

Standards Committee
Hearings Panel Procedure

1. The various parties are identified.
2. The Legal Adviser to the Panel will ask the Member to confirm that he/she received notice of the hearing and of his/her right to be represented.
3. The Legal Adviser to the Panel will explain the procedure to be followed and advise parties that the written report and all supporting papers have been received and have been placed before Panel Members. Therefore it is expected that oral submissions will be by way of a succinct summary of the key points and will address any points of dispute. All questions to be addressed through the Chair.
4. The Chair will ask the Democratic Services Officer if notice of a representative or witness has been received. If so, Members will decide whether the representative/witness will be allowed.
5. The Chair will set out the nature of the complaint.
6. The Monitoring Officer will present his/her report.
7. The Chair will ask the Investigating Officer/ESO if they dispute any of the facts as set out in the report.
8. The Chair will ask the Member if they dispute any of the facts as set out in the report.
9. If there is a dispute as to the facts, the Chair will invite the Investigating Officer/ESO to make submissions on those facts and call any witnesses.
10. The Member will be given an opportunity to ask questions of the Investigating Officer/ESO and any witnesses called.
11. The Panel Members may ask questions of the Investigating Officer/ESO and any witnesses.
12. The Member will be given an opportunity to make submissions on those facts and call any witnesses.
13. The Investigating Officer/ESO may ask questions of the Member and any witnesses.
14. The Panel Members may ask questions of the Member and any witnesses.
15. The Panel will retire to determine the facts.
16. The Panel will return and announce their findings of fact.
17. The Chair will invite representations from the Investigating Officer/ESO as to whether the findings amount to a breach of the Code.

18. The Member may ask the Investigating Officer/ESO questions on his/her representations.
19. The Panel Members may ask questions of the Investigating Officer/ESO.
20. The Chair will invite representations from the Member as to whether the findings amount to a breach of the Code.
21. The Investigating Officer/ESO may ask the Member questions on his/her representations.
22. The Panel Members may ask questions of the Member.
23. The Panel will retire to determine if a breach of the Code has occurred.
24. The Panel will return and announce their decision.
25. If the Panel determine there has not been a breach of the Code, the Chair will close the hearing.
26. If the Panel determine there has been a breach of the Code, the Chair will invite submissions from the Investigating Officer/ESO in respect of which sanction(s) should be applied.
27. The Chair will invite submissions from the Member in respect of which sanction(s) should be applied.
28. The Panel will retire to determine the appropriate sanction.
29. The Panel will return and announce their decision.
30. The Member will be notified of his/her right to seek permission to appeal.
31. As soon as possible thereafter the decision is confirmed in writing to all parties. The letter advises the Member of his/her right of appeal.

Note

It is an important principle of the rules of natural justice that members who take part in the deliberations and decision-making should only do so if they have been present for the whole of the hearing.

A party may seek to introduce new matters at the hearing. Legal advice should be sought on whether to allow the evidence or to proceed or adjourn to allow all parties time to consider the new matters.