

**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
 - (b) his right to consult one of the Independent Persons (IP) appointed by the Authority, through the MO.
 - (c) their right to provide a written response to the allegations, however these must be sent to the MO within 14 days of the Authority receiving the complaint
3. MO, in consultation with an IP (other than one consulted by the subject member under Para 2 (b)), decides, 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 is not sufficiently serious to warrant an investigation.
 - (c) It is not in the public interest to pursue the complaint.
 - (d) The MO should seek to resolve the complaint without the need for an investigation (e.g. by an apology or training by the subject member).
 - (e) An investigation should take place
 - (f) The Complaint should not be investigated because it is vexatious, malicious or obsessive.
 - (g) The Complaint should not be investigated because it is broadly similar to a complaint against the same member about the same alleged incident.
 - (h) The Complaint should not be investigated because there is a clear ulterior/political motive for it or it is just a tit for tat complaint
4. Before coming to his 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 the MO attempts to resolve the complaint without an investigation do not succeed, then MO will carry out an investigation or appoint an investigator to carry out an investigation on the MO's behalf.

6. The Investigator appointed under Para 5 by the MO may be;
 - (a) A senior officer of the Authority
 - (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 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 14 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
 - (b) Refer the report to the Programmes and Resources Committee (Hearing Panel) which is made up of three members of the Programmes and Resources Committee, one from the Constituent Councils and one from the Secretary of State appointments.

10. If the Investigator's report finds there has been a breach of the Code then the MO must refer the matter to the full Programmes and Resources Committee (Hearing Panel)

11. When the matter has been referred to the Programmes and Resources Committee (Hearing Panel) by the MO, it will;
 - (a) Allow the Investigator to present his 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 Code of Conduct
 - (d) Decide what sanction should be imposed if they decide the Code has been breached.

12. The sanctions the Programmes and Resources Committee (Hearing Panel) can impose if they find a breach of the Code are;
 - (a) Censuring the member
 - (b) Reporting its findings to full Authority for information;
 - (c) Recommending to full Authority that he/she be removed from any or all Committees or Sub-Committees of the Authority;

- (d) Recommending to full Authority that the member be replaced as Chair of the Authority;
 - (e) Recommending to full Authority that the member be removed from particular Member Representative Roles;
 - (f) Recommending the Monitoring Officer arrange training for the member;
 - (g) Recommending to full Authority that the member be re-moved 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 Programmes and Resources Committee (Hearing Panel) 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 Programmes and Resources Committee (Hearing Panel) 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 put on the Authority's website and sent to the Member's appointing authority and where relevant their Parish Council or Parish Meeting.
16. Wherever there is a decision that the subject member has not breached the Code of Conduct that decision shall be put on the Authority's website, and sent to the Member's appointing authority and where relevant their Parish Council or Parish Meeting, if the subject member wishes it to be.
17. Any decision of the MO or Programmes and Resources Committee (Hearing Panel) shall be final and binding
18. The MO will report to the Programmes and Resources Committee through the quarterly performance monitoring report 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 Programmes and Resources 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.