

## **F2 ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT 2011**

### **1. Context**

These “Arrangements” are made in accordance with section 28 (6) and (7) of the Localism Act 2011. They set out how to make a complaint that an elected or co-opted member of this Council or of a Parish Council within its area has failed to comply with the relevant authority’s Code of Conduct. They also set out how the Council will deal with any complaints about such failures.

### **2. The Code of Conduct**

Central Bedfordshire Council has adopted a Code of Conduct for Members, and this Code is available for inspection on the Council’s website or on request from the Monitoring Officer at Priory House, Chicksands.

Each town and parish council in the area is also required to adopt a Code of Conduct. Copies of these Codes are available on the relevant council’s website or on request from the Town or Parish Clerk.

### **3. The Independent Person**

The Council is required to appoint at least one independent person. The Council must consult an independent person and take his/her views into account before making a decision on a complaint that it has investigated.

The independent person may be consulted by the Council at various stages in the complaints process and can also be consulted by a Member who is the subject of a complaint.

### **4. Making a complaint**

A complaint that a member of Central Bedfordshire Council or of a town or parish council in the District has failed to observe the Council’s Code of conduct should be submitted to:

The Monitoring Officer  
Central Bedfordshire Council  
Priory House  
Monks Walk  
Chicksands  
Shefford  
Bedfordshire  
SG17 5TQ

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of Members' interests and who is responsible for administering the arrangements for complaints about Member misconduct.

In order to ensure that the Monitoring Officer has all the information needed to process complaints, they should be submitted using the model complaint form **which also explains the process and the relevant referral criteria at initial assessment**. The complaint form can be downloaded from the Council's website. A copy of the form is also available on request from the Monitoring Officer.

Complainants must provide their name, postal address and, where possible, their email address. The Council will not normally investigate an anonymous complaint, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of the complaint and will notify the Member against whom the complaint is directed **about the complaint by providing a copy of the complaint to them** within 5 working days of receiving it, and will keep both the complainant and the Member informed about the progress of the complaint.

## 5. Initial Assessment

The Monitoring Officer will assess every **Councillor Code of Conduct** complaint received and, after consultation with the Independent Person, will take a decision as to whether it merits formal investigation. This decision will normally be taken within 20 working days of receipt of a complaint **but may take longer if additional information is sought**.

**Whilst each allegation will be considered on its individual merits, the following "Referral Criteria" will be used at the initial assessment to decide whether to accept a complaint for investigation or take no further action or to decide upon some form of local resolution.**

### **Referral Criteria**

- **is the subject member still a serving member**
- **is the information submitted, sufficient to make a decision**
- **is the complaint the same as or similar to a previous complaint**
- **the complainant's view of the action taken or proposed**
- **steps taken or proposed to remedy the action complained of**
- **member on member complaints will not normally be referred until the Monitoring Officer considers that other processes e.g. informal mediation or political group or chairman investigation has taken place**
- **the time passed since the alleged conduct occurred**
- **the complaint involves conduct too trivial to warrant further action**
- **does the complaint appear to be malicious, politically motivated or tit for tat**

- whether the matter complained of is an individual act or part of a continuous pattern of behaviour which should be cumulatively considered
- the public benefit in investigating the alleged complaint
- the availability and cost of resources with regard to the seriousness of the alleged matter
- any officer complaint about a member will not normally be referred until the Protocol for Member/Officer Relations has been pursued
- any other substantial reason

Where the Monitoring Officer requires additional information in order to come to a decision, he/she may ask the complainant to provide further information, and may also request information from the Member against whom the complaint is directed.

Where the complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council about the complaint ~~and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.~~

## 6. Informal Resolution

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally without the need for a formal investigation. Such informal resolution may involve for example the Member accepting that his/her conduct was unacceptable and offering an apology, or other appropriate remedial action. ~~There may be a situation for example w~~Where the member or the authority makes a reasonable offer of informal resolution, but the complainant is unwilling to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

## 7. Investigation

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another ~~senior~~ officer of the authority, an officer of another authority or an external investigator.

The Investigating Officer will decide whether he/she needs to meet or speak to the complainant to understand the nature of the complaint, to obtain an understanding of events, to identify what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview.

The Investigating Officer will normally contact the Member against whom the complaint has been made to provide him/her with a copy of the complaint and to obtain the member's explanation of events. The Member will be invited to identify what documents the Investigating Officer needs to see and who he/she needs to interview.

In exceptional cases, where it is appropriate to keep the complainant's identity confidential or where disclosure of the details of the complaint to the member might prejudice the investigation, the Monitoring Officer may redact the complainant's name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.

**At any point the Investigating Officer may refer to the Monitoring Officer to resolve without a full investigation or reject the complaint.**

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the Member concerned, to give them both an opportunity to identify any matter in the report with which they disagree or which requires more consideration.

Having received and taken account of any comments made on the draft report, the Investigating Officer will submit his/her final report to the Monitoring Officer.

The Monitoring Officer will review the Investigating Officer's report and will decide what action to take. There are three possible courses of action:-

- **No action**
- **Local Resolution**
- **Hearing**

**8. No Action**

If the Investigating Officer concludes that there has been no breach and the Monitoring Officer is satisfied that this conclusion is sound, then he/she may decide that no further action should be taken in relation to the complaint. **If the Monitoring Officer is not so satisfied, then his/her decision will be final.**

**9. Local Resolution**

If the Investigating Officer concludes that there has been a breach of the Council's Code of Conduct, the Monitoring Officer may, after consulting the Independent Person, seek a local resolution of the complaint.

A local resolution may include the Member acknowledging that his/her conduct was unacceptable and offering an apology and/or accepting other remedial action by the Council.

If the Member and the Complainant agree to accept the suggested resolution, the Monitoring Officer will report the matter to the Standards Sub-Committee (and the Parish Council) for information, but will take no further action. **The Member and the Complainant do not have the right to reject the Monitoring Officer's suggested resolution and any non –acceptance by either will be reported back to the Standards-Sub Committee. However, if either the Complainant or the Member informs the Monitoring officer that the suggested resolution is not acceptable, then the Monitoring Officer will refer the matter to the Standards Sub-Committee for a hearing.**

## 10. Hearings

If the Monitoring Officer considers that “local resolution” or” no action” is not appropriate or adequate, ~~or if either the Complainant or the Member are not willing to co-operate with the proposal for local resolution~~, then the Monitoring Officer will submit the Investigating Officer’s report to the Standards Sub-Committee which will conduct a hearing into the complaint before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the matter.

Following the hearing, the Standards Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct, and so will dismiss the complaint.

If the Standards Sub-Committee concludes that the Member has failed to comply with the Code of Conduct, the Chairman will inform the Member of this finding and the Sub-Committee will then consider what action, if any, should be taken as a result of the Member’s failure to comply with the Code.

Before reaching a decision, the Standards Sub-Committee will give the Member an opportunity to make representations and will consult the Independent Person.

## 11. Sanctions

The Council has delegated to the Standards Sub-Committee authority to take such action in respect of individual Members as may be available to promote and maintain high standards of conduct. Accordingly the Sub-Committee may:–

- 11.1 censure the Member;
- 11.2 publish its findings in respect of the Member’s conduct;
- 11.3 report its findings to the Council (or to the Parish Council) for information;
- 11.4 instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Member;
- 11.5 inform the Member’s Group Leader

The Standards Sub-Committee has no power to suspend or disqualify the Member or to withdraw any special responsibility allowances to which the Member may be entitled under the Council’s Members’ Allowances Scheme.

The Independent Person is invited to attend all meetings of the Standards Sub-Committee and his/her views will be sought and taken into consideration before the Sub-Committee takes any decision on whether the Member’s conduct constitutes a failure to comply with the Code of Conduct and also as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## 12. ReviewsAppeal

If either the Complainant or the Member against whom a complaint has been made is dissatisfied with the outcome, he/she may ask for the decision to be **reviewed** **appealed**. **Any appealreview** will be undertaken by the Standards Appeals Sub-Committee made up of Members who have not previously been involved in the consideration of the complaint.

**Any appeal request must be received in writing by the Monitoring Officer within 21 days of issue of the written decision notice and only on the grounds of:-**

- **The procedure being wrongly applied;**
- **New evidence has come to light since the hearing; or**
- **A misdirection in law**

**The Appeal will be heard on the papers only**  
**A new Independent Person will also be asked to give their views**

**The Standards Appeals Sub-Committee may:-**

- **Set aside the original decision if it considers it to be unreasonable and substitute its own decision**
- **Confirm the original decision**

**There will be no further right of appeal.**

## 13. Revision of these arrangements

The Council has delegated its responsibilities under Chapter 7 of the Localism Act 2011 to the General Purposes Committee. The General Purposes Committee may therefore amend these arrangements. **The General Purposes Committee resolved on 17<sup>th</sup> July 2014 that authority be delegated to the Monitoring Officer, in consultation with the Chairman of the General Purposes Committee, to amend the arrangements for dealing with standards allegations made under the Localism Act 2011.**