

PARISH STANDARDS SUB-COMMITTEE

20 SEPTEMBER, 2007

HEARING PROCEDURE NOTE

A. PRELIMINARY MATTER

1. Welcome and introductions.
2. The Chairman will read out the allegations made against Mr. Stokes.
3. The Committee will determine whether the matter should be held in public, or whether the press and public should be excluded in accordance with the Local Government Act 1972, Schedule 12a (Part VA).

B. MATTERS/DISAGREEMENT OF FACT

4. The Committee will resolve any issues or disagreements about how the hearing should continue (in particular any questions or disagreements concerning the investigating officer's report).
5. If there are advanced notifications of a disagreement, the investigator will be invited to make any necessary representations to support the relevant findings of fact in the report. The Committee may agree to the investigator calling witnesses to support the matters of facts. The Committee may give Mr. Stokes an opportunity to challenge any evidence put forward by the investigating officer, including questions of his witnesses.
6. Mr. Stokes will then have an opportunity to make representations to support his version of the facts, and will be entitled to call witnesses to give evidence.
7. At any time, the Sub-Committee may question any of the people involved, or any of the witnesses, and may allow the investigating officer to challenge any evidence put forward by witnesses called by Mr. Stokes.
8. If Mr. Stokes disagrees with any relevant facts in the investigator's report, without having given prior notice of the disagreement, he must give good reasons for not mentioning it before the hearing. After considering Mr. Stokes' explanation for not raising the issue at an earlier stage, the Committee may (at its discretion) then -
 - a) Continue with the hearing relying on the information in the investigator's report;
 - b) Allow Mr. Stokes to make representations about the issue, and invite the investigator to respond and call any witnesses as necessary;

or

- c) Postpone the hearing to arrange for appropriate witnesses to be present, and for the investigator to be present if he is not already.
9. The Committee will request all parties to move to another room whilst it considers the representations and evidence.
 10. The Chairman will announce the Committee's findings of facts (only).

C. CONSIDERATION OF THE ALLEGATIONS

11. The Committee will next consider whether or not, based on the facts it has found, the Member has failed to follow the Code of Conduct.
12. Mr. Stokes will be invited to give relevant reasons why the Committee should not decide that he has failed to follow the Code.
13. The Committee will then consider any verbal or written representations from the investigator.
14. The Committee may, at any time, question anyone involved on any point that they raise in their representation.
15. Mr. Stokes should be invited to make any final relevant points.
16. The Committee will request all parties to move to another room to consider the representations.
17. The Chair will announce the Committee's decision as to whether or not Mr. Stokes has failed to follow the Code of Conduct.
18. The Committee will announce its decision on the day. This will be followed by a full written decision shortly at the end of the hearing.

D. SANCTION (If any)

19. In the event that the Committee find Mr. Stokes to have failed to follow the Code of Conduct, the Investigating Officer will be invited to give a view as to sanctions and Mr. Stokes will be given an opportunity to respond. The Committee will discuss the question of sanction in private and advise Mr. Stokes of its decision once made.