

# CONSTITUTION PRACTICE NOTE

## STANDARDS HEARINGS

### 1. Why this Practice Note has been produced?

1.1 The Council has adopted a Complaints Procedure and a Hearing Procedure but these do not fully explain the layout of the room, the purpose of the hearing or the role of those present. This Practice Note seeks to explain these in more detail so anyone attending a hearing will be clear as to what they will observe and whether they can participate.

1.2 This Practice Note explains:

- The layout of the Room and why it is so formal
- Who can participate at the hearing and their roles
- Why no one else can participate
- How the hearing will be run, in other words what observers and participants can expect to see.

1.3 You should contact the Council if you have any questions about the process of procedure by:

- sending an email to [standards@chelmsford.gov.uk](mailto:standards@chelmsford.gov.uk) ; or

### 2. The Layout of the Room and why it is so formal

2.1 Hearings take place in the Council Chamber as there is ample room for all participants, the public and the press. It also provides the best facilities for everyone to see and hear the proceedings.

2.2 Annex 1 sets out the layout you will normally see at a Standards Hearing. Only those participating in the hearing will sit in the main part of the room namely-

- The Committee members  
Who will decide if a breach has occurred and what if any sanction should be recommended or imposed.
- The Designated Independent Person  
Who is there to ensure that the correct procedures are followed and also to provide procedural advice to the Committee if required.
- The Monitoring Officer or their representative  
Who will advise the Committee on how to interpret the Code of Conduct, the Complaints and Hearing procedures, rules of the Committee and the law as it relates to these issues.
- The Councillor about whom the complaint has been made  
They can also be legally represented if they chose or have someone sit with them to support them through the hearing and anyone there to support them.
- The Investigator  
Who has been appointed to investigate the complaint and to present their report to the Committee as to whether there has been a breach of the Code and as to whether any sanctions should be imposed
- Witnesses  
Who are there to provide first- hand information but only in relation to any facts that are still in dispute.

- 2.3 Generally hearings will be held in public. The public and other observers will sit in the public gallery and signs will indicate where different groups of observers should sit namely-
- City Councillors
  - Parish Councillors
  - The general public
  - The Press
- 2.4 The layout of the room is formal so that everyone can see who is present and what they are there to do. It also helps the Committee to understand who they are and therefore have an idea why they have decided to come along. For example City Councillors who are not on the Committee may wish to see how it operates or provide support by their attendance for a fellow Councillor and Parish Councillors may attend for similar reasons.
- 2.5 The following protocols should be observed by those in the public gallery-
- They are only there to observe and will not be allowed to participate. However, if a member of the public cannot see or hear what is being said, they should raise their hand and the Chair will call on them to speak.
  - Any Councillor present will be assumed to be there in their official capacity unless they clearly indicate why they are not and this is accepted by the Chair. This is important as Councillors are often recognised by the public and may be approached at a formal meeting in that capacity to provide advice or assistance for others present. As such it is important that anyone present understands this as if they are there in an official capacity the Code of Conduct for Councillors will be applied to their behaviour throughout the procedure.
  - They should not at any time come into the Committee area of the room either during the hearing or during any adjournments. This is to ensure that all participants do not feel they have to justify or explain themselves whilst the Committee is not in the room.

### **3. Who can participate at the hearing and their roles**

- 3.1 The role of the Committee is to-
- Listen to the information provided by the Councillor about whom the complaint has been made and any witnesses that they have confirmed in advance that they wish to call to address any facts still in dispute
  - The Investigator and any witness that they have confirmed in advance that they wish to call to address any facts still not agreed.
- 3.2 The Chair of the meeting will manage the way in which the meeting is run, with advice from the Monitoring Officer where appropriate. This includes but is not limited to-
- Asking all those involved in the hearing to confirm who they are so that all participants and the public observers are clear as to who they are and why they are there.
  - Explaining how the hearing will be run and maintaining order during the process.
  - Ensuring that the hearing is carried out in accordance with the Procedure and to provide a single person through whom any questions should be raised. In this way the Committee and other participants know that they need to wait to

be invited to speak by the Chair so that the meeting is properly run and everyone gets to have their say at the right time.

- Confirming to all present why the Committee is about to leave the room if it needs to consider issues in private, such as a request for an adjournment.
- Explaining the decision taken when the Committee returns to the main hearing room.

3.3 No one, other than those with a role in the hearing as set out in paragraph 2.2 above will be allowed to participate. This is because the hearing is to enable the Committee to decide what should be done.

3.4 The Councillor the subject of the Complaint and the Investigator are there to help the Committee reach those decisions on the facts as presented. It would be wholly inappropriate for the Councillor or the Investigator to find themselves being questioned or challenged on other issues or by people that had not been part of the Investigation as it would undermine the Complaints and Hearing Procedures.