



ADUR & WORTHING COUNCILS

Joint Governance Sub-Committee
16 January 2020
Agenda Item 3

Joint Governance Sub-Committee – Procedure for Hearing

1. Chairperson to introduce everyone.
2. Chairperson to explain procedure.
3. The Sub-Committee to consider whether the press and public should be excluded from all or part of the meeting under s110(4)(b) Local Government Act 1972. Should Members wish to exclude the press and public due to exempt information, having considered the public interest test, they would need to vote upon such a motion and reach a resolution.
4. Monitoring Officer (MO) (or their representative) to outline the facts of the complaint and summary of the investigation.
5. Members to ascertain from the Subject Member whether the facts and the allegation of a breach of the Code is admitted. If a breach of the Code is admitted, the Committee may consider it is not necessary to hear evidence from witnesses and move straight to paragraph 21 below.
6. Monitoring Officer to call First Witness;
 - Monitoring Officer to ask questions of First Witness;
 - Subject Member (or representative) to ask any relevant questions of Witness, through the Chairperson;
 - Sub-Committee Members to ask any relevant questions of the Witness.
7. Monitoring Officer to call each other witness for the Council in turn and follow the same procedure at paragraph 6 above.
8. Subject Member (or representative) to ask questions of the Monitoring Officer, through the Chairperson.
9. Sub-Committee Members to ask questions of the Monitoring Officer.

10. Subject Member (or representative) to outline their defence to the allegation that they have breached the code of conduct.
11. Subject Member (or representative) to call First Witness;
 - Subject Member (or representative) to ask questions of First Witness
 - Monitoring Officer to ask any relevant questions of Witness, through the Chairperson
 - Sub-Committee Members to ask any relevant questions of the Witness.
12. Subject Member (or their representative) to call each other Witness for the Subject Member in turn and follow the same procedure at paragraph 11 above.
13. Monitoring Officer to ask questions of the Subject Member
14. Sub-Committee Members to ask questions of the Subject Member.
15. Monitoring Officer to be offered opportunity of final comment.
16. Subject Member (or representative) to be offered opportunity of final comment.
17. The Sub-Committee, including the Independent Person, shall retire to deliberate with the Legal Advisor, upon whether a breach of the code is proven or not.
18. All parties will reconvene and the Independent Person's views will be sought and will be given with the Monitoring Officer, Subject Member and any press and public present (unless excluded).
19. All parties will reconvene to take a vote in public, deliver their decision as to whether a breach of the code is proven or not proven, and provide reasons.
20. If it is determined that there is no breach of the Code of Conduct, the matter will be dismissed, and the meeting closed.
21. If a breach has been determined by the Sub Committee, the Legal Advisor will outline the possible sanctions available.
22. The Monitoring Officer has the opportunity to make representations to the Sub-Committee relating to mitigating or aggravating features and appropriate sanctions.
23. The Subject Member (or his representative) then has an opportunity to address the Sub-Committee on mitigation and sanctions.
24. The Sub-Committee will then retire into private session, with the Legal Advisor and the Independent Person, to come to a decision about sanctions.

25. All parties will reconvene. The views of the Independent Person (and the Parish Representative if appropriate) will be sought and given in the meeting.
26. The decision in respect of sanctions to be imposed, together with reasons, will then be announced in the meeting by the Chairperson of the Sub-Committee.
27. The decision of the Sub-Committee will be confirmed in writing within 5 working days.