

**LOCAL DISPUTE RESOLUTION PROCEDURE
PROCEDURE TO BE FOLLOWED AT
STAGE 3 HEARING**

NB. Hearings are to be held in private

NB. Both parties will be entitled to be represented by a representative of their choice or accompanied by a colleague or family member. It will be for each of the parties to make their own arrangements regarding representation.

At the Hearing

At the Hearing those present will include three Independent Members, the Monitoring Officer or Deputy Monitoring Officer, a representative from Democratic and Scrutiny Services, the Complainant, the Member who is the subject of the complaint ('the Respondent') and their representatives (if required).

In the first instance the Chairman of the hearing will establish the identity of all present and will outline the order of proceedings for the Hearing.

The Chairman will commence by requesting the Complainant (or their representative) to present their case following which questions may be asked by the Respondent (or Respondent's representative) and the Independent Members.

Complainant's witness(es) (if present) to be called to give evidence following which questions may be asked by the Respondent (or their representative) and Independent Member. The Complainant (or their representative) may seek clarification from their witness(es) on any points arising from the questioning.

The Respondent or their representative will then be afforded the opportunity to present their case followed by questions from the Complainant (or their representative) and the Independent Members.

Respondent's witness(es) (if present) to be called to give evidence following which questions may be asked by the Complainant (or their representative) and Independent Member. The Respondent (or their representative) may seek clarification from their witness(es) on any points arising from the questioning.

During the Hearing the Independent Member, Monitoring Officer / Deputy Monitoring Officer and / or Democratic and Scrutiny Services Officer may also seek clarification or ask relevant questions of all parties in relation to the complaint.

Further, the Chairman has discretion to supplement or vary the procedure to be followed at the Stage 3 Hearing as deemed appropriate.

NB. Due consideration to be given to allow for the attendance of witnesses. Where witnesses are wished to be called, the parties will be required to notify the Democratic Services Officer within **seven calendar days** prior to the

Hearing. Both parties will need to ensure that their witnesses are in attendance. Witnesses who may have provided statements prior to the Hearing should be advised by the party calling them of the fact that a Hearing may take place and of their need to attend.

Summing up

The Chairman will then afford both parties (Complainant and Respondent respectively) the opportunity to sum up.

Following the summing up both parties and their representatives will be asked to vacate the room in order for three Independent Members to deliberate. The Independent Member will deliberate in private accompanied by the Monitoring Officer or Deputy Monitoring Officer and the Democratic Services Officer

Hearing Decision

It will be at the discretion of the Independent Members as to whether they will reach a decision on the day of the Hearing or not and as to how the decision will be communicated whether face-to-face or by telephone. The Complainant and Respondent will both be advised orally of the decision.

The Chairman, at the end of the Hearing, will also advise that it is important to note that there is no internal right of appeal against the decision made by the Independent Members at Stage 3 of the Local Dispute Resolution Procedure.

A written decision will also be issued ideally within **seven working days** of the decision being made. The written decision will set out the decision of the Independent Members and the reasons for the decision. A copy of the decision letter will only be sent to the Respondent.

The Independent Members may come to one of three conclusions, namely:

- (i) There is no basis to the complaint;
- (ii) There is a basis to the complaint but that no further action is required;
- (iii) There is a basis to the complaint and that the Member be censured.

Should the Independent Member determine conclusion (i) or (ii) as outlined above, all parties will be reminded that no publicity will be given to the name of any Members involved in the complaint or any details of the complaint.

Should the Independent Members conclusion be (iii) above, that the Member be censured, then a statement on the Council's website will be issued ideally within **seven working days** of the decision being made, which will detail the name of the Respondent, the fact that the Member has been censured pursuant to the Procedure, when the censure decision was made and a summary of the facts as deemed appropriate by the Independent Member presiding at the Hearing. The statement will appear on the Council's website for **28 calendar days**.