

**\*PART 1 – PUBLIC DOCUMENT**

**AGENDA ITEM No.**

**4a**

**TITLE OF REPORT: HEARING FOLLOWING INVESTIGATION – TOWN COUNCILLOR  
RAYMOND SMALE (LETCWORTH GARDEN CITY TOWN COUNCIL) - HEARING  
PROCEDURE**

Procedure attached.

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**NORTH HERTFORDSHIRE DISTRICT COUNCIL  
LOCAL INVESTIGATION  
HEARING PROCEDURE**

<p>1. Chair's introduction of:</p> <ul style="list-style-type: none"> <li>• Councillors sitting on Committee ;</li> <li>• Monitoring Officer &amp; legal advisor;</li> <li>• Investigating Officer; and</li> <li>• the Member, Councillor (XXXX).</li> </ul>	
<p>2. The Chair formally opens the hearing:</p> <ul style="list-style-type: none"> <li>• Summarise the complaint</li> <li>• Disclosure of personal or prejudicial interests</li> <li>• Confirms quorate</li> <li>• Outlines the procedure for the hearing</li> </ul>	
<p>3. The Chair considers whether absence affects the hearing process</p>	
<p>FINDING OF FACT</p>	
<p>4. The Chair will ask the Member if there are any findings of fact in dispute (if not move to paragraph 12)</p>	
<p><u>The Monitoring Officer's report</u></p> <p>5. The Chair will ask the Monitoring Officer to summarise his/her report and highlight any dispute with the facts raised during the pre-hearing process</p> <p>6. After the report the Chair will ask</p> <ul style="list-style-type: none"> <li>• the Investigating Officer and</li> <li>• the Member and</li> <li>• the Committee</li> </ul> <p>in turn if there are any questions concerning the report given by the Monitoring Officer</p>	

<p>7. The Member is asked if any additional points of dispute</p> <p><i>(If any new points are raised, the Member must give reasons why they were not raised in the pre-hearing process and the Committee may decide not to allow the member to challenge the facts or to adjourn)</i></p>	
<p><u>The Investigating Officer's report</u></p> <p>7. The Chair will ask if the Investigating Officer to present the written report and call any witnesses</p> <p>8. The Chair will ask</p> <ul style="list-style-type: none"> <li>• the Member, and</li> <li>• the Committee</li> </ul> <p>in turn if there are any questions of fact of the Investigating Officer or the witnesses</p>	
<p><u>The Member's case</u></p> <p>9. The Chair will ask the Member to respond to the report of the Investigating Officer and call any witnesses</p> <p>10. The Chair will ask</p> <ul style="list-style-type: none"> <li>• the Investigating Officer</li> <li>• the Committee</li> </ul> <p>if there are any questions of fact of the Member or the witnesses</p>	
<p>11. The Committee will retire to determine the findings of fact</p>	
<p><b>BREACH OF THE CODE</b></p>	
<p><u>The decision</u></p> <p>12. The Chair will ask the Member and the Investigator to give reasons why it should or should not decide that there has been a breach of the code of conduct</p> <p>13. The Chair will invite the Committee to retire to consider the evidence</p> <p>14. The Chair will announce the decision at the hearing and give reasons for the decision</p>	
<p><u>AND EITHER</u></p>	
<p><u>No failure to comply</u></p> <p>15. The Chair advises that the Member will be sent written notice</p>	

of the decision	
16. The Chair advises of any recommendations arising out of the case	
<u>OR</u>	
<u>Failure to comply</u> 17. The Chair will outline the sanctions available to the Committee 18. The Chair will ask the Investigating Officer to comment upon the sanctions available 19. The Chair will ask the Member if he wishes to comment on the investigators recommendation 20. The Chair invites the Committee to retire to consider an appropriate sanction 21. The Chair announces the decision at the hearing and gives reasons for the decision 22. The Chair advises the Member of publication of the decision and his right of appeal 23. The Chair closes the hearing	

Written decision must be issued within two weeks.