

APPENDIX 3

APPEALS (STANDARDS) SUB-COMMITTEE

APPEAL PROCEDURE

1. The Appeal Sub-committee meeting will be held in public (having regard to the fact that the Hearing Sub-Committee largely held its meetings in public), but may adjourn to deliberate in non-public.

Prior to the meeting all background papers (i.e. those before the Hearing Sub-Committee, the Minutes of the Hearing Sub-Committee meeting(s), the Decision Notices of the Hearings Sub-Committee, the grounds of appeal, and any responses to the grounds of appeal) will be circulated to the Appeal Sub-committee and be publicly available in the same way as other public committee documents. The meeting documents will be provided to any other person who the Appeal Sub-Committee directs. The Chairman of the Hearing Sub-Committee will be invited to submit any response to the grounds of appeal no later than 5 working days after receipt by him of the grounds of appeal.

2. A short introductory report prepared by the Town Clerk will be circulated at least 5 clear working days before the meeting together with any response from the Chairman of the Hearing Sub-Committee.
3. At the start of the meeting the Chairman shall introduce the members of the Sub-Committee and others present, and explains the purpose of the appeal, the procedure to be followed and the nature of the meeting.
4. The Town Clerk's report will be taken as read.
5. The Sub-Committee will consider the appeal on the basis of the background papers provided and will not call witnesses (although the Sub-Committee's discretion to request or permit attendance under S.O.35 will apply). The Appeal Sub-Committee will then consider, having due regard to the decision of the

Hearings Sub-Committee, whether or not, on the basis of the Grounds of Appeal, the decisions of the Hearings Sub-Committee were reasonable. The Appeal Sub-Committee will consider, firstly, whether it was reasonable of the Hearing Sub-Committee to find there had been a breach of the Code of Conduct. If so, the Appeal Sub-Committee will then consider whether the sanctions imposed were reasonable. The Appeal Sub-Committee will not consider the Complaint afresh.

6. If the Appeals Sub-Committee considers the decisions were not reasonable (either in respect of whether there has been a breach of the Code, or in respect of the sanctions imposed) it shall substitute its decision for the decision of the Hearings Sub-Committee.
7. The decision will be public and will be confirmed to the parties in writing within five working days. Full reasons may be published at the discretion of the Appeals Sub-Committee, having regard to whether the matter has been considered as a public or non-public item.
8. This procedure may be varied by the Appeals Sub-Committee as it considers appropriate in order to dispose of the matter in a fair and efficient manner.