

WYCHAVON

Member Conduct Committee

Standards regime procedures for dealing with alleged breaches of member code of conduct



October 2024

- 1** The Monitoring Officer is the Proper Officer to receive complaints of the failure to comply with the Code of Conduct.

- 2** Upon receipt of a complaint the Monitoring Officer will acknowledge receipt and inform the accused member.

- 3** Where appropriate, the Monitoring Officer will explore the possibility of informal resolution outside the formal process e.g. by the Member in question making an apology.

- 4** Where informal resolution is not possible or appropriate the Monitoring Officer will seek the comments of the accused Councillor and then make an assessment. Where the complaint is against a Wychavon Member, the Monitoring Officer will decide whether or not the complaint needs to be investigated, having first consulted with the Committee Chairman (or Vice-Chairman), or one other District Council Member of the Committee and at least one Independent member.

Where complaint is against a Parish Member, the Monitoring Officer will decide whether or not the complaint needs to be investigated. The Committee Chairman (or Vice-Chairman) and/or one of the Parish Representatives on the Committee and/or an Independent Member will be consulted if necessary.

Both the accused Member and complainant will be informed promptly in writing of the outcome of the assessment.

- 5** Where a complaint relates to an alleged breach of the code which may also be a criminal offence the Monitoring Officer shall pass the information received, if it has not already been done, to the police and no further action will be taken.

- 6** Where the complaint refers to acts or incidents that took place more than six months ago the complaint will not be considered except in exceptional circumstances which mean the complainant could not bring the complaint sooner.

- 7** Where complainants, anyone acting on their behalf and or any District or Parish Councillor may be deemed to be vexatious or unreasonably persistent the Monitoring Officer will assess the nature of the complaints and behaviour of the individuals concerned and decide whether the individuals and or their complaints should be deemed as vexatious, having first consulted with at least one Independent member and or Chair or Vice Chair of the committee.

8 Where the decision has been made for the complaint to be fully investigated, the Monitoring Officer will appoint an Investigating Officer.

The investigation should be undertaken as quickly as possible, except in exceptional circumstances for example where the complaint is particularly complex in nature.

9 During the investigation, the investigating officer should update the Monitoring Officer and involved parties as to progress and advise of deadlines. If deadlines need to be extended all parties should be contacted with relevant details. The Monitoring Officer will have the power to curtail an investigation at any stage, following consultation with the Committee Chairman (or Vice-Chairman). The situation would then be reported to the Committee.

10 Following completion of an investigation, the Chairman and Independent Member will be informed and confirm if they endorse any findings.

11 If it is agreed that there has been no breach of the Code, that will be the end of the matter and the report will be sent to the accused, complainant and their relevant Council.

12 In the case of a Wychavon Member, if the Committee decide that there has been a breach of the Code, they may then resolve:-

- a). to censure the Member;
 - b). to request the Member to undergo relevant training;
 - c). to refer the matter onto the relevant Group Leader and or to full Council with any further appropriate recommendations relating to Committee membership, portfolio responsibilities, access to Council premises and or assets.
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13 In the case of a Parish Member, if it has been decided that there has been a breach of the Code, the matter will be referred onto the relevant Parish Council with details of any recommendations, and the matter will also be referred to a full meeting of Wychavon Council, for information.

14 If the findings of any investigation are not accepted a special committee hearing will be convened to hear from all parties. The Committee can decide to reject the investigation findings, endorse the findings and or make further recommendations. The decision of the Member Conduct Committee shall be final.



Notes

- (i) If a Special Hearing of the Member Conduct Committee is required the Committee will consider whether the full report or any part thereof will be made public by the Committee.
- (ii) Throughout the process, the Monitoring Officer shall have the right to refer to Council officers, Leaders of political groups, Parish Clerks, the CALC Executive officer and any other persons that they consider appropriate; the Monitoring Officer shall also have the right to request copies of documents from relevant persons. If an Investigating Officer has been appointed, they shall have the same rights.
- (iii) If the Monitoring Officer is unavailable or unable to act, the Deputy Monitoring Officer and the Head of Legal Services have authority to deal with matters in their place.
- (iv) Parish Council includes Town Council; Parish Member includes Town Council Member.
- (v) Independent member means one of the Independent members appointed by the Council, in line with the Localism Act 2011, to the Member Conduct Committee.
- (vi) With regards vexatious complainants, for anyone deemed to be acting vexatiously the Councils adopted processes for dealing with vexatious complainants will be followed.