

- Proposed constitutional changes

Article 12, paragraph 12.03 - Functions of the Monitoring Officer

(c) Supporting the Governance Audit Risk Management and Standards Committee in respect of standards and advising on the Code of Conduct

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Governance Audit Risk Management and Standards Committee. He or she will also provide advice to Members of the Council and act as the proper officer to receive complaints of failure to comply with the Code of Conduct. He or she will also make decisions about complaints as set out in the delegations under Part 3B.

Part 3B – Delegations to Officers – Monitoring Officer, paragraph 7

Monitoring Officer	Statutory source of function	
<p>7 Key role in framework for local determination of complaints namely to:</p> <p>a. Decide, in consultation with an Independent Person, whether to dismiss complaints that are outside the Code of Conduct, <u>are considered to be frivolous or vexatious, are about events which took place more than 6 months prior to the receipt of the complaint by the Monitoring Officer, unless there are exceptional circumstances and/or do not merit further investigation on public interest grounds.</u></p> <p>b. Decide, taking into account the <u>recommendations</u> of the <u>Standards Working Group following initial consideration of a complaint which of the following options should be pursued:</u></p> <ul style="list-style-type: none"> • <u>the complaint should be investigated,</u> • <u>the matter should proceed no further on the grounds that there is no breach of the Code or that it is not in the public interest to proceed</u> • <u>there has been a breach of the Code and that a particular sanction should be applied</u> • <u>That further information should be supplied to the Standards Working Group</u> <p>c. <u>Appoint an investigator to investigate allegations of misconduct of Members in</u></p>	<p>Sections 28 – 34 Localism Act 2011</p>	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Deleted: and subject to their agreement</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Deleted: or</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Deleted: If agreement with the Independent Person cannot be reached, the decision shall not be taken by the Monitoring Officer but instead be referred to the Assessment Sub-Committee for decision.</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Deleted: view</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Deleted: Assessment</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Deleted: Group</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Deleted: and</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Deleted: subject to agreement with its view</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Deleted: whether</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Deleted: a</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Deleted: <#>. If the Monitoring Officer does not agree with the view of the Assessment Working Group then the decision shall not be taken by the Monitoring Officer but instead be referred to the Assessment Sub-Committee for decision.</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Deleted: I</div>

accordance with the Standards framework.

d. Decide, following consideration of an investigation report by the Standards Working Group and taking into account their recommendations, whether a hearing should be held by the Standards Working Group or whether no further action is required.

e. Decide, following a local hearing by the Standards Working Group and taking into account their recommendations, whether to take action against a member on the grounds that he or she has breached the Code of Conduct or to take no action.

f. If he or she feels it appropriate, refer a matter back to the Standards Working Group for further consideration where he or she disagrees with their recommendations following a local hearing

h. If he or she feels it appropriate, refer a matter to the Governance Audit Risk Management and Standards Committee for decision. This can be done where he or she disagrees with the recommendations of the Standards Working Group following a local hearing and further consideration as set out in f. above.

e. Advise Members, officers and the public on the operation of the Code and how alleged breaches should be investigated.

In exercising the delegations under a. ~~b.~~ and d. – e to seriously consider the view of the Independent Person or Standards Working Group as appropriate.

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Part 3A

1) Terms of Reference – Governance Audit Risk Management and Standards Committee

Add:

‘On referral from the Monitoring Officer, to decide whether to take action against a member for breach of the Code of Conduct and if so, to decide what action should be taken.’

2) Delete all references to Hearing Sub-Committee and Assessment Sub-Committee.