

General Purposes and Arbitration Committee

Procedure for Hearing Appeals

The General Purposes and Arbitration Committee shall hear appeals in accordance with the following procedure:-

1. (a) **The Council's representative states the case**
(and may call witnesses)

This is the Council's opportunity to state its case. You should allow the officer to present their case without interruption. You are advised that if you do interrupt the officer the Chair of the Committee will be asked to stop you and any comments you have made will be ruled inadmissible.

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- (b) **Appellant may ask questions**

*You may now **ask questions** of the council's representative on the details of the case they have presented. You may also may also ask questions on matters that may have been referred to in the earlier stages of the appeal process which have not been mentioned this time but which you feel are important to the case and to which the council's representative should be given the opportunity to respond.*

*At this point you should **only ask questions and not make statements or begin to present your case**. You will have an opportunity to state your case later. If you do begin to make comments the Chair will stop you and any inappropriate comments you have made will be ruled inadmissible.*

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- (c) **The Committee may ask questions**

The members of the Committee may wish to ask the council's representative(s) questions on the detail of the case they have just presented. This is to clarify information and to draw out information on points they may consider relevant to the case.

2. (a) **Appellant states their case**
(and may call witnesses)

This is your opportunity to state your case to the Committee. It is the only opportunity you will have to present your views so you should include everything you wish to cover.

You are advised that if you begin to make allegations or personal comments about the officers involved in the case the Chair of the Committee will be asked to stop you and the comments will be ruled inadmissible.

(b) **Council's representative may ask questions**

The Council's representative(s) present may ask you questions on the details of the case you have just presented. They may also ask questions on matters that may have been referred to in the earlier stages of the appeal process which have not been mentioned this time but which they feel are important to the case and to which you should be given the opportunity to respond.

*The Council's representative **should only ask questions** at this point. If they begin to make comments the Chair will remind them that they should only be asking questions and any inappropriate comments they have made will be ruled inadmissible.*

(c) **The Committee may ask questions**

The members of the Committee may ask you questions on the details of the case you have presented. This is to clarify information and to draw out information on points they may consider relevant to the case.

3. **General questions**

At this point, the Committee members may ask questions of both parties or the advisors to the Committee.

The advisors may also ask questions of either side in order to clarify points you or the Council's representative(s) have made.

The advisors may also ask questions in order to raise issues they feel members should be made aware of but which may not have been covered by either side. In this case, both sides will be given the opportunity to respond and the Chair will allow debate on that particular point until he feels satisfied that the particular issue has been dealt with sufficiently.

4. (a) **Appellant(s) may sum up their case**

*This is your opportunity to remind members of the Committee points you have raised. You **cannot** introduce new issues/evidence or make statements on matters which have not already been raised. This is because the Council's side do not have a further opportunity to respond or refute these statements. If you do attempt to introduce new issues/evidence, the Chair will stop you. Members will be advised that the comments are inadmissible.*

(b) **Council's representative may sum up their case**

This is the Council's opportunity to remind members of the Committee of the points they have made. The same restrictions apply to the Council's representative as they do to you.

5. Both sides withdraw

You, and the Council's representative(s) will be asked to leave the room whilst the Committee comes to a decision.

6. The Panel consider the case

The Panel will deliberate in private. The Advisors will remain to provide advice.

If members require further clarification on any issues, both parties will be asked return so they can hear what is said. The question will be put to the appropriate person and a factual answer given. The respondent should not express any opinion or raise any related issues. No debate will be allowed. Subsequent questions may however, be asked by the Committee.

Both parties will again be asked to withdraw.

7. Decision announced

When the Committee has reached a decision both parties will be asked to return. The Democratic Services Officer will announce the decision to both parties.

Either side may ask for clarification of any part of the decision. This will be given by the Chair or at their request, one of the Advisors.

No further debate will be entered into once the decision has been made

General Notes on the Conduct of Appeals

The Chair will be as lenient as possible in the application of the above procedure to allow as full a debate of the issues before the Committee as possible, however, this privilege should not be abused.

The Chair's ruling is final. All parties are obliged to adhere to the Chair's rulings throughout the course of the hearing.

The Chair will not tolerate unacceptable behaviour by any party and may stop the proceedings at any time if they feel this is necessary.

If you do not wish to answer a question put to you then you are not legally obliged to. However, you should consider carefully how this will appear to the Committee or what the consequences of this course of action may be for your case.

NB Reference to 'appellant(s)' includes the appellant's representative where one has been appointed.