

Members Code of Conduct – Appendix 2

Process for complaints about the conduct of a councillor or co-opted member

- (a) Complaints would initially be investigated by the Monitoring Officer or a representative designated by him/her.
 - (i) The Monitoring Officer after consulting with the Independent Person will decide whether any complaint should go to a formal process. If the Monitoring Officer believes that the complaint is frivolous or vexatious or does not fall within the scope of the Code of Conduct, the complaint can be rejected following consultation with an appointed Independent Person.
 - (ii) If the Monitoring Officer decides that a complaint should go to a formal process, the Monitoring Officer will provide a written report to the Group Leaders Panel within three months of receiving the complaint. The report would comprise purely factual findings without any conclusion drawn as to whether or not a breach of the code is believed to have taken place.
- (b) The complainant and subject Member would be able to make written representations to and answer questions in writing or verbally from the Monitoring Officer but there would not be 'in person' interviews at this stage.
- (c) The Monitoring Officer would have the discretion to assemble other evidence to assist the Panel as appropriate.
- (d) The Panel would have discretion to decide whether to take evidence in writing or in person from the complainant and the subject Member and whether or not to take statements / evidence from other parties.
- (e) Procedures would have an emphasis on flexibility and informality (insofar as possible and consistent with the principles of natural justice) and dispute resolution.
- (f) Consideration of and decisions on complaints to be dealt with by a Panel comprising the Leaders of all the political Groups represented on the Council taking account of the views of the 'Independent Person', with a right of appeal to full Council. Where the subject member is a Group Leader, the Panel would comprise the Deputy Group Leader.
- (g) Powers of sanction would include resolution of censure but would also extend to requests to Group Leaders/Political Groups to take appropriate action.
- (h) When giving evidence in person to the Group Leaders Panel, the complainant and the subject Member could bring along a friend/lay person (but not a legal representative), based on the definition used in staff disciplinary procedures.
- (i) Where a Member is found by the Panel to be in breach of the Code of Conduct, the Panel could, if they so decided, recommend to Full Council to censure or make recommendations to the Group Leaders/Political Groups on what "sanctions" the Panel believe should be imposed, subject to the Group Leaders/ Political Groups being legally able to impose such "sanctions".
- (j) Where the Group Leaders /Political Groups are asked to impose appropriate sanctions, there should be a requirement for the Group Leaders to formally notify the Panel on what action they have taken and, if no action is taken, the reason why.
- (k) All decisions following a hearing should be published on the council's website; subject to the right of a subject Member to request non-publication in any case where there is a finding that the Code of Conduct has not been breached.
- (l) Two "Independent Persons" should be appointed to ensure that one is always available to be consulted. One would be the primary independent person and the other a secondary independent person.