

HEARING PROCEDURE FOR THE STANDARDS COMMITTEE

Interpretation

1. “Member” means the Member of the Authority, which includes, Oxford City Council Council or any Parish Council, who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise.
2. “Investigator” means the Investigating Officer nominated by the Monitoring Officer to carry out the investigation.
3. “Committee” refers to the Standards Committee.
4. “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 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 Committee, another person.

Legal Advice

6. The Committee may take legal advice from its legal advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given, to the Committee would be shared in the public domain with the Member and the Investigator if they are attending the hearing.

Setting the Scene

7. The Chair will formally introduce all Members of the Committee and everyone who is formally involved in the Committee. The Chair will then explain that the Committee is following a set procedure to ensure a fair and consistent approach is adopted which follows the principles of natural justice.

Preliminary Procedure Issues

8. The Committee should then resolve any issues of disagreement about how the hearing should continue, which has not been resolved during the pre-hearing process.

Making finding of facts

9. After dealing with any preliminary issues, the Committee should then move on to consider whether or not there are any significant disagreements about the facts contained in the Investigator's report.
10. If there are no disagreement about the facts, the Committee can move on to the next stage of the hearing at 18.
11. If there is a disagreement, the Investigator, if present should be invited to make any necessary representations to support the relevant findings of facts in the report. With the Committee's permission, the Investigator may call any necessary supporting witnesses to give evidence. The Committee may give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigator.
12. The Member should then have the opportunity to make representations to support his or her version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.
13. At any time, the Committee 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.
14. If the Member disagrees with most of the facts, it may make sense for the Investigator to start by making representations on all the relevant facts, instead of discussing each fact individually.
15. If a 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 Committee 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 Committee 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 the Investigator to be present if he or she is not already.
- 16. The Committee will usually request all persons leave the room while they consider the representations and evidence in private.
- 17. On their return, the Chair will announce the Committee's finding of fact.

Did the Member fail to follow the code

- 18. The Committee then needs to consider whether or not based on the fact 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 Committee should not decide that he or she has failed to follow the Code.
- 20. The Committee should then consider any verbal or written representations from the Investigator.
- 21. The Committee 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 Committee will usually request all persons leave the room while they consider the representations.
- 24. On their return, the Chair will announce the Committee'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 Committee decides that the Member has not failed to follow the Code of Conduct, the Committee can move on to consider whether it should make any recommendations to the Authority.

If the Member has failed to follow the Code of Conduct

- 26. If the Committee 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 the Committee should set a penalty; or
 - (b) what form the penalty should take

27. The Committee 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 Committee will request that all persons leave the room while they consider whether or not to impose a penalty on the Member and, if so, what the penalty should be.
29. On their return the Chair will announce the Committee's decision.

Recommendations to the Authority

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

The written decision

31. The Committee will announce its decision on the day and provide a short written decision on that day. It will also need to issue a full written decision within 2 weeks.
32. The decision will be circulated to all relevant persons including Standards For England.