

## Procedure for Dealing with Allegations of Member Misconduct

(agreed by Council on 19<sup>th</sup> September 2012, following recommendation from the Standards Committee)

- 1) That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct regarding councillors and co-opted members.
- 2) That the Monitoring Officer be given delegated powers, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation.
- 3) That the Monitoring Officer should seek resolution of complaints without formal investigation wherever practicable and that s/he be given discretion to refer recommendations on investigation to the Standards Committee where s/he feel that it is inappropriate for him/her to take the decision and to report periodically on the discharge of this function.
- 4) Where the investigation finds no evidence of failure to comply with the Code of Conduct, that the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the member concerned and to the Standards Committee for information.
- 5) Where the investigation finds evidence of a failure to comply with the Code of conduct, the Monitoring Officer after consultation with the Independent Person be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Committee. Where such local resolution is not appropriate or not possible they are to report the investigation findings to a meeting of the Standards Committee for local hearing.
- 6) That the Standards Committee be given delegated powers to undertake the following in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include:
  - i) Reporting its findings to a meeting of Council for information and/or a press release to the media (a censure)
  - ii) Recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to committees) that he/she be removed from any or all committees or sub-committees of the Council
  - iii) Recommending to the Leader of the Council that the member be removed from the Executive, or removed from particular Cabinet Member responsibilities
  - iv) Recommending the Monitoring Officer to arrange training for the member
  - v) Recommending removal from all outside appointments to which he/she has been appointed or nominated
  - vi) Recommending withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access(providing it does not obstruct the democratic process)

vii) Recommending excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, committee/sub committee and Executive meetings

viii) Recommending the member to contact the Council via specified point(s) of contact.

(In determining the appropriate action, the Standards Committee must be aware that a Member must not be precluded from carrying out their official duty).