

# **ARRANGEMENTS FOR DEALING WITH ALLEGATIONS OF BREACH OF THE CODE OF CONDUCT FOR COUNCILLORS**

## **1. INTRODUCTION**

- 1.1. The Council is required to adopt arrangements to deal with complaints that councillors have breached the Code of Conduct.

## **2. PROCESS**

- Complaint received by Monitoring Officer.
- Upon receipt of a complaint under the Code of Conduct the Monitoring Officer (or their nominee) should undertake an initial assessment and may:-
  - (a) reject the complaint on the grounds that it falls outside the scope of a valid Code of Conduct complaint;
  - (b) determine that there is no breach of the Code and no further action should be taken; or
  - (c) where considered appropriate, enter into an early preliminary and informal dialogue with the complainant and the Councillor complained of, and agree a speedy informal resolution of the complaint
  - (d) refer the complaint to the Chair of Standards Committee for consideration in accordance with the procedure set out below.
- Types of informal resolution referred to in (c) above might include:
  - (a) An explanation by the subject Councillor of the circumstances surrounding the complaint;
  - (b) An apology from the subject Councillor;
  - (c) Agreement from the subject Councillor to attend relevant training or to take part in a mentoring process or, where the complainant is also a Councillor, an agreement to participate in mediation involving the appropriate Political Group Leaders;
  - (d) Offering to engage in a process of mediation or conciliation between the subject Councillor and the complainant;
  - (e) Correcting an entry in a register;
  - (f) Any other action capable of resolving the complaint.
- Where, in the opinion of the Monitoring Officer, the subject Councillor has appropriately addressed the matters raised there will be no further action taken in respect of the complaint and the Monitoring Officer will notify both the complainant and the subject Councillor of this decision.

- If mediation is unsuccessful, the Monitoring Officer will provide details of the complaint formally to the Councillor and seek an initial response. The Councillor will be advised of the right to speak to the Independent Person (IP).
- The Councillor must provide an initial response to the complaint within 14 calendar days. Failure to provide a response in this timeframe is likely to be considered a failure to cooperate with the investigation required under paragraph 8.2 of the Council's Code of Conduct. Unless exceptional circumstances exist which the Monitoring Officer considers justifying an extension of time, the complaint will be referred to the Chair for determination after the 14-day period regardless of whether or not a response has been received.
- The Chair of the Standards Committee in consultation with Councillors of the Standards Committee and the Monitoring Officer will then decide whether:
  - There is no breach of the Code and no further action should be taken; or
  - There is a potential breach of the Code and informal resolution is appropriate, to include for example mediation, training, apology, advice; or
  - There is a potential breach of the Code and the Monitoring Officer should undertake or commission an investigation into the complaint with a view to a report then being considered by the Standards Committee.
- The Councillor and complainant will be kept informed and will be notified of the outcome of the initial consideration by the Chair and members of the Committee.
- Where there is no further action to be taken, or the matter is dealt with by informal resolution, the Monitoring Officer shall report on such outcomes by way of an update report to the Standards Committee which will retain oversight of the arrangements.
- Where the matter is considered at a meeting of the Standards Committee further to an investigation, this will be at a formal meeting of the Committee subject to the relevant Procedure Rules contained in Part 4 of this Constitution.

### **3. CRITERIA TO BE USED IN DETERMINING THAT NO FURTHER ACTION SHOULD BE TAKEN**

- 3.1. A complaint may be dismissed as requiring no further action at the initial assessment stage where the Chair, in consultation with Councillors of the Standards Committee, the Independent Persons and the Monitoring Officer considers that:-
  - (a) the person complained about is no longer a member of the relevant local authority; or

- (b) the matter being complained about happened more than 12 months before the complaint was received; or
- (c) the matter or issue being complained about came to the complainant's notice more than 6 months before the complaint was received; or
- (d) insufficient information has been submitted at the outset to demonstrate that there has been a prima facie breach of the Code; or
- (e) the complaint is based essentially on hearsay evidence and is not supported at the outset by detailed and verifiable supporting evidence; or
- (f) the complaint does not relate to behaviour in the member's official capacity as a councillor; or
- (g) the matter complained about is so trivial that it would not be in the public interest or proportionate to pursue it further; or
- (h) the complaint appears to be vexatious, politically motivated, tit-for-tat or made by a persistent complainant; or
- (i) the conduct complained about has already been the subject of investigation or enquiry by another public body; or
- (j) the same, or substantially the same, issue has been the subject of a previous Code of Conduct allegation, and there is nothing further to be gained; or
- (k) the complaint was made anonymously; or
- (l) the complainant has requested that their identity as complainant be withheld from the member, and it is considered that the matter cannot reasonably be taken further in these circumstances; or
- (m) the councillor has already apologised for the action that was the subject of the complaint, and this is considered sufficient to dispose of the complaint; or
- (n) the complaint is essentially against the action of the Council as a whole and cannot properly be directed against an individual councillor(s).