



**GUIDE TO HEARINGS**  
**STANDARDS COMMITTEE**  
**2006/2007**

**CHAIR**

Mr John Mann (Independent Member)

**MEMBERS OF THE COMMITTEE**

Ms Rochelle Gelman (Independent Member)  
Cllr Reg Colwill  
Cllr James Powney  
(Plus one Lib Dem)

## **Guide to Hearings**

1. The Chair will open the meeting and introduce the parties.
2. **Preliminary Matters**
  - 2.1 The Chair will ask Members to declare any interests and confirm that the committee is quorate for the purposes of the hearing.
  - 2.2 The Chair will ask the parties to confirm that they have received the guidance on the procedure to be followed. If the procedure for a particular hearing is different to the Guidance the Chair or, upon the Chair's invitation, the Monitoring Officer, will describe this procedure.
  - 2.3 The Chair will ask the parties whether there are any issues or disagreements Pre Hearing Summary and procedure.
  - 2.4 The Chair will then ask the Members of the Committee to consider and vote upon:
    - a) whether any part of the hearing should be in private
    - b) whether any limitation should be placed on the number of witnesses the Member will be entitled to call; and
    - c) if necessary, whether the Member is entitled to be represented by a person nominated by him or her (if not a barrister or solicitor).
  - 2.5 The Chair will invite the Monitoring Officer to outline the details of the Pre-Hearing Summary (its part may be dispensed with by agreement).
3. **The Investigator presents his or her findings:-**
  - a) An oath will be administered in respect of any witness when they are called to give evidence.
  - b) The Chair will invite the Investigator to question witnesses as permitted by the Standards Committee
  - c) The Chair will invite the Member to question the Investigator's witnesses through the Chair at the end of their evidence.
  - d) The members of the Committee may ask questions through the Chair at any point.
  - e) The Monitoring Officer may ask questions to assist the Committee at any point.
4. **The Member presents his or her case:-**
  - a) An oath will be administered in respect of the Member and any witness when they are called to give evidence.
  - b) The Chair will invite the Member to question witnesses as permitted by the Standards Committee.
  - c) The Chair will invite the Investigator to question the Member's witnesses through the Chair at the end of their evidence
  - d) The members of the Committee may ask questions through the Chair at any point.
  - e) The Monitoring Officer may ask questions to assist the Committee at any point.
5. **The Parties give their Closing Remarks**
  - a) The Member will be invited to give his/her closing remarks.
  - b) The Investigator will be invited to give his/her closing remarks.
  - c) The members of the Committee may ask final questions through the Chair
6. **The Monitoring Officer summarises the main issues in dispute and explains the next stage of the procedure**

- 7. The Members of the Committee retire to consider the findings of fact and any breach of the Code of Conduct**
- 7.1 The members of the Committee will retire to another room to discuss firstly the findings of fact and secondly, whether the member has failed to comply with the Code of Conduct. The discussion will take place in closed session where they can request legal advice from the Monitoring Officer. The Committee shall seek to reach a unanimous decision but if that is not possible, it shall be reached by a simple majority. The assessment of weight and credibility is for the Committee members alone to decide.
- 7.2 Members will return to the meeting room and the Chair will announce the Committee's decision.
- 7.3 Different decisions the Committee can reach are:
- that the Member had not failed to comply with the Code of Conduct;
  - that the Member had failed to comply with the Code of Conduct but that no action needs to be taken in respect of the matters which were considered by the Committee;
  - that the Member had failed to comply with the Code of Conduct and that a sanction should be imposed
- 8. If the Committee does not find evidence of a breach of the Code or if no further action required:-**
- The Chair will ask the Member and the Monitoring Officer for their view before making a recommendation with a view to promoting high standards of conduct.
  - The Chair will ask the Member whether he or she wishes the decision of the Committee to be published in the local paper.
- 9. If the Committee does find evidence of a breach of the Code:-**
- The Monitoring Officer will explain the sanctions available to the Committee.
  - The Investigator will be invited to make comments on the sanction to be imposed.
  - The Member will be invited to make comments on the sanction to be imposed.
- 10. The Member will retire to another room to consider what sanction should be imposed**
- 10.1 The members of the Committee will discuss what sanction to impose in closed session having regard to Chapter 5 of the main Guidance and legal advice provided by the Monitoring Officer. The sanctions that can be imposed are:
- censure of that Member (this is the only sanction available if the Member is no longer a member of the authority)
  - restriction for a maximum period of three months of that Member's access to the premises of the authority and that Member's use of the resources of the authority, provided that any such restrictions are reasonable and proportionate to the nature of the breach and provided they do not unreasonably restrict the Member's ability to perform his or her functions as a Member
  - partial suspension of that Member for a maximum period of three months
  - partial suspension of that Member for a maximum period of three months or until such time as he submits a written apology or undertakes any training or conciliation specified by the Committee
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- 11. The Committee returns to the meeting room and the Chair announces the Committee's decision**
- 11.1 The Chair or upon the invitation of the Chair the Monitoring Officer will explain that a right of appeal exists where necessary

## 12. The Chair formally closes the meeting

### Further information

- For further information or any inquiry about the Committee, please ring Anne Reid on **(020 8937 1359)**, or write to the Democratic Services Manager, Room 106 Brent Town Hall, Forty Lane, Wembley HA9 9HD
- Email: [anne.reid@brent.gov.uk](mailto:anne.reid@brent.gov.uk)

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