Arrangements for Dealing with Complaints concerning Councillors

1. Authority has been delegated to the Monitoring Officer, in consultation with the Independent Person (IP) to filter out trivial and what might be considered ‘tit-for-tat’ complaints and to make the initial decision on whether a complaint requires investigation. Where the Monitoring Officer (MO) feels that it would be inappropriate to take a decision (for example where the MO has previously advised the member on the matter or the complaint is particularly sensitive or serious), the matter would be referred to the Audit, Governance and Standards Committee.

2. Where a formal investigation finds no evidence of failure to comply with the Code of Conduct, the MO, (in consultation with the Independent Person) is authorised to take no further action on the complaint.

3. Where a formal investigation finds evidence of failure to comply with the Code of Conduct, there may yet be an opportunity for local resolution, avoiding the necessity of a local hearing. The investigation report could cause a member to recognise that his/her conduct was at least capable of giving offence, or identify other appropriate remedial action, and the complainant may be satisfied by recognition of fault and an apology or other remedial action. The MO will agree a local resolution after consultation with the IP and where the complainant is satisfied with the outcome, and subject to a summary report for information to the Audit, Governance and Standards Committee.

4. In all other cases, where the formal investigation finds evidence of a failure to comply with the Code of Conduct, it would be necessary for this Committee to hold a hearing at which the member against whom the complaint has been made can respond to the investigation report, and the Committee can determine whether or not the member failed to comply with the Code of Conduct and what action, if any, is appropriate as a result.

5. The Council or the Audit, Governance and Standards Committee has no statutory powers to impose on Members sanctions such as suspension or requirements for training or an apology. Accordingly, where a failure to comply with the Code of Conduct is found, the range of actions which the Council can take in respect of the member is limited to the previous common law position. Therefore it must be directed to securing the continuing ability of the authority to discharge its functions effectively, rather than punishing the Member concerned.

6. The powers available to the Audit, Governance and Standards Committee therefore include the following sanctions with sanctions 6-8 being for decision by the Council itself:

   1. Censuring or reprimanding the member;
   2. Reporting the Committee’s findings to Council for information;
   3. Recommending to the Member’s Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council. In the case of ungrouped Members or in respect of Committees to which the political balance requirements do not apply,
recommend to Council that he/she be removed from any or all Committees or Sub-Committees of the Council;

4. Recommending to the Leader of the Council or Group Leader that the Member be removed from particular Portfolio responsibilities;

5. Requesting that the member undertakes such training as may be specified (to be arranged by the MO);

6. Removing the Member from all outside appointments to which he/she has been appointed or nominated by the Council;

7. Withdrawing facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or

8. Excluding the member from the Council’s offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

7. There is no requirement to put in place any appeals mechanism against any such decisions. Any decision would be open to judicial review by the High Court if it was patently unreasonable, or if it were taken improperly, or if it sought to impose a sanction which the Council had no power to impose.