

**PROCEDURE FOR CONSIDERING COMPLAINTS THAT MEMBERS
HAVE BREACHED THE 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) their right to consult, through the MO, one of the Independent Persons (IP) appointed by the Council. The MO will inform the subject member that this is an on-going support role. The IP shall make a written record of any conversations with the subject member, that both agree to be a correct record. The MO shall make the IP aware they he may be interviewed by the police if the complaint is referred to them.
3. MO decides, in consultation with a IP (other than one consulted by the subject member under para 2(b)), within 20 working days of receipt of the complaint, that:
 - (a) the complaint does not come within the remit of the Code of Conduct.
 - (b) the complaint does not cross the threshold of seriousness to warrant an investigation;
 - (c) it is not in the public interest to investigate the complaint;
 - (d) 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);
 - (e) the Complaint should not be investigated because it could be considered to be vexatious, malicious, obsessive or partisan;
 - (f) the Complaint should not be investigated because it is broadly similar to a complaint against the same member about the same alleged incident; or
 - (g) an investigation should take place.
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 para 5 by the MO may be:
 - (a) a senior officer of the Council;
 - (b) a senior officer of another Council; or
 - (c) an external investigator with relevant experience.

7. A report into an investigation shall include the investigator's findings on whether the Code 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 Code the MO can, in consultation with the IP, decide to:
 - (a) take no action; or
 - (b) refer the report for a hearing before the Standards Committee.

10. If the investigator's report finds there has been a breach of the Code then the MO must refer the matter for a hearing before the Standards Committee

11. When the matter has been referred to a hearing before the Standards Committee by the MO, it will at all times adhere to the Procedure for Hearings which provides for the following:
 - (a) allow the investigator to present his/her report and call witnesses;
 - (b) allow the complainant to make representations and call witnesses;
 - (c) allow the subject member to make representations and call witnesses;
 - (d) decide if the subject member has breached the Code of Conduct; and
 - (e) decide what sanction should be imposed if they decide the Code has been breached.

12. The sanctions the Standards Committee can impose if they find a breach of the Code are one or more of the following:
 - (a) Censuring the member (an apology may also be recommended);
 - (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 Council that the member be replaced as Executive Leader of the authority;
 - (e) recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - (f) recommending the Monitoring Officer to arrange training for the member; or
 - (g) recommending to Council that the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority.
13. In reaching a decision as to whether there has been a breach of the Code and if so what sanction should be imposed the Standards 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 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 Code of Conduct that decision and the reasons for it shall be published in a prominent position on the Council's website
16. Wherever there is a decision that the subject member has not breached the Code of Conduct that decision shall be put on the Council's website in a prominent position if the subject member wishes it to be.
17. Any decision of the MO or Standards Committee 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; and
 - (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/her role his/her deputy will do so.