

**Procedure for investigating and deciding
allegations of breaches of the Members' Code of Conduct**

- 1 All allegations that a Member (including a co-opted Member) has breached the Council's Members' Code of Conduct shall be referred in the first instance to the Monitoring Officer, who shall provide a copy of the allegation to:
 - The Member against whom it is made and
 - The Independent Person.
- 2 The Independent Person shall take such steps as he/she deems necessary to carry out the functions assigned to him/her by section 28 of the Localism Act 2011.
- 3 The Monitoring Officer shall consider the allegation initially to establish whether there is *prima facie* evidence of the alleged breach. The Monitoring Officer may make enquiries of the person submitting the allegations in order to clarify any point or reference within the allegation.
- 4 Upon conclusion of the initial consideration, the Monitoring Officer shall refer the allegation to an Initial Assessment Panel of three Members of the Adjudication & Review Sub-Committee. The Panel shall consider the report and any recommendation of the Monitoring Officer and may:
 - (i) Require the Monitoring Officer to seek (further) clarification of the person making the allegation and adjourn to reconvene when that clarification is to hand;
 - (ii) Dismiss the allegation as showing no, or insufficient, evidence of a breach warranting further investigation or
 - (iii) Require the Monitoring Officer formally to investigate the allegation and, upon completion of the investigation, to report thereon to a Hearings Panel.
- 5 A Hearings Panel (of three Members of the Adjudication & Review Sub-Committee, other than those who formed the Initial Assessment Panel) dealing with an allegation in accordance with paragraph 4(iii) shall consider the report of the Monitoring Officer and any recommendation made by him at a hearing, which shall take place in public unless the Panel decides that it should be heard, wholly or in part, in private if the nature of the information that might be disclosed is such as to warrant being treated as exempt in accordance with Schedule 12A of the Local Government Act 1972.
- 6 When considering the report, the Hearings Panel shall do so in an inquisitorial style. Those having a right to be heard shall be:
 - (i) The person making the allegation
 - (ii) The Member against whom the allegation is made
 - (iii) The Monitoring Officer
 - (iv) The Independent Person
 - (v) Any person named by the person making the allegation, the Member against whom the allegation is made or the Monitoring Officer as a material witness to the matter (provided that a witness may be invited to attend but shall be under no compulsion to do so)

- 7 Having heard all relevant evidence, the Hearings Panel shall retire to consider its decision in private. Once a decision has been reached, it shall be announced in public and a record of the proceedings published on the Council's website.
- 8 The Hearings Panel may decide:
- (i) That the allegation is proven, wholly or in part, and uphold it, wholly or in part
 - (ii) That the allegation is not proven, and dismiss it
- 9 Where the Hearings Panel decides that the allegation is proven and upheld, it shall decide what recommendation to make to the Council about the matter.
- 10 The sanctions that may be imposed upon a Member found to have breached the Code of Conduct include (but are not limited to):
- Censuring or reprimanding the Member in question
 - Where the Member is within a recognised Group, recommending to the relevant Group Leader that the Member be removed from any or all Committees or Sub-Committees of the Council
 - Where the Member is a Cabinet Member, recommending to the Leader of the Council that the Member be removed from the Cabinet, or relieved of particular portfolio responsibilities
 - Instructing the Monitoring Officer to arrange appropriate training for the Member
 - Removing any or all appointments to outside bodies held by that Member
 - Withdrawing facilities provided by the Council, such as computer facilities or equipment, website access and email
 - Excluding the Member from access to Council offices or premises, except so far as necessary for that Member to attend meetings of the Council, Cabinet and any Committee or Sub-Committee of which he or she is a Member.

