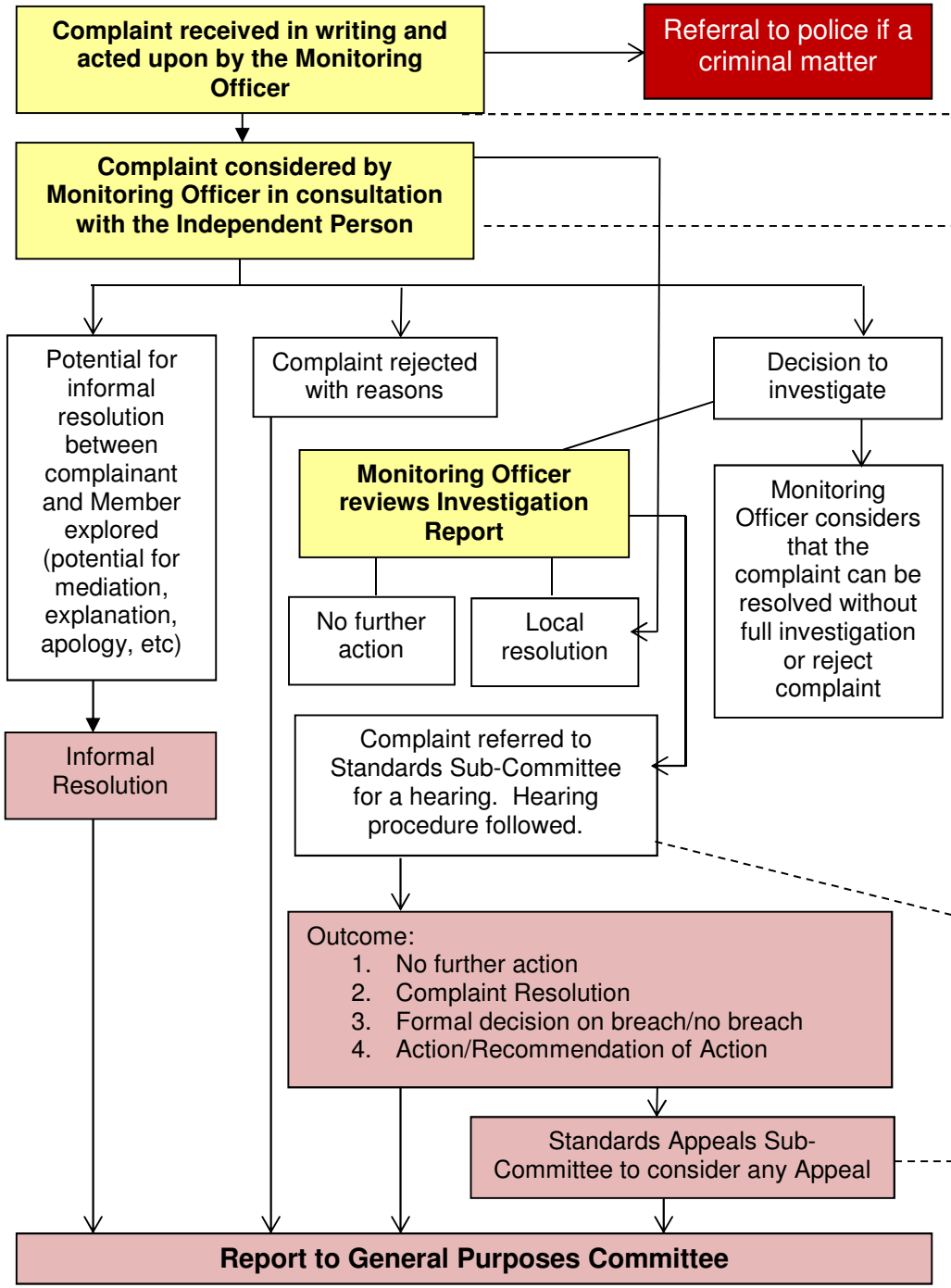
APPENDIX C

Councillor Code of Conduct Complaint Procedure Flowchart



Monitoring Officer, within 5 working days;
Acknowledges complaint and informs relevant member that a complaint has been made and substance of the complaint (dependent upon Data Protection considerations)

Monitoring Officer,
- *Consults Independent Person; and makes a decision* ***within 20 days or longer if additional information sought***

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 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?*

- *Standards Sub-Committee to arbitrate on facts and conclude whether or not a breach of the Code of Conduct has occurred*
- *Any decision must be made only after the views of an Independent Person (who will be present throughout) have been sought and taken into account*

Appeal must be received in writing ***within 21 days*** *of issue of the written decision and may only be on the grounds of:*
- *Procedure wrongly applied;*
- *New evidence has come to light since the hearing; or*
- *A mis-direction in law.*

Appeal Hearing on papers only. Appeal Sub-Committee Panel members may not have sat on any previous Sub-Committee dealing with this complaint.