

Determination Sub Committee Procedure

- a) The Chair will introduce themselves and the Committee.
- b) If a party is not present the Committee will determine whether the hearing should be adjourned or heard in the absence of a party.
- c) All other persons introduce themselves.
- d) Chair to ask if any of the Committee Member has any declarations of interest
- e) The Chair will ask if there are any objections to the Members of the Committee.
- f) The Chair will advise that:
 - All representations and procedural questions go through Chair;
 - Generally, no evidence may be submitted for the first time at the meeting unless all parties and the Committee agree;
 - The Committee will make its decision after hearing representations.

Presentation of Cases

- a) Both the Monitoring Officer and the Councillor (or representative) shall confirm the details of the witnesses that they propose to call, together with a summary of the evidence that they intend to give, including how this will assist the Committee to make their decision and the committee will consider which witnesses it wishes to hear from.
- b) The Monitoring Officer (or Counsel), will be invited to present her report including any documentary evidence and may call the Investigating Officer and/or witnesses and /or is entitled to rely upon the investigator's report alone. The report and documentary evidence/witnesses must be based on the complaint and only persons whom the investigating officer has interviewed during her investigation may be called as witnesses.
- c) The Councillor (or representative) may ask questions of the Monitoring Officer, the Investigating Officer and any witnesses called. (This is not the Councillor's opportunity to state his/ her case.)
- d) At the conclusion of any questioning by the Councillor (or representative) Members of the Committee and the Independent Person will have the opportunity to ask questions of the Monitoring Officer, the Investigating Officer and any witnesses.
- e) The Councillor (or representative) may present their case and call any witness. Only persons whom the Investigating Officer has previously interviewed may be called as witnesses.
- f) The Monitoring Officer (or her representative), may question the Councillor and/or any witnesses.

- g) Members of the Committee and the Independent Person may question the Councillor and/or any witnesses.
- h) The Committee Members and Independent Person can ask any additional questions of the Councillor or representative or the Monitoring officer or representative or the Investigating Officer.
- i) Summing up - the Monitoring Officer (or representative) may sum up their case if they wish.
- j) The Councillor (or representative) may sum up their case if they so wish.
- k) The summaries of cases must not include any new evidence.

Decision

- a) Members of the Committee will deliberate in consultation with the Independent Person and with the benefit of advice from the Legal Advisor, in private, to consider the complaint.
- b) All other parties shall withdraw from the meeting room.
- c) In the event of uncertainty concerning any evidence or advice already given, all parties will be recalled, regardless of the fact that the point in question relates only to the evidence/advice of one of the parties.
- d) If, during deliberations by the Committee, the Legal Advisor gives legal advice to the Committee both the Monitoring Officer and the Councillor (or their representatives) will have an opportunity to comment on any advice given. This will be after that legal advice is given but before the Committee determines the question of breach. If necessary, the legal advisor will reconvene the Committee and all parties for this purpose.
- e) If the Committee are unable to reach a conclusion on the day, then the meeting will stand adjourned to another meeting in private, where the Committee will continue their deliberations and provide their decision in writing, or,
- f) If the Committee are able to reach a decision on the day, then the Committee will confirm at the conclusion of the hearing either:
 - the Committee has found that the Councillor has failed to follow the Code of Conduct; or
 - the Committee has found that the Councillor has not failed to follow the Code of Conduct.
- g) If the Committee has found that the Councillor has failed to follow the Code of Conduct, the Councillor (or representative) will have the opportunity to further address the Committee upon an appropriate sanction. The Committee will then further deliberate in private in consultation with the Independent Person and the legal advisor, as to whether any action should be taken and in what form. If such deliberation occurs on the day of the hearing the

Committee will announce its decision at the hearing. Otherwise, the detail of any sanction will be included within the written decision detailed below.

- h) No sanction can prevent the Councillor functioning as a Councillor.
- i) The Monitoring Officer will implement the decision of the Committee. The legal advisor will issue a full written decision to the Parties within 10 working days following the hearing. The Committee will give reasons for their findings.
- j) The findings and recommendations of the Committee are final.