

**Joint Standards Committee
Local Assessment and Hearings
Conflicts of Interest
Guidelines for Members and Officers**

Members

A Member must not participate in any part of the assessment or hearings process if they are:-

- the complainant
- a potential witness to, or the subject of the complaint
- closely associated with someone who is the complainant, a potential witness, or the subject of the complaint
- a parish representative and the matter concerns their own parish council.

A Member of the Joint Standards Committee who is involved in the initial assessment of a complaint can be a Member of the Hearings Panel which hears and determines the complaint at the conclusion of an investigation even if they were involved in the initial assessment decision, subject to the same tests for any conflict of interest. Each case where this could occur should however be considered carefully on its own particular circumstances, in order to assess whether there might be any perceptions of potential unfairness or bias, which would justify the Member concerned not being involved in the hearing/determination.

Officers

An officer who has previously advised the Subject Member, another member or the complainant about the issues giving rise to the complaint, should consider carefully whether they can be involved in any part of the assessment or hearings process at all.

An officer who has taken part in supporting the assessment and/or hearing process, should not be involved in the investigation of the matter, and vice-versa.

Members and officers

Members and officers should also take care to avoid any personal conflicts of interest in relation to the consideration of a complaint that a Member may have breached the Code of Conduct.

The provisions of the Council's Code of Conduct regarding interests apply to Joint Standards Committee Members in assessments and hearings.

These provisions should also be considered by officers to apply to them in the same way that they apply to Members, so that anyone (Member or Officer) who has an interest or is otherwise personally involved with a complaint in any way, must not take part in the assessment or hearing of that complaint.

The circumstances where a Member or Officer must not take part in an assessment or hearing of a complaint, include the following:-

- the Member or Officer or a relative or close associate of the Member or Officer is directly involved in the case

- the complaint is likely to affect the well-being or financial position of the Member or Officer or the well-being or financial position of a family member or person with whom they have a close association more than it affects the majority
- a family member, friend or close associate of the Member or Officer is involved in the case
- the Member or Officer has an interest in any matter relating to the case. For example, it concerns another Member's failure to declare an interest in a planning application in which the Member or Officer has an interest.

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