

Reading Borough Council
Standards Committee
Hearing Procedures - Final Hearings

Context

1. These Hearing Procedures form part of the Council's Arrangements for dealing with allegations of misconduct under the Localism Act.
2. The Standards Committee is delegated to keep these arrangements under review and to amend them from time to time.
3. To encourage the confidence of members and the public the following procedures have been adopted by the Standards Committee to ensure a consistent approach is taken to determining matters locally.
4. The Hearings Panel is a sub-committee of the Standards Committee. The Panel will comprise of three voting members of the Standards Committee (councillors) selected by the Monitoring Officer in consultation with the Chair of the Standards Committee. The councillors shall, wherever possible, be selected on a politically proportionate basis. Where possible, the councillors serving on the Panel should have no prior dealings with the complaint.
5. Where possible, an Independent Member is invited to Chair the Panel but legally cannot vote on the decision.
6. The investigation shall be carried out promptly, with the expectation that all investigations, possible informal local resolutions and hearings will be completed within a maximum period of three months. All those involved in the complaint should do their utmost to ensure that this can happen.
7. There will be an expectation that the Hearing will sit from 10.00am to 4.00pm and if there is a need for the hearing to continue then the hearing will re-convene the following day.

INTERPRETATION

Independent Person - is a person appointed by the Council under the Localism Act to give a view on the complaint at various stages in the complaints handling procedure.

Investigator - means an officer of the Council or an independent investigator appointed by the Monitoring Officer and who has provided the report which is the basis for the Hearing.

Legal Advisor - means the officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.

Subject Member - means the councillor or co-opted member of the authority who is the subject of the allegation being considered by the Standards Committee's Hearings Panel, unless otherwise stated.

Pre-hearing Process

8. The Monitoring Officer or the Hearings Panel may conduct a pre-hearing process in order to narrow the issues between the parties and make appropriate provision for the smooth running of the Hearing. Where this happens the Monitoring Officer will provide a letter to all parties outlining the issues to be determined for and the arrangements for making decisions about all such matters.
9. In complex cases it may be appropriate for the Hearings Panel to meet in advance to deal with all such procedural issues but the Monitoring Officer will provide an agenda for such meeting outlining the matters to be resolved.
10. The Legal Advisor will advise the Chair whether the procedural meeting should be in public or private. The Access to Information Rules will apply to this hearing as it would apply to any other meeting of the Council. In order to air procedural matters properly in advance of a hearing it is normally expected that any pre-hearing Panel will take place in private unless there are exceptional circumstances which dictate otherwise.

Hearings Procedure

11. At the start of the Hearing the Chair will:
 - Introduce members of the Hearings Panel and others in attendance
 - Explain the purpose of the meeting and how it will proceed
12. The Legal Advisor will advise the Chair whether the hearing should be in public or private. The Access to Information Rules will apply to this hearing as it would apply to any other meeting of the Council. In order to give confidence to the public it is expected that the Panel will take place in public unless there are exceptional circumstances which dictate otherwise.
13. The Chair will then resolve any other issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.
14. If there are disagreements about the facts, the Investigator, if present, will be invited to make representations to support the findings of their report and with the Chair's permission to call supporting witnesses. The Panel will give the Subject Member an opportunity to challenge any evidence put forward by a witness but any direct questions are put through the Chair.
15. The Subject Member will then have the opportunity to make representations to support his or her version of the facts and with the Chair's permission to call supporting witnesses. The Panel will give the Investigator an opportunity to challenge any evidence put forward by the Subject Member or a witness.
16. At any time the Panel may question the Investigator, the Subject Member or their witnesses.
17. The Panel will not allow the Subject Member to raise a disagreement with the facts which was not raised prior to the hearing, unless the Member satisfies the Panel there were good reasons for not raising the disagreement before. If the Investigator is not present, the Panel will consider whether or not it would be in the public interest to continue in the Investigator's absence. After considering the

position and the Subject Member's explanation for not raising the disagreement at an earlier stage the Panel may:

- (a) Continue the hearing, relying on the information in the Investigator's report;
 - (b) Allow the Subject Member to make representations about the issue and invite the Investigator to respond and call any witnesses necessary; or
 - (c) Postpone the hearing to arrange for the Investigator to be present if he or she is not already or for appropriate witnesses to be present.
18. The Independent Person will be invited to contribute questions or comments to the extent that the Panel find this helpful. It is not essential that the Independent Person is present for the Hearing. The view of the Independent Person will have been sought earlier in the process and the Monitoring Officer or Legal Advisor will be able to relay these comments to the Panel.
 19. The Investigator and Subject Member will normally be given the opportunity to make short closing statements before the Committee retires to reach its decision. The Independent Person, if present, will be invited to express a view before the closing statement of the Subject Member.
 20. The Subject Member will speak last to have the final say.
 21. The Panel will then consider its decision in private with the Legal Advisor.
 22. If any clarification is needed as part of this process, this will be undertaken with all parties present.
 23. On their return to the hearing, the Chair will announce the Panel's findings of fact and whether the Subject Member has failed to follow the Code of Conduct.
 24. If the Panel decides that the Subject Member has failed to follow the Code of Conduct, the Chair will inform the Subject Member of this finding.
 25. The Investigator, the Independent Person (if present) and the Subject Member will be invited to make any final relevant points as regards the sanction which should be imposed. The possible sanctions are outlined in the Council's published Arrangements Document.
 26. The Panel will then consider the representations and make its decision in private (with the Legal Advisor) and will consider any representations as to:
 - (a) Whether or not the Panel should impose a sanction; and
 - (b) What form any sanction should take.
 27. The Chair will then announce the Panel's decision.
 28. The Panel will then consider whether it will make any recommendations to the Standards Committee or the Council on any future preventative measures or tightening up procedures, with a view to promoting high standards of conduct among members. In doing so they will consider any representations from the Investigator and the Independent Person.
 29. The Panel will announce its decision on the day and provide a short form of written decision on that day. It will issue a full written decision as soon as practicable and send it to all concerned with the Hearing.