

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE, ELY, CAMBRIDGESHIRE CB7 4EE Telephone: Ely (01353) 665555

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ECDC Members, Parish Councils, Independent Persons

This matter is being dealt with by:

Maggie Camp

Telephone: 01353 665555

E-mail: maggie.camp@eastcambs.gov.uk

My Ref: MAC/ 185

Your ref

25 October 2016

Dear Councillor/Parish Clerk/Independent Person

EAST CAMBRIDGESHIRE DISTRICT, TOWN AND PARISH COUNCILLOR CODE OF CONDUCT COMPLAINTS PROCEDURE REVIEW

The Council's Corporate Governance and Finance Committee have instigated a review of the code of conduct complaints procedure. The procedure was approved in March 2013 and has not been reviewed since that date.

The Committee wish to ensure a balance between a properly open and accountable process that is seen to be taking complaints very seriously whilst providing safeguards against petty malicious complaints against Councillors

The East Cambridgeshire District, Town & Parish Councillor Complaints Handling Flow Chart is attached for your information. The Committee wanted to make it clear that they wished to make the review as wide ranging as possible and would welcome your views on the whole process.

Comments need to be returned to Ms Maggie Camp, Monitoring Officer, email: maggie.camp@eastcambs.gov.uk by Friday 16 December 2016.

The outcome of the consultation will be reported to the Committee in January 2017 and any changes will be considered by Full Council in February 2017. Any agreed changes will be reported to you in due course.

If you have any queries or require further clarification, please do not hesitate to contact me.

Thank you for your attention.

Yours sincerely

Maggie Camp Legal Services Manager Solicitor & Monitoring Officer

Legal Services

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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.

Complaint considered Deputy Monitoring Officer within 20 working days.

by Monitoring Officer /

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

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, do does 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.

Stage 5: Report will be considered by Monitoring Officer or Deputy Monitoring Officer in consultation with the IP

If Town or Parish Council demonstrates

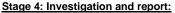
with complaint the

Stage 1.

that not practical to deal

complaint will move to

- IF REPORT DISCLOSES POTENTIAL BREACH: arrange a 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



- 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.

