

Annex

Standards & General Purposes Committee

Protocol for making appointments to the Hearings Sub-Committee

This protocol will be followed when making appointments to the Hearings Sub-Committee when the Sub-Committee is required to consider a particular case at Stage 3 of the Council's procedures.

Generally:

- i) At the start of each Council Year, and also if the membership of the Committee changes mid-year, all members of the Committee are invited to let the Monitoring Officer and the Chairman of the Committee know if they would be particularly interested in taking part in a Hearing Sub-Committee meeting;
- ii) Training is provided each year to all members of the Committee in the conduct of hearings.

Specifically

- iii) When the Monitoring Officer is aware that a Hearing Sub-Committee needs to be convened, the Monitoring Officer will make the Chairman of the Committee aware, as expected under the Council's *Arrangements*;
- iv) The Monitoring Officer then writes to all members of the Committee to ask if any member is willing/able to take part; brief confidential details will be circulated to members of the Committee. Members expressing an interest will be asked to confirm they have no potential conflict of interest in the case in question;
- v) Based on responses received, the Monitoring Officer will advise the Chairman of the expressions of interest. Appointments are then made by the Chairman, having regard to the *principles* mentioned below; in the first instance (conflicts of interest aside), the Chairman will seek to appoint at least one member who represents an opposition group.
- vi) The Monitoring Officer will then confirm the appointments for that particular hearing to the appointed members and to all members of the Committee.
- vii) Appointments will be made, ultimately, on the basis of availability, expression of interest, freedom from conflicts of interest and the need to convene a hearing within the appropriate timeframes in the interests of natural justice.
- viii) Where a meeting of the Sub-Committee adjourns and needs to reconvene to hear the same case(s) on another date, the same membership will normally carry over to the resumed meeting, to ensure continuity.

The guiding principles

These principles underpin the protocol. They will be taken into account by the Monitoring Officer in achieving membership each time a complaint needs to be considered by a meeting of the Sub-Committee.

- a) Balance of representation: achieving a balance of perspectives and of demography to help members of the Sub-Committee bring a range of experience;
- b) Expertise and interest: there may be, from time to time, members of the Committee who are particularly interested in this aspect of the Committee's work and who may wish to bring their experience and interest to bear in a dedicated way;
- c) Ability to commit: the procedural timeframes have some flexibility; but in the interests of fairness and natural justice, there is also a degree of urgency in achieving set dates so that all parties can commit to attendance. Whilst other Sub-Committees of the Council can be timetabled throughout the year, this is not the case with the Hearings Sub-Committee, which is unavoidably linked to the procedural timeframes for each complaint. A person's availability is a factor;
- d) Potential conflicts of interest: a member of the Committee should not part in a hearing if they have a close connection with the complainant or the subject councillor or any potential witness. Similarly, the complaint may relate to a ward, or a parish, or a set of issues, with which the councillor is closely associated;
- e) Review of the protocol: the protocol will be reviewed by the Committee annually.

NB Where it is clear, or has been made known in advance, that a member of the Committee has an interest or will otherwise not be available to take part in the planned Hearing, the details of the complaint will not be sent under paragraph (iv).

Deputy Monitoring Officer