

Standards Panel Appeals Process

An appeal is received from either:

- The complainant in respect of a finding of no breach of the code
- The subject member in respect of a finding of a breach of the code

The monitoring officer or deputy monitoring shall on receipt of a complaint from a complainant accept or reject the appeal on the basis of whether new and substantial evidence / information has been provided which was not considered as part of the decision. The complainant will be advised of this decision and if the appeal is accepted, a standards panel will be convened.

On receipt of an appeal by a subject member, a standards panel will be convened and the date and time notified to the subject member and complainant, together with an invitation to attend the meeting.

On receipt of a rejection of the appeal by the complainant, a letter will be sent by either the monitoring officer or deputy monitoring officer outlining why the appeal information does not provide new substantial information / evidence.

The standards panel membership is

- An independent person* (if available) who will chair the panel
- A representative from Herefordshire Association of Local Councils (HALC)
- A member of the audit and governance committee

* if an independent person is not available, then a second representative from the audit and governance committee shall substitute.

The democratic services officer shall identify those members from the audit and governance committee who have no involvement in the complaint.

If a member is asked to sit on the panel they should consider if they are able to hear the appeal or have any conflict.

Ten days prior to a subject member appeal hearing, the subject member shall be provided with:

- Original complaint;
- Initial assessment
- The subject member's original response.
- Decision notice

They will be requested to provide any other information which they wish to present to be received by the clerk to the standards panel, one working day prior to the publication of the agenda.

Ten days prior to a complainant appeal hearing, the subject member will be sent a copy of the new and substantial evidence / information from the complainant and be asked if they wish to present anything in advance of the hearing. This information to be received by clerk to the standards panel, one working day prior to the publication of the agenda.

An agenda will be published five clear working days prior to the meeting.

The report on any appeals will be public attaching appendices that are confidential (as they will identify an individual) and restricted to the Standards Panel members, the clerk to the committee and the advisor. The appendices will be:

- Original complaint
- Details of the initial assessment
- The comments of the subject member
- The original decision notice
- Appeal information submitted by complainant
- Additional information submitted by either the complainant or subject member

The subject member and complainant will be provided with confidential copies of the appendices.

The only witnesses permitted are people referred to in the evidence, and not, for example, character witnesses. Supporters can attend but may only speak at the discretion of the chair.