November 2026

LONDON BOROUGH OF BRENT

MEMBERS' CODE OF CONDUCT COMPLAINTS PROCEDURE

1 Introduction

1.1 It is a requirement of the Localism Act 2011 that all Councils must adopt a Code of Conduct, which deals with the conduct expected of its elected and co-opted members when they are acting in their official capacity. The Code of Conduct is also required to include appropriate provisions relating to the registration and disclosure of pecuniary and other interests.

1.2 Brent Council is responsible for administering its own Code of Conduct and the Council is required to have in place arrangements under which allegations can be investigated and decisions on allegations can be made.

1.3 Brent Council is required to appoint at least one Independent Person whose views may be sought by the Council, usually through the Monitoring Officer, or by subject members. The Council must seek the views of an Independent Person before making a decision on an allegation that has been referred for investigation. There is no right for the complainant to seek the views of the Independent Person and no such contact will be tolerated. We have appointed a small number of Independent Persons.

1.4 The Independent Persons do not represent and nor are they advisors to the subject member or the Council. They must remain completely impartial and objective and they cannot take sides. Their only role is to assess complaints and form a view on them.

1.5 The 2011 Act provides that an allegation is *"a written allegation that a member or co- opted member of the authority has failed to comply with the authority's code of conduct".*

1.6 This document sets out the procedure for submitting a complaint alleging that the Code of Conduct has been breached and the procedures that will be followed in dealing with such complaints. It also sets out the criteria for assessing a complaint and when a request may be made for the decision taken on a complaint to be reviewed.

1.7 All allegations will be dealt with objectively, fairly and consistently. We will also have regard to what is in the public interest and our fiduciary duty to the tax payers.

1.8 Within this procedure references to the "Monitoring Officer" include his or her duly appointed representative(s).

1.9 In this procedure the term 'subject member' means the member against whom the allegation has been made.

1.10 The Audit & Standards Advisory Committee will convene from time to time to review the handling of complaints, reviews and decisions made with a view to identifying trends or any improvements in this procedure and the application of it that may be desirable.

2 Submitting a complaint

2.1 All complaints must be submitted in writing and this includes electronic submissions. We will assist you if you have a disability that prevents you from making or makes it difficult for you to submit your complaint in writing. We can also help if English is not your first language.

2.2 Complainants are required to use our complaints form other than in exceptional cases, which we can send out as a hard copy or which is available in electronic format from our web site. Further information and the complaint form are available on the Make a complaint against a councillor page on our website**.** If exceptionally, the complaints form is not used the required to be used information will still need to be provided in writing.

2.3 If a verbal complaint is made we will ask that the complaint is confirmed in writing providing all the required information and only exceptionally not on the complaint form. If you are unable to make a written complaint we will offer to transpose your complaint onto a complaint form with an accompanying written statement (if required) which you will then be asked to sign or otherwise indicate to our satisfaction that you wish to make a complaint in those terms. If you are unwilling to sign the documentation or otherwise indicate to our satisfaction that you wish to make a complaint in those terms we will not take any further action on the complaint unless the Monitoring Officer is satisfied that the circumstances justify a departure from this position. If you make a verbal complaint and simply decline to confirm the complaint in writing for reasons which we do not consider to be justifiable we will take no further action on the complaint.

2.4 Anonymous complaints will be rejected. This does not include complaints where the complainant requests confidentiality and which is dealt with further in section 5 below and on the complaint form.

2.5 Some complaints against a member will represent a complaint against the Council but will fall outside the scope of this procedure. If that happens the complaint will be forwarded to the relevant officer(s) in the Council and the complainant will be advised of the action taken.

2.6 To submit complaints electronically please use the form at the link in paragraph 2.2 above. All other submissions must be sent or delivered to:

The Monitoring Officer
Legal Services Department
Brent Civic Centre,
Engineers Way,
Wembley, Middlesex,
HA9 0FJ

3. Processing and determination of complaints

3.2 When a complaint is received which is within the scope of this procedure we will aim to acknowledge receipt within 3 working days.

3.3 The Monitoring Officer will carry out an initial assessment of whether the alleged behaviour falls within the Code of Conduct and, therefore, this procedure. This will normally be done within 15 working days. If the allegation is about a matter which falls outside of the Code of Conduct (see Annex 1, 2.1) or is considered to be within one of the criteria set out below the complaint will not progress beyond this initial assessment stage.

Initial assessment criteria

- If the complaint is the same or substantially the same as a complaint previously dealt with
- If the period since the alleged behaviour is so significant (normally six months or more) that it is considered to be inequitable, unreasonable or otherwise not in the public interest to pursue
- If the complaint is trivial
- If the complaint is not considered to disclose a sufficiently serious potential breach of the Code to merit further consideration
- If the complaint discloses such a minor or technical breach of the Code that it is not in the public interest to pursue
- If the complaint is or appears to be malicious, politically motivated, tit-for-tat or otherwise submitted with an improper motive and the complaint is not considered to disclose sufficiently serious potential breaches of the Code to merit further consideration
- If the complaint is vexatious
- If the member against whom the allegation has been made has remedied or made reasonable endeavours to remedy the matter and the complaint does not disclose sufficiently serious potential breaches of the Code to merit further consideration
- If the complaint is about a person who is no longer a member of the Council and there are no overriding public interest reasons to merit further consideration

3.4 At this stage, if the complaint is not to progress further the Monitoring Officer will notify the complainant in writing of that fact and with the reasons. She/he will also write to the subject member with details of the complaint, the decision made and the reasons for the decision. The name of the complainant will be disclosed to the subject member unless confidentiality has been requested and the Monitoring Officer considers the request to be justified. When confidentiality has been granted that will be confirmed to the subject member along with the reasons for granting it but not so as to enable the complainant to be identified.

3.5 Notwithstanding paragraph 3.2 and 3.3, the Council will in appropriate circumstances pass to the police or Director of Public Prosecutions any allegations it receives which disclose behaviour that may constitute a criminal offence, whether under the ethical standards provisions of the Localism Act or otherwise.

3.6 For those complaints which are to be taken beyond the process detailed in the preceding paragraphs, the following steps will be followed. The Monitoring Officer shall seek the views of the nominated Independent Person at Steps 3, 4, 9 and 10 of the process below and the subject member may seek the views of an Independent Person at any time during this process. If considered necessary by the Monitoring Officer she/he may consult with the Chair of Audit & Standards Committee and/or any Vice Chair of Audit & Standards Committee if appointed Committee to assist her/him with the consideration and determination of the complaint. She/he may do this at any time during the process. The Monitoring Officer may also consult the Leader of the Council or Group Leaders, the Chief Executive or any other officers.

Step	Action
1	The Monitoring Officer will write to the subject member with details of the complaint, including those of the complainant unless any confidentiality request has been agreed, and also the name and contact details for one of the Independent Persons who has been nominated for the complaint and who the subject member may contact to seek their views. When confidentiality has been granted that will be confirmed to the subject member along with the reasons for granting it but not so as to enable the complainant to be identified. At this stage the subject member will be given an opportunity to provide the Monitoring Officer with a written response to the complaint. Ordinarily we will ask the subject member to restrict their written comments to two sides of A4 but they will be permitted to provide copies of supporting documents. A time limit for providing a written response will be imposed. Ordinarily this period will be 10 working days.
2	The subject member will provide their written comments, with supporting documentation if relevant, notify the Monitoring Officer that they do not wish to provide a written response to the complaint or the time limit for the submission of a written response will lapse.
3	The Monitoring Officer, following consultation with the Independent Person, will consider the complaint again in the context of any written submissions and supporting documentation provided by the subject member.
4	The Monitoring Officer will, following consultation with the Independent Person, determine the complaint in accordance with the Assessment Criteria set out in Annex 1 to this Procedure. The options the Monitoring Officer has are: (i) to make no finding as to whether there has been a breach of the Code and take no further action; (ii) to make no finding as to whether there has been a breach of the Code but determine that some action other than an investigation is appropriate; (iii) to find no breach of the Code; (iv) to find a breach of the Code without an investigation but impose no sanction; (v) to find a breach of the Code without an investigation and impose a sanction; (vi) to require that the complaint be investigated to determine whether there has been a breach of the Code and the seriousness of the breach; (vii) to conclude that the circumstances of the complaint indicate that an offence under Chapter 7 of Part 1 of the Localism Act 2011 may have been committed and that the complaint ought to be investigated, by the police where appropriate, to determine whether a prosecution should be brought.
5	The outcome of the determination of the complaint will be notified in writing to the complainant and the subject member within 5 working days.

6	The complainant and the subject member will ordinarily be given 10 working days from the date of notification of the decision to make a written request to the Monitoring Officer that the decision is reviewed. In either case the person requesting the review must provide reasons to support the request for review and provide any supporting documentation that is relevant but which was not previously provided. The following limitations on review requests apply: (i) the **complainant** may only request a review where the finding is either of paragraphs (i) and (iii) in Step 4 above; (ii) the **subject member** may only request a review where the finding is either of paragraphs (iv) and (v) in Step 4 above
7	Following a written request for review being received within the time limit the Monitoring Officer will acknowledge the review request within 3 working days and notify the other interested parties of the review request. She/he will write to the complainant or subject member as appropriate with details of the review request. At this stage the complainant or subject member as appropriate will be given an opportunity to provide the Monitoring Officer with a written response to the review request. Ordinarily we will ask the complainant or subject member as appropriate to restrict their written comments to two sides of A4 but they will be permitted to provide copies of supporting documents. A time limit for providing a written response will be imposed, .
8	The complainant or subject member as appropriate will provide their written comments, with supporting documentation if relevant, or notify the Monitoring Officer that they do not wish to provide a written response to the complaint or the time limit for the submission of a written response will lapse.
9	The Monitoring Officer, following consultation with the Independent Person, will consider the complaint again in the context of any written submissions and supporting documentation provided by the subject member at Step 2 as well as the review request and any written response to it.
10	The Monitoring Officer will, following consultation with the Independent Person, determine the review in accordance with the Assessment Criteria set out in Annex 1 to this Procedure. The options the Monitoring Officer has are as set out in Step 4.
11	The outcome of the determination of the review will be notified in writing to the complainant and the subject member within 5 working days.

3.7 Steps 1 to 5 in the table in paragraph 3.6 will normally be concluded within 33 days of receipt of the complaint. If it is not possible to do this within this time the complainant and the subject member will be contacted and advised of the delay and when the Steps will be completed.

3.8 Steps 7 to 10 in the table in paragraph 3.6 will normally be concluded within 28 days of receipt of the review request. If it is not possible to do this within this time the complainant and the subject member will be contacted and advised of the delay and when the Steps will be completed.

3.9 The sanctions that may be imposed where the Code is found to have been breached are set in in section 10 of Annex 2.

4 What happens following assessment or review of complaints?

4.1 Any action or investigation will be implemented. If other action is determined as appropriate and either party declines to comply that will be reported to the Monitoring Officer who may decide to treat the facts as a complaint for determination through the process set out in paragraph 3.6 above.

4.2 If potential criminal offences are identified and the complaint referred for investigation with a view to prosecution, the appropriate procedures of the police or Council will be followed so as to protect the integrity of the investigation.

4.3 A report setting out all the complaints and requests for reviews received and what action was taken regarding them will be forwarded to the Audit & Standards Committee on a 6 monthly basis for consideration and comment.

4.4 The procedures for any investigations and hearings following investigation are annexed to this document as Annex 2 and 3.

5 Complainant confidentiality

5.1 The subject member will, in normal circumstances, be told from the outset who has complained about them. If a complainant asks for their identity to be withheld their request will be considered by the Monitoring Officer prior to the member being notified that a complaint has been made.

5.2 Each request for confidentiality will be considered on its merits and in determining such a request the following will be considered:

(i) Whether the complaint is such that it cannot be looked into without the councillor being aware of the identity of the complainant, for example, it asserts a tort or alleged racism directed at the complainant.

(ii) Whether the complainant reasonably believes that they, or those connected to them, will be at risk of harm if their identity is disclosed;

(iii) That the complainant is reasonably concerned about the consequences to their employment, or those connected to them, if their identity is disclosed;

(iv) That the complainant, or somebody closely connected to them, suffers from a medical condition and there is evidence of medical risks associated with their identity being disclosed or confirmation from an appropriate medical professional that that is the case; and

(v) The public interest. In some cases the public interest in proceeding with the complaint may outweigh the complainant's wish to have their identity withheld.

5.3 If it is not considered appropriate to grant a request for confidentiality the complainant will be advised that it is not possible to investigate the complaint further without the Councillor knowing who has made the accusation/complaint and offered the opportunity to withdraw the complaint rather than proceed with it, but this is subject to paragraph 6.

6 Withdrawal of complaints

6.1 Requests to withdraw complaints will normally be granted but in considering such a request from the complainant the Monitoring Officer will consider the following factors:

(i) Whether the public interest in taking action on the complaint outweighs the complainant's desire to withdraw it;

(ii) Whether the complaint is such that action can or should be taken on it without the complainant's participation; and

(iii) Whether there appears to be an identifiable underlying reason for the request to withdraw the complaint such as whether there is information to suggest that the complainant may have been pressured into withdrawing the complaint.

6.2 Even if a request to withdraw a complaint is granted, the Monitoring Officer may still refer the circumstances for assessment and investigation under the appropriate procedures if those circumstances merit such action in the opinion of the Monitoring Officer such as if they disclose potentially significant probity issues, possible criminal offences or safeguarding issues.

7 Conflicts of interest

7.1 If any officer has any personal or professional conflict of interest in relation to a complaint, they must have no involvement or no further involvement in dealing with that complaint other than such reasonable steps as are necessary to ensure that the complaint is dealt with by someone other than them. Any conflicts identified during the course of a matter will be managed appropriately by the Monitoring Officer.

7.2 An officer who has previously advised a subject member or has given advice to the complainant about the issues giving rise to a complaint must seek advice from their line manager as to whether they can properly be involved in the conduct of a related complaint. Public perception and the public interest will be considered.

7.3 If any Independent Person has any personal or professional conflict of interest in relation to a complaint, they must have no involvement or no further involvement in dealing with that complaint other than such reasonable steps as are necessary to ensure that the complaint is dealt with by someone other than them. Where this occurs another Independent Person will be appointed and the appropriate person(s) notified.

8 Records retention

8.1 Brent Council will store all records of complaints in electronic format in a secure environment on a computer network. Records will be stored in accordance with the Brent Council's records management policy and procedures. We may also choose to store hard copies of some or all

documents and information.

Annex 1 to the Code of Conduct complaint Assessment and Determination Procedure

Assessment Criteria

1. Introduction

1.1 All complaints and reviews will be considered on their merits and according to the facts.

1.2 The Monitoring Officer will seek the views of the Independent Person at Steps 3, 4, 9 and 10 of the procedure set out in 3.6 of the main document.

1.3 These assessment criteria, which are subject to an annual review by the Audit & Standards Committee, will be used as guidance in the consideration and determination of complaints and reviews but the Monitoring Officer is entitled to depart from these criteria when they consider it appropriate to do so.

1.4 The assessment criteria are intended to be a guide to promote consistency. Two complaints may be about the same aspect of the Code but differ considerably in terms of the facts, how serious they are and there may be huge differences in the relevance and amount of detail regarding the complaint. For these reasons the assessment criteria can only be a guide.

2. Overriding criteria

2.1 These three tests will be applied during the initial assessment of a complaint:

- Is the complaint about one or more named members of the authority?
- Was the subject member in office at the time of the alleged conduct?
- If proven, would the complaint disclose a breach of the Code of Conduct?

2.2 **No finding of whether there is a breach of the Code**
If on the facts it is not possible to determine whether there has been or may have been a breach of the Code and the alleged conduct does not merit an investigation, having regard to the public interest, this is the appropriate finding to make.

2.3 **No finding of whether there is a breach of the Code but action other than investigation is appropriate**
If on the facts, it is not possible to determine whether there has been or may have been a breach of the Code, the alleged conduct does not merit an investigation, having regard to the public interest, but the allegation and any response from the subject member disclose an underlying issue that action such as mediation or training on the Code or council procedures might assist with, this is the appropriate finding to make. The other action information below needs to be considered in these circumstances.

2.4 **Finding of no breach of the Code**
If the facts available demonstrate on the balance of probabilities that there has been no breach of the Code, this is the appropriate finding to make. If there is no breach of the Code a sanction cannot be imposed but other action such as mediation or training might still be

considered.

2.5 **Finding of a breach of the Code without an investigation**
A finding that the Code of Conduct has been breached without the need for an investigation will usually be appropriate in the following circumstances:

- It can clearly be shown that from the information that has been provided by the subject member and the complainant that a breach of the Code has occurred
- The subject member has admitted to the breach of the Code, whether or not they have offered to remedy the breach
- It can be shown that an investigation is unlikely to be able to establish any further independent relevant evidence regarding the complaint or that the cost of obtaining any further evidence would not be justified having regard to the public interest and that on the evidence supplied a breach of the Code can be shown

2.6 A breach of the Code without investigation can only be found if the complaint satisfies the first three initial tests and that it can be clearly shown, on the balance of probabilities that a breach of the Code of Conduct has occurred.

2.7 **No Further Action**
If a breach of the Code is found but it is trivial, a technical breach or otherwise of limited effect it may be appropriate to take no further action.

2.8 **Referral for other action**
A complaint may be referred for other action in the circumstances listed below. Other action may be appropriate whether a breach is found or not. However, in general, other action may be used where the complaint discloses a more general rather than a specific problem concerning the member's conduct.

Referring a matter for other action effectively closes the door on a review of the decision as the matter cannot subsequently be referred for investigation if the complainant is dissatisfied with the outcome of the other action. As such, other action should be exercised only where appropriate. If necessary the assessment of a complaint can be deferred while further information is obtained and other action is being considered. In addition, the subject member and the complainant can be contacted to see if they will accept other action as a way of resolving the complaint, such as by way of an apology.

The following should be considered in determining whether it is appropriate to refer a complaint for other action:

- Does taking further action provide an opportunity to resolve the issue and to prevent any similar issues arising in the future and promote good governance?
- Does the complaint present a potentially less serious breach of the Code than would require the matter to be referred for investigation and is any benefit to be gained from referring the matter for investigation?

- Is the subject member a member who appears to have a poor understanding of the Code and relevant procedures?
- Is the council suffering from a widespread breakdown in internal relationships and trust where a course of action other than an investigation of a complaint may be more appropriate and beneficial to the council?

2.9 **Referral for Investigation**

A complaint should usually be referred for investigation in the following circumstances:

- The complaint has passed all three of the initial tests
- The subject member has denied the allegations but the information presented indicates that there may be a breach of the Code
- On the information provided the potential breach of the Code of Conduct is sufficiently serious that an investigation should be undertaken to discount or substantiate the complaint and to determine what sanction, if any, is appropriate

2.10 **Potential offences under the Localism Act 2011**

If it is considered that the allegation concerned may disclose an offence under the Localism Act it should be referred to the police or other appropriate person(s) for further consideration as to whether there should be an investigation with a view to prosecution. No prosecution can be brought without the consent of the Director of Public Prosecutions.

If it transpires that no offence was committed, whether following trial or otherwise, the complaint ought to be reintroduced to this procedure for determination of any breach of the code and any appropriate sanction.

Annex 2

How is the investigation conducted?

1. Where, the view of the Monitoring Officer is that a complaint merits formal investigation, the Monitoring Officer will appoint an investigating officer. The timescale for investigation will normally take no more than 12 weeks to complete.

2. The investigating officer will contact the complainant and the member against whom a complaint has been made and undertake such investigation as is appropriate in all the circumstances within the parameters of the complaint that has been made. Where during the course of an investigation new matters arise, the Investigating Officer shall refer those matters back to the Monitoring Officer for a decision on how those matters should be dealt with under these procedures.

3. At the end of the investigation, the investigating officer will produce a draft report and will seek comments and views on the draft report from the member against whom the complaint has been made and, except in exceptional circumstances, the complainant. If a draft report is not sent to the complainant for comment an explanation must be provided in the report.

4. Having received and taken account of any comments which have been made, the Investigating Officer will send a copy of the final report to the Monitoring Officer.

5. If at any time the investigation is frustrated, for example, if significant witnesses are not available for interview, or if the investigation indicates that the matter would be better resolved through informal or no action, the Monitoring Officer following consultation with the Independent Person can decide what action to take, including terminating the investigation.

6. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

    - The Audit & Standards Committee will review the Investigating Officer's report and if, following consultation with the Independent Person, it accepts the Investigating Officer's conclusion, the Standards Committee will inform the complainant and the member concerned that it is satisfied that no further action is required. A copy of the Investigating Officer's final report will be given to the complainant and the member concerned. Members of the Standards Committee will be advised that the report relates to an individual and will reveal their identity.

    - If the Audit & Standards Committee following consultation with the Independent Person is not satisfied that the investigation has been conducted properly, it may ask the investigating officer to reconsider his/her report.

    - If the Audit & Standards Committee following consultation with the Independent Person wishes, notwithstanding the views of the investigating officer, it may refer the matter for hearing.

7. What happens if the investigating officer concludes that there is evidence of a failure to comply with the Code of Conduct?

    (i) The Audit & Standards Committee will review the investigating officer's report and following consultation with the Independent Person, will either (a) direct local resolution or (b) refer the matter to Audit & Standards Committee for a hearing.

(ii) Local Resolution
The Audit & Standards Committee, following consultation with the Independent Person may consider that the matter can reasonably be resolved without the need for a hearing. In such a case the Audit & Standards Committee may direct such fair resolution as it considers helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Audit & Standards Committee for information but will take no further action. If the local resolution recommended by the Audit & Standards Committee is not complied with, the Monitoring Officer will refer the matter to the Audit & Standards Committee to determine whether there should be a hearing.

(iii) Audit & Standards Committee hearing
Meetings of the Standards Committee will be open to the press and public unless confidential or exempt information under Part VA Local Government Act 1972 is likely to be disclosed. The committee will go into private session if it resolves to do so.

If the Audit & Standards Committee decides that the matter will proceed to hearing, paragraphs 8 to 11 will apply:

8 Pre Hearing Process

8.1 Prior to a hearing, an officer from the Council's Executive & Member Services team will write to the member subject to the complaint proposing a date for the hearing before the Audit & Standards Committee.

8.2. Legal Services will provide a copy of this procedure note to the member subject to the complaint and request a written response from the member within a set time in relation to whether the member:-

- Wants to be represented at the hearing by a solicitor, barrister or any other person and the identity of that person
- Disagrees with any of the findings of fact in the investigation report and the reasons for it
- Considerers he or she has beached the Code of Conduct and, if not, why
- Whether if there is found to be a breach there is anything he or she would like to be taken into account by the committee when it considers whether a sanction should be imposed and what that sanction might be
- Wants to give evidence to the Audit & Standards Committee either verbally or in writing
- Wants to call relevant witnesses to give evidence to the hearing and to provide details of the witnesses
- Wants any part of the hearing to be held in private and reasons for the request
- Wants any part of the investigation report or other relevant documents to be withheld from the public and reasons for the request
- Has any special access requirements e.g. interpreter, special print (or the Member'

witness(es) or representative requires such)

- Can attend the hearing

8.3 The member's response will be referred to the Monitoring Officer to comment in order to ensure that all parties are clear about the remaining factual disputes and can deal with these issues at the hearing. The Monitoring Officer will also ascertain from the investigating officer whether the complainant will be giving evidence at the hearing and whether the investigating officer will be calling any witnesses to give evidence.

8.4 The Monitoring Officer will prepare a report for the hearing which will:

- Summarise the allegation
- Outline the main facts of the case which are agreed
- Outline the main facts which are not agreed
- Indicate whether the member and the investigating offer will be present at the hearing
- Indicated the witnesses, if any, who will be asked to give evidence
- Include the Investigating Officer's report
- Include the views of the Independent Person

9 The Hearing

9.1 The hearing is before the Audit & Standards Committee and the Independent Person will be in attendance to provide his/her views before a decision is made.

9.2 The procedure for local hearings is attached at Annex 3.

9.3 The meeting of the Audit & Standards Committee will be open to the press and public unless confidential or exempt information under Part VA Local Government Act 1972 is likely to be disclosed. The Committee will go into private session if it resolves to do so.

9.4 The Audit & Standards Committee will decide on the balance of probabilities whether the member is in breach of the Code of Conduct. The Audit & Standards Committee must seek the views of the independent person before making a decision on the allegation.

9.5 The Audit & Standards Committee can determine the number of witnesses and the way in which witnesses can be questioned.

9.6 If the member fails to attend the hearing, the Audit & Standards Committee can decide whether to proceed in the member's absence and make a determination or whether to adjourn the hearing to a later date.

9.7 If the Audit & Standards Committee concludes that the member did fail to comply with the Code of Conduct, the Committee will then consider what action, if any, the Committee should take. In doing this, the Committee will give the member the opportunity to make representations to the Committee and will consult the Independent Person.

10. What action/sanctions can the Audit & Standards Committee take where a member has failed to comply with the Code of Conduct?

10.1 The Council has delegated to the Audit & Standards Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct.

Accordingly, the sanctions available to the Audit & Standards Committee are:

- Censure or reprimand the member
- Publish in a local newspaper its findings in respect of the member's conduct
- Report its findings to Council for information
- Recommend that the member apologises
- Recommend that the member undertakes training
- Recommend to the member's Group Leader (or in the case of ungrouped members recommend to Council or to committees) that the member be removed from any or all committees of the council
- Recommend to the Leader that the member be removed from the Cabinet or removed from particular portfolio responsibilities
- Recommend to Council that the member be replaced in any Council appointed roles
- Instruct the Monitoring Officer to arrange training for the member
- Recommend to Council removal from all outside appointments to which the member has been appointed or nominated by authority
- Withdraw facilities provided to the member by the Council
- Exclude the member from the Council's offices or other premises with the exception of meeting rooms as necessary for attending council and committee meetings.

11 What happens at the end of hearing?

11.1 At the end of the hearing the Chair of the Audit & Standards Committee will state the decision of the Committee and any actions which the Committee resolves to take.

11.2 The decision taken by the Audit & Standards Committee will be recorded in accordance with ordinary committee rules.

12 Appeals

12.1 There is no right of appeal for the complainant or the member against a decision of the Monitoring Officer or the Audit & Standards Committee.

Annex 3

Procedure for Hearings before the Audit & Standards **Committee**

1 Introduction

2 Chair of the Audit & Standards Committee outlines the hearing procedure

2.1 The Chair can depart from the procedure outlined below where he/she considers it expedient to do so in order to secure the fair consideration of the matter.

3 Findings of Fact

3.1 The Committee should consider where there are any significant disagreements about the facts contained in the investigating officer's report.

3.2 If there is no disagreement about the facts the committee can move on to the next stage of the hearing (go to paragraph 9)

3.3 Where there is a disagreement the investigating officer will be invited to make representations to support the findings of fact and with the committee's permission, call witnesses to give evidence.

3.4 The member, against whom the complaint has been made, will be given the opportunity to challenge the evidence put forward by any witness called by the investigating officer by asking the witness questions.

3.5 The member will then be given the opportunity to make representations and with the committee's permission, call any witnesses to give evidence.

3.6 The investigating officer will be given the opportunity to challenge the evidence put forward by any witness called by the member to give evidence.

3.7 At any time, the committee and independent person may question any of the people involved or any witnesses. The independent person may also give an opinion.

3.8 The Committee will usually consider the representations and evidence in private.

3.9 The committee will be advised by the Monitoring Officer, in private if necessary, at any time during the hearing or while they are considering the outcome.

3.10 Once the committee has made its decision, the Chair will announce the committee's finding of fact to the meeting.

4 Did the member fail to comply with the Code of Conduct?

4.1 The committee should then consider whether based on the facts it has found, the member has failed to comply with the Code.

4.2 The member will be invited to make representations on the matter.

4.3 The investigating officer will be invited to make representations.

4.4 The independent person will be invited to give an opinion.

4.5 The committee may, at any time, question the member, investigating officer or independent person on any point raised.

4.6 The member will be invited to make any final relevant points

4.7 The committee will usually consider the representations in private, with the attendance of and advice from the Monitoring Officer.

4.8 Once the committee has made its decision, the Chair will announce the committee's decision to the meeting as to whether the member has failed to comply with the Code.

5 If there is a finding that the member has not failed to comply with the Code of Conduct

5.1 Where the committee decides that the member has not failed to comply with the Code, the committee can consider whether it wishes to make any recommendations.

6 If there is a finding that the member has failed to comply with the Code of Conduct

6.1 If the committee decided that the member has failed to comply with the Code, it will consider representations from the member, investigating officer and independent person as to:

- Whether the committee should apply a sanction
- What form any sanction should take

7 The committee may question the investigating officer, member and independent person and take legal advice, to make sure they have the information they need in order to make an informed decision.

8 The committee will consider in private with the attendance of and advice from the Monitoring Officer whether to impose a sanction and if, so what sanction it should be

9 The Chair will announce the decision to the meeting.

10 The committee will also consider whether it should make any recommendations with a view to promoting high standards of conduct

11 Committee decision

11.1 The decision taken by the Audit & Standards Committee will be recorded in accordance with ordinary committee rules.