# EAST CAMBRIDGESHIRE DISTRICT, TOWN & PARISH COUNCILLOR COMPLAINTS HANDLING FLOW CHART

**Formal Complaint** 

with supporting evidence received in writing by Monitoring Officer.

Monitoring Officer / Deputy acknowledges complaint within 5 working days/ can seek additional information/ supporting evidence if required. Informs Councillor subject to complaint.

Deputy Monitoring Officer within 20 working days.

Complaint considered by Monitoring Officer /

If Town or Parish Council demonstrates that not practical to deal with complaint the complaint will move to Stage 1.

If a complaint against Town or Parish Councillor, complainant to produce evidence that complaint been made to Town or Parish to consider and resolve. Monitoring Officer to refer complaint back to **Town or Parish Council if** complainant not done so, to deal with under their complaints procedure, unless Town or Parish can demonstrate not practical to deal with complaint.

## Stage 6: Hearing Sub-Committee Panel consider complaint in consultation with IP (final determination).

Hearing: consider evidence, find facts and conclude if there has been a breach of the Councillor's Authority Code.

#### Decision with reasons:

- No breach. MATTER NOW ENDS. If finding of breach, confirm with any sanctions:
- No action.
- Training and/ or
- · Censure of Councillor, or
- Recommendation to Council that Councillor subject to formal censure at Full Council.
- If Town or Parish Councillor confirm decision and recommend to Town or Parish Council that Councillor is censured at Town or Parish meeting.

SUBJECT TO THE ABOVE THE MATTER IS NOW CONCLUDED.

# or Deputy Monitoring Officer in consultation with the IP

- Sub-Committee Panel Hearing within 3 months. Provide copy of report to complainant and Councillor, OR
- IF REPORT DISCLOSES NO BREACH - confirm outcome and provide copy of the report to complainant and Councillor. MATTER NOW ENDS

## Stage 1: Preliminary tests to be applied by Monitoring Officer or Deputy Monitoring Officer:

**APPENDIX 1** 

- Acting in capacity as a Councillor / under definitions of the relevant Code? IF NO - REJECT.
- In office at time of alleged misconduct? IF NO REJECT
- Potential criminal offence? IF YES REFER COMPLAINANT TO POLICE.
- Need to seek additional information, e.g. from subject members, as required prior to making a decision? WRITE TO COMPLAINANT TO OBTAIN, NO FURTHER ACTION UNTIL THIS INFORMATION RECEIVED.

### Stage 2: IF NOT REJECTED AT STAGE 1: Complaint will be considered by Monitoring Officer or Deputy Monitoring Officer in consultation with the Independent Person ('IP')

- Potential breach of the Code? IF NO, REJECT.
- Very minor, trivial, tit -for-tat or politically motivated? IF YES REJECT.
- Vexatious or malicious? IF YES REJECT.
- Timing: is the complaint in relation to an incident or action that occurred over 3 months before complaint submitted? IF YES -REJECT, UNLESS TOWN OR PARISH MATTER THAT REFERRED BY TOWN/ PARISH COUNCIL BECAUSE IMPRACTICAL TO DEAL WITH.
- Has a similar complaint been subject to an investigation or other action relating to the relevant Code? IF YES, REJECT.
- Has the complaint been subject to an investigation by other regulatory/other body? IF SO REJECT.

#### Stage 3: Confirm decision with reasons:

- Reject with reasons.
- Informal resolution (meeting, mediation, or training).
- Refer for Investigation.

## Stage 4: Investigation and report:

- Monitoring Officer or Deputy will undertake or appoint, internal or external investigator to prepare report within 3 months.
- Report to include agreed facts: facts not agreed and conflicting evidence and conclusion on whether appears to be a breach of the Councillor's Authority Code.

