

ARRANGEMENTS FOR DEALING WITH STANDARDS' ALLEGATIONS

1. The following arrangements constitute North Norfolk District Council's adopted procedure for dealing with complaints that a member has failed to comply with the council's Code of Conduct.
2. The Council will appoint a Standards Committee comprised of members of the Authority and co-opted members of Town and Parish Councils. Its terms of reference are :-
 - To promote and maintain high standards of conduct by the members and co-opted members of the Authority.
 - To deal with any ancillary matters relating to Standards and Conduct including replying to consultations, training etc.
 - To assist when called upon to do so in deciding whether a Standards complaint should be referred for investigation
 - To hear and determine standards complaints made against the Authority's members and co-opted members, as well as those members of Town and Parish Councils in North Norfolk.
 - To impose such sanctions as they think fit in relation to matters found to be breaches of the Code.
 - To hear and determine applications for dispensations under section 33 of the Act
 - To consider and determine applications made to the Committee for exemption from political restriction, in respect of any post within the District Council by the holder of that post.
3. A complaint must be made in the first instance to the Council's Monitoring Officer at Council Offices, Holt road, Cromer, Norfolk, NR27 9EN.
4. A complaint must be made on the Council's model complaint form (to be drawn up by the Monitoring Officer) or, if submitted in any other way, must contain all the information required by that form.
5. The Monitoring Officer will consider the complaint against the Council's adopted criteria set out in the Annex A to Appendix 2 for deciding whether a complaint should be referred for formal investigation or some other action. The Monitoring Officer may consult the Council's "Independent Person" before making a decision. Any functions of the Monitoring Officer in this procedure may be delegated to the Deputy Monitoring Officer and the Monitoring Officer, the Deputy Monitoring Officer and the Independent Person may consult or seek the input of an Independent Person from another authority as appropriate.
6. If the Monitoring Officer decides not to refer the complaint for investigation or for some other action then the matter is closed. There is no provision for

appeal or review of that decision by the council or any other person. The Monitoring Officer will give a summary of the reasons for his / her decision.

7. If the Monitoring Officer decides that the complaint requires investigation the Monitoring Officer will appoint a person to investigate and to report back to him/ her. The Monitoring Officer will then consider the conclusion of the investigator's report.
8. If the conclusion of the investigation is that there has been no breach of the Code and the Monitoring Officer considers that that is a reasonable conclusion then the Monitoring Officer will write to the complainant and the member concerned to inform them that there will be no further action. Again, there is no provision for appeal or review of that decision by the Council or any other person.
9. If the investigation concludes that there is evidence of a breach of the Code then the Monitoring Officer will consult the Independent Person and make a decision either to:-
 - resolve the matter without the need for a hearing or
 - to convene a meeting of the Council's Standards Committee or a sub committee of the Standards Committee to hear the matter.
10. If the hearing concludes that there has been no breach of the Code then the matter is resolved. There is no provision for appeal or review of that decision by the council or any other person.
11. If the hearing concludes that there has been a breach of the Code the committee will consider whether and what sanction it might be appropriate to impose on the member found to be in default. These are as follows:-
 - a) Censure or reprimand.
 - b) Report to Full Council.
 - c) Recommendation to the Council to remove the member from membership of Committees or Sub-Committees.
 - d) Recommendation to the Council to remove the member from any position (including Leader) of the Executive.
 - e) Require the member to undergo training in Ethics and Standards.
 - f) Removal of the member from external nominations or appointments.
 - g) Withdrawal of facilities or services from the member including access to Council premises and/or IT facilities.
 - h) Where the matter relates to a member, or members, of a Town or Parish Council, a report with recommendations shall be made to the relevant Town or Parish Council(s) for consideration and action as appropriate.

Criteria for the receipt and assessment of complaints

1. Complaints about alleged breaches of the Code of Conduct will be received and considered by the Monitoring Officer.
2. In the event that there is a conflict of interest or other circumstances where it would not be appropriate for the Monitoring Officer to consider the complaint, for example where the Monitoring Officer has advised the Member who is the subject of the complaint about the matter complained of, then the Independent Person will receive and consider the complaint.
3. In relation to any complaint the Monitoring Officer (or the Independent Person) should be satisfied that
 - (i) it is a complaint in relation to the conduct of one or more named Members of North Norfolk District Council
 - (ii) the relevant Member was in office at the time of the alleged conduct
 - (iii) that, if proved, the Member, acting in his or her capacity as a Councillor, would have failed to behave consistently with one or more of the 7 principles set out in the Code.
4. The Monitoring Officer (or the Independent Person) may take the following into account in deciding whether to investigate the complaint: [see paragraph 5 below]
 - is the matter serious enough to warrant the time and expense of further investigation?
 - does the complaint appear to be politically motivated?
 - does the complaint appear to be malicious or vexatious?
 - is it about something that happened so long ago that there would be little benefit in taking action now?
 - is the outcome including the availability of any likely sanction sought by the complainant one that the Authority is empowered to deliver?
 - if proven, would a finding of breach of the Code assist the Authority in its duty to promote and maintain high standards of conduct?
 - had the Member acted on the advice of an officer or the Independent Person in relation to the conduct complained of?
 - did the conduct arise from lack of experience or training?
 - had the Member apologised for the conduct or was he or she willing to apologise?

- is the subject matter of the complaint being dealt with through any other complaints, legal or regulatory process?
5. The Monitoring Officer may consult the Independent Person on any or all of the above and will take the view of the Independent Person into account in reaching a decision whether to investigate. If a conflict of interest arises the Monitoring Officer or the Independent Person may consult an independent third party.
 6. The Monitoring Officer (or the Independent Person) may determine for any one or more of the above reasons (or in consultation with the Independent Person for another reason) that an investigation is not required. The Monitoring Officer (or the Independent Person) may instead request that some other action, such as the Member making an apology, be taken. Should the Member refuse to take such action the Monitoring Officer may still proceed to an investigation if he or she, in consultation with the Independent Person, thinks it is appropriate.