

Title: Arrangements for Dealing with Councillor Misconduct
Lead Officer: Graham Leach – Head of Governance and Monitoring
Officer
Portfolio Holder: Councillor Davison
Wards of the District directly affected: None

Approvals required	Date	Name
Portfolio Holder	13/1/2026	Councillor Davison
Finance	13/1/2026	Alex Elston
Legal Services		
Chief Executive	13/1/2026	Chris Elliott
Deputy Chief Executive	13/1/2026	Darren Knight
Strategic Director	13/1/2026	David Elkington
Head of Service(s)	13/1/2026	Graham Leach
Section 151 Officer	13/1/2026	Andrew Rollins
Monitoring Officer	13/1/2026	Graham Leach
Leadership Co-ordination Group	5/1/2026	Councillors, Boad, Davison, Day, Falp, Melrose and Wightman
Final decision by this Committee or rec to another Cttee / Council?	Yes	
Contrary to Policy / Budget framework?	No	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	No	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	No	
Accessibility Checked?	Yes	

Summary

Good practice is to review procedures at regular intervals and, following consideration by officers, the report brings forward minor proposals to update the Arrangements for Dealing with Councillor Misconduct.

Recommendation(s)

- (1) That the Audit & Standards Committee approves the revised Arrangements for Dealing with Councillor Misconduct, as set out at Appendix 1 to the report; (Text *in italics* are additions with removals ~~struck through~~) and in doing so:
 - a) notes flow chart and timeline of complaint.
 - b) notes confidentiality of complaints and endorses the proposals for amending the procedure to clarify this.
 - c) agrees that, where the complainant is not directly affected by the complaint, there will be no need to consult with them on the resolution.
 - d) approves the clarification in the procedure on what will be reported to Audit & Standards Committee on future cases.
 - e) notes the support in place for individuals involved in Code of Conduct cases.
 - f) approves the revision in respect of complaints made from within the same political party
- (2) The Audit & Standards Committee notes the Government response to the consultation on Strengthening the standards and conduct framework for local authorities in England.

1 Reasons for the Recommendation

- 1.1 The current process was adopted by the Council when the Local Government Association brought forward a model code of conduct, in line with the Localism Act 2011, for Councils to use. This was adopted by Warwick District Council (on 1 May 2022), at a time when the Council was aligning its policies and procedures with Stratford-on-Avon District Council (SDC).
- 1.2 Therefore, the Arrangements for Dealing with Councillor Misconduct were also adopted by SDC at the same time. For this reason, the changes in this report have been shared with the Monitoring Officer (MO) for SDC, whom the MO for WDC works closely with due the shared legal service and shared Information Governance (IG) Service, with a view to providing a peer challenge to the proposals but also with consideration as to adopting them as well, being mindful of the forthcoming Local Government Reorganisation proposals.
- 1.3 The Committee should also note the report from internal audit, which was issued on 8 November 2025, following work undertaken between September and October 2025. This was not assurance work, but an examination through consultancy to review the processes in place and to make suggestions ('advisories' as opposed to formal recommendations) as to how these processes could be strengthened. The audit report is attached as Appendix 3 to this report for consideration by the Committee At that stage the Senior Internal Auditor was aware of this report to the Committee that was in draft form .
- 1.4 **Recommendation 1a**

- 1.4.1 Some recent cases of complaints made under the Code of Conduct have taken a significant amount of time to consider and respond to. This was largely due to demand on the role of MO. Whilst some work would normally be shared with the Policy, Performance & Complaints Manager and Deputy MO, this has not been possible due to the significant demand on their role in respect of complaints regarding service delivery by the Council. Additional resources have therefore been approved which are expected to be in place by Spring 2026.
- 1.4.2 This aside, while the scheme provides timescales for the initial handling of a complaint, it was felt that a flow chart of these times and further stages (with indicative times) could be included as an appendix to the procedure, which is set out at Appendix 2 to this report.
- 1.4.3 While these time scales may seem long at points, it is important to note that code of conduct cases are similar to a disciplinary or grievance procedure and need to be handled with due care and sensitivity.

1.5 **Recommendation 1b**

- 1.5.1 The current procedure is silent overall on the confidentiality of complaints at an early stage and through to investigation or even hearing. Therefore, it is proposed that, in future, there is an expectation of confidentiality to the process at all stages.
- 1.5.2 These safeguards are being put in place to protect the integrity of the process and support all parties within that process to help them through what can be a difficult and emotional process.
- 1.5.3 There will be additional guidance that if any party to a complaint is contacted by an external party to the complaint (i.e. the media) asking about the complaint during the confidential stage, they should direct the enquiry to the Monitoring Officer. The Monitoring Officer will then issue any necessary statements as well as providing assurance to the parties involved on any statement they could make (to which the normal advice will be say nothing or respect the process). This will help to support all parties to the complaint, in recognising the potential for fishing on complaints made by getting a no response on one Councillor and moving on.
- 1.5.4 Additional clarification should also be included that, where the confidentiality is broken, this action itself will be taken into consideration in the handling and potential outcome of the complaint. This is particularly important in respect of protecting any possible victims from potential further harm and other victims being dissuaded from bringing forward complaints of their own.
- 1.5.5 Councillors are all required to follow the requirements of the Code of Conduct which, in section 4.1, places an obligation not to share information which is classified as confidential.
- 1.5.6 However, there will be discretion, as set out in already agreed delegated authority, for the Monitoring Officer to step away from the agreed process (after consultation with the Independent Person and Chair of the Audit & Standards Committee) and advise at an appropriate stage where this is no longer the case. For example, if a complaint remedy requires a public apology, it would be clear this becomes public along with a summary of the initial complaint for public assurance.

1.6 **Recommendation 1c**

- 1.6.1 At present, where an informal resolution is sought, in all circumstances the MO must consult with the complainant about the proposed outcome.

1.6.2 In recent cases this has caused a challenge, especially where the individual complaining was not directly affected by the behaviour of the Councillor involved. Although they had a strong view on the approach that should be taken, it highlighted that this was not an appropriate consideration for the MO. However, the individual should be informed of the outcome in such limited situations.

1.7 **Recommendation 1d**

1.7.1 In the interest of transparency, in future, an update will be provided to the Audit and Standards Committee on current live cases, without naming individuals, or the stage complaints are at. When a case is concluded (before the investigation stage), the Committee will be informed of the outcome in a summarised form. This will not always detail who the complaint was made against, especially when there was no case to be answered.

1.7.2 When a complaint passes to the investigation stage, there is an argument for the Committee to be provided with the investigation report and its appendices.

1.7.3 Investigations are often complex and there is a range of views on this, as publishing the outcome of an investigation that proves there is no case to answer could still be considered damaging to the reputation of the individuals concerned, or it could be considered as helpful in exposing instances of petty and vexatious complaints.

1.7.4 Therefore, the intention currently is to ensure the Committee Chair and Vice Chair are aware of cases, in confidence, that are at investigation stage. If an investigation is concluded with no further action, as no breach was found, it will be closed with a summary and no names reported to Committee.

1.7.5 When an investigation concludes and action is taken / resolved through informal resolution, the Committee will be informed of the Councillor involved once the remedy has been concluded and through an agreed summary of the complaint with the investigator.

1.7.6 When an investigation comes to a hearing, all or part of the hearing could be in confidential session. However, at its conclusion, a decision notice will be issued with information contained in it based on the principles i. 17.4. and 1.7.5 depending on if a breach was found at the Hearing.

1.8 **Recommendation 1e**

1.8.1 Complaints that are submitted regarding Member behaviour are often complex and sensitive matters, similar to a disciplinary procedure, but equally, Councillors are holders of public office and open to scrutiny and are expected to maintain high standards of behaviour and governance. The Government's consultation response (as set out in section 1.10 of this report) states that they will be looking for "*Individual support during investigations. Where there is an investigation, the principal authority must offer support to the complainant and the Councillor*". At this time, no specification for this has been set out other than to investigate sector best practice guidance and the potential for an independent confidential helpline to offer support for complainants.

1.8.2 The Monitoring Officer needs to retain a neutral position on complaints and, therefore, while he can provide a check in with complainants, he cannot provide direct support to them individually. With this in mind, the Council should be ensuring support is available where appropriate, to those parties involved.

1.8.3 For Warwick District Councillors, support is expected to be provided within the political group for each Councillor, and the Council also provides the BUPA

scheme, where a free 24-hour health and wellbeing advice line is available to all Councillors enrolled in the scheme.

1.8.4 Where a complainant is an officer within the District Council (or a Council officer is involved) they will be provided support from the authority as they would be in similar situations, such as a grievance or disciplinary case they are party to.

1.8.5 This becomes more challenging when supporting people from outside the Council who have made complaints or Parish/Town Councillors who sit outside the support this Council has available. Therefore, as an interim awaiting the Government guidance, during any investigation under stage 2 of the process, support will be offered by the Deputy Monitoring Officer (DMO) (unless they are leading on the case in which point the MO would provide this support).

1.9 **Recommendation 1f**

1.9.1 It is proposed that the procedure be amended to be clear that complaints regarding behaviour within political group meetings or roles within a political party will, in the first instance, be considered and addressed within that political party.

1.10 **Recommendation 2**

1.10.1 All of these points are minor changes, and the Committee needs to be aware of the Government's Consultation on Strengthening the Standards and Conduct Framework for local authorities in England.

1.10.2 The consultation sought to obtain views on the introduction of a mandatory minimum code of conduct for Councils and enhanced measures on the standards and conduct regime, with the view to creating consistency across local authorities in England when investigating serious Code of Conduct breaches

1.10.3 The consultation from the Government started in December 2024 and closed in February 2025, with a response being submitted by Warwick District Council. All Councillors and Parish & Town Councils were also encouraged to respond.

1.10.4 The consultation received 2092 responses and with the [results of the consultation and response from the Government](#) published on the Government website on 11 November 2025.

1.10.5 In summary the Government proposes to implement:

- **Mandatory Code of Conduct** This will include a behavioural code and will be for all local authorities
- **Formal standards committee** There will be a requirement for principal authorities to have a standards committee for complaints and to have oversight of Councillor conduct
- **Individual support during investigations** Where there is an investigation, the principal authority must offer support to the complainant and the Councillor
- **Appeal** This would be a legislative right of Councillors and complainants which entitles them to a 'right to review' in respect of a decision made by the standards committee
- **Power of suspension for serious breaches of the code of conduct** Councillors face a suspension of up to 6 months. Within that allowances could be withheld in the most serious cases. In addition, Councillors could be banned from premises and facilities. For the most serious

allegations whereby there is police involvement or where the Member is awaiting sentence they may be suspended on an interim basis of 3 months. In order for this to be extended this would need to be reviewed.

- Disqualification Where Members have been suspended for the maximum period permitted more than once within 5 years, they could be disqualified.
- National appeals Upon exercising their 'right to review', as set out above, Councillors and complainants may lodge an appeal to the national appeals body.

1.10.6 The Government has said its intention is to "bring forward the necessary legislation as soon as parliamentary time allows".

2 Alternative Options

2.1 The provisions being proposed help enhance the handling of cases for the Council and therefore, at this time, are considered appropriate. The Council could delay bringing any changes until a steer is received from government following the survey. However, there is no definite information on the content or timeframe as to when this would come forward.

3 Legal Implications

3.1 There are no direct legal implications of the report or its recommendations, and it does not relate to the Council's duty under section 17 of the Crime and Disorder Act.

4 Financial Implications

4.1 There are no direct financial implications of the recommendations in the report.

5 Corporate Strategy

5.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation. This report does not directly contribute to these but seeks to support and enhance the values of the Council.

6 Environmental/Climate Change Implications

6.1 There are no direct environmental implications of the report.

7 Analysis of the effects on Equality

7.1 There are no direct Equality Impact implications of the report.

8 Data Protection

8.1 The report recommendations provide appropriate assurances to improve the protection of personal data for complaints.

9 Health and Wellbeing

9.1 There are no direct health and wellbeing implications of the proposal.

10 Risk Assessment

10.1 There are no significant risks associated with the report.

Background papers: None

Supporting documents:

MHCLG – [Strengthening the Standards and conduct framework for local authorities in England – Consultation results and government response](#)



Warwick District Council Arrangements for Dealing with Councillor Misconduct Complaints Procedure

(Text *in italics* are additions with removals ~~struck through~~)

1. Background

1.1 The Localism Act 2011 requires local authorities, including each district, town and parish council, to adopt a code of conduct to regulate the behaviour of its councillors. In this document, the term "Councillor" or "Member" means any Councillor or co-opted Member of Warwick District Council (WDC).

In addition, district councils such as WDC must also have arrangements in place to investigate and settle allegations that a Councillor, or co-opted Councillor of a Committee or Sub-Committee of the authority (or of a Parish/Town Council within the authority's area), has broken the Council's Code of Councillors' Conduct. Warwick District Council (WDC) has adopted this Procedure for that purpose.

1.2 The Procedure sets out how to make such a complaint and how the Monitoring Officer will deal with complaints about the Conduct of Councillors.

1.3 The Council is required by law to appoint at least one Independent Person, whose views must be sought before it takes a decision whether or not to investigate a complaint, and whose views can be sought at any other stage of the complaints process, or by a Councillor or co-opted Member (or a Councillor or co-opted Member of a Parish/Town Council) against whom a complaint has been made.

1.4 An Independent Person is a person who has applied for the post following advertisement for a vacancy for the post and is then appointed by a positive vote from a majority of all the Councillors of the Council. The job description and protocol for the role are available on the Council's website.

1.5 Warwick District Council has appointed two Independent Persons. When a formal complaint is received, the Monitoring Officer will seek views from at least one Independent Person appointed by the Council.

2. The Code of Conduct

2.1 The Council has adopted a Code of Conduct, which is available for inspection on the authority's website or as a hard copy on request from the Monitoring Officer.

2.2 Each Parish/Town Council is also required to adopt a Code of Conduct. A Parish/Town Council's Code of Conduct can be requested from the appropriate Parish/Town Council Clerk or may be available via the Parish/Town Council website.

3. Making a Complaint

- 3.1 A complaint regarding the conduct of a Councillor should be made using the complaint form which is available online. This can then be sent via email to the monitoringofficer@warwickdc.gov.uk. Alternatively, call 01926 456114 or write to:
- Monitoring Officer
Warwick District Council
Town Hall
Parade
Royal Leamington Spa
CV32 4AT
- 3.2 The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of interests and who is responsible for administering the system in respect of complaints of Councillor misconduct.
- 3.3. In the interests of fairness and natural justice, Councillors who are complained about have a right to know who has made the complaint (*although not their contact details*) and have a right to be provided with a copy (or by exception a summary) of the complaint. It is unlikely that the identity of the complainant or the details of a complaint will be withheld unless there is good reason to believe that if the complainant's identity is disclosed:
- 3.3.1 the complainant has reasonable grounds to believe they will be at risk of physical harm, or
- 3.3.2 the complainant is an officer working closely with the Councillor in question and they fear the employment consequences, or
- 3.3.3 it would create medical risks associated with a serious health condition.
- 3.4. Requests to keep the complainant's name and address confidential will not automatically be granted. However, if the complainant has made such a request they will be contacted and advised of the decision.
- 3.5. *That at all times through this process there is an expectation of confidentiality on the handling of the complaint, this is to ensure respect for both the process and parties involved. Any breach of that confidentiality will be taken into consideration in the handling of the complaint.*
- 3.6 The Complaint Form should be completed and sent to the Monitoring Officer with any supporting evidence in writing. In completing the form, it should identify the particular section of the Code of Conduct that has allegedly been breached. The Monitoring Officer will acknowledge receipt of the complaint within ~~three~~five working days and will keep the complainant informed of the progress of the complaint. *A broad timeline for the consideration of complaints is Appended to this process.*
- 3.7 The Monitoring Officer normally expects, unless there are exceptional circumstances, a complaint to be made within 3 months of the alleged breach of the Code of Conduct occurring. Where a complaint is received outside this time, limit the Monitoring Officer will consult with the Independent Person(s) as to whether the complaint should progress.
- 3.8 It should be noted that if a complainant seeks to withdraw the complaint, or the Councillor *is no longer or ceases to be a Councillor*, at any stage, the Monitoring Officer reserves the right to continue with the determination of a complaint if they consider that it is in the public interest to do so.

4. Stage 1: Initial Assessment of the Complaint

- 4.1. The Monitoring Officer will review the complaint and decide if it warrants a full investigation. This is done against a set of relevant questions and in consultation with the Independent Person(s).
- 4.2 Where the Independent Person(s) require additional information in order to come to a decision, they may seek such information.
- 4.3 In the case of a complaint by an employee of the Council about a Councillor of the Council they work for, the Monitoring Officer will normally, before taking any further steps, expect there to have been a meeting between the Chief Executive, the Councillor and their Group Leader to discuss the complaint to try and resolve it informally. In the same way, in the case of the Parish or Town Council, a meeting could be between the relevant parties along with the Clerk to the Council and the Mayor/Chairman.
- 4.4 In the case of a complaint by a Councillor about a fellow Councillor of that same Council, the Monitoring Officer will, before taking any further steps, expect there to have been a meeting between the Councillors and, if appropriate/applicable, their relevant Group Leader(s) to discuss the complaint to try and resolve it informally.
- 4.4a *Where the complaint is by a member of the same political Group as the Councillor they seek to complain about (including conduct in a political group meeting or roles within a political party) it is expected in the first instance that the Party will consider this.*
- 4.5 If in the cases explained at 4.3.and 4.4 above, a meeting has not taken place, the Monitoring Officer will expect an explanation as to why this has not occurred. If a meeting has taken place, it will not exclude the Monitoring Officer also trying this approach as a local resolution before considering a complaint.
- 4.6 Where a complaint relates to a Parish/Town Councillor, the Monitoring Officer will also inform the Parish/Town Council Clerk of the complaint. If requested, the Parish/Town Council will be asked to provide any relevant documents or information to the Monitoring Officer to assist them with the initial assessment. The Monitoring Officer may also seek to involve officers of the Parish/Town Council in a process of local resolution before deciding whether the complaint merits full investigation.
- 4.7 The Monitoring Officer will inform the Councillor, and for a District Council their Group Leader, of the substance of the complaint, unless they think it is not appropriate to do so, for example if by doing so any investigation would be affected, or there might be a risk that evidence could be destroyed.
- 4.8 Where the Monitoring Officer informs the Councillor of the substance of the complaint they will also:
 - 4.8.1 Tell the Councillor the section(s) of the Code of Conduct that may have been breached; and
 - 4.8.2 Provide an opportunity for the Councillor to comment on the complaint.
- 4.9 ~~The Monitoring Officer will always seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Councillor: accepting that their conduct was unacceptable and offering an apology; or mediation between the parties through one of the Independent Persons; or any other remedial action that is considered appropriate.~~

~~4.10 Where the Councillor concerned, or the Council, makes a reasonable offer of local resolution, but the complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation, or may attempt a further alternative informal resolution. The Monitoring Officer does not have to consult with the complainant on an informal resolution where the conduct of the member did not directly affect the complainant.~~

4.11 In deciding whether the complaint merits full investigation, the Monitoring Officer will apply certain criteria which are designed to promote confidence that complaints will be taken seriously and dealt with properly. They also reflect the fact that any decision to investigate a complaint will cost public money and both officer and Councillor time. The criteria are designed to balance the need to promote confidence in local governance with the need to ensure that public resources are applied appropriately. The criteria are as follows:

- 4.11.1 Public interest – The Monitoring Officer must be satisfied that an investigation would be in the public interest, taking into account the time and cost involved. If the Monitoring Officer is not satisfied, they will decide not to investigate.
- 4.11.2 Sufficient information – The complainant must specifically identify the part(s) of the Code which they feel have not been complied with, clearly explain why this is the case and provide sufficient information to warrant an investigation. If they do not, the Monitoring Officer will take no further action unless additional information is provided by the complainant.
- 4.11.3 Previous action – If there has already been an investigation or some other action under the Code of Conduct or by another regulatory body in relation to the complaint, the Monitoring Officer will not normally decide to investigate, although they may do so in certain circumstances (for example, if a criminal charge was dropped).
- 4.11.4 Repeated complaints – If the complaint is the same or substantially the same as one previously dealt with (unless it is a re-occurrence), the Monitoring Officer will normally decide not to investigate.
- 4.11.5 Timing – If there is a *more than three months* ~~significant delay~~ between the incident complained of and the submission of the complaint, the matter will not normally be investigated.
- 4.11.6 Trivial matters – If the Monitoring Officer takes the view that the matter is not sufficiently serious to warrant further action, no further action will be taken, unless there are compelling reasons to do so.
- 4.11.7 Ulterior motive - If it appears to the Monitoring Officer that the complaint is motivated by malice or retaliation, no further action will be taken unless it involves a serious allegation.
- 4.11.8 Special circumstances – There may be circumstances where the Monitoring Officer takes the view that an investigation should occur even though the application of these criteria would suggest otherwise. For example, if a very serious allegation was made after a long delay, it may be appropriate to investigate notwithstanding the delay.

These criteria are for general guidance and will be applied in the light of particular circumstances of each case.

- 4.11.9 In ~~all appropriate~~ cases, the Monitoring Officer ~~may~~ *will* seek to resolve the complaint informally, without the need for a formal investigation.
- 4.11.10 Such informal resolution may involve the Councillor: accepting that their conduct was unacceptable and offering an apology; or mediation between the parties through one of the Independent Persons; or any other remedial action that is considered appropriate.
- 4.11.11 Where the Councillor concerned, or the Council, makes a reasonable offer of local resolution, but the complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation, *or may attempt a further alternative informal resolution. The Monitoring Officer does not have to consult with the complainant on an informal resolution where the conduct of the member did not directly affect the complainant.*
- 4.11.12 If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to refer the matter to Police and other regulatory agencies.
- 4.11.13 Once the initial assessment is complete, the Monitoring Officer will write to the relevant parties to inform them of the decision and give reasons for it.

5. Actions Available to the Monitoring Officer after Stage 1

- 5.1. The complaint could be rejected with reasons as outlined above in paragraph 4.11 and its sub-sections.
- 5.2 The complaint could be judged to have merit. Once this decision has been made there are three further options available to the Monitoring Officer:
- 5.2.1 If there appears to be criminal misconduct, the Monitoring Officer will refer the case to the Police.
- 5.2.2 The Monitoring Officer can attempt to resolve the complaint informally by getting the Councillor: accepting that their conduct was unacceptable and offering an apology; or mediation between the parties through one of the Independent Persons; or any other remedial action that is considered appropriate. Where the Councillor concerned, or the Council, makes a reasonable offer of local resolution, but the complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation, *or may attempt a further alternative informal resolution. The Monitoring Officer does not have to consult with the complainant on an informal resolution where the conduct of the member did not directly affect the complainant.*
- 5.2.3 The Monitoring Officer can appoint an Investigating Officer to fully investigate the complaint.

6. Stage 2: Full Investigation

- 6.1 If the Monitoring Officer decides that a complaint merits a full investigation, they will appoint a suitably qualified Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator.
- 6.2 Prior to appointing an Investigating Officer, the Monitoring Officer will require any such person to be able to demonstrate that they have the requisite skills, knowledge and experience to undertake the investigation to the required standards. In the case of a firm providing investigative services, the firm will be

required to give assurance that the Investigating Officer will receive adequate levels and frequency of supervision.

- 6.3 Once instructed, the Investigating Officer will be required to devise a suitable and robust investigation plan and a timetable for the investigation process. The investigation plan and timetable must be shared with and approved by the Monitoring Officer. The timetable will be shared with the complainant and the Councillor, save for exceptional circumstances. The Investigating Officer will advise the Monitoring Officer, the complainant and the Councillor if there are any changes to the timetable and the reasons for any delay.
- 6.4 The Investigating Officer will normally meet or speak to the complainant to understand the nature of the complaint and so that they can explain their understanding of events and suggest what documents the Investigating Officer needs to see, and whom the Investigating Officer needs to interview. If the Investigating Officer either cannot arrange to meet with the complainant or considers it is not necessary to meet with them, they will seek agreement with this from the Monitoring Officer.
- 6.5 The Investigating Officer will write to the Councillor against whom the complaint was made and provide them with a copy of the complaint and ask the Councillor to provide their explanation of events, and to identify what documents they need to see and whom they need to interview. In exceptional cases, where it is appropriate to keep the complainant's identity confidential (or where disclosure of details of the complaint to the Councillor might prejudice the investigation), the Monitoring Officer can delete the complainant's name and address from the papers given to the Councillor, or delay notifying the Councillor until the investigation has progressed sufficiently.
- 6.6 At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the Councillor concerned, to give both an opportunity to identify any matter in that draft report which they disagree with or which they consider requires more consideration.
- 6.7 Having received and taken account of any comments which they may make on the draft report, the Investigating Officer will send their final report to the Monitoring Officer. This will include supporting evidence, taking into account such matters as its degree of relevance and its sensitivity, and advise the Monitoring Officer accordingly.
- 6.8 The Monitoring Officer will review the Investigating Officer's report after consulting with the Independent Person.
- 6.9 If the Monitoring Officer is not satisfied with the investigation, they may ask the Investigating Officer to reconsider their report. The Investigating Officer will review the report and feedback from the Monitoring Officer prior to sending the final revised report for approval.

7. Actions Available to the Monitoring Officer after Stage 2

- 7.1. When the Monitoring Officer is satisfied with the Investigating Officer's report, they will write to the complainant and to the Councillor concerned notifying them of their decision, *which can be any of the options as follow in this section*). They will also write to the Parish/Town Council Clerk, where the complaint relates to a Parish/Town Councillor), and in the case of a District Councillor, their Group Leader with a copy of the decision.

7.2 If the Monitoring Officer concludes that there is no evidence of a failure to comply with the Code of Conduct, they will inform the relevant parties that no further action is required and will give both a copy of the Investigating Officer's final report.

7.3 If the Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct, they will then either refer the matter for hearing before a panel of Councillors drawn from the Audit and Standards Committee or, after consulting an Independent Person, seek local resolution and inform relevant parties accordingly.

7.4 Local Resolution

7.4.1 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult with an Independent Person and with the complainant and seek to agree what they consider to be a fair resolution which also helps to ensure higher standards of conduct for the future.

7.4.2 Such resolution may include the Councillor: accepting that their conduct was unacceptable and offering an apology; or mediation between the parties ~~by one of the Independent Persons~~ *an independent third party*; or any other remedial action that is considered appropriate. If the Councillor complies with the suggested resolution, the Monitoring Officer will report the matter to the Audit and Standards Committee (and the Parish/Town Council) for information but will take no further action.

7.4.3 Where the Councillor concerned, or the Council, makes a reasonable offer of local resolution, but the complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits ~~formal investigation~~ further action (i.e. a Hearing), *or may attempt a further alternative informal resolution.*

7.5. Hearing

7.5.1 If the Monitoring Officer considers that local resolution is not appropriate, or the Councillor concerned is not prepared to undertake any proposed remedial action, then the Monitoring Officer will refer the matter for hearing, the procedure for which is accessible on the Council's website. Under these procedures the Panel will conduct a hearing before deciding whether the Councillor has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Councillor.

8. What action can the Panel take where a Councillor has failed to comply with the Code of Conduct?

The sanctions that can be applied when a Councillor has breached their code of conduct are limited by law.

8.1 The Council has delegated to the Panel such powers as are permitted by law to act in respect of individual Councillors as may be necessary to promote and maintain high standards of conduct. Accordingly, the Panel may:

8.1.1 Censure or reprimand the Councillor;

8.1.2 Publish its findings in respect of the Councillor's conduct;

8.1.3 Report its findings to the Council [or to the Parish/Town Council] for information;

8.1.4 Recommend to the Councillor's Group Leader (or in the case of un-grouped Councillors, recommend to the Council or to Committees) that they be removed

from any or all Committees, Sub-Committees or working parties of the Council (See 8.2 below);

- 8.1.5 Recommend to the Leader of the Council that the Councillor be removed from the Cabinet, or removed from particular Portfolio responsibilities (see 8.2 below);
 - 8.1.6 Recommend to Council that the Councillor be replaced as the Leader (see 8.2 below);
 - 8.1.7 Instruct the Monitoring Officer (or recommend that the Parish/Town Council) to arrange training for the Councillor;
 - 8.1.8 Recommend to Council or the Council Leader (or recommend to the Parish/Town Council) that the Councillor be removed from all outside appointments to which they have been appointed or nominated by the authority or by the Parish/Town Council];
 - 8.1.9 Withdraw (or recommend to the Parish/Town Council that it withdraws) facilities provided to the Councillor by the Council, such as a computer, website and/or email and internet access; or
 - 8.1.10 Exclude (or recommend that the Parish/Town Council exclude) the Councillor from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Cabinet, Committee and Sub-Committee meetings.
- 8.2 The Panel, or the Council, has no power to suspend or disqualify the Councillor or to withdraw a Councillor's basic or special responsibility allowances.

9 Appeals

- 9.1 There is no right of appeal against a decision of the Monitoring Officer, the Audit and Standards Committee or Hearing Panel.
- 9.2 ~~However, either the complainant or the subject of the complaint may refer the Monitoring Officer's decision to the Local Government and Social Care Ombudsman if there is seen to be some fault in the way that they have considered the complaint and there is sufficient injustice to warrant their involvement.~~

Document Control

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Code of Conduct complaint time lines

- 1** Complaint made
- 2** Acknowledge within 5 working days (note clarification is occasionally required with the complainants and this may delay steps)
- 3** Inform Councillor within 5 Working days
- 4** 5 Working days for Councillor provide their view & MO to identify any public information
- 5** Pass complaint and information to IP
- 6** up to 10 Working days for IP to consider and review
- 7** up to 10 Working Days for MO to formalise a view and agree with IP

7.1 Informal Resolution Route

- 7.1.1 IP and MO agree on possible informal resolution 10 working days
- 7.1.2 Seek informal resolution from Councillor 5 to 10 working days for response
- 7.1.3 Pass informal resolution to complainant for consideration up to 10working days for response
- 7.2 (Steps 1 to 3 above may repeated but no more than twice)
- 7.3 Timescale for completing the informal resolution agreed (depending on requirement for statement at a Council, Committee meeting when that is scheduled for but no more than one month) all parties notified and case closed 10 working days (subject to any statement and/or mediation)

7.4 Investigation

- 7.4.1 Inform all parties of investigation
- 7.4.2 Identify and appoint an investigator (As well as agree necessary budget) 10 to 20 working days
- 7.4.3 Investigator to set and Agree investigation plan with MO (5 working days)
- 7.4.4 Inform parties of investigator (within 5 working days of appointment)
- 7.4.5 Investigation 1 month minimum upwards (depending on Plan, updates to all parties every other week by MO)
- 7.4.6 Complainants and Councillor to consider & comment on draft report up to 10 working days (depending on detail of investigation)
- 7.4.7 Review of comments on draft report by Investigator up to 10 working days
- 7.4.8 Final report passed to all relevant parties for their acknowledgment and agreement within 5 working days
- 7.4.9 Final report to MO and IP for consideration up to10 working days
- 7.4.10View of MO and IP agreed and notified to all parties
- 7.4.11Then progress to hearing (see 8) informal resolution (see 7a) or Close

8 Hearing

There is a separate adopted procedure for this which is not proposed to change but expectation is hold the hearing and reach a decision within 2 Months.