



Arrangements for dealing with standards allegations under the Localism Act 2011

1 Context

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of Shropshire Council or of a Town/Parish Council within its area has failed to comply with the authority’s Code of Conduct, and sets out how this authority will deal with allegations of a failure to comply with an authority’s Code of Conduct.

2 The Code of Conduct

Shropshire Council has adopted a Code of Conduct for members, which is available for inspection on the authority’s website and on request from Reception at the Shirehall in Shrewsbury.

Each Town or Parish Council is required also to adopt a code of conduct and this should be available on its Website or by contacting the Town/Parish Clerk.

3 Making a complaint

If you wish to make a complaint, please write or email to –

The Monitoring Officer
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

tim.collard@shropshire.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members’ interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the complaint form, which can be downloaded from the authority’s website and is also available on request.

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the

space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

4 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person if necessary, take a decision as to whether it merits formal investigation. This decision will normally be taken within 20 days of receipt of your complaint. Where the decision has been taken, you will be informed of that decision and the reasons for it.

Where additional information is required in order to come to a decision, the Monitoring Officer may come back to you for such information, and may request information from the member against whom your complaint is directed. Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Parish Council before any decision whether the complaint merits formal investigation is taken.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

5 How is the investigation conducted?

The Monitoring Officer will determine the procedure to be adopted if the decision is taken to undertake a formal investigation. This may involve the appointment of an Investigating Officer who may be another senior Officer of the Authority, an Officer of another Authority or an external Investigator

Any investigation will usually involve the Investigating Officer writing to the member against whom you have complained and providing him/her with a copy of your complaint, ask the member to provide his/her explanation of events, and identifying what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member.

At the end of his/her investigation, the Investigating Officer may produce a draft report and will send copies of any such draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

The Investigating Officer will send his/her final report to the Monitoring Officer having received and taken account of any comments which you may make on any draft report.

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

The Monitoring Officer will review the Investigating Officer's report and may consult the Independent Person. If he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned and to the Town/Parish Council, where your complaint relates to a Town/Parish Councillor, notifying you that he is satisfied that no further action is required, and give all parties a copy of the Investigating Officer's final report.

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

7.1 Shropshire Councillor

The Monitoring Officer will review the Investigating Officer's report and will then, after consulting the Independent Person, either seek local resolution or send the matter for local hearing before a sub committee of the Standards Committee.

7.1.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also 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 you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer may refer the matter for a local hearing.

7.1.2 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer may refer the Investigating Officer's report to a Sub Committee of the Standards Committee which will conduct a local hearing before deciding whether

the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

In the event that a local hearing is necessary,, the Monitoring Officer will conduct a “pre-hearing process”, requiring the member to give his/her response to the Investigating Officer’s report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Sub Committee. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

7.1.3 Sanctions

The Council has delegated to the 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, sanctions which the Standards Sub Committee may propose might include the following –

- a) Recommend to the member’s Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- b) Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- c) Instruct the Monitoring Officer to arrange training for the member;
- d) Remove the Member from all outside appointments to which he/she has been appointed or nominated by the authority;
- e) Exclude the member from the Council’s offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- f) Censure the member with or without a notice being required to be placed in the press;

The Sub Committee has no power to suspend or disqualify the member or to withdraw members’ or special responsibility allowances.

7.1.4 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision as to whether the member failed to comply with the Code of Conduct and as to any actions which the Sub Committee resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Sub Committee and send a copy to you, to the member, make that decision notice available for public inspection and report the decision if necessary, to the next convenient meeting of the Council.

7.1.5 Who are the Standards Sub Committee?

The Standards Sub Committee is a Sub-Committee of the Council's Standards Committee. The Standards Committee has decided that it will comprise a maximum of three members of the Council and is appointed on an adhoc basis as and when required.

The views of the Independent Person are sought and taken into consideration before the sub Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

7.2 Town/Parish Councillor

The Monitoring Officer will review the Investigating Officer's report and will then, after consulting the Independent Person, either seek local resolution or send the report to the relevant Town/Parish Council with recommended action for the Town/Parish Council to consider.

7.2.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also 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 you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer may refer the matter for a local hearing.

7.2.2 Referral to Town/Parish Council

If following consultation with the Independent Person, the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an

apology, then the Monitoring Officer will refer the report to the Town/Parish Council with a recommendation for any proposed action.

7.2.3 Sanctions

The relevant Town/Parish Council is responsible for the imposition of sanctions in relation to its Councillors. The Monitoring Officer, in consultation with the Independent Person, will recommend to the Town/Parish Council a sanction that is considered to be appropriate. Such sanctions which the Monitoring Officer may propose might include the following –

- a. Recommend to the Town/Parish Council, that he/she be removed from any or all Committees or Sub-Committees of the Council;
- b. Recommend to the Town/Parish Council that the Monitoring Officer be requested to arrange training for the member;
- c. Recommend to the Town/Parish Council that the Member be removed from all outside appointments to which he/she has been appointed or nominated by the authority;
- d. Recommend to the Town/Parish Council that the Member be excluded from the Council's offices or other premises with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings;
- e. Recommend to the Town/Parish Council that the Member be censured with or without a notice being required to be placed in the press.

The Town/Parish Council has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

8 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is then appointed by a positive vote from a majority of all the members of Council.

9 Appeals/Complaints

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer, the Sub Committee or the Town/Parish Council.

If you feel that the Shropshire Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

If you feel that the Town/Parish Council has failed to deal with your complaint properly, you may make a complaint to the Town/Parish Council itself.

