

Process for Dealing with Member Code of Conduct Complaints

1. The Council's website gives a brief explanation about making a complaint alleging that a Member has breached the Members' Code of Conduct. Any complaint should be made to the Monitoring Officer, who is the officer appointed by Tewkesbury Borough Council to deal with, among other things, alleged breaches of the Members' Code of Conduct by Elected Members at the Borough Council or Town/Parish Councils in Tewkesbury Borough. There is an optional complaint form which guides a complainant to give the information required. Once a complaint has been made, a complainant is invited, if they wish, to contact one of the independent persons on the Standards Committee.
2. On receipt of a written complaint, the Monitoring Officer will send a copy to the independent persons and will consult them as to whether the complaint appears to relate to the Code of Conduct and has sufficient substance to justify consideration by the Standards Committee.
3. If, following this consultation, the Monitoring Officer concludes that the complaint is not appropriate for consideration by the Standards Committee, they will write to the complainant explaining this decision and any other course of action the complainant may wish to take. If the Monitoring Officer concludes that the complaint does justify Committee consideration, a letter will be sent to the complainant explaining that their complaint is now being sent to the Member named in the complaint for their comments.
4. The Member in receipt of the complaint has 14 days in which to respond in writing, if they wish. They are advised they may wish to take professional advice.
5. Normally the person in receipt of the complaint makes a written submission with their version of events.
6. The papers are copied and sent to an Assessment Sub-Committee of three Standards Committee Members, together with a letter giving advice about the complaint. The Standards Committee charged with maintaining high standards of conduct among Elected Members in Tewkesbury Borough and dealing with any complaints alleging a breach of the relevant Code of Conduct.
7. The Assessment Sub-Committee meets privately with the Monitoring Officer and the first question asked is whether the Code of Conduct applies to events described. If the Sub-Committee decide there is no potential breach of the Code of Conduct that is the end of the matter. If the Sub-Committee believe there is a breach of the Code of Conduct it will need to decide whether it is in the public interest for that potential breach to be further investigated at public expense, or whether some more informal guidance should be given to the Member who has potentially breached the Members' Code of Conduct.
8. The results of the Sub-Committee deliberations are sent in writing to the person who made the complaint, to the Member in receipt of the complaint and to any relevant Town or Parish Council.

9. If the Assessment Sub-Committee has decided, for whatever reason, against the matter being investigated, the person making the complaint can ask for this decision to be reviewed. The Member in receipt of the complaint has no right to request a review. If the complainant does request a review, a Review Sub-Committee is appointed consisting of three different Members of the Standards Committee to consider all the previous papers, any additional submissions that may be made by the complainant, and the comments of the Member in receipt of the complaint on those submissions.
10. The Review Sub-Committee go through the same exercise in private and its deliberations are reported in the same way. The decision letter is normally drafted by the Monitoring Officer but sent to Sub-Committee Members for their approval and amendment. There is an option for this letter to go out in the name of the Sub-Committee Chair.
11. If the Assessment Sub-Committee or the Review Sub-Committee decide that the matter should be investigated, an independent Investigating Officer is appointed by the Monitoring Officer to carry out that investigation. The Investigating Officer will have no previous involvement or knowledge of the matter. They would normally interview relevant persons and prepare a report and recommendations. That draft report will be shared with the independent person on the Standards Committee for their comments. It will then be shared with the complainant and the Member in receipt of the complaint for their comments before the report is finalised.
12. The finalised report is sent to the Hearings Sub-Committee. If the report concludes there is no breach of the Code of Conduct, and the Hearings Sub Committee agrees, that will be the end of the matter and it will be reported accordingly. If, however, the Hearings Sub-Committee decide there has been a breach of the Members' Code of Conduct, the report will be presented by the Investigating Officer. The Member in receipt of the complaint will then be able to respond, and be legally represented if they wish, and can call a limited number of witnesses. This is a public meeting, and the complainant may wish to be present.
13. The powers of the Hearing Sub-Committee are limited and are around publication of its findings. If, however, something has been uncovered that could potentially be a criminal offence, the Hearings Sub Committee could report it to the Police for further investigation; the Hearings Sub-Committee currently has no power to suspend or disqualify an elected member itself.