

## **APPENDIX D**

### **Draft Procedure for dealing with allegations under the Code of Conduct**

#### **STAGE 1**

1. When a complaint is received (using the existing complaint form) based on the new adopted Code of Conduct:
  - Complaints should be directed to the Monitoring Officer
  - The Monitoring Officer must acknowledge the complaint within 2 working days of receipt
  
2. An Independent Person (IP) must be involved in the complaint investigation as required by the Localism Act 2011 section 28(7). It is anticipated that the appointment of such an IP will be a joint appointment between Merseytravel and MFRA

#### **STAGE 2**

3. Standards matters shall be within the terms of reference of the Audit sub Committee and if a complaint is received it will firstly be considered by this sub committee
  
4. The Monitoring Officer or Deputy shall consider the complaint with the IP and provide report for the Audit Sub Committee which details:
  - Details of the complaint
  - Considerations of the complaint and whether a full investigation and hearing may be required.
  - Observations of the IP
  - Recommendations to the sub committee as to next steps
  - The Audit Sub Committee will be presented with this report and the IP will attend the meeting along with the report author, to give any views arising in respect of the complaint
  
5. The report will not be open to inspection by the public under the provisions of the Local Government Act 1972 Schedule 12A

6 The Audit sub Committee will determine

- If the complaint is upheld or;
- If the complaint requires further investigation or;
- If the complaint not upheld

### If the complaint is upheld

7 The Monitoring Officer or Deputy will provide a report for the Executive Leadership Board recommending the Sanction proposed by the Audit Sub Committee. Sanctions available are mainly for admonishment of a Member , training and/or development or where pecuniary or other interests have not been declared this could constitute a criminal offence.

### If the complaint is not upheld

- 8 The Audit Sub Committee must give its reasons for not upholding a complaint and can recommend any further/other action it considers might be helpful (for example that the Authority/CLG produces guidance)
- 9 The Monitoring Officer or Deputy will then write to both the complainant and the Member concerned with reasons/other recommendations.
- 10 The complainant may appeal to the Executive Leadership Board by completing an appeal form and sending this to the Monitoring Officer who will then arrange for a report to be drafted to the ELB.

### If the complaint requires further investigation

- 11 The Monitoring Officer/Deputy will make arrangements for an investigation to be undertaken within 28 days from the date of the Audit Sub Committee meeting. The investigation must involve the IP and must also provide information from the Member complained of along with the reasons provided from the Audit Sub Committee
- 12 An extraordinary meeting of the ELB will be convened within the next 14 working days to hear the complaint. The complainant, the Members concerned and the IP will be invited to give their views.
- 13 The meeting will be held in private and the complainant and the member must be given the opportunity to present their case

14 The ELB will make its decision giving full reasons, as to whether the Member has or has not complied with the Code of Conduct. The outcome will then be provided in writing within the next 7 working days, to both the complainant and Member concerned.

15 If the complaint is upheld, ELB will decide on the appropriate sanction. The decision of the ELB will be final

### STAGE 3 : Appeals

#### If an appeal is received under Stage 2 (above)

16 An extraordinary meeting of the ELB will be convened within the next 14 working days to hear the appeal. The complainant, the Members concerned and the IP will be invited to give their views.

17 The meeting will be held in private and the complainant and the member must be given the opportunity to present their case

18 The ELB will make its decision giving full reasons, as to whether the Member has or has not complied with the Code of Conduct. The outcome will then be provided in writing within the next 7 working days, to both the complainant and Member concerned.

19 If the appeal is upheld, ELB will then decide on the appropriate sanction

20 The decision of the ELB will be final