



PROCEDURE FOR CONSIDERING COMPLAINTS THAT MEMBERS HAVE BREACHED THE MEMBERS' CODE OF CONDUCT

1. Monitoring Officer (MO) acknowledges receipt of the complaint within 5 working days of receipt.
2. MO informs the subject member of;
 - (a) The complaint, giving a summary of it and the name of the complainant;
and
 - (b) His/her right to consult one of the Independent Persons (IP) appointed by the Council, through the MO.
3. MO, in consultation with an IP (other than one consulted by the subject member under paragraph 2 (b)), decides, within 20 working days of receipt of the complaint, that;
 - (a) The complaint does not come within the remit of the Members' Code of Conduct;
 - (b) The complaint does not cross the threshold of seriousness that would warrant an investigation;
 - (c) He/she should seek to resolve the complaint without the need for an investigation (e.g. by an apology or training by the subject member);
 - (d) An investigation should take place;
 - (e) The Complaint should not be investigated because it could be considered to be vexatious, or malicious;
 - (f) The Complaint should not be investigated because it is broadly similar to a complaint against the same member about the same alleged incident;

- (g) The Complaint should not be investigated because there is a clear ulterior/political motive for it or it could be considered to be a tit for tat complaint.
 - (h) The Complaint should not be investigated because it would not be in the public interest the reasons for this to be detailed in the decision letter.
- 4. Before coming to his/her decision under para 3 the MO may request further information and/or clarification from the complainant and/or the subject member and the time period shall be extended accordingly.
- 5. If the MO decides that the complaint should be investigated, or his/her attempts to resolve the complaint without an investigation do not succeed, then he/she will carry out an investigation or appoint an investigator to carry out an investigation on his/her behalf.
- 6. The investigator appointed under paragraph 5 by the MO may be;
 - (a) A senior officer of the Council;
 - (b) A senior officer of another Council;
 - (c) An external investigator with relevant experience.
- 7. A report into an investigation shall include the investigator's findings on whether the Members' Code of Conduct has been breached.
- 8. Before finalising his/her report the Investigator shall send a copy of it to both the complainant and subject member and give them at least 5 working days to comment on it.
- 9. If the investigator's final report finds there has not been a breach of the Members' Code of Conduct the MO can, in consultation with the IP, decide to;
 - (a) Take no action; or
 - (b) Refer the report to the Standards Committee (Hearing Sub-Committee).

10. If the investigator's report finds there has been a breach of the Members' Code of Conduct then the MO must refer the matter to the full Standards Committee (Hearing Sub-Committee).

11. When the matter has been referred to the Standards Committee (Hearing Sub-Committee) by the MO, it will;
 - (a) Allow the investigator to present his/her report and call witnesses, including the complainant;
 - (b) Allow the subject member to make representations and call witnesses;
 - (c) Decide if the subject member has breached the Members' Code of Conduct;
 - (d) Decide what sanction should be imposed if they decide the Members' Code of Conduct has been breached.

12. The sanctions the Standards Committee (Hearing Sub-Committee) can impose if they find a breach of the Members' Code of Conduct are;
 - (a) Censuring the member;
 - (b) Reporting its findings to Council for information;
 - (c) Recommending to the member's Group Leader (or in the case of ungrouped members, recommending to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - (d) Recommending to the Leader of the Council that the member be removed from the Executive, or removed from particular Portfolio responsibilities;
 - (e) Recommending the Monitoring Officer to arrange training for the member;
 - (f) Recommending to Council that the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority.

[In respect of Parish Councils all of these will be recommendations].

13. In reaching a decision as to whether there has been a breach of the Members' Code of Conduct and if so what sanction should be imposed the Standards

Committee (Hearing Sub-Committee) will consult and take into account the views of the IP who will attend such hearings.

14. Following any final decision by the MO or the Standards Committee (Hearing Sub-Committee) at whatever stage the MO shall inform the complainant and the subject member of the decision and the reasons for it within 10 working days.
15. Wherever there has been a decision that the subject member has breached the Members' Code of Conduct that decision and the reasons for it shall be put on the Council's website.
16. Wherever there is a decision that the subject member has not breached the Members' Code of Conduct that decision shall be put on the Council's website if the subject member wishes it to be.
17. Any decision of the MO or Standards Committee (Hearing Panel) shall be final and binding.
18. The MO will every 6 months take a report to the Standards Committee giving;
 - (a) The number of complaints received and brief details;
 - (b) How they are progressing;
 - (c) What decisions have been made;
 - (d) What action has, where appropriate, been taken.
19. The MO has delegated power, in consultation with the IP and the Chair of the Standards Committee, to approve a departure from these arrangements when he/she considers it is expedient to do so to secure the effective and fair consideration of any matter.
20. In all cases where the MO is unable to perform his role his/her deputy will do so.