

Melton Borough Council

Members Code of Conduct

Member Code of Conduct Complaints Process

Explanatory Notes

- 1 These notes should be read in conjunction with the Complaints Flow chart (June 2016) and the Member Code of Conduct .These notes are in the order of the flow chart. (The number on the notes relate to the number on the Flow chart.)
- 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 try to facilitate an informal resolution where possible. The Monitoring Officer will not respond on behalf of the Member but will facilitate the process. If the Subject Member does not respond to the Monitoring Officers request to discuss the complaint (within 2 weeks) the Monitoring Officer may escalate the process without the Members involvement at this stage.
- 4 Informal resolution will be encouraged where practical and this may involve the Subject Member writing to the complainant with a view to try to resolve the complaint or another method to reach resolution. Any attempts at informal resolution may be used at the discretion of the Monitoring Officer to provide fact finding to the Sub Committee should it reach that stage.
- 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 The Monitoring Officer has discretion at this point not to refer to Sub Committee 1 but to make a decision to either take no action, other action or refer the complaint for investigation. The Monitoring Officer will consult the Independent Person and the Chair or Vice Chair as appropriate prior to making a decision at this stage.

- 10 This stage does not require the Monitoring Officer and/or Members to decide if a breach of the code of conduct has occurred.
- 11 If referred to the Sub Committee, Members who consider the complaint at this stage will not normally consider the complaint at Hearing Stage should it progress to that level.
- 12 Wherever 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.
- 13 If during or at the conclusion of the investigation it becomes obvious that there is no case to answer the Monitoring Officer will have discretion to close the complaint. This will be in consultation with the Independent Person and Chair or Vice Chair of Governance Committee.
- 14 The procedure for setting the hearing will be in line with the Council's agreed procedure. Where a potential breach of the code of conduct is found following investigation the procedure at hearing stage will apply. Where no breach is found the Monitoring Officer has discretion to close the complaint in consultation with the Independent Person and Chair or Vice Chair of Governance Committee or refer to Sub Committee 2. If no breach is found by the investigation normal Sub Committee procedures will apply not the Hearing Procedure.
- 15 The Sub Committee hearing the complaint at Hearing Stage will not normally be the same Members who considered it at the earlier stage. The Sub Committee will be quorate with three Members.

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Please note numbers in brackets eg (1) refer to the Melton Borough Council Guidance notes

