

Meeting of:	Standards Committee
Date of Meeting:	Thursday, 27 March 2025
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Monitoring Officer Update Report re Review of Standards Committee Procedures, Independent Review by PSOW and WLGA event held on 5 th March.
Purpose of Report:	To provide the Committee with an update regarding a number of matters within the Committee's remit.
Report Owner:	Victoria Davidson, Monitoring Officer/Head of Legal and Democratic Services
Responsible Officer:	Karen Bowen, Principal Democratic and Scrutiny Services Officer
Elected Member and Officer Consultation:	This report does not require consultation to be undertaken
Policy Framework:	This is a matter for the Standards Committee
<p>Executive Summary:</p> <p>The report provides an update in respect of the following matters -</p> <ul style="list-style-type: none"> - The PSOW's response to recommendation 2 of the independent review of investigations by PSOW into Code of Conduct Complaints; - Arrangements for the Review of Standards Committees Procedures to be undertaken following a Motion at Full Council on 2nd December, 2025; - - Verbal update by Monitoring Officer re Local Democracy Event organised by WLGA on 5th March 2025. 	

Recommendations

1. That the contents of the report be noted.
2. T H A T a small working group be established to review Standards Procedures outlined in paragraph of this report with Members of the Standards Committee being requested to inform Democratic Services of their intention to sit on the working group.
3. T H A T the conclusions of the Monitoring Officer's Group be referred to the working group for consideration when reviewing the LDRP.
4. T H A T the verbal update provided by the Monitoring Officer at the meeting be noted.

Reasons for Recommendations

1. To apprise Committee.
2. In order that a working group of Standards Committee members can be established to undertake a review of the Council Procedures.
3. To assist the review.
4. Having regard to the information provided.

1. Background

- 1.1 The All Wales Monitoring Officers' Group (MOG) of all Local Authorities in Wales including National Park Authorities, South Wales Police and Fire and Rescue Authorities meets on a regular basis to share good practice, receive and consider advice, as well as acting as a consultee on occasions by organisations including Welsh Government, the Public Services Ombudsman for Wales' office (PSOW) and the WLGA etc.
- 1.2 This report has also been prepared to provide the Standards Committee with an update on various aspects within the Committee's Terms of Reference and following a Motion at Full Council on 2nd December, 2025 as referenced below.

2. Key Issues for Consideration

All Wales Monitoring Officer Group -

- 2.1 Committee will recall that an independent review was commissioned by the PSOW (link below) following the PSOW receiving a substantiated complaint about social media posts made by the then Code Team Manager. A link to the review can be found here

[Independent review of investigations by PSOW into Code of Conduct complaints](#)

- 2.2** The review overall concluded that in general terms, “the PSOW’s Code of Conduct processes and delegations are robust in terms of safeguarding fairness and impartiality. They are systematic, well documented and supplemented with appropriate guidance and the reasoning for decisions is required to be recorded and explained as applicable.”
- 2.3** Seven recommendations for improvement were made and it can be found on pages 25 and 26 of the report attached at Appendix 1 to this report. The recommendations related to the current processes of the PSOW’s office with the review also recommending that recommendations would augment the existing safeguards for ensuring the fairness and impartiality of the processes and would clarify the related guidance as applicable.
- 2.4** Having particular regard recommendation 2 of the report states “Accused Member not informed of complaint until after assessment: in the interests of fairness and transparency, it is recommended that the PSOW considers reverting to the previous practice of notifying the Accused Member of the complaint once it is received. This would also protect the PSOW from criticism in that regard, which might arise from circumstances in which the Accused Member is unsighted of the complaint and learns of its existence via a third party or the media. If the PSOW decides to revert to the previous practice, the process manual will need to be amended accordingly.”
- 2.5** At the recent Monitoring Officer meeting held on 7th March, 2025 the Ombudsman, Michelle Morris, was present and informed the MOG that the PSOW’s office will be reverting back to previous practice where Monitoring Officers will be notified at the same time as the Member being complained about. Changes would also be made to the complaint form on the PSOW website with what was received being sent to the Member at the same time.
- 2.6** Committee is requested to note the proposed change.

Review of Standards Committee hearing procedures –

- 2.7** At the Full Council meeting of the Vale of Glamorgan on 2nd December 2025 Council approved a Motion that a review of Appendix 2, Protocol Standards of Conduct expected by Members under Section 19 of the Council’s Constitution and the Council’s Local Dispute Resolution Procedure (LDRP) for dealing with low level allegations of breaches of the Members Code of Conduct and the Vale of Glamorgan Council’s Protocol – Standard of conduct expected by Members under Appendix 3 to Section 19 of the Constitution be undertaken.

Local Dispute Resolution Procedure –

- 2.8** The Council’s current LDRP procedure can be found at Appendix 3 to Section 19 of the Council’s [Constitution](#). The PSOW’s guidance on the Code of Conduct for Members of Local Authorities in Wales expected Local Authorities to implement an LDRP to deal with complaints which are made by a Member against a fellow Member which may not be investigated by the PSOW having regard to the Ombudsman’s two- stage test.

- 2.9 Notwithstanding the fact that the Vale Council considered a Motion on 2nd December, 2024 as outlined above, the PSOW also conducted a recent review of all LDRPs taking counsel's advice on their provisions.
- 2.10 Following that review the PSOW shared with the MOG the findings from counsel's advice which can be found as an Appendix to the Part II report on this Committee's agenda as it contains privileged information.
- 2.11 Having regard to the advice provided, the MOG agreed to convene a small working group to consider preparing a model protocol that would address the perceived problems identified by counsel for the PSOW. A report of the conclusions of the MOG working group can be found at Appendix 2 to this report.
- 2.12 Committee will note that the MOG have drafted a checklist and have suggested that each Council review its own LDRP against the points listed in Appendix 2.
- 2.13 Committee is requested to consider the conclusions of the Monitoring Officer's Group and refer the conclusions to the Standards Committee working group for consideration when it reviews the LDRP procedure.

Procedure for dealing with allegations made against Councillors and referred to the Standards Committee - (agreed by Standards Committee in January 2016)

- 2.14 Having regard to the paragraphs above, regarding a review of the LDRP, following consultation with the Chair, the Monitoring Officer also considers it timely for a review of the Procedure for Dealing with Allegations made against Councillors and referred to the Standards Committee, a copy of which is attached at Appendix 3 to this report, to be undertaken.
- 2.15 Contributions have already been received from Mr. Gerwyn Watkins (Independent Member of the Committee) in respect of comments on the procedure which the Monitoring Officer has been grateful to receive.
- 2.16 It is therefore proposed that a small working group of members of the Committee be established to review this procedure to be supported by the Monitoring Officer and a member of the Democratic Services team.
- 2.17 Views have also been sought from the Chair of the Committee regarding the way forward in respect of the review following which a meeting between the proposed working group and the Monitoring Officer will be arranged to discuss how the Committee approach consulting on this matter and identifying relevant consultees.
- 2.18 Members of the Standards Committee are therefore asked to indicate whether they wish to be part of the proposed working group to undertake reviews of the two procedures outlined above.

WLGA Event 5th March –

- 2.19 Both the Chair of the Standards Committee and the Monitoring Officer attended an event managed by the WLGA on 5th March, 2025 titled "Local Government Democracy Event". The Monitoring Officer and / or Chair will provide a verbal update of discussions and key note speakers at the event for Standards Committee members at the meeting on 27th March, 2025.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The role of the Standards Committee is to promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor Representatives. It is intended that the process adopted within this report will aim to promote that role with the sharing of good practice.

4. Climate Change and Nature Implications

- 4.1** None as a direct result of this report.

5. Resources and Legal Considerations

Financial

- 5.1** Members are able to be remunerated for attendance under the allowance scheme agreed by the Independent Remuneration Panel and the Vale of Glamorgan Council's Constitution for approved duties. Independent Members are able to claim for a maximum of 15 days per annum as detailed within the Council's Constitution.

Employment

- 5.2** Members will be remunerated for attendance under the allowance scheme agreed by the Independent Remuneration Panel and the Vale of Glamorgan Council's Constitution. Independent Members are able to claim for a maximum of 15 days per annum as detailed within the Council's Constitution.

Legal (Including Equalities)

- 5.3** The role of the Standards Committee is to promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor Representatives.

Background Papers

Recommendations

72. The following recommended improvements, which relate to the current process, would augment the existing safeguards for ensuring the fairness and impartiality of the processes and would clarify the related guidance as applicable:

- (1) **Documenting the political affiliation of the Accused Member:** in order to mitigate the risk of unconscious bias on the part of the IO and to underpin the fairness of the complaint assessment process, it is recommended that steps are taken to ensure that the political affiliation of the Accused Member is not recorded on the PAAF. The process manual will need to be amended accordingly, with updated instructions for the Intake Team.
- (2) **Accused Member not informed of complaint until after assessment:** in the interests of fairness and transparency, it is recommended that the PSOW considers reverting to the previous practice of notifying the Accused Member of the complaint once it is received. This would also protect the PSOW from criticism in that regard, which might arise from circumstances in which the Accused Member is unsighted of the complaint and learns of its existence via a third party or the media. If the PSOW decides to revert to the previous practice, the process manual will need to be amended accordingly.
- (3) **IO decisions not to investigate:** notwithstanding the applicable provisions in the process manual²⁹ and in the

Decision Review Process, it is recommended that an additional review/check mechanism is put place for the purpose of quality assuring the IO decisions in this regard, particularly around the public interest test, and as a further safeguard against the potential for unconscious bias on the part of the IO. This recommendation is supported by findings from the staff interviews. Given the volume of complaints, however, the proposed measure needs to be proportionate and it is suggested that this could be achieved by way of occasional random sampling of IO decisions.

- (4) **CTM's delegated authority to overrule IO proposals to investigate and IO proposals to extend the investigation or commence a new investigation against another member**³⁰: notwithstanding the applicable provision in the Decision Review Process, it is recommended that an additional review/check mechanism is introduced in respect of these delegated decisions, in order to mitigate the risk of unconscious bias on the part of the CTM when deciding not to agree IO proposals. It is suggested that this measure could also be achieved by way of random sampling of CTM decisions. Also, the Scheme of Delegation should be updated to include these CTM decision-making powers.
- (5) **Opportunity for the Accused Member to provide comment:** the review recognises that, as part of the combined PSOW and APW/standards committee process, the Accused Member has a number of

²⁹ See, for example, paragraph 5.15 of the process manual.

³⁰ See paragraphs 6.1 and 8.1 of the process manual.

opportunities to comment on the facts of the case.³¹ The review therefore found the process to be demonstrably fair. That said, the PSOW may wish to consider whether there are any additional points in the process in which there would be a benefit in providing the Accused Member with the opportunity to comment further on relevant facts, particularly in advance of reaching draft conclusions/findings on whether the evidence is suggestive of a breach.

(6) Public interest factors and

considerations: the review recognises the factors and considerations listed are non-exhaustive, but recommends that PSOW gives consideration to developing more detailed internal guidance on assessing the public interest test. Additionally, the public interest factors and considerations should be reviewed regularly.

(7) Clarificatory amendments: with a view to clarifying the guidance, the review also recommends that:

- I. The process manual is amended to address the apparent contradiction in terminology whereby “direct evidence that a breach of the Code took place” is a requirement for a complaint to pass assessment stage (paragraphs 5.4 and 5.5) whereas an investigation can be concluded based on the finding that there is “no evidence of a breach of the Code” (paragraph 13.1(a));
- II. The process manual is amended to reflect the existing practice that, when the LRO upholds a complaint review request, the reassessment/reconsideration is undertaken by a different IO to the IO who undertook the original assessment/investigation; and
- III. The Scheme of Delegation is updated in light of the retitling of the LRO post to make clear that the LRO has delegated authority in respect of decisions on whether to uphold a review request that the complaint should be reassessed/reconsidered.

³¹ See, for example, paragraphs 12.4, 13.8 and 13.10 of the process manual.

LOCAL RESOLUTION PROTOCOL

WORKING GROUP

REPORT BACK

6TH MARCH 2025

Members

Victoria Davidson, Andrew Wilkins, Rhian Young, Gareth Owens, Debbie Marles, Clive Pinney, Kelly Watson, Robert Edgecombe, Leanne Weston

Background

The PSOW conducted a review of all LRP's taking counsel's advice on their provisions. Following that review the PSOW shared with MOG the findings from counsel's advice (Appendix 1). We agreed to convene a small working group to consider preparing a model protocol that would address the perceived problems identified by counsel for the PSOW.

The group met on 11th December 2024, 23rd January 2025 and 20th February 2025. It considered the summary of counsel's advice (kindly provided by the PSOW), the group leader's duty (Appendix 2) and all the current LRPs that had been supplied to the PSOW when they undertook their own review.

During its deliberations the group agreed that a model LRP would not be prepared. The group has therefore drafted a checklist based on the comments by counsel with advice for each council to review its own LRP against the points listed below.

In addition, given that there would not be a model LRP document, we agreed that we would recommend each council to review its LRP against the principles enunciated in the advice from counsel to the PSOW as follows:

- 1) The LRP should only apply to the following (subject to point 2 below):
 - a. low level complaints -
 - b. complaints only at county/county borough council/city council level
 - c. member-on-member complaints
- 2) The LRP may include the option to permit officers to use/complain under the protocol as well
- 3) The LRP should specify the standards of behaviour expected – an aggregate list of behaviours drawn from 8 existing LRP's is attached for suggested inclusion (Appendix 3)
- 4) Examples of what might be perceived to be high level complaints can be included in the LRP but it should state that the MO will advise in the all the circumstances and the complainant will choose which route to adopt.
- 5) It is difficult for the MO to appear unbiased and to fulfil their statutory role in proceedings if they make a complaint themselves and so the complainant should

be urged to refer the matter to the PSOW if warranted rather than the MO performing that task

- 6) The complainant and the member must agree to use the protocol
- 7) The LRP should not apply to
 - a. complaints from members of the public
 - b. complaints by members about officers because, as employees, the correct measure to use would be the council's disciplinary policy (which may well include an informal resolution stage in any event)
- 8) Use of the protocol cannot exclude the statutory right of the complainant to complain to the PSOW at any time they choose
- 9) The number of stages within the LRP is up to each council but 2 seems to be most common.
- 10) Whether the LRP includes group leaders is up to each council but it should be borne in mind that they have a duty to assist the Standards Committee in its duties ([relevant extract below](#)). Some LRP's rely upon Group Leaders as the primary agents to resolve complaints, but it is more common for them to be called in at the second stage if initial attempts at resolution by the Monitoring Officer have not been successful
- 11) The inclusion of a hearing stage is not recommended because of perceived predetermination (see below) and because without a clear statutory basis it is not possible to interfere with a person's human rights. If a hearing stage is included then the following should be borne in mind:
 - a. There is no statutory basis for a sanction and even a finding of breach can be regarded as an interference with a councillor's human rights
 - b. Any "sanctions" should therefore be limited to inviting the member to apologise and/or undertake training
 - c. The Standards Committee must be cognisant that should the complaint subsequently be made to the PSOW and referred back for a hearing it will need to exclude any members who might be said to have predetermined the matter.
 - d. If an LRP includes a hearing stage, then it should also include a statement about which members will take part and which will be kept in reserve. Some LRPs deal with this by saying a single Independent Member will be engaged as a form of advisory arbiter to the Monitoring Officer in lieu of a hearing

I am grateful to the members of the LRP for their input and to Debbie Marles for chairing a meeting when I was myself unable to attend.

Gareth Owens

Chief Officer Governance, Flintshire County Council

Chair of Working Group

APPENDIX 3 TO SECTION 19

LOCAL DISPUTE RESOLUTION PROCEDURE FOR DEALING WITH LOW LEVEL ALLEGATIONS OF BREACHES OF THE MEMBERS' CODE OF CONDUCT AND THE VALE OF GLAMORGAN COUNCIL'S PROTOCOL - STANDARD OF CONDUCT EXPECTED BY MEMBERS

INTRODUCTION

1. The Public Services Ombudsman for Wales' Guidance on the Code of Conduct for Members of Local Authorities in Wales (May 2021) expects Local Authorities throughout Wales to implement a Local Dispute Resolution Procedure to deal with complaints which are made by a Member against a fellow Member which may not otherwise be investigated by the Public Services Ombudsman for Wales ('the Ombudsman') having regard to the Ombudsman's two-stage test.
2. The Vale of Glamorgan Council ('the Council') introduced a Local Dispute Resolution Procedure ('the Procedure') in 2014 to meet the Ombudsman's above expectations, and the Procedure was amended in 2018.
3. Typically the following complaints will fall within the category of complaints dealt with under this Procedure:
 - failure to show respect and consideration for others contrary to paragraph 18.2.4(b) of the Members' Code of Conduct ("the Code") and
 - making vexatious, malicious or frivolous complaints against other Members under paragraph 18.2.6(d) of the Code.
4. Other breaches of the Code may also be determined by the Monitoring Officer to be appropriate complaints to be dealt with under the Procedure.
5. The Procedure is to be read in conjunction with the Code and the Council's Protocol - Standard of Conduct Expected by Members ("the Protocol").
6. The Protocol establishes the behaviour which is acceptable and unacceptable between Members. It sits alongside the Code and fills the gap between behaviour which possibly in itself is not serious, but creates unpleasantness between Members, and behaviour that is approaching the threshold and serious enough for the Ombudsman to hold an investigation. Breaches of the Protocol will also be dealt with under this Procedure.
7. The Ombudsman assumes that where a Member repeatedly breaches this Procedure, the Monitoring Officer will refer the matter to the Ombudsman.
8. Members will continue to be able to complain directly to the Ombudsman where a breach of the Code has occurred. Should the complainant exercise that right then this Procedure will not be used, and any efforts to resolve a complaint using this Procedure will be stopped. The process will only resume if the matter is referred back for local resolution.

9. The Procedure applies to Vale of Glamorgan Council Member complaints against a fellow Vale of Glamorgan Council Member, and not Members of Town and Community Councils. Complaints made by the public and staff will not be dealt with under this Procedure.
10. The key objectives of the Procedure are to:
 - resolve allegations of breaches of the Code and Protocol locally and quickly,
 - avoid unnecessary escalation of the situation which might impact on personal relationships within the Council and damage the Council's reputation,
 - avoid unnecessary involvement of the Ombudsman so that his resources are devoted to the investigation of more serious or repeated complaints.

GENERAL PRINCIPLES

11. Members will make all reasonable efforts to resolve disputes via the Procedure.
12. Group Leaders individually and collectively will work to ensure compliance with the Procedure.

WORKING TO AVOID PROBLEMS

13. To minimise the number of instances of alleged breaches the Council has committed to:
 - a Member Development Strategy; and
 - providing relevant Member training events.

STAGE 1 OF THE PROCEDURE

14. Any Member who wishes to submit a complaint under the Procedure (“the Complainant”) is to complete the pro-forma Local Dispute Resolution Procedure Complaint Form (‘the Complaint Form’) attached at Appendix A to this Procedure and send it to the Monitoring Officer. Following receipt of the Complaint Form, the Monitoring Officer or the Deputy Monitoring Officer will indicate whether the complaint may be dealt with under this Procedure, whether it should be referred to the Ombudsman or whether it is rejected on the basis that there is no case to answer. A decision to reject a complaint by the Monitoring Officer or Deputy Monitoring Officer will be subject to consultation with the Chair of the Standards Committee or in his absence an Independent Member of the Standards Committee as nominated by the Chair of the Standards Committee.
15. If the complaint is to be dealt with under this Procedure the Monitoring Officer or Deputy Monitoring Officer will forward the complaint (including the identity of the Complainant) to the Member who is the subject of the complaint within **seven working days** of submission of the complaint.
16. The Complainant will submit to the Monitoring Officer in writing within **ten working days** of the submission of the Complaint Form any further details relating to the

complaint which are not already detailed in the Complaint Form. The Monitoring Officer will forward the same to the Member who is the subject of the complaint.

17. The Member who is the subject of the complaint will submit to the Monitoring Officer a written response to the complaint within **ten working days** thereafter (having been advised by the Monitoring Officer of the commencement date of the ten working days period) and the Monitoring Officer will forward the same to the Complainant.
18. The Monitoring Officer or Deputy Monitoring Officer will determine whether a Mediation Meeting is convened or whether the complaint is referred directly to a Hearing at Stage 3 of the Procedure.

STAGE 2 OF THE PROCEDURE

MEDIATION MEETING

19. A Mediation Meeting will be held between the Complainant, the Member who is the subject of the complaint, the Leader of the political group for the Complainant and the Member who is the subject of the complaint (for Members that are not in a group they may be accompanied by a colleague or friend) and the Chief Executive (or a nominated Director as determined by the Chief Executive) within **thirty working days** of the Complaint Form being sent to the Member who is the subject of the complaint. The purpose of the Mediation Meeting will be to attempt to resolve the matter. If deemed necessary the Chief Executive or the nominated Director may call on the Monitoring Officer or the Deputy Monitoring Officer for advice and assistance.
20. Where the complaint is made by or concerns a Group Leader the Mediation Meeting will be attended by the Complainant, the Member who is the subject of the complaint, the Chief Executive (or a nominated Director as determined by the Chief Executive) and the Monitoring Officer or the Deputy Monitoring Officer.
21. If the matter is not resolved at Stage 2, the Complainant may elect to stop the Procedure or proceed to Stage 3 of the Procedure subject to notifying the Monitoring Officer in writing within **seven working days** of the Mediation Meeting.
22. Anything said at the Mediation Meeting is privileged and cannot be referred to at Stage 3 of the Procedure.

STAGE 3 OF THE PROCEDURE

HEARING

23. The Hearing will be before three Independent Members of the Standards Committee nominated by the Chair of the Standards Committee. The designated Democratic Services Officer (“the Democratic Services Officer”) will arrange for the Hearing to take place within **six weeks** following the Complaint being referred to Stage 3 of the Procedure

24. Members involved in the complaint have the right to appear before the Independent Members and call witnesses. Once names of witnesses are provided to the Democratic Services Officer the witnesses will be given an overview of the complaint.
25. Only witnesses who have given statements will be able to give evidence at the Hearing and witnesses that provide statements will be required to attend the Hearing, unless both parties agree with the content of the witness' statement and that the witness is not required to attend (the Monitoring Officer is to be advised in writing in such circumstances). The parties if calling witnesses must let the Democratic Services Officer know not less than **five working days** prior to the Hearing of the name of the witness(es) and provide a copy of any witnesses statements to the Democratic Services Officer not less than **five working days** prior to the Hearing, who will provide copies of the witness statement(s) to the other party in advance of the Hearing. Further evidence may be submitted within 5 working days of the Hearing at the discretion of the Panel. Support for witnesses in formatting and typing statements may be provided by officers of the Council as appropriate.
26. The procedure to be followed during the Hearing is set out in Appendix B to this Procedure. It being noted that the Independent Member chairing the Hearing has discretion to vary or supplement the procedure as deemed appropriate.
27. The parties will have the right to be accompanied by only one representative which may be a legal representative or otherwise a colleague, friend, family member or Group Leader. It will be for each of the parties to make their own arrangements regarding representation. The Council will not meet the costs of representation. If either party decides to have legal representation at the Hearing, the Monitoring Officer is to be notified in advance of the Hearing in order to inform the other party to ensure that the opportunity is available to seek legal representation.
28. Neither a representative nor person accompanying a Member will be permitted to give evidence as a witness at the Hearing. However for the avoidance of doubt, a representative or person accompanying a Member will be permitted to speak on behalf of the Member that they are representing/accompanying including asking questions and summing up.
29. If either side wishes not to be present or fails to attend the Hearing the Hearing may be held and determined in their absence.
30. The Independent Members may, in determining the matter on the balance of probabilities, come to one of three conclusions, namely:-
 - there is no basis to the complaint.
 - there is a basis to the complaint but that no further action is required .The Independent Members may also make recommendations to the Council regarding changing any procedures or taking any further action and/or may also direct that an apology be offered to the Complainant and that the Member who is the subject of the complaint attends further training within a specified timescale.
 - There is a basis to the complaint and that the Member be censured. The Independent Members may also make recommendations to the Council regarding

changing any procedures or taking any further action and/or may also direct that an apology be offered to the Complainant and that the Member who is the subject of the complaint attends further training within a specified timescale. Should an apology be directed, this to take the form of a formal apology and to be made in the same way (including the place) as the dispute arose (an apology will only be made in private and confidentially if the Complainant so wishes). A failure by the Member, who is the subject of the complaint, to make an apology in the specified manner is to be referred back to the Standards Committee for consideration.

SUPPLEMENTARY MATTERS

31. Publicity will not be given to the name(s) of the Complainant(s)
32. Publicity will not be given to the name of the Member who is the subject of the complaint unless the Member is censured. Such publicity will take the form of a notice being posted on the Council's website for not less than twenty eight calendar days detailing the name of the Member who is the subject of the complaint, 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 Members presiding at the Hearing. If a formal apology is to be provided, the date when such an apology is provided will be included in the notice.
33. If a formal apology is not provided as resolved by the Panel the matter will be referred to the Standards Committee for consideration and notification of the same will be posted on the Council's website.
34. The Monitoring Officer or Deputy Monitoring Officer will provide advice and support at Stages 2 and 3 of the Procedure but will not determine the matter.
35. The Hearing at Stage 3 will be dealt with in private.
36. There is no right of appeal against the decision made by the Independent Members at Stage 3 of the Procedure.
37. The timescales within the Procedure are a guide to ensure that complaints under the Procedure are dealt with quickly in order to minimise the impact of the complaint; Members and Officers are therefore requested to adhere to the timescales.

LOCAL DISPUTE RESOLUTION PROCEDURE

CONDUCT OF STAGE 3 HEARING

It is to be noted that:

Hearings are to be held in private.

The Member who is the subject of the complaint ('the Respondent') will have received a copy of the Complaint Form and any further submissions by the Complainant in line with paragraph 16 of the Local Dispute Resolution Procedure ('the Procedure').

The parties will have the right to be accompanied by only one representative which may be a legal representative or otherwise a colleague, friend, family member or Group Leader.

Prior to the commencement of the Hearing, the 3 Independent Members of the Standards Committee (nominated by the Chair of the Standards Committee) will elect a Chair for the Hearing ('the Chair').

The Chair will have the discretion to supplement or vary the procedure to be followed at the Stage 3 Hearing as deemed appropriate.

Witnesses will not be permitted to be present in the Hearing room at the outset but will be called individually to give their evidence at the appropriate time and will be required to leave following their evidence.

Where witnesses are to be called, the parties will be required to notify the Democratic Services Officer not less than **five working days** prior to the Hearing. Both parties will need to ensure that their witnesses are in attendance. If both parties agree the written evidence of a witness, the witness is not required to attend (and the Monitoring Officer will be advised of this in writing). Witnesses are required to provide a statement prior to the Hearing and for the statement to be provided to the Democratic Services Officer not less than **five working days** prior to the Hearing.

The Monitoring Officer or Deputy Monitoring Officer will provide advice and support to the Independent Members but will not determine the matter.

The decision of the Independent Members will be based on the standard of proof of the balance of probabilities.

At the Hearing

Step 1

At the Hearing those present will include the Independent Members, the Monitoring Officer or Deputy Monitoring Officer, a representative from Democratic Services, the Complainant, the Respondent and their representatives or person accompanying each party (if required).

The Chair will open the Hearing and establish the identity of all present and will outline the order of proceedings for the Hearing.

The Chair will seek confirmation that all parties have received the relevant documentation and will specify the complaint(s) against the Respondent.

Step 2

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

Step 3

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

Throughout the Hearing the Independent Members, Monitoring Officer or Deputy Monitoring Officer may also seek clarification or ask relevant questions of both parties.

Step 4 – Summing Up

The Chair will then afford both parties (Complainant and Respondent respectively) the opportunity to sum up. A party's representative or person accompanying them may sum up on their behalf.

Step 5

Following the summing up both parties and their representative(s) will be asked to vacate the room in order that the Independent Members can deliberate and decide in private whether the complaint is proved or not proved. The Independent Members will be accompanied only by the Monitoring Officer or Deputy Monitoring Officer and the Democratic Services Officer. The role of officers is to offer advice to the Independent Members but not to determine the outcome of the matter.

The Independent Members' decision will be by majority vote; where necessary the Chair shall have a casting vote.

Step 6

The parties will be called back in and the Chair will advise whether the complaint is proved or not proved. If proved, the Respondent will be asked to give any mitigation which might affect the Independent Members' decision.

Step 7 – Hearing Decision

The Independent Members will consider the mitigation submitted and come to their decision in private.

It will be at the discretion of the Chair whether the Independent Members will reach a decision on the day of the Hearing and how the decision will be communicated (either face-to-face or by telephone). The Complainant and Respondent will both be advised orally of the decision.

The Chair, at the end of the Hearing, will remind parties that there is no right of appeal against the decision made by the Independent Members at Stage 3 of the Procedure.

The Chair will aim for a written decision to be issued 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. The Independent Members may also make recommendations to the Council regarding changing any procedures or taking any further action and or may also direct that an apology be offered to the Complainant and that the Member who is the subject of the complaint attends further training within a specified timescale;
- (iii) There is a basis to the complaint and that the Member be censured. The Independent Members may also make recommendations to the Council regarding changing any procedures or taking any further action and or may also direct that an apology be offered to the Complainant and that the Member who is the subject of the complaint attends further training within a specified timescale.

Should an apology be directed the apology is to take the form of a formal apology and to be made in the same way (including the place) the dispute arose within the timescale specified by the Panel. An apology will only be made in private and confidentially if the Complainant so wishes.

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

Should the Independent Members' conclusion be that there is a basis to the complaint and that the Member be censured, then a statement on the Council's website will be issued

ideally within **seven working days** of the decision letter being issued which will detail the name of the Respondent, the fact that the Respondent 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 Members presiding at the Hearing. If a formal apology is to be provided, the date when such an apology is provided will be included in the notice, or alternatively if a formal apology is not provided as resolved by the Panel reference will be made in the notice to the date when the matter will be referred to the Standards Committee for consideration. The statement will appear on the Council's website for not less than **twenty eight calendar days**.