remind all parties to turn off mobile phones, audible alarms and pagers, or other equipment that either is capable of recording the meeting or interrupting proceedings.</p> <p>2.2 Ask all present to introduce themselves.</p> <p>2.3 Ask the Councillor against whom the complaint has been made (“the subject Councillor”), or their representative, whether they wish to briefly outline the subject Councillor’s position.</p>	

3.	<p><u>The Complaint and Investigator's Findings</u></p> <p>3.1 The Investigating Officer will be invited to present their report, including any documentary evidence or other material, and to call any witnesses they require.</p> <p>3.2 The subject Councillor, or their representative, may question the Investigating Officer upon the content of their report and any witnesses that have been called about the evidence they have provided.</p> <p>3.3 Members of the Committee may question the Investigating Officer on the content of their report and comments made to the Committee as well as any witnesses present.</p>	<p>3.1.1 The report and other information referred to must be based on the complaint made to the Council and no new points will be allowed.</p> <p>3.2.1 This is the subject Councillor's opportunity to ask questions arising from the Investigator's report only and not to make a statement</p>
4.	<p><u>The Councillor's Case</u></p> <p>4.1 The Subject Councillor or their representative may present their case and call any witnesses in support.</p> <p>4.2 The Investigating Officer may question the subject Councillor or witnesses.</p> <p>4.3 Members of the Committee may question the Subject Member or witnesses.</p>	<p>4.1.1 Only evidence related to the information in the Investigator's Report will be allowed, not new evidence or issues.</p>
5.	<p><u>Summing Up</u></p> <p>5.1 The Investigator may sum up the Complaint.</p> <p>5.2 The Member or their representative may sum up their case.</p>	
6.	<p><u>The Decision</u></p> <p>6.1 The Committee will leave the room to consider the case presented in consultation with the Independent Person,</p>	<p>6.1.1 This will include voting and non-voting co-opted members of the Committee</p>

	<p>if present, and may request the Monitoring Officer or other legal advisor to the Committee to accompany them.</p> <p>6.2 On the Committee's return the Chair will announce the Committee's decision, namely that either-</p> <ul style="list-style-type: none"> • The Committee decides that the subject Councillor has failed to follow the Code of Conduct; or • The Committee decides that the subject Councillor has not failed to follow the Code of Conduct; and • The Committee will give reasons for its decision. <p>6.3 If the Committee decides that the subject Councillor has failed to follow the Code of Conduct, it will then hear from the Investigator and the subject Councillor or their representative as to-</p> <ul style="list-style-type: none"> • Whether any action should be taken in relation to the subject Councillor, and if so • What form that action should take; and • Whether any recommendations should be made to the Council, or where appropriate the Parish or Town Council, with a view to promoting high standards of conduct amongst Councillors. <p>6.4 The Committee will leave the room to consider these representations and to decide what if any action should be taken, in consultation with the Independent Person, if present, and may request the Monitoring Officer or other legal advisor to the Committee to accompany them.</p> <p>6.5 On the Committee's return the Chair will announce the Committee's decision.</p> <p>6.6 The Chair will confirm that a full written decision shall be issued within 10 working days following the hearing and that the Committee's findings will be published as</p>	<p>6.4.1 & 6.5.1 Where the subject Councillor is a Parish Tier Councillor the Committee can only make recommendations to the Parish Tier Council as to the action that it feels appropriate.</p> <p>6.6.1 This will include the publication of a decision on the Council's website and</p> <p>6.6.2 A copy will be sent to</p>
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