

## **Aide Memoire for IAPs – Members’ notes for subsequent meetings of the IAP**

The initial session of the IAP determined that there were further elements which remained unaddressed, or not adequately dealt with. This meeting is to receive the response from the Service along with any other relevant material and to decide whether that information is, or is not, sufficient for a final decision to be made.

Whilst it is possible for a complaint to be dismissed at this stage, if Members are in **any doubt whatsoever** about whether the issue(s) have been adequately dealt with, they should err on the side of caution and recommend that the matter be placed before a Hearings Panel.

### **Part 1: Consideration of the material received**

- 1] The Panel should say whether the information it has received has addressed its original concerns. If not, the Panel may:  
Adjourn the meeting and ask for the material to be provided and for a new date to be set.
- 2] If the information requested addresses the outstanding issue(s), the Panel should decide whether:
  - a. The response has fully addressed the issues and a decision can be made
  - b. There are any other elements which the response has raised and which further enquiries need to be made, or
  - c. It has not provided the answer(s) and a further request needs to be made
- 3] If the Panel is of the opinion that the outcome of its request for further action / information falls under **a** above, it must decide whether to:
  - a. Refer the matter to a Hearings Panel of
  - b. Reject the complaint as having been adequately dealt with

### **Part 2: Consideration of the merits of the Appeal**

- 1] If the Panel has accepted that the Appellant’s request for a hearing still conforms to the requirements, it moves to deliberating whether the elements for consideration and the remedies requested fall within the remit of Councillors to be able to meaningfully engage with and resolve.

- 2] To do this, the Panel must satisfy itself that:
  - a. The matter(s) before it are not subject to another form of action (e.g. Planning Inspectorate, Rent Tribunal etc.)
  - b. Does not conflict with legislation (e.g. local or national taxation)
  - c. Does not conflict or run counter to current Council policies
  - d. Does not directly involve specific staff disciplinary issues or
  - e. Would not lead to decisions or actions which would be ultra-vires in nature or effect

### **Part 3: Determination of Hearing Request**

- 1] The Panel must now determine whether to:
  - a. Allow the request and direct that a hearings panel be convened
  - b. Refuse the request on the grounds that there are issues outstanding which it considers the Service has yet to address and adjourn the meeting for further action to be taken by the Service within a set time frame at the end of which the matter shall return to the Panel for further consideration, or
  - c. Reject the Hearing request.