



NOTTINGHAM CITY COUNCIL
STANDARDS COMMITTEE

Date: Thursday, 29 June 2017

Time: 3.30 pm

Place: LH 0.06 - Loxley House, Station Street, Nottingham, NG2 3NG

Councillors are requested to attend the above meeting to transact the following business

Corporate Director for Strategy and Resources

Governance Manager: Nancy Barnard **Direct Dial:** 0115 8764312

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|----------|---|--------|
| 1 | APPOINTMENT OF CHAIR | |
| 2 | APPOINTMENT OF VICE CHAIR | |
| 3 | APOLOGIES FOR ABSENCE | |
| 4 | DECLARATIONS OF INTEREST | |
| 5 | TERMS OF REFERENCE
For information and noting | 3 - 4 |
| 6 | THE ROLE OF THE STANDARDS COMMITTEE AND THE
INDEPENDENT PERSON
Report of the Monitoring Officer | 5 - 22 |

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD

TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT WWW.NOTTINGHAMCITY.GOV.UK. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

Standards Committee

- (a) To promote and maintain high standards of conduct by Councillors and co-opted members;
- (b) to advise the Council on the adoption or revisions of its Code of Conduct, to monitor its operation and to assist Councillors and co-opted members in observing it;
- (c) to agree the local arrangements for the investigation of allegations that the Code of Conduct has been breached, and arrangements under which decisions on allegations can be made;
- (d) to arrange training and advice for Councillors and co-opted members on matters relating to the Council's Code of Conduct, and related probity issues;
- (e) to receive annual reports from the Monitoring Officer relating to complaints under the Code of Conduct, the Confidential Reporting Code and any other matters relating to conduct and propriety;
- (f) to consider reports and recommendations from the District Auditor relevant to the Code of Conduct and related probity issues;
- (g) to hear cases under the Council's procedure for dealing with complaints about Councillors' and co-opted members' conduct;
- (h) to make recommendations regarding the settlement of cases of maladministration;
- (i) to keep under review and make recommendations on the content of the Code of Conduct for colleagues and protocols in connection with Councillor/colleague relations;
- (j) granting dispensations to Councillors and co-opted members in relation to the Code of Conduct, as permitted by legislation;
- (k) to review the operation of the Council's Confidential Reporting Code and make recommendations for any changes to it;
- (l) to respond to consultation exercises carried out by government and other agencies on issues related to the work of the Committee;
- (m) to consider any other matters referred to it by the Monitoring Officer;
- (n) granting and supervising exemptions from political restriction.

The Committee is accountable to Council and has 8 members (politically balanced).

The Committee meets as and when required.

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STANDARDS COMMITTEE – 29 JUNE 2017

Title of paper:	The Role of the Standards Committee and the Independent Person	
Director(s)/ Corporate Director(s):	Glen O'Connell, Monitoring Officer	Wards affected: All
Report author(s) and contact details:	Nancy Barnard, Governance Manager nancy.barnard@notinghamcity.gov.uk 0115 876 4312	
Other colleagues who have provided input:		
Date of consultation with Portfolio Holder(s) (if relevant)	N/A	
Relevant Council Plan Key Theme:		
Strategic Regeneration and Development		<input type="checkbox"/>
Schools		<input type="checkbox"/>
Planning and Housing		<input type="checkbox"/>
Community Services		<input type="checkbox"/>
Energy, Sustainability and Customer		<input type="checkbox"/>
Jobs, Growth and Transport		<input type="checkbox"/>
Adults, Health and Community Sector		<input type="checkbox"/>
Children, Early Intervention and Early Years		<input type="checkbox"/>
Leisure and Culture		<input type="checkbox"/>
Resources and Neighbourhood Regeneration		<input checked="" type="checkbox"/>
Summary of issues (including benefits to citizens/service users):		
<p>This report outlines the role of the Standards Committee and the Independent Person in the Standards process the benefit of Committee members. The recently appointed Independent Person, Nigel Cullen, will also be in attendance at this meeting.</p> <p>A procedure for Committee Members, the Independent Person, and colleagues to follow in the event that any complaints are made that a Councillor or Co-opted member has breached the Code of Conduct has been drafted and is attached to this report as appendix A. The Committee is asked to consider and approve this procedure.</p>		
Recommendation(s):		
1	Note the information contained within this report outlining the role of this Committee and the Independent Person.	
2	As outlined in the Committee's Terms of Reference, approve the draft procedure for managing complaints that allege a Councillor or Co-opted Member has breached the Code of Conduct.	
3	Note the intention to publish the approved complaints procedure, together with a simplified leaflet advising citizens on how to complain if they feel a Councillor or Co-opted Member has breached the Code of Conduct, on the Council's website.	
4	Consider whether to appoint a Standards (Hearings) Sub-Committee to consider any complaints that a Councillor or Co-opted Member has breached the Code of Conduct.	

1 REASONS FOR RECOMMENDATIONS

- 1.1 To ensure that Standards arrangements in Nottingham are compliant with legislation.
- 1.2 To ensure the Committee is familiar with its role and that of the appointed Independent Person.
- 1.3 To ensure citizens know how to complain that a Councillor or Co-opted Member has breached the code of Conduct.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

2.1 Revised Standards Arrangements and Draft Complaints Procedure

The Localism Act 2011 abolished the previous Standards regime, including the Standards Board for England and required Council to adopt a revised Code of Conduct for Councillors and Co-opted Members and to manage complaints that a Councillor or Co-optee has breached the Code.

- 2.2 The revised Code, as adopted by Full Council, has been in place for some time and, as required by the Act, is consistent with the principles of:

- a) selflessness,
- b) integrity,
- c) objectivity,
- d) accountability
- e) openness,
- f) honesty, and
- g) leadership.

All Councillors agree to abide by the Code of Conduct on their assumption of office and uphold its principles for the duration of their term. A copy of the Code is attached as Appendix A to this report for information.

- 2.3 If a complaint is received that a Councillor or Co-opted Member has breached the Code the Council has a duty to deal with that complaint. Changes to the complaints procedure are required to comply with national guidelines and best practice and a revised procedure has been drafted and is attached as Appendix B. The draft procedure seeks to ensure complaints are dealt with fairly and consistently. It emphasises informal resolution where possible and appropriate.
- 2.4 Dealing with complaints that a Councillor or Co-optee has breached the Code of Conduct is the responsibility of the Council's Monitoring Officer. Under the draft procedure s/he may take the complaint through a series of steps, both informal and formal, to try to resolve the complaint prior to it, if necessary, being formally investigated and, if necessary, reaching a hearing at Standards Committee. The Monitoring Officer will inform the relevant Group Whip and the Independent Person (and may consult the Independent Person) as the case progresses.
- 2.5 If the complaint cannot be resolved in these stages, following investigation, the Monitoring Officer will refer the complaint to the Standards Committee, or a sub-committee appointed for the purpose of conducting hearings. That body will meet within 28 days of the referral being made and will consider a report prepared by the Monitoring Officer outlining the facts of the complaint and the action taken to date. The subject of the complaint and the complainant will be invited to attend the meeting to present submissions. Witnesses may also be invited.

- 2.6 The Committee or sub-committee will determine, on the balance of probability, whether the subject of the complaint has breached the Code of Conduct. In the event of a breach, it will determine whether and what action to take against the subject of the complaint. Decisions of the Standards Committee and the sub-committee, if appointed, will be published on the Council's website. Actions that can be taken are outlined in paragraph 38 of the draft complaints procedure.

The Independent Person

- 2.7 Legislation requires the Council to appoint an Independent Person to support the Monitoring Officer and the Committee or sub-committee in the consideration of complaints, providing an independent perspective on the matters under consideration. Council has appointed Nigel Cullen to this position and he will be attending this meeting. He has previously chaired the Council's Independent Remuneration Panel and has a good understanding of arrangements in Nottingham.
- 2.8 The Independent Person can be consulted informally by the Monitoring Officer throughout the operation of Complaints Procedure. The subject of the complaint can also consult the Independent Person during the process, for example on how the issue might be resolved.
- 2.9 If the complaint reaches the stage of a formal hearing the Committee or the sub-committee must seek and take into account the views of the Independent Person on the case. The Independent Person will be invited to the hearing meeting to present his views and to inform discussions that take place there.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

Not to update the Council's procedure for managing complaints that a Councillor or Co-opted Member has breached the Code of Conduct is not an option as it is required by legislation.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

There are no financial implications related to the recommendations in this report. Any costs of supporting the complaints process will be met from existing resources.

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

The Council would be in breach of its statutory duty if it did not update its procedure for managing complaints that a Councillor or Co-opted Member has breached the Code of Conduct.

7 EQUALITY IMPACT ASSESSMENT

- 7.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because this report does not propose any change in Council policy.

**8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR
THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

None

9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

Localism Act 2011

Report to Council May 2017

'Co-opted member' means any person who is a member of any committee or sub-committee of the Council but is not one of its elected members.

1. Application

This Code of Conduct applies to you whenever you are acting in your capacity as a member of Nottingham City Council, including:

- 1.1 at formal meetings of the Council, its Committees and Sub-Committees, the Executive Board and its Committees and Sub-Committees;
- 1.2 when acting as a representative of the Council;
- 1.3 in making any decision as a Portfolio Holder or a Ward Councillor;
- 1.4 in discharging your functions as a Ward Councillor;
- 1.5 at briefing meetings with colleagues;
- 1.6 at site visits; and
- 1.7 when corresponding with the Council other than in a private capacity.

2. Principles

The principles underpinning this Code of Conduct are that you will act with:

Selflessness
Integrity
Objectivity
Accountability
Openness
Honesty
Leadership
Respect for others
A commitment to uphold the law

3. General Conduct

You must:

- 3.1 provide leadership to the Council and the communities within its area, by personal example;
- 3.2 respect others and not bully any person;
- 3.3 recognise that colleagues (other than political assistants) are employed by and serve the whole Council;
- 3.4 respect the confidentiality of information which you receive as a member:
 - (a) not disclosing confidential information to third parties unless required to do so by law or where there is a clear and over-riding public interest in doing so; and

- (b) not obstructing third parties' legal rights of access to information;
- 3.5 not misconduct yourself in a manner which is likely to bring the Council into disrepute;
- 3.6 use your position as a member in the public interest and not for personal advantage;
- 3.7 accord with the Council's reasonable rules on the use of public resources for private and political purposes;
- 3.8 exercise your own independent judgement, taking decisions for good and substantial reasons:
 - (a) attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups;
 - (b) paying due regard to the advice of colleagues, and in particular to the advice of the statutory officers; and
 - (c) stating the reasons for your decisions where those reasons are not otherwise apparent;
- 3.9 account for your actions, particularly by supporting the Council's scrutiny function; and
- 3.10 ensure that, as far as within your powers, the Council acts within the law.

4. Disclosable Pecuniary Interests

You must:

- 4.1 comply with the statutory requirements to register, disclose and withdraw from participating in any matter in which you have a Disclosable Pecuniary Interest;
- 4.2 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your Disclosable Pecuniary Interests;
- 4.3 verbally declare the existence and nature of any Disclosable Pecuniary Interest at any meeting you attend where an item of business which affects or relates to the subject matter of that interest is to be considered, at or before that item of business is considered or as soon as you are aware of the interest;
- 4.4 'Meeting' means any meeting organised by or on behalf of the Council, including:
 - (a) any meeting of the Council, or a Committee or Sub-Committee of Council;
 - (b) any meeting of the Executive Board and any of its Committees or Sub-Committees;
 - (c) in taking a decision as a Ward Councillor or as a Leader or a Portfolio Holder;
 - (d) at any briefing by colleagues; and
 - (e) at any site visit to do with business of the Council;
- 4.5 unless you have the benefit of a current and relevant dispensation in relation to the matter being considered you must:
 - (a) not participate, or participate further, in any discussions of the matter at the meeting;
 - (b) not participate in any vote, or further vote, taken on the matter at the meeting;

- and
 - (c) remove yourself from the meeting while any discussion or vote takes place on the matter;
- 4.6 where you are able to discharge a function of the Council acting alone and you are aware that you have a Disclosable Pecuniary Interest in a matter being dealt with, or to be dealt with, by you in the course of discharging that function, you must:
 - (a) not take any steps, or further steps, in relation to the matter (except for the purpose of enabling someone other than you to deal with the matter); and
 - (b) notify the Monitoring Officer (in writing) of that Disclosable Pecuniary Interest within 28 days of becoming aware of the interest if the interest is not already entered in the register and has not already been notified to the Monitoring Officer.

5. Other Interests

- 5.1 In addition to the requirements of Paragraph 4, if you attend a meeting where any item of business is to be considered and you are aware that you have an 'Other Interest' in that item, you must verbally declare the existence and nature of that interest at or before that item of business is considered or as soon as you are aware of the interest;
- 5.2 you have an "Other Interest" in an item of business of the authority if it not a Disclosable Pecuniary Interest, and:
 - (a) you are, or ought reasonably to be, aware that a decision in relation to an item of business to be transacted might reasonably be regarded as affecting your wellbeing or financial position, or the wellbeing or financial position of a member of your family or a person with whom you have a close association, to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of your ward or the Council's administrative area, or
 - (b) it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code in respect of a member of your family (other than a 'relevant person'*) or a person with whom you have a close association, or
 - (c) a reasonable member of the public, with knowledge of all the circumstances, would consider that you have an interest which would prejudice your judgement if you were involved in making any decision on that item of business;

* your spouse or civil partner, a person you are living with as husband or wife, or a person you are living with as if are civil partners.

- 5.3 you are not required to notify the Monitoring Officer of 'Other Interests' for inclusion in the register. However, you are required to declare that interest and act in accordance with paragraphs 4.5 or 4.6 above.

6. Sensitive Interests

- 6.1 You must notify the Monitoring Officer of the details of sensitive interests but these details will not be included in any published version of the register;
- 6.2 if you have a sensitive interest you are required to declare that you have an interest to meetings (as required by paragraph 4.3 and 5.3 of this Code) but the detail of the

interest need not be declared.

7. Gifts and Hospitality

- 7.1 You must, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the Council within 28 days of receipt;
- 7.2 the Monitoring Officer will place your notification on a public register of gifts and hospitality;
- 7.3 this duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

8. Disclosure and Barring Service Checks

- 8.1 You shall co-operate fully with any Disclosure and Barring Service checks (at whatever level) required under Council policies and practices or as required or requested by an appropriate officer of the Council (being the Corporate Director for Children and Adults and the Monitoring Officer). Any Councillor:
 - (a) who has not complied with the requirement to have a DBS check within one month of being elected; or
 - (b) who fails to maintain a valid DBS check; or
 - (c) whose check discloses matters which may present a risk to children and vulnerable adults (in the opinion of the Corporate Director for Children and Adults and the Monitoring Officer);is disbarred from all offices and membership of committees, sub committees, panels or outside bodies.

9. Safeguarding

- 9.1 Notwithstanding the generality of the previous provisions of this Code, you will comply with the following requirements specific to Council functions concerning children, young people and vulnerable and elderly adults;
- 9.2 you must, at all times, act in your office with particular regard to, and supporting, the duties of the Council with respect to children, young people and vulnerable and elderly adults;
- 9.3 you must not obstruct, nor seek to obstruct the effective performance of the Council's functions concerning children, young people and vulnerable and elderly adults nor, improperly, seek to influence the outcome of any decision taken, or to be taken, in relation to children, young people, or vulnerable or elderly adults, nor seek preferential treatment for any such person;
- 9.4 you must carry out, or attend any training events or courses designated by the Corporate Director for Children and Adults as mandatory for Councillors and co-opted members.



Procedure for Considering Complaints Alleging a Breach of Nottingham City Council's Councillors' and Co-opted Members' Code of Conduct

Introduction

1. This procedure outlines how Nottingham City Council will manage complaints made against Councillors or voting co-opted members alleging they have breached the Council's Code of Conduct. The Councillors' and Co-opted Members' Code of conduct is available on the Council's website at <http://documents.nottinghamcity.gov.uk/download/3526> or on request from reception at Loxley House, Station Street, Nottingham, NG2 3NG.
2. The person making the complaint will be referred to as "the complainant" and the person against whom the complaint is made will be referred to as "the subject member".
3. The Council's Monitoring Officer (MO) is responsible for dealing with complaints under this procedure but may delegate responsibility for carrying out any of the functions listed below to any other appropriate colleague.

Making a Complaint

4. Complaints must be submitted in writing to:

The Monitoring Officer
Nottingham City Council
Loxley House
Station Street
Nottingham
NG2 3NG

glen.oconnell@nottinghamcity.gov.uk

5. The complaint must include:
 - a) the complainant's name and contact details,
 - b) the name(s) of the councillor or co-opted member to whom the complaint relates,
 - c) what the complainant is alleging the subject member has done which breaches the Code of Conduct,
 - d) what resolution the complainant is seeking,
 - e) where necessary, details of why the complainant believes their name and/ or details of the complaint should not be shared with the subject member. Such requests will only be granted in exceptional circumstances.

A form is available on the Council's website for the purpose of submitting complaints but provided the complaint contains the above information, complaints not using the form will be considered.

6. The MO will acknowledge the complaint within five working days of receipt.

Additional Information

7. If the complainant has provided insufficient information to enable the MO to assess the complaint the MO may ask the complainant to provide further details. The MO may also carry out informal enquiries such as obtaining documents or requesting information from the subject member or the complainant. These enquiries do not amount to a formal investigation. If the complainant does not provide further information, the complaint may be rejected.

Confidentiality

8. It will be usual practice for the MO to inform the subject member of the name of the complainant and the details of the complaint. The MO will consider requests for anonymity but these will only be granted in exceptional circumstances. If the MO decides to refuse a request for anonymity the complainant will be given the opportunity to withdraw their complaint prior to the subject member being informed.

Criminal Conduct

9. If the complaint identifies criminal conduct by the subject member, including any allegation that the subject member has failed to disclose a disclosable pecuniary interest, the MO has the power to refer the matter to Nottinghamshire Police.

Stage 1 – Initial Filtering

10. Following receipt of a complaint the MO will first review the complaint to decide whether it meets the essential criteria for consideration under this procedure. These criteria are:
 - a) The complaint must be about a current councillor or co-opted member of the City Council,
 - b) The subject member must have been in office at the time of the alleged misconduct,
 - c) The subject member must have been acting, or giving the impression that they are acting in their official capacity at the time of the alleged misconduct,
 - d) The aspect of the Code of Conduct the complaint alleges has been breached must have been in force at the time of the alleged misconduct,
 - e) If the complaint were proven, it would result in a breach of the Code of Conduct.

11. If the complaint fails to meet one or more of these criteria the MO will reject it and will inform the complainant of this decision. The MO does not need to inform the subject member or the Independent Person of the complaint prior to reaching a decision at this stage.

Stage 2 - Assessment

12. A complaint which meets the above criteria will then be considered by the MO to determine whether the complaint should be investigated, dealt with informally or rejected. The MO may choose to consult the Independent Person in reaching a decision.
13. The MO will consider the following when deciding how to deal with the complaint:
- a) Is the complaint trivial, vexatious, malicious or politically motivated?
 - b) Does the complaint refer to alleged incidents which happened so long ago that there would be little benefit in taking action now?
 - c) Is an investigation likely to be able to reach a firm conclusion, for example, is there likely to be sufficient evidence to enable a firm conclusion to be reached?
 - d) Has the complaint, or a substantially similar complaint, been subject to a previous investigation leaving nothing to be gained from further investigation?
 - e) Does the complaint indicate a wider problem throughout the authority?
 - f) Has the subject member already made sufficient and reasonable attempts to remedy the issues raised by the complainant?
 - g) Is the complaint sufficiently trivial that the resources required to investigate it are disproportionate to the allegations meaning there is no public interest in carrying out an investigation?
14. Having reached a decision the MO will write to:
- a) the subject member,
 - b) their group whip (if relevant),
 - c) or their group leader (if the complaint relates to the group whip),
- to inform them that a complaint has been made, the nature of the allegations and his/ her decision as to how to proceed.
- d) the independent person
- to advise him/ her that a complaint has been received and of the MO's decision as to how to proceed.
- e) the complainant
- to advise of his/ her decision as to whether/ how the complaint will proceed.
15. There is no appeal process for decisions taken by the MO.

16. The number of complaints submitted but not investigated and the reasons why they were not investigated will be provided to the Independent Person and the Chair of the Standards Committee every six months for monitoring purposes.

Stage 3 - Informal resolution

17. The MO will decide whether a case is appropriate for seeking informal resolution. Where appropriate, the MO, in conjunction with the relevant group whip and/ or leader, will provide the subject member with a reasonable timescale within which to attempt to resolve the complaint informally (usually this will be 28 calendar days). The MO will inform the subject member that they may contact the Independent Person for advice on how to respond to the complaint and will advise them of the Independent Person's role.
18. Informal resolution might include the subject member:
 - a) Providing an explanation of the circumstances surrounding the complaint,
 - b) Offering an apology,
 - c) Agreeing to participate in relevant training and/ or mentoring,
 - d) Engaging in a process of mediation or conciliation, or
 - e) Taking any other action capable of resolving the complaint informally.
19. Before deciding upon a course of action the subject member may seek guidance from their Group Whip/ Group Leader, the Independent Person, and/or the MO. The Independent Person can provide advice to the subject member on the severity of the complaint and what form of resolution they would consider appropriate. Providing this guidance will not prevent the Independent Person from giving their view to the Standards Committee about the complaint at a later stage.
20. Where the subject member makes a reasonable offer of informal resolution which is accepted by the complainant no further action will be taken in relation to the complaint. The MO will write to both parties confirming the informal resolution that has been reached and stating that no further action will be taken. The MO will inform the Independent Person and the relevant Group Whip/ Leader of the outcome.
21. Where the subject member makes a reasonable offer of resolution but the complainant is not willing to accept that offer, or where no offer of informal resolution is made, the MO will decide whether the complaint should be taken to the Formal Investigation stage of this process.
22. There will be no appeal process for decisions taken by the Monitoring Officer at this stage.

Stage 4 – Formal Investigation

23. If the MO decides that the complaint warrants formal investigation he/ she will appoint an investigating officer (IO). The IO will be another officer of the authority, an officer of another authority or an external investigator.
24. The IO will gather information from such parties as he/she sees fit, interviewing them where considered appropriate and will gather any other relevant information to establish the facts of the incident(s). Based upon the evidence, the IO will produce a report and will send copies to the complainant and the subject member for comment. Taking into account any comments received the IO will send his/ her final report to the MO.
25. Where the IO concludes that there is no evidence of a failure to comply with the Code of Conduct and the MO is satisfied that the report is sufficient the MO will share a copy of the final report to the complainant and the subject member, will confirm that no breach of the Code has been found and will confirm that no further action will be taken. If the MO is not satisfied with the IO's report he/ she may ask the IO to revisit the report or in exceptional circumstances, appoint a new IO.
26. Where the IO concludes that the Code of Conduct has been breached, the MO, where satisfied with the report, will decide whether to refer the complaint for Local Resolution or proceed to a Hearing of the Standards Committee. The MO will write to the complainant, the subject member, the Independent Person and the relevant Group Whip/ Leader to inform them of his/ her decision.

Stage 5 – Local Resolution

27. At this stage, the MO may decide that the complaint can be resolved without the need for a hearing. In such a case, he/she will consult with the Chair of the Standards Committee, the Independent Person and the complainant to establish what resolution the complainant would consider fair. Such resolutions could include the subject member:
 - a) Providing an explanation of the circumstances surrounding the complaint,
 - b) Offering an apology,
 - c) Agreeing to participate in relevant training and/ or mentoring,
 - d) Engaging in a process of mediation or conciliation, or
 - e) Taking any other action capable of resolving the complaint.
28. If the subject member complies with the resolution, the MO will inform the complainant and will report the matter to all members of the Standards Committee and the Independent Person but will take no further action. If the subject member does not accept the resolution the MO will refer the matter to the Standards Committee.

Stage 6 – Standards Committee

29. The MO will arrange for a meeting of the Standards Committee (or a sub-committee of the Standards Committee if appropriate) to take place, usually within 28 days of the decision to refer the matter to this Committee. The MO will prepare a report for the Committee containing a summary of the complaint, the IO's report, any further written statements from the complainant and the subject member in response to the IO's report, and any efforts already made to resolve the matter informally.

30. The following people will be invited to attend the Committee meeting:

- a) The complainant,
- b) The subject member,
- c) Any witnesses identified by the complainant and the subject member,
- d) The Group Whip/ Leader (if relevant), and
- e) The Independent Person.

The IO may also be invited to attend the meeting to respond to questions about their report. The complainant and subject member may choose to be represented and/ or accompanied at the meeting. If they choose to do so, they must inform the MO of who will be attending the meeting.

31. The MO will also attend the meeting in order to present their report and a member of the Council's Constitutional Services Team will attend as clerk to the meeting.

32. After initial consideration of the MO's report, the Committee may receive brief submissions from the following parties:

- a) The complainant,
- b) The subject member, and
- c) Any witnesses called by the complainant or the subject member,
- d) The IO.

33. The Committee may ask questions of anyone present at the meeting in order to reach a conclusion on the complaint.

34. Before reaching a final decision on the complaint, the Committee must seek, and take account of, the views of the Independent Person in relation to the complaint.

35. The Committee must decide upon the following issues:

- a) Whether the subject member has failed to comply with the Councillors' and Co-opted Members' Code of Conduct,
- b) Whether further action is needed, and
- c) What form of action is appropriate.

36. If the Committee concludes that, on the balance of probabilities, there was no breach of the Councillors and Co-opted Members' Code of Conduct, no further

action will be taken under this procedure. The Committee may still make recommendations to the authority relating to promoting and maintaining high standards of conduct in general, and as arising out of specific issues relating to the case it has considered.

37. If the Committee concludes that, on the balance of probabilities, the Councillors' and Co-opted Members' Code of Conduct has been breached, the Committee must consider whether action should be taken in respect of the subject member, and what form of action to take.
38. The actions available to the Committee are:
 - a) Censuring the subject member via a formal letter from the Chair of the Standards Committee,
 - b) Formal censure by a motion of full Council,
 - c) Recommending to the relevant Group Whip that the subject member is removed from any committee, sub-committee or outside body,
 - d) In the case of co-opted members or un-grouped councillors, recommending to Full Council or the relevant committees that the subject member is removed from any committee or sub-committee,
 - e) In relation to members of the executive, recommending to the Leader, that the subject member is removed from the Executive,
 - f) Recommending that the Monitoring Officer arranges appropriate training for the subject member,
 - g) Requiring the withdrawal of Council facilities from the subject member e.g. use of computer or internet, office facilities and officer support,
 - h) Excluding the subject member from the Council's offices or other premises except for the purpose of attending formal meetings.

Where a breach is found, the Standards Committee's Decision Notice will be published on the Council's website.

39. The Committee may also make general recommendations to the MO requesting that action is taken to promote and maintain high standards of conduct within the Council. Recommendations may include proposed changes to internal procedures and practices or training for Councillors and/ or voting Co-optees in general.
40. Within five working days of the meeting the Chair of the Committee will write to the complainant and the subject member explaining the final decision of the Committee and detailing any recommendations made.
41. There will be no right of appeal against a decision of the Committee. If the complainant feels that the Council has failed to deal with the complaint properly, he/she may complain to the Local Government Ombudsman.

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Complaint Procedure Flowchart



