

Northumberland County Council Arrangements for dealing with standards allegations under the Localism Act 2011

1. Context

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority or of a parish council within the authority’s area, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations. The Council’s code of Conduct for Elected Members can be found [here](#).

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a Member against whom an allegation has been made. The Council’s arrangements are set out below.

2. Making a Complaint

Details of how to make a complaint can be found on the council’s website;
www.northumberland.gov.uk/Councillors/Councillors.aspx#complaintaboutanelectedmember

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will, as far as practicable, keep you informed of the progress of your complaint. Any requests for anonymity will only be granted in exceptional circumstances.

3. Will your complaint be investigated?

Upon receipt of the complaint the Monitoring Officer will assess if the Council has jurisdiction to determine the Complaint. Factors include:

- Was the subject ‘in office’ at the time of the alleged conduct and remain ‘in office’?
- Is the complaint essentially against the action of the Council as a whole, rather than the subject or is it essentially a service complaint?
- Was the subject undertaking council functions at the time of the alleged conduct?
- Has the same, or substantially the same, alleged conduct been the subject of a previous code of conduct allegation?
- Does the complaint identify potential criminal conduct which needs referral to the police?

If there is jurisdiction, the Monitoring Officer will then assess if the complaint reaches the required threshold for investigation. Factors include:

- Does the complaint contain sufficient evidence to support an allegation of a potential breach of the relevant code?
- How long ago did the conduct complained of occur?
- Does the complaint appear to be trivial, malicious, vexatious, politically motivated, or tit-for-tat? Is the matter essentially a disagreement between members?
- Is an investigation in the public interest?
- Have multiple complaints been submitted about the same conduct / course of conduct?

In undertaking this process further information may be requested of the complainant and the views of the subject of the complaint and the Independent Person may be sought. This decision will normally be taken within 15 working days of receipt of your complaint.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally by local resolution, without the need for a formal investigation. The Monitoring Officer will have complete discretion as to the form of local resolution is appropriate and whether it is sufficient to conclude the complaint.

4. How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, the following process will be followed:

- An Investigating Officer (IO) will be appointed;
- The IO will interview both Complainant and Subject Member;
- The IO will interview any witnesses and gather any relevant information;
- The IO will then produce a draft report and share with both parties for comment. Any comments must be received within 5 working days;
- The IO will then produce a final report taking into account any comments made and send the final report to the Monitoring Officer
- If an external IO is appointed there will be monthly updates to an officer appointed to monitor progress in accordance with deadlines set. Delay over 6 months will be reported to Standards Committee.

If the IO concludes there is insufficient evidence to prove a breach of the code, the Monitoring Officer will review the IO's report and, if he is satisfied that the Investigating Officer's report is sufficient, will notify to both parties that no further action is required. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the IO to reconsider their report.

If the IO concludes that there is evidence of failure to comply with the code of conduct the Monitoring Officer will then either send the matter for local hearing before the Standards Committee or, after consulting the Independent Person, seek local Resolution. The Monitoring Officer will decide what form of local resolution is appropriate to provide a satisfactory conclusion to the complaint.

If local resolution is not appropriate the Monitoring Officer may refer the matter for hearing to the Standards Committee. A hearing and pre-hearing process will be carried out in compliance with the Hearing Procedure Rules [LINK]

In considering complaints the Monitoring Officer will have regard to and be assisted by internal guidance and guidance provided by the Local Government Association:

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>
<https://www.local.gov.uk/publications/guidance-member-model-code-conduct-complaints-handling>

There is no right of appeal for the complainant or for the member against a decision of the Monitoring Officer or of the Standards Committee. Any complaint must be made to the Local



Northumberland
County Council

Government and Social Care Ombudsman.