

**Melton Borough Council**

**Members Code of Conduct**

**Member Code of Conduct Complaints Process**

**Guidance Notes**

- 1 This guidance should be read in conjunction with the Complaints Flow chart and the Member Code of Conduct approved by Full Council in July 2012.
- 2 The Monitoring Officer will decide if the complaint is a complaint under the Code of Conduct. If it is not, it will be referred elsewhere as appropriate.
- 3 Once a complaint is received the Monitoring Officer will share it with the Subject Member and consider options for informal resolution. The Subject Member will be encouraged to try to resolve the complaint at this stage. The Monitoring Officer will not respond on behalf of the Member but will facilitate the process.
- 4 If following an attempt to resolve informally the Complainant is not satisfied the Monitoring Officer may consider other options for informal resolution. The Monitoring Officer may involve the Independent Person.
- 5 The complaint papers at this stage are confidential and will not be disclosed publicly.
- 6 If the complainant is not satisfied with the attempt(s) at informal resolution then the Monitoring Officer will arrange fact finding.
- 7 Fact finding is not an investigation but gathering the facts immediately/ easily available to support or otherwise the complaint.
- 8 The view of the Independent Person will be sought and the Subject Member will be asked to provide their view and comment on the complaint.
- 9 Following the fact finding the Monitoring Officer has discretion to make a recommendation to the Sub Committee of the Governance Committee regarding the Complaint. The Monitoring Officer would consult the Independent Person prior to making a recommendation.
- 10 This stage does not require the Members to decide if a breach of the code of conduct has occurred.
- 11 A Sub Committee of the Governance Committee will consider the complaint at this stage. The Sub Committee will be quorate with 3 members.

- 12 The Sub Committee Members who consider the complaint at this stage will not consider the complaint at Hearing Stage should it progress to that level.
- 13 Where ever possible the Meeting will be in public but the normal rules for exclusion of the public apply (1972 Act) as amended by Access to Information Act 1985.
- 14 Where a complaint is to be heard it private, the Complainant will not be allowed to be present at the Meeting due to the access to information rules and at this stage there is not a finding. However, the Sub-Committee is likely to decide to announce the decision in public.
- 15 If during or at the conclusion of the investigation it becomes obvious that there is no case to answer the Monitoring Officer will recommend to the Sub Committee of the Governance Committee that no further action should be taken.
- 16 The procedure for setting the hearing will be in line with the Council's agreed procedure.
- 17 The Sub Committee hearing the complaint at Hearing Stage will not be the same Members who considered it at the earlier stage. The Sub Committee will be quorate with three Members.

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