

The Standards Committee Process for a Member who is the subject of a complaint

1. If anybody complains in writing about an alleged breach of the Members' Code of Conduct by you as an elected Borough or Town/Parish Councillor it will be sent to the Monitoring Officer. On receipt, the Monitoring Officer will consult with the independent persons on the Standards Committee and some complaints will be declined at this point if they do not indicate a realistic breach of the Members' Code of Conduct.
2. Assuming the complaint has potential substance, you will be sent a copy of the complaint and have 14 days to respond in writing if you wish.
3. The complaint and any response will be referred to an Assessment Sub-Committee, drawn from the Council's Standards Committee, which will decide, on the basis of the written documentation submitted by the complainant and the Member in receipt of the complaint, whether the complaint merits investigation.
4. If the Sub-Committee decides there is no breach requiring investigation, the matter will proceed no further and you will be notified accordingly. If, however, the Sub-Committee concludes that the alleged events could be a breach of the code requiring investigation, you will be informed by the Monitoring Officer and you will then be contacted by the Investigating Officer. Alternatively, where the Sub-Committee considers there has been a potential breach of the Code of Conduct but an investigation is not appropriate, the Sub-Committee can ask the Monitoring Officer to take other action.
5. The Investigating Officer will interview all those involved and prepare a report. You will see a draft report at least two weeks before the report is finalised and be invited to comment on its content. A hearing date will be agreed, and all reasonable efforts will be made to avoid delay.
6. Prior to the hearing date, the report will be circulated to an independent person on the Standards Committee and to the three Hearings Sub-Committee Members but will not be made public on the Council's website.
7. You will be invited to attend the public hearing of the complaint from the Investigating Officer and to raise any questions with them, or any witnesses they choose to bring. The original complainant is unlikely to be a witness since their view will be incorporated into the Investigating Officer's report.
8. You will then have a chance to present your own case (otherwise than already set out in the Investigating Officer's report), either in person or through a legal representative. You may also bring a limited number of witnesses to support your views. You can be questioned both by the Investigating Officer and by the Hearings Sub-Committee Members.
9. The Hearings Sub-Committee will first decide whether or not there has been a breach of the Code of Conduct.
10. If the Hearings Sub-Committee decide there has been a breach, you will be invited to make representations about the appropriate penalty. The likely penalty is publication of the details of the breach. The Hearings Sub-Committee decision can be looked at by the High Court by way of appeal.

11. If, at the initial stage, the Assessment Sub-Committee believe that the matter should not be investigated, its reasons will be explained both to you and the complainant. The complainant then has a right of appeal to a Review Sub-Committee based on the evidence submitted to the Assessment Sub-Committee and any further material submitted in the interim. The decision of the Sub-Committee is only reviewable by Judicial Review.