



Leicester
City Council

LECESTER CITY COUNCIL STANDARDS PANEL

HEARING PANEL (SUB-PANEL) HEARING PROCEDURE

Interpretation

1. 'Member' means the member of the authority who is the subject of the allegation being considered by the Standards Panel, unless stated otherwise. It also includes the member's nominated representative.
2. 'Investigator' means the Monitoring Officer, an external Investigator appointed by the Monitoring Officer or Ethical Standards Officer and includes his or her nominated representative.
3. 'Panel' refers to the Standards Hearing Panel .
4. 'Legal advisor' means the officer responsible for providing legal advice to the Panel. This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.

Representation

5. The Member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the Panel, another person.

Legal advice

6. The Panel may take legal advice from its Legal advisor at any time during the hearing or while they are considering the outcome. The Member and the Investigator if they are present should be advised of the substance of any legal advice given by the Legal advisor in the absence of the parties.

Setting the scene

7. After all the Panel and everyone else present and involved have been formally introduced, the Chair should explain how the Panel is going to run the hearing.

Preliminary procedural issues

8. The Panel should consider whether any part of the hearing should be held in private and whether the Investigator's report should remain exempt on the grounds that it contains exempt information as set out in law.
9. The Panel should resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the prehearing process.

Making findings of fact

10. After dealing with any preliminary issues, the Panel should move on to consider whether or not there are any significant disagreements about the facts contained in the Investigator's report.
11. If there is no disagreement about the facts, the Panel can move on to the next stage of the hearing.
12. If there is a disagreement, the Investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the Panel's permission, the Investigator may call any necessary supporting witnesses to give evidence. The Panel may give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigator.
13. The Member should then have the opportunity to make representations to support his or her version of the facts and, with the Panel's permission, to call any necessary witnesses to give evidence.
14. At any time, the Panel may question any of the people involved or any of the witnesses, and may allow the Investigator to challenge any evidence put forward by witnesses called by the Member.
15. If the Member disagrees with any relevant fact in the Investigator's report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the Investigator is not present, the Panel will consider whether or not it would be in the public interest to continue in his or her absence. After considering the Member's explanation for not raising the issue at an earlier stage, the Panel may then:
 - (a) Continue with the hearing, relying on the information in the Investigator's report;
 - (b) allow the Member 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, or for the Investigator to be present if he or she is not already.
16. The parties will leave the room to allow the Panel to consider the representations and evidence in private.

17. On their return, the Chair will announce the Panel's findings of fact.

Did the member fail to follow the code?

18. The Panel needs to consider whether or not, based on the facts it has found, the member has failed to follow the Code of Conduct.

19. The Member should be invited to give relevant reasons why the Panel should not decide that he or she has failed to follow the Code.

20. The Panel should then consider any verbal or written representations from the Investigator.

21. The Panel may, at any time, question anyone involved on any point they raise in their representations.

22. The Member should be invited to make any final relevant points.

23. The Panel will then ask the parties to leave the room to allow them to consider the representations.

24. On their return, the Chair will announce the Panel's decision as to whether or not the Member has failed to follow the Code of Conduct.

If the member has not failed to follow the Code of Conduct

25. If the Panel decides that the Member has not failed to follow the Code of Conduct, the Panel can move on to consider whether it should make any recommendations to the Standards Committee.

If the member has failed to follow the Code

26. If the Panel decides that the Member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the Investigator and the Member as to:

- (a) whether or not the Panel should apply a sanction; and
- (b) what form any sanction should take.

The Hearing Panel may make recommendations to the Standards Committee for the following sanctions to be applied:

- a. Censure or reprimand the Member by letter
- b. Press release of findings
- c. Report findings to Council for information (with or without a subsequent motion of censure being proposed by Council)
- d. Recommendation to Group (or Full Council in the case of ungrouped Members) of removal from Committees/subcommittees of Council
- e. Recommendation to Elected Mayor that the Member be removed from The Executive, or from particular portfolio responsibilities

- f. Recommendation that the Member be removed from outside bodies to which they have been appointed by the Council
 - g. Withdrawal of facilities provided to the Member by the Council
 - h. Excluding the Member from the Council's offices or other premises (with the exception of accessing meetings of Council, Committees and subcommittees)
 - i. Instructing the Monitoring Officer to arrange training for the Member
27. The Panel may question the Investigator and member, and take legal advice, to make sure they have the information they need in order to make an informed decision.
28. The Panel will then ask the parties to leave the room to allow them to consider whether or not to recommend the imposition of impose a sanction on the Member and, if so, what the sanction should be.
29. On their return, the Chair will announce the Panel's decision.

Recommendations to the authority

30. After considering any verbal or written representations from the Investigator, the Panel will consider whether or not it should make any recommendations to the Standards Committee, with a view to promoting high standards of conduct among members.

The written decision

31. The Panel will announce its decision on the day and provide a short written decision within one working day. It will issue a full written decision normally within 2 weeks. A copy of both decisions will be circulated to the Member, Monitoring Office and the full Panel.