

# Unrestricted Document Pack

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Council Chamber 01621 859677

## PLEASE NOTE TIME OF MEETING

CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

15 February 2017

Dear Councillor

You are summoned to attend the meeting of the;

### JOINT STANDARDS COMMITTEE

on **THURSDAY 23 FEBRUARY 2017** at **5.00 pm.**

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'F. R. Marshall', enclosed within a large, hand-drawn oval.

Chief Executive

#### COMMITTEE MEMBERSHIP

#### CHAIRMAN

Councillor Mrs M E Thompson

#### VICE-CHAIRMAN

Councillor Rev. A E J Shrimpton

#### COUNCILLORS

Mrs B F Acevedo  
R G Boyce MBE, CC  
M R Pearlman

#### PARISH COUNCILLORS

Councillor J Anderson  
Councillor S Nunn

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## **AGENDA JOINT STANDARDS COMMITTEE**

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**THURSDAY 23 FEBRUARY 2017**

1. Chairman's notices (please see overleaf)

2. Apologies for Absence

3. **Membership of Committee**

To note that Councillor J Anderson of Southminster Parish Council has been nominated as an interim Parish / Town Council representative on behalf of the Essex Association of Local Councils.

4. **Minutes of the last meeting** (Pages 5 - 10)

To confirm the Minutes of the special meeting of the Committee held on 13 January 2017, (copy enclosed).

5. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

6. **Constitutional and Operating Arrangements for the Joint Standards Committee**  
(Pages 11 - 22)

To consider the report of the Monitoring Officer, (copy enclosed).

7. Any other items of business that the Chairman of the Committee decides are urgent

8. **Exclusion of the Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

9. **Investigation into Allegation of Misconduct** (Pages 23 - 26)

To consider the report of the Monitoring Officer, (copy enclosed).

10. **Allegation of Misconduct** (Pages 27 - 30)

To consider the report of the Monitoring Officer (copy enclosed).

11. **Code of Conduct Complaints - Summary Information**

To receive a verbal report from the Monitoring Officer on the provision of summary information on Code of Conduct complaints.

**NOTICES**

**Sound Recording of Meeting**

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

**Fire**

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

**Health and Safety**

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

**Closed-Circuit Television (CCTV)**

This meeting is being monitored and recorded by CCTV.



**MINUTES of  
JOINT STANDARDS COMMITTEE  
13 JANUARY 2017**

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**PRESENT**

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor Rev. A E J Shrimpton
Councillors	Mrs B F Acevedo, R G Boyce MBE, CC,
Parish Councillors	Councillor S Nunn
Substitute Members	Councillors H M Bass

**859. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)**

The Chairman drew attention to the list of notices published on the back of the agenda.

**860. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICE**

Apologies for absence were received from Councillors M R Pearlman and B Ledger. In accordance with notice duly given Councillor H M Bass was substituting for Councillor Pearlman. It was reported that Councillor Ledger had advised that due to ill health he would be standing down from the Committee. The Essex Association of Local Councils had been approached with a view to nominating a replacement representative.

**861. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) that the Minutes of the meeting of the Committee held on 9 December 2016 be received.

Councillor S Nunn said he noted the report submitted to this meeting addressing the constitutional arrangements he had raised under Minute 804, and thanked the Deputy Monitoring Officer for updating him pursuant to Minute 808.

**RESOLVED**

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 9 December 2016 be confirmed.

## **862. DISCLOSURE OF INTEREST**

There were none at this juncture although Councillor S Nunn gave notice that he would disclose an interest in relation to agenda item 8 – Allegation of Misconduct when that point was reached in the meeting.

## **863. REVIEW OF CONSTITUTION AFFECTING THE JOINT STANDARDS COMMITTEE**

The Committee considered the report of the Monitoring Officer on possible revisions to its constitution.

In the light of comments made by Councillor S Nunn at and following the last meeting of the Committee it was considered that there was scope for looking at certain aspects of the Council's constitutional arrangements so far as they affect the set-up of this Committee.

The constitution of the Committee, details of which were circulated at the meeting, was set out at the head of its terms of reference and general remit. In particular it provided that

- 7) The Chairman of the Committee shall be a Maldon District Councillor appointed at the Annual Meeting of the Council.
- 8) There will be one Vice-Chairman who shall be a Maldon District Councillor and shall be elected by the Committee.

The Committee noted that the above matters had occurred within the confines of the statutory annual meeting of the Council, albeit on adjournment to facilitate the holding of special meetings of the committees for this purpose and that in reality that was the first meeting of the Committee. This conformed to the overall constitutional arrangements of the Council as set out in Procedure Rules.

Councillor S Nunn asked that it be recorded that he believed that the constitution had been breached in that the Chairman of the Committee had not been appointed by the Council at its annual meeting and that the Vice-Chairman had not been elected by the Committee. He added that the implication of the reference to 'Joint' in the name of the Committee was that its members were of equal standing, and recognised the equal importance of Parish and Town Councils in the District.

Discussion ensued with particular reference to the potential involvement of the two Parish/Town Council Members in the chairmanship/vice-chairmanship decisions.

It was proposed by Councillor R G Boyce that in the interests of equality and fairness the two Parish representatives be invited to attend the first meeting of the Joint Standards Committee held at the statutory annual meeting of the Council. There was no seconder to this proposition.

It was then proposed by Councillor S Nunn and seconded by Councillor Rev A E J Shrimpton that every member of the Committee has equal rights to the election of

Chairman and Vice-Chairman and that this is done at the first meeting of the Committee following the statutory annual meeting of the Council.

After some further and brief debate and clarification of the mechanism currently operated Councillor Shrimpton withdrew his seconding the above proposition.

Councillor Nunn then amended his proposition to refer to the same day as the statutory annual meeting of the Council and this was seconded by Councillor Mrs B F Acevedo. Upon being put to the meeting and a vote taken the proposition was agreed.

**RECOMMENDED** that the Council agrees that the constitution of the Committee be revised to enable all its members to be party to the election of Chairman and Vice-Chairman of the Committee and that this takes place on the same day as the statutory annual meeting of the Council.

#### **864. EXCLUSION OF THE PUBLIC AND PRESS**

The Committee was invited to resolve to move into private session to deal with agenda item 8 – Allegation of Misconduct. In reply to a question, the Monitoring Officer advised that the report did identify an Officer of the Council and therefore to proceed with the consideration of this matter in open session could impact on that Officer's reputation and well-being. In her view this was significant and, along with the reasons given in the report, outweighed the public interest in disclosure of the information.

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

#### **865. ALLEGATION OF MISCONDUCT**

The Committee considered the report of the Monitoring Officer on a complaint by an Officer of the Council concerning the conduct of a District Councillor.

Councillor S Nunn advised, further to his earlier notification of an intention to declare an interest, that he was friends with one of the persons mentioned and was also acquainted with a Councillor referred to in the correspondence. He also referred to his management responsibility with Essex County Council.

#### **866. ADJOURNMENT OF MEETING**

The Chairman adjourned the meeting at 2.40 pm to allow Members a short break.

#### **867. RESUMPTION OF MEETING**

The formal business of the Council was resumed at 2.45pm.

The Monitoring Officer had referred this complaint to the Committee in accordance with stage 2 of the Conduct Complaints process which required the Committee to make an initial assessment and decide whether to refer the complaint for investigation or that no further action is taken. The Monitoring Officer said that the report was based on the

information obtained to date which in her view suggested that there may have been a breach of the Councillor Code of Conduct. She advised that if the Committee shared that belief then the appropriate action would be to agree that the complaint should be fully investigated.

Councillor R G Boyce drew the Committee's attention to the fact that the Deputy Monitoring Officer's conclusion and notification under stage 1 of the complaints process had overrun by one day and that the allegation had been hanging over the Councillor concerned since last September 2016. It was contended that the matter was out of time and should therefore not proceed at all. Cllr Boyce then proposed accordingly and this was seconded by Councillor Rev A E J Shrimpton.

The Monitoring Officer said that in her view there was no reference to a deadline in the process and therefore nothing absolute in this respect. She felt that during the process under stage 1 every possible step was taken to protect the identity and interests of the parties and that whilst there had been a slight delay of one day due to the level of encryption of the documentation required in communications with the Independent Person (who was required by law to be involved in the process) she did not consider that the delay was unreasonable or had caused any disadvantage to the Councillor concerned as it made no difference to the outcome of stage 1 or notification to the Councillor concerned. In the interests of natural justice, and the fact that the delay was unforeseen, it would be wrong to allow a technicality to circumvent the substantive process.

While it was understood by some members of the Committee that the Council's intention had been clear in setting down the timescales within the conduct complaints process such that they were to be absolute, the Committee noted that the process did not provide for a complaint to fall and the implications of this if not dealt with according to the timescales laid down. Further, the slight delay had not affected the time taken to bring the matter to the Committee.

The Monitoring Officer advised the Committee that if the intention of the Council had been absolute then the process would need to be revisited to provide for what happens to a complaint in such circumstances and what the response to the complainant would then be. The potential ramifications of issues of this nature outweighing the duty of the Committee to look at the substantive conduct issues were broad. She suggested this might be taken as a somewhat bureaucratic stance and questioned how this could be justified to the complainant.

Debate ensued, and Councillor R G Boyce advised that in the light of the advice of the Monitoring Officer and having heard the views of other Members he would withdraw his proposition.

The Committee then considered the report and the actual nature of the complaint and the potential breach of the Code of Conduct in terms of disrespect and bullying or any other grounds. Debate ensued on the intention of the communications complained of. To what extent the content of the communications complained of was either understandable or misjudged, Councillor S Nunn stated that there could be a difference between intention and receipt and it was not for the Committee to judge the intent at this point and proposed that the complaint be investigated. This was seconded by Councillor Mrs M E Thompson.



The Committee looked at the possibility of recommending that the Councillor complained of should receive appropriate training in the event of the actions complained of being regarded as ill-judged but not in breach of the Code. The Deputy Monitoring Officer advised that in reaching such a conclusion, that training was required, the Committee was making a determination on the Councillor's conduct and intention without there having been an investigation. Referral to investigation, and the bringing of a report to the Committee, would provide an opportunity to address this point and for the Councillor concerned to respond to the investigation report.

Debate ensued in which the form of any potential investigation was raised, and the view was expressed within the Committee that to externalise the matter for investigation could fail through the delay technicality to the expense of the Council-taxpayer, and that given the nature of the report before the Committee it would be difficult to provide a fully independent internal investigation.

The proposition standing in the name of Councillor S Nunn, that the complaint be investigated, was then put to the meeting and upon a vote being taken was declared lost.

It was then proposed by Councillor R G Boyce, and seconded by Councillor Mrs B F Acevedo, that on the basis that the Committee had neither seen nor heard anything that led it to conclude that a potential breach of the Code of Conduct may have occurred such as to warrant referral to investigation, that no further action be taken but that it be noted that the actions the subject of the complaint be regarded as having reflected bad judgement. Upon being to the meeting and a vote taken the proposition was agreed.

#### **RESOLVED**

- (i) That on the basis that the Committee had neither seen nor heard anything that led it to conclude that a potential breach of the Code of Conduct may have occurred no further action be taken, but it be noted that the actions the subject of the complaint are regarded as having reflected bad judgement.

The Committee then looked briefly at whether arising from this complaint any recommendation should be made regarding Member training. It was noted that although the complaint had not been viewed by the Committee as being either an equality or diversity issue all Members had been provided with training on this subject. Upon the proposition of Councillor R G Boyce the Committee agreed that the following recommendation be made to Council:

#### **RECOMMENDED**

- (ii) that the Council endorses the proposal that all Members of the Council receive training on the Member/Officer Relations Protocol and the Councillor Code of Conduct and for any outcomes from the training to be communicated to Parish and Town Councils.

There being n further items of business the Chairman closed the meeting at 4.12 pm

MRS M E THOMPSON  
CHAIRMAN

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## **REPORT of MONITORING OFFICER**

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to  
**JOINT STANDARDS COMMITTEE**  
**23 FEBRUARY 2017**

### **CONSTITUTIONAL AND OPERATING ARRANGEMENTS FOR THE JOINT STANDARDS COMMITTEE**

#### **1. PURPOSE OF THE REPORT**

- 1.1 To consider, with a view to recommending to the Council, possible revisions to the constitutional and operational arrangements of the Joint Standards Committee.

#### **2. RECOMMENDATION**

To the Council:

That the revisions to the constitutional and operating arrangements of the Joint Standards Committee as outlined in this report and shown in **APPENDICES 1 and 2** be adopted as part of the Council's constitutional documentation, and that as a consequence Council Procedure Rule 20 be amended to also exclude the Joint Standards Committee when conducting its business in private session.

#### **3. SUMMARY OF KEY ISSUES**

- 3.1 Following discussion at recent meetings and a training/briefing session for Members of the Committee, a number of potential revisions to the constitutional and operating arrangements for the Committee were identified. Attached to this report at **APPENDIX 1** is an extract from the Council's constitutional documentation including Stage I of the Conduct Complaints Process flowchart showing the proposed tracked changes with the main changes of substance being highlighted yellow. **APPENDIX 2** shows some proposed minor revisions to Stage II of the Conduct Complaints Process flowchart.
- 3.2 In summary, the changes of substance are as follows:
- Clarification of membership of the Committee and the involvement of the Independent Person.
  - Introduction of a specific term of office for the Local Council representatives serving on the Committee.
  - Further change to the provision around arrangements for the election of Chairman and Vice-Chairman of the Committee to remove the requirement that they be District Councillors.

- Clarification of the quorum for meetings of the Committee to require three voting Members.
- Inclusion within the Complaints Process Stage I flowchart of:
  - a cross-reference to the Member / Officer Relations Protocol being pursued first before the making of a formal complaint.
  - a 30-day period within which the initial information gathering and assessment work by the Monitoring Officer in consultation with the Independent Person will be normally be completed.
  - the ability for the Monitoring Officer with the agreement of the Independent Person to move to investigation where the circumstances so require.
- Inclusion within the Complaints Process Stage II flowchart of emphasis to require prompt notification of decisions taken by the Committee and also the additional publication of decision notices on the Council's website for transparency.

3.3 It is worth noting that when the Conduct Complaints process was last reviewed 4 July 2013 it was agreed that the process as set below be agreed and a deadline of 25 days for completion of the process be added.

- 1 Complaint received and acknowledged (within five working days) by the Monitoring Officer.
- 2 Councillor informed by the Monitoring Officer and response in writing sought (within 15 working days).
- 3 If necessary, further information / clarification sought from complainant by Monitoring Officer (within same period).
- 4 Independent Person notified and views sought.
- 5 The Monitoring Officer with the Independent Person considered and decides on:
  - No breach of the code of conduct and therefore no further action required.
  - Investigation by Monitoring Officer or other action.
  - Informal resolution including reference to Group Leader.
  - Reference to the Police.
- 6 Decision notice with reasons agreed.
- 7 Decision notice sent to complainant and subject Councillor.

3.4 It is clear from 5 above that the Monitoring Officer in consultation with the Independent Person would have the ability to move a complaint to investigation. The obvious circumstances would be where there was clear evidence of a breach of the Code of Conduct or where the ability of the Monitoring Officer to carry out an initial assessment was being frustrated in some way. The ability to move directly to investigation avoids delay in reporting a position to the Committee and in the longer run provides the Committee with more information on which to decide a course of

action at any resulting hearing. The Conduct Complaints Process flowchart now reflects this.

- 3.5 Prior to the last special meeting of the Committee on 13 January 2017 consideration was given to the issue of whether or not the Council's current Constitution had a bearing on the ability of a Member who was not a member of the Committee to attend meetings of this Committee. The Constitution is silent on this specific issue save for what is contained in Council Procedure Rule 20 which enables a non-member of a Committee to attend in order to speak subject to prior notice to and the agreement of the Chairman. It is then expressly stated that this provision shall not apply to meetings of the Investigating and Disciplinary Committee.
- 3.6 There are parallels to be drawn between the workings of the Investigating and Disciplinary Committee and the Joint Standards Committee, and the former has within its Operating Protocol provision to regulate proceedings.
- 3.7 It is considered that a similar provision should be included within the operating arrangements for the Joint Standards Committee. The basis for this is that when a conduct complaint matter is referred to the Committee for initial assessment as to a way forward, the complaint at that stage is unproven and could be unfounded. It is therefore vital that the interests of the parties, namely the complainant and the Councillor complained of, be protected throughout the process, hence the presentation of reports for consideration in private session. The protection should equally be maintained to include any subsequent consideration of an investigation report brought back to the Committee for consideration.
- 3.8 To protect confidentiality, the circulation of reports to be dealt with in private session must be confined to members of the Committee, Officers advising the Committee and the Independent Person. There is no foreseeable reason for any other Member to attend the meeting with a view to speaking or otherwise on a 'need to know' basis to enable them to fulfil their role as a Councillor.
- 3.9 In view of the role of the Independent Person in relation to conduct complaints, it is clearly appropriate that as an advisor to the Committee it is only right that they too should attend meetings of the Committee but it is felt that they should also be given the opportunity to advise the Committee of their views arising from involvement in a particular complaint through Stage I to further facilitate compliance with section 28(7) of the Localism Act 2011.
- 3.10 If the specific revision as outlined in paragraphs 3.5 to 3.8 above is agreed, then it is recommended that Council Procedure Rule 20 is also amended to exclude the Joint Standards Committee when dealing with private session business.

#### **4. IMPACT ON CORPORATE GOALS**

- 4.1 The review and updating of the corporate governance arrangements of the Council underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to high level outcomes associated with the corporate goal of delivering good quality, cost effective and valued services in a transparent way.



## 5. IMPLICATIONS

- (i) **Impact on Customers** – It is right and proper that the Council is able openly to explain, through well-presented and user-friendly constitutional documentation, the way in which it is set up and operates, and how it conducts its business. It is important that the Council's procedures are seen as open and transparent.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – None identified.
- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – None identified.

Background Papers: None.

Enquiries to: Stuart Jennings, Committee Services Manager, (Tel: 01621 875745).

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## JOINT STANDARDS COMMITTEE

### Constitutional Arrangements

- 1) The Joint Standards Committee consists of five Members of Maldon District Council, two Local Council representatives. The Independent Person (or Reserve) shall be notified of and invited to attend meetings and may participate in the discussion, and one Independent Person. The Independent Person has no voting rights.
- 2) Maldon District Council Members will be appointed at the Annual Meeting of the Council in line with the rules on political proportionality.
- 3) Local Council ~~Member~~ representatives will be nominated by the Essex Association of Local Councils (EALC) as co-opted members (with voting rights) and serve for a period of no more than two years subject to remaining elected and pending further nomination. ~~Independent Persons will be appointed by Council and will not have voting rights.~~
- 4) Independent Persons will be appointed by Council. Independent Persons shall be appointed for a period of four years, with the option of re-appointment for a further four years; no Independent Person may serve more than two terms of office.
- 5) Group Leaders may not be members of the ~~Joint Standards~~ Committee.
- 6) The Chairman and Vice-Chairman of the Committee shall be ~~a Maldon District Councillor~~ elected ~~appointed~~ at the first and special meeting of the Committee held on the day of the Annual Meeting of the Council. All members of the Committee will be notified of and invited to participate in the election of the Chairman and Vice-Chairman.
- ~~7) There will be one Vice-Chairman who shall be a Maldon District Councillor and shall be elected by the Committee.~~
- ~~8) 7)~~ The Vice-Chairman shall deputise for the Chairman in his or her absence.
- ~~9) 8)~~ The quorum for meetings of the ~~Standards~~ Committee shall be ~~at least~~ three voting Members.
- ~~10) Members, which must include one District Councillor and one Local Council member.~~
- ~~11) 9)~~ Substitutes shall be permitted for District Council Members to maintain political balance, and named substitutes as nominated by the EALC shall be permitted for Local Council Members.

### Roles and Functions of the Joint Standards Committee:

The Joint Standards Committee will promote and maintain high ethical standards of conduct by Councillors in the District of Maldon. It will hold Councillors to account where it determines that Councillors' conduct has fallen short of what is to be expected or otherwise required of them pursuant to the applicable Council's adopted Code of Conduct. Further details on the role and functions of the Joint Standards Committee are set out in Part 9 of the Council's Constitution.

### Procedural Arrangements

The Joint Standards Committee will conduct its proceedings in accordance with the relevant Procedure Rules set out in Part 8 of the Council's Constitution and also the adopted Conduct Complaints Process annexed here. The Committee will meet as and when required.

**ADD Additional Paragraph –**

When dealing with matters deemed to be private / confidential where the public is to be excluded from the meeting, it is essential that the Committee's work is confined to the Members of the Committee only at the time, and circulation of papers will be restricted accordingly. Notwithstanding Procedure Rule 20 and the general acceptance of the practice which enables Members to attend meetings of other Committees, private sessions of meetings of this Committee should proceed only with the appointed Members, the Independent Person, and required support Officers present.

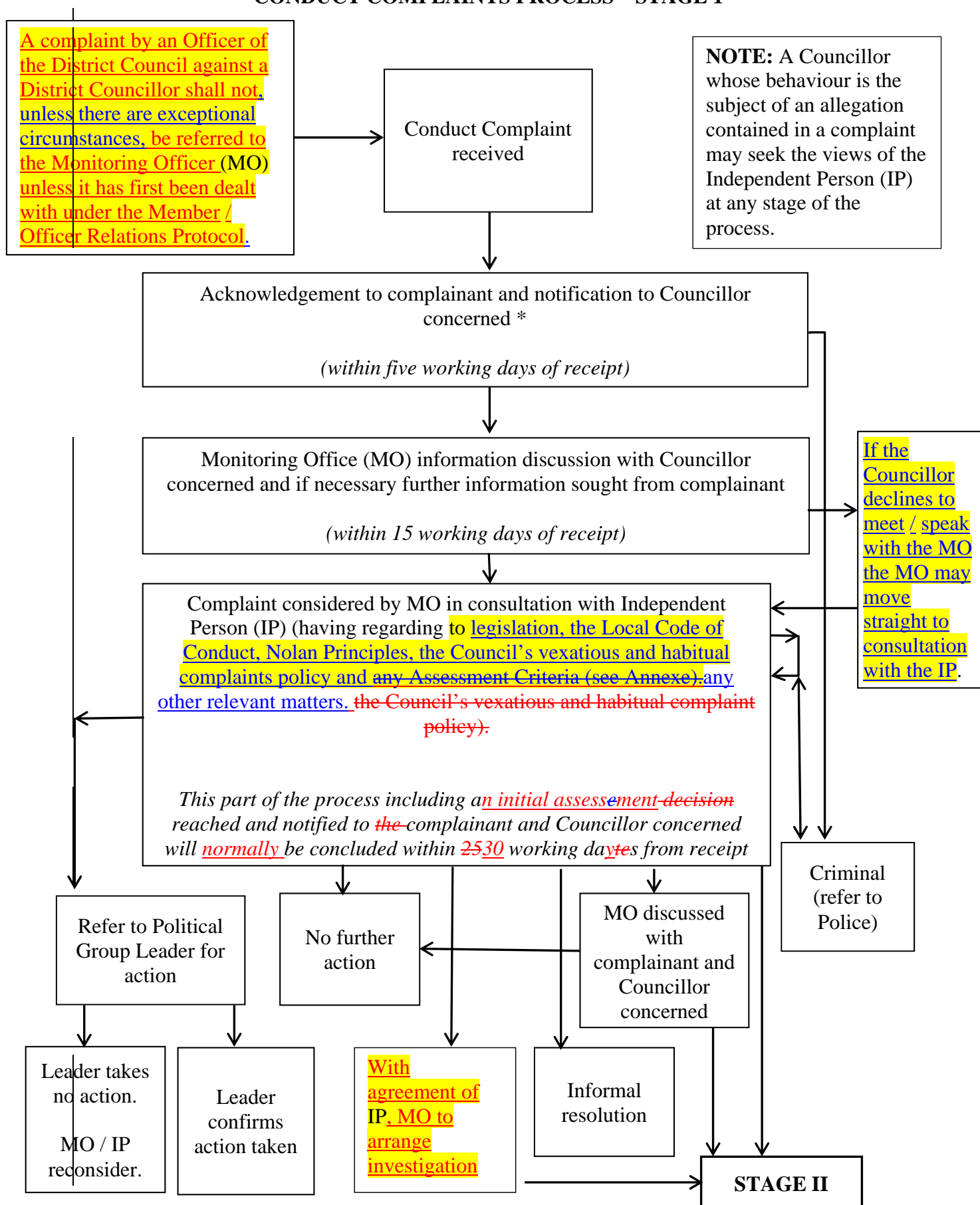
**To exercise on behalf of the Council the following roles and functions:**

- 1) Promoting and maintaining high standards of conduct by Members and co-opted members (with or without voting rights) of the District Council and also Parish/Town (Local) Councils, and considering relevant issues to enable the Committee to fulfil this role;
- 2) Advising and assisting ~~Local Council(s) and~~ Councillors to maintain high standards of conduct and to make recommendation to Local Councils on improving standards or actions following a finding of a failure by a Local Councillor to comply with the Code of Conduct;
- 3) Advising the Council and Local Councils on the adoption or revision of the applicable Member Code of Conduct;
- 4) Receiving and considering referrals from the Monitoring Officer into allegations of misconduct ~~in accordance with any the authority agreed assessment criteria;~~
- 5) Receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Member Code of Conduct;
- 6) Advising, training or arranging to train ~~Councillors~~Members and co-opted ~~M~~members on matters relating to the Member Code of Conduct;
- 7) Assisting Councillors and co-opted Members to observe the Member Code of Conduct;
- 8) Conducting hearings and determining complaints as necessary about District and Local Councillors and co-opted ~~M~~members where an investigation is undertaken to consider whether an allegation that there has been~~alleging~~ a breach of the Member Code of Conduct ~~referred to it by the Monitoring Officer is made out~~has been undertaken;
- 9) Following a hearing the Joint Standards Committee is able to make one of the following findings:-
  - (a) That the Member **has not failed** to comply with the Member Code of Conduct and no further action needs to be taken in respect of the matters considered at the h~~H~~earing; or
  - (b) That the Member **has failed** to comply with the Member Code of Conduct but that no further action needs to be taken in respect of the matters considered at the h~~H~~earing; or

- (c) That the Member **has failed** to comply with the Member Code of Conduct and that a sanction and/or an informal resolution should be imposed in respect of the matters considered at the hearing;
- 10) After making a finding at a hearing the Committee shall, within 28 working days, provide written notice of its findings including and the reasons for its decision to the subject Member and the complainant in the form of a decision notice;
- 11) Advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council;
- 12) Maintaining oversight of the Council's arrangements for dealing with complaints against Councillors;
- 13) Informing the Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints;
- 14) Developing and adopting:
- ~~(a) — Assessment Criteria for dealing with complaints against councillors;~~
- ~~(b)~~(a) Arrangements for dealing with complaints against councillors and publicising the arrangements;
- ~~(c)~~(b) Such other provisions and procedures as may be required;
- 15) The Committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions in accordance with the approved Complaints Procedure. The following list is an indication of the actions or combination of actions available:
- Reporting its findings to Council (or to the LocalParish Council) for information;
  - Recommending to Council that the Mmember concerned be issued with a formal censure or reprimand (or to the LocalParish Council);
  - Recommending to the Mmember's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
  - Recommending to the Leader of the Council that the Mmember be removed from, or removed from any particular posts or responsibilities they hold;
  - Instructing the Monitoring Officer to (or recommend that the Local Parish Council) arrange training for the member;
  - Removing (or recommend to the LocalParish Council that the Mmember be removed) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the LocalParish Council);
  - Withdrawing (or recommend to the LocalParish Council that it withdraws) facilities provided to the Mmember by the Council, such as a computer, website and/or email and internet access; or
  - Excluding (or recommend that the LocalParish Council exclude) the Mmember from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 16) Granting dispensations to elected and co-opted Members in respect of Disclosable Pecuniary Interests, Other Pecuniary Interests and Non-Pecuniary Interests.

- 17) Determining arrangements for the remuneration of the Independent Person(s).
- ~~17)~~18) Making recommendations to the Council in relation to the appointment of the Independent Person(s).

## CONDUCT COMPLAINTS PROCESS – STAGE 1

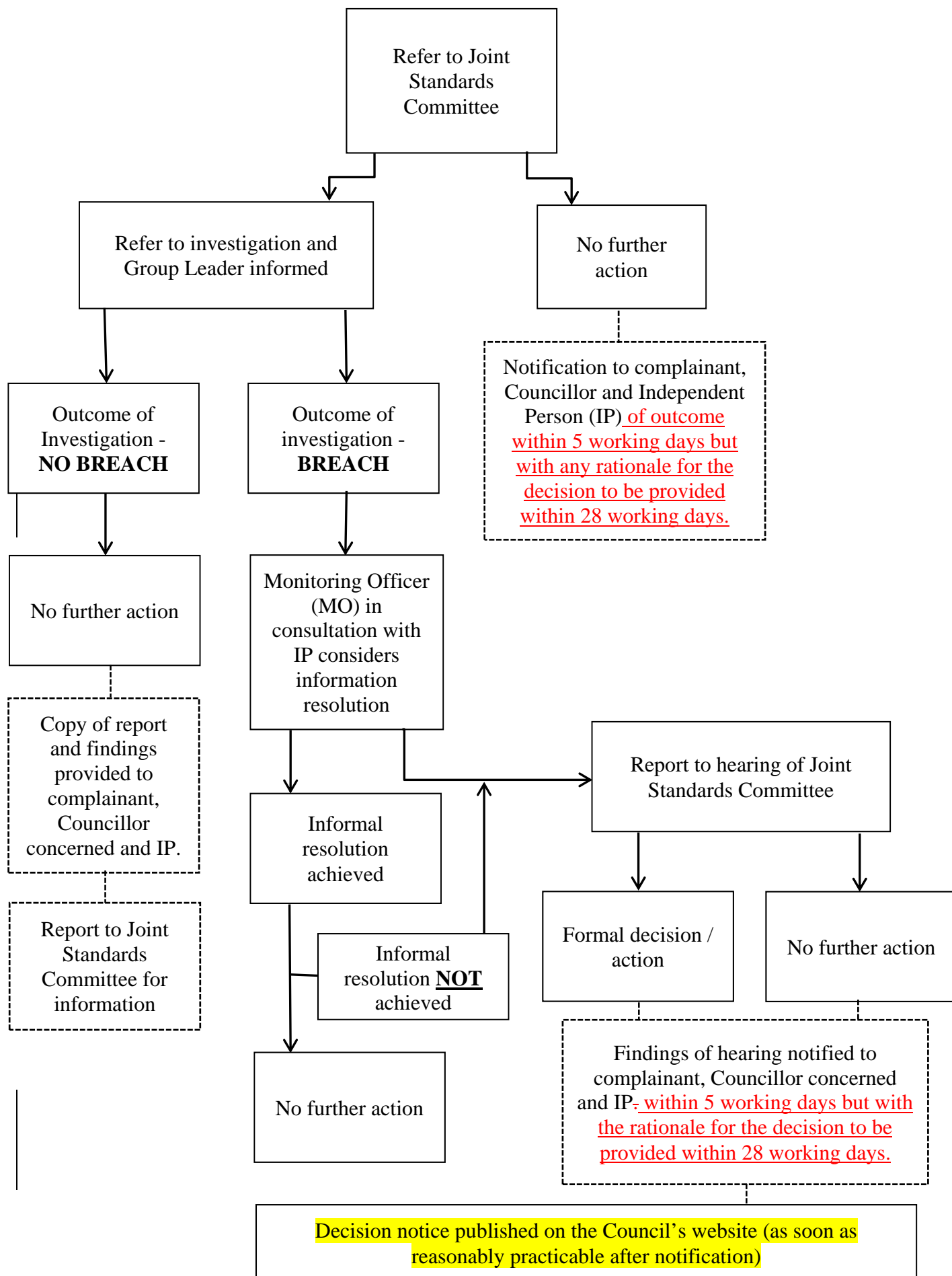


\* The acknowledgement will be sent by the recipient of the complaint and the letter then passed to the MO to deal with. In circumstances where the letter of complaint covers both a complaint regarding a Member and a complaint regarding a Council service, the acknowledgement may respond to the complaint regarding the Council service and the complainant will be informed that the complaint regarding the Member will be passed to the MO for response.

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**Maldon District Council**  
**Conduct Complaints Process**  
**STAGE II**

**APPENDIX 2**



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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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