



STANDARDS COMMITTEE

Date: Tuesday, 25 November 2025

Time: 6.00pm

Location: Council Chamber

Contact: Lisa Jerome 01438 242203

Members: Councillors: Jackie Hollywell (Chair), Myla Arceno, Phil Bibby, Rob Broom, Dermot Kehoe, Loraine Rossati, Jade Woods and Tom Wren

AGENDA

PART 1

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - STANDARDS 21 NOVEMBER 2022

To approve as a correct record the Minutes of the meeting of the Standards Committee 21 November 2022.

Minutes attached
3 – 4

3. STANDARDS UPDATE - REPORT OF THE MONITORING OFFICER

To receive a report providing overview of the complaints under the Stevenage Borough Council's Code of Conduct for Members ("the Code") received by the Monitoring Officer to date, to review the arrangements in place for Member Code of Conduct complaints handling and to update members of the Government's response to the consultation in relation to Strengthening the Standards and Conduct Framework for Local Authorities.

Appendix A – Standards Arrangements and Complaints Handling Procedure (Attached)

Appendix B – Consultation Response - [Strengthening the standards and conduct framework for local authorities in England – consultation results and government response - GOV.UK](#)

5 – 46

4. URGENT PART 1 BUSINESS

To consider any Part 1 business accepted by the Chair as urgent.

5. EXCLUSION OF PUBLIC AND PRESS

To consider the following motions –

1. That under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as described in paragraphs 1 – 7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to Information) (Variation) Order 2006.

2. That Members consider the reasons for the following reports being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

6. URGENT PART II BUSINESS

To consider any Part II business accepted by the Chair as urgent.

STEVENAGE BOROUGH COUNCIL

STANDARDS COMMITTEE MINUTES

Date: Monday, 21 November 2022

Time: 6.00pm

Place: Council Chamber, Daneshill House, Danestrete, Stevenage

Present: Councillors: Mrs Joan Lloyd (Chairman), Philip Bibby CC, Graham Lawrence CC, Lin Martin-Haugh, Claire Parris (substitute), Simon Speller and Tom Wren.

Start / End Time: Start Time: 6.00pm
End Time: 6.17pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Myla Arceno and Baroness Taylor of Stevenage, OBE. Councillor Claire Parris was substituting for Baroness Taylor.

There were no declarations of interest.

2 MINUTES - 31 JANUARY 2014

It was **RESOLVED** that the Minutes of the meeting of the Committee held on 31 January 2014 be approved as a correct record and signed by the Chair.

3 CODE OF CONDUCT FOR MEMBERS

The Committee considered a revised Code of Conduct for Members for onward recommendation to Council.

The Committee was informed that the Council had not revised its Code of Conduct for Members for 10 years. In order to ensure that Members were able to maintain the highest possible standards it was now appropriate for the Council to update its Code of Conduct.

The Committee was advised that the proposed revised Code of Conduct, attached at Appendix A to the report, was based on the Local Government Association's (LGA) Model Code. In order to support Councils, Councillors and Monitoring Officers in maintaining the highest possible standards of behaviour in public life, the LGA had also produced Guidance on the Model Code.

The Committee noted that the revised Code covered a greater range of conduct matters than the current Code, setting out specific (and explicit) standards of required behaviour on issues including Respect; Bullying, harassment and discrimination; Impartiality of officers of the Council; Confidentiality and access to

information; Disrepute; Use of position; Use of local authority resources and facilities; Complying with the Code; Protecting the reputation of Members and the local authority; Gifts and hospitality; the Seven Principles of Public Life; and registering interests.

The Committee further noted that failure to adopt a revised Code of Conduct would put the Council at risk of not meeting the best possible standards of conduct in public life.

The following comments were made by Members in respect of the revised Code:

- Respect – this section of the Code (Section 1) was welcomed, especially the expectation that the relationship between Members and the public should be one of two-way respectful behaviour either through dealings in-person or via electronic means; and
- Training on the new Code should be made available to all Members, and it was felt that the timing of such training should coincide with the induction programme for new Members following the May 2023 Local Elections. The training should include a focus on Section 3 of the Code (Impartiality of officers of the Council), in order to emphasise that officers worked for the local authority as a whole and were politically neutral.

The Committee made the following minor amendments to the Code:

- Gifts and Hospitality (Section 10) – it was agreed that Paragraphs 10.2 and 10.3 should be merged into a single paragraph; and
- Table 2 in Appendix B to the Code – correction of the title from “Registrable” to “Registerable”.

It was **RESOLVED** that the draft Code of Conduct for Members, as attached at Appendix A to the report, and as amended, be recommended to Council for approval.

4 URGENT PART I BUSINESS

None.

5 EXCLUSION OF PRESS AND PUBLIC

Not required.

6 URGENT PART II BUSINESS

None.

CHAIRMAN

Part I – Release to Press



Agenda item: ###

Meeting Standards Committee

Portfolio Area Resources

Date 25 November 2025



STANDARDS UPDATE - REPORT OF THE MONITORING OFFICER

AUTHOR VICTORIA WILDERS

1 PURPOSE

- 1.1 To provide members of the Standards Committee with an overview of the complaints under the Stevenage Borough Council's Code of Conduct for Members ("the Code") received by the Monitoring Officer to date, to review the arrangements in place for Member Code of Conduct complaints handling and to update members of the Government's response to the consultation in relation to Strengthening the Standards and Conduct Framework for Local Authorities.

2 RECOMMENDATIONS

- 2.1 That the Standards Committee receive the update report and provide any observations to the Monitoring Officer.
- 2.2 That the Standards Committee recommend approval of the proposed changes to the 'Arrangements for Dealing with Standards Allegations under the Localism Act 2011(2025) in Appendix A to Council.
- 2.3 Note the Government's response to the consultation outcome of Strengthening the Standards and Conduct Framework for Local Authorities in England dated 11th November 2025 contained in Appendix B.

3 BACKGROUND

- 3.1 In accordance with the Localism Act 2011 Stevenage Borough Council has in place the Code for its borough councillors which is found at Part 5a of the Constitution. The Code applies to borough councillors whenever they are acting or purporting to act in their capacity as borough councillors. The Monitoring Officer is responsible for ensuring compliance with the Code, which sets the standard for conduct of local authority members.
- 3.2 The arrangements for dealing with complaints received under the Code are set out on the Stevenage Borough Council's website and can be viewed at [Councillors Code of Conduct](#). In addition, there is a current procedure which complaints are assessed under, namely the, 'Arrangements for Dealing with Standards Allegations under the Localism Act 2011' ("the current Arrangements") which can be found in Appendix A for reference.
- 3.3 The current Arrangements provides that complaints under the Code are submitted to the Monitoring Officer who is first required to review the complaint and after consultation with the Independent Person, take a decision as to whether it merits formal investigation.
- 3.4 Within its terms of reference, the Standards Committee has the functions to:-
- 3.4.1 promote and maintain high standards of conduct of members of the Council.
 - 3.4.2 consider and dispose of allegations that a member is in breach of the Code in accordance with the arrangements adopted by the Council under Section 28 Localism Act 2011.
 - 3.4.3 To depart from the Arrangements above in the circumstances described in paragraph 12 of those Arrangements.
 - 3.4.4 To consider and, if necessary, recommend changes to the Code of Conduct, the Arrangements under which allegations can be investigated and decisions on allegations can be made or any other aspects of the Standards Regime to the Council.
- 3.5 The current Arrangements were approved in 2012 and require updating given the length of time that has passed since they were last reviewed. In addition, it is advisable that they reflect the Guidance on Member Model Code of Conduct Complaints handling published by the Local Government Association (September 2021).

Stevenage Borough Council complaints update

- 3.5 The following complaints were submitted to the Monitoring Officer since the Standards Committee last met in 2022, the outcomes/updates of which are as follows:-
- A complaint received in 2023 against a borough councillor but the complaint was not progressed as the borough councillor was not acting in capacity as a borough councillor at the time of the alleged incident. **No further action.**

- A complaint received in 2023 against a borough councillor, the Monitoring Officer, in consultation with the Independent Person, concluded that the complaint should be referred for investigation. This complaint was due to be heard by the Standards Committee at the end of 2024 but had to be postponed due to the ongoing ill health of the subject matter. As a result, this complaint is **ongoing**.
- There were 3 complaints received in 2024 against a borough councillor, the Monitoring Officer, in consultation with the Independent Person, concluded that the complaints should not be referred for informal investigation. **No further action.**
- There were 2 separate complaints received in 2025 against a borough councillor, the Monitoring Officer, in consultation with the Independent Person concluded that both complaints fell **outside of the Code and therefore no further action was taken.**

Revised Complaints Procedure

- 3.6 The Council should publish a Complaints Procedure alongside its Code of Conduct so that it is accessible to all and which sets out a criterion to which complaints can be assessed against. Whilst the Council has the current Arrangements in place, it doesn't appear that they have been updated recently.
- 3.7 The Monitoring Officer has reviewed the current Arrangements and has significantly rewritten and updated it. The new procedure is set out in Appendix A which also includes a criterion to which complaints will be assessed against.

Governments Response the consultation outcome of Strengthening the Standard and Conduct Framework for Local Authorities

- 3.8 On the 11th November 2025 the Government published its response to the consultation on improving the local governments standards framework. At present there is no timeframe for when legislation will follow as this is subject to when Parliamentary time allows. Some key measures summarised below include: -
- The introduction of a mandatory code of conduct, to include a behavioural code, for all local authorities.
 - That all principal authorities convene formal standards committee to ensure objectivity, accountability and transparency.
 - The requirement to offer individual support during code of conduct investigations to both the complainant and the councillor subject to the allegation.
 - Publication of allegations and investigation outcomes.

- Requiring completion of investigations if an elected member stands down.
- A new disqualification criterion for any elected member subject to the maximum period of suspension more than once within 5 years.
- The creation of a new national appeals function.

4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1 To ensue good governance within the Council.
- 4.2 To consider, investigate and dispense with Code of Conduct complaints under the Localism Act 2011.
- 4.3 To update the Arrangements for the investigation procedure so they reflect the recommendations of the Local Government Association.

5 IMPLICATIONS

Financial Implications

- 5.1 There are no financial implications.

Legal Implications

- 5.2 Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place arrangements under which allegations that a councillor, who is acting or appears to be acting as a councillor at that time, has failed to comply with the Code. These arrangements must allow for such complaints to be considered, and where appropriate, investigated and decided upon.

Risk Implications

- 5.3 Appropriate reporting processes and procedures in respect of councillor conduct help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

APPENDICES

- A Arrangements for Dealing with Standards Allegations under the Localism Act 2011 (2025) and new proposed procedure
- B Consultation outcome 'Strengthening the Standards and conduct framework for local authorities in England – Consultation results and Government Response – 11 November 2025 - <https://www.gov.uk/government/consultations/strengthening-the-standards-and-conduct-framework-for-local-authorities-in-england/outcome/strengthening-the-standards-and-conduct-framework-for-local-authorities-in-england-consultation-results-and-government-response>

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ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT 2011

1 Context

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this authority has failed to comply with the authority’s Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct.

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 Committee or Sub-Committee of the authority, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

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 as been made.

1 The Code of Conduct

The Council has adopted a Code of Conduct for members, which is attached as Appendix One to these arrangements and available for inspection on the authority’s website and on request from Reception at the Council’s offices .

2 Making a complaint

If you wish to make a complaint, please write or email to –

The Borough Solicitor
Stevenage Borough Council
Daneshill House
Danestrete
Stevenage
SG1 1HN
or
paul.froggatt@stevenage.gov.uk

The Monitoring Officer (the Borough Solicitor) is a senior officer of the authority who has statutory responsibility for maintaining the register of members’ interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the complaint form, a

copy of which can be downloaded from the Council's website, next to the Code of Conduct, and which is also available on request from the Customer Service Centre at Daneshill House (Tel: 01438 242242).

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

4 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he will inform you of his/her decision and the reasons for that decision.

Where he requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution

may involve the member accepting that his/her conduct was unacceptable and

offering an apology, or other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

3 How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, he will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The

Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned, notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel or, after consulting the Independent Person, seek local resolution.

7.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will

consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate; the Monitoring Officer will refer the matter for a local hearing.

7.1 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

If the Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Hearings Panel concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8 What action can the Hearings Panel take where a member has failed to comply with the Code of Conduct?

The Hearings Panel may –

- 8.1 Publish its findings in respect of the member's conduct;
- 8.2 Report its findings to Council for information;
- 8.3 Recommend to the member'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;
- 8.4 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 8.5 Instruct the Monitoring Officer to arrange training for the member;
- 8.6 Remove from all outside appointments to which he/she has been appointed or nominated by the authority;
- 8.7 Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 8.8 Exclude the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

8 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to you, to the member, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

9 Who are the Hearings Panel?

The Hearings Panel is a Sub-Committee of the Council's Standards Committee including not more than one member of the authority's Executive and comprising members drawn from at least 2 different political parties.

The Independent Person is invited to attend all meetings of the Hearings Panel and his views are sought and taken into consideration before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be “independent” if he/she –

- 11.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority; or*
- 11.2 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, “relative” means –*
 - 11.2.1 Spouse or civil partner;*
 - 11.2.2 Living with the other person as husband and wife or as if they were civil partners;*
 - 11.2.3 Grandparent of the other person;*
 - 11.2.4 A lineal descendent of a grandparent of the other person;*
 - 11.2.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;*
 - 11.2.6 spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or*
 - 11.2.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.*

12 Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Standards Committee (and the Chair of the Hearings Panel) the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13 Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

Stevenage Borough Council

Complaints Handling Procedure for matters relating to the Councillors' Code of Conduct.

Contents

1. Introduction	1
2. The Code of Conduct	1
3. Making a complaint	1
4. Who is the Independent Person?	4
5. How will my formal complaint be handled?	4
6. How is the investigation conducted?	8
7. What happens if the Monitoring Officer or Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct? ...	10
8. What happens if the Monitoring Officer or Investigating Officer concludes in the report that there is evidence of a failure to comply with the Code of Conduct?	11
9. What action can the Standards Sub-Committee take where a Councillor has failed to comply with the Code of Conduct?	15
10. Revision of these arrangements.....	17
APPENDIX 1	18
APPENDIX 2	19
APPENDIX 3	20
APPENDIX 4	27

1. Introduction

- 1.1 These Procedures set out the arrangements for how a formal complaint against a Councillor can be made and thereafter handled. This covers complaints that an elected Councillor of Stevenage Borough Council has failed to comply with that authority's Councillors' Code of Conduct. This does not cover complaints against Stevenage Borough Council, nor its employees.
- 1.2 Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place "arrangements" under which allegations that a Councillor of Stevenage Borough Council, who is acting or appears to be acting as a Councillor at that time, has failed to comply with the Councillor's Code of Conduct. Those arrangements must allow for such complaints to be considered, and where appropriate, investigated and decided upon.
- 1.3 Any such complaint received by Stevenage Borough Council will be assessed against the criteria set out in Appendix 1.

2. The Code of Conduct

- 2.1 Stevenage Borough Council has adopted a Code of Conduct for Councillors, which can be found in Part 5 of the Council's Constitution.

3. Making a complaint

- 3.1 If you wish to make a complaint, the [Councillors Code of Conduct](#) page provides details as to how you can do so and what information you should provide. ***Please note that the complaint must relate to a sitting***

Councillor's conduct and their role as a Councillor. This is not the correct process to use if you are unhappy with a Council decision (please follow this link [Compliments and Complaints](#))

3.2 The information you should provide in the complaint is:

3.2.1 which Councillor you are complaining about.

3.2.2 their alleged misconduct and the dates on which it is alleged to have taken place, and

3.2.3 how you consider their alleged misconduct breaches the Councillor's Code of Conduct.

PLEASE NOTE that, while you may disapprove of the way you believe a Councillor has acted, there are a number of issues that would preclude further action, as set out at Appendix 1, as it will not be in the public interests to pursue some complaints that the Council cannot legally or should not deal with.

Complaints can be made by eform:

[Code of Conduct Complaint - MyStevenage](#)

Or in writing to:

The Monitoring Officer, Stevenage Borough Council, Daneshill House,
Danestrete, Stevenage SG1 1 HN.

Borough.Solicitor@stevanage.gov.uk

3.3 The Monitoring Officer is a senior officer at Stevenage Borough Council responsible for overseeing the administration of the Council's complaints handling arrangements against Councillors. Under this Procedure, however, reference to the Monitoring Officer during the assessment or investigation is deemed to include a nominated Deputy Monitoring Officer, including an external one who may undertake any of the steps set out in this process. Complaints may be referred to an external Deputy Monitoring Officer to consider if further action is warranted. Circumstances in which a referral to an external Deputy Monitoring Officer or Investigator might arise include when:

- 3.3.1 The complaint comes from a senior officer of the Council, such as the Chief Executive, Chief Finance Officer or the Monitoring Officer and it would be inappropriate for the Monitoring Officer or an appointed internal Deputy to investigate, or
 - 3.3.2 The complaint is about a high-profile Councillor such as the Leader, or an Executive Member of Stevenage Borough Council and it would be inappropriate for the Monitoring Officer or an appointed internal Deputy to investigate.
- 3.4 A complainant will need to provide their name and a contact address, preferably also with an e-mail address and telephone number, so that Stevenage Borough Council can acknowledge receipt of the complaint and keep a complainant informed of its progress. If requested, it may be possible to keep a complainant's name and locality confidential, although it is likely to hamper and, ultimately, prevent any effective assessment or investigation. It is also in the interests of transparency and fairness that a Councillor accused of misconduct generally has a right to know who has made the allegations. A complainant can ask for their name and contact details to remain confidential on the complaint form, along with an explanation for the request, for example where there is a real and credible risk of violence or intimidation against the complainant if their identity was disclosed.
- 3.5 Assessment of an anonymous complaint is only likely where the Monitoring Officer considers that this is likely to result in intimidation or violence. The Monitoring Officer will consider the request and, if granted, they will not provide the complainant's name and locality to the Councillor without the complainant's prior consent. Exceptions to this will be if this is referred to the Police, or if other regulatory bodies such as auditors or external fraud investigators, require the information. In these circumstances a request for confidentiality would be a matter for those bodies to consider.
- 3.6 Stevenage Borough Council does not normally consider/investigate complaints that are anonymous from the outset unless there is a clear public interest in doing so. In any event, Stevenage Borough Council's ability to do so would be severely limited, as it is impossible in such situations to request further information from a complainant or provide confirmation of any decision.
- 3.7 Appendix 1 includes the complaint and assessment criteria that the Monitoring Officer takes into account before deciding whether to consider the complaint further.

4. Who is the Independent Person?

- 4.1 The Independent Person is a statutory office holder appointed by Stevenage Borough Council. A description of their role is set out in Appendix 4.
- 4.2 The Procedural arrangements must include at least one appointed Independent Person. Stevenage Borough Council has an Independent Person whose views will be sought on all formal allegations (as part of the assessment of the complaint – before any investigation), as well as seeking their views at any other stage during an investigation or determination of a formal complaint.
- 4.3 Stevenage Borough Council may or may not, from time to time, have a Reserve Independent Person who can be contacted by a Councillor who is subject to a formal complaint for procedural advice, or who may be involved at other stages if the Independent Person is unable to participate. This will be set out in any formal letter to the complainant and Councillor confirming that a complaint has been received. An Independent Person or Reserved Independent Person cannot give advice on the Councillor's proposed response to the complaint, or act as the Councillor's advocate at any stage in the process.
- 4.4 References to the Independent Person in this document include the Independent Person and the Reserve Independent Person, unless otherwise stated.

5. How will my formal complaint be handled?

- 5.1 The complaint will first be acknowledged through the contact information provided by the complainant as described at 3.4 above.
- 5.2 The Monitoring Officer will review every complaint received and will consult the Independent Person. The following Stages will be applied:

5.2.1 **Initial Assessment Stage:** the tests under Appendix 1 will be considered and an initial assessment decision taken, which can be one of the following:

5.2.1.1 no further action,

5.2.1.2 informal action (including but not limited to mediation, training, apology),

5.2.1.3 further investigation (the **Investigation Stage**),

5.2.1.4 referral to the Standards Sub-Committee (the **Sub-Committee Stage**).

The Monitoring Officer does not have to take the steps in 5.2.1.1 to 5.2.1.4 in the order in which they are listed.

5.3 This initial assessment decision described at 5.2.1 above will be taken as quickly as possible but could take up to 3 months from receipt of the formal complaint and considered in accordance with the Assessment Criteria in Appendix 1.

5.4 Where the Monitoring Officer requires additional information before coming to a decision, they will request this information.

5.5 Once the complaint has moved to the **Initial Assessment Stage**, a copy of the complaint and any relevant documentation will be forwarded to the Councillor for consideration and comment. The Councillor will be given 14 days to respond unless there are reasons to extend this deadline, for example holidays, sick leave, a criminal or a whistleblowing investigation. The Councillor is expected to co-operate with the Monitoring Officer and not to attempt to interfere with, impede or obstruct any part of the process. They should also not seek to intimidate any person involved in this process.

Failure to co-operate can itself be a breach of the Code, in addition to the original complaint.

- 5.6 If witnesses are identified by either the complainant or the Councillor subject to the complaint, the Monitoring Officer may, if they consider that useful information might be gleaned from doing so, contact them for comment as well. Such views would again be expected within 14 days (unless there are reasons to extend the deadline on grounds such as those at 5.5 above).
- 5.7 Once the Councillor's response has been received and/or the deadline for such comments has expired without a response being forthcoming, the Monitoring Officer will consult the Independent Person. This consultation may result in the request for further information from any relevant party, and further consultation will take place. Following this the Monitoring Officer will make one of the assessment decisions set out under 5.2.2. above.
- 5.8 When the Monitoring Officer has taken a decision, they will inform the complainant and the Councillor as may be appropriate, of that decision and the reasons for it. These will remain confidential.
- 5.10 Complainants should note that if the initial assessment decision is to move to the **Investigation Stage**, that it will require their co-operation during the investigation and, if necessary, any hearing which is likely to be held in public. The complainant would be required to attend such a hearing and provide their evidence and/or answer questions relating to the complaint.
- 5.11 Where the Monitoring Officer seeks to resolve the complaint informally, without the need for a formal investigation they will consult the Independent Person on such action. Informal resolution may involve the Councillor agreeing that their conduct was unacceptable and offering an apology, or other remedial action. Where the Councillor makes a reasonable offer of informal resolution, but the complainant is not willing to accept the offer, the Monitoring Officer will take account of this in deciding whether the complaint merits any further action. Equally, if a

Councillor refuses to engage with such an informal approach (for example by not apologising, or attending training), the Monitoring Officer may reconsider the decision and decide whether to move the complaint to the **Investigation Stage**, or directly to the Standards Sub-Committee for the original complaint (and failure to co-operate) to be determined.

- 5.12 If the complaint identifies potential criminal conduct or breach of other regulation, the Monitoring Officer is likely to refer it to the Police or other regulatory agencies. If the complaint relates to an alleged Disclosable Pecuniary Interest offence, it will be dealt with under an agreed Protocol with Hertfordshire Constabulary and the Police (and finally the Director of Public Prosecutions) will be the relevant body that determines whether further action should be taken on such a complaint. The Council cannot influence any decisions taken by the Police or other regulatory body, would have no role in their decision, and would not wish to prejudice such bodies' consideration or enquiries other than to co-operate with them.
- 5.13 Please note that where a complainant wishes to withdraw the complaint the Monitoring Officer is unlikely to take further action on the matter, with the exception of a referral to the Police/other regulatory body - where a withdrawal of a complaint would be for them to consider. If the complainant wishes to withdraw the complaint during the investigation, then this will be considered by the Monitoring Officer in consultation with the Independent Person as to whether the investigation will continue. The decision to terminate an investigation will, for example, depend on the nature of the allegations and the parties involved.
- 5.14 Similarly, if the Councillor subject to a complaint ceases to be a Councillor during this assessment or at a later stage of the Complaints Handling Procedure, the Monitoring Officer in consultation with the Independent Person may decide to terminate or suspend any further steps for up to 14 months from the date on which they cease to be a Councillor. This is because the Complaints Handling Procedure only applies to elected and co-opted Councillors. Further action may be taken on the complaint during that 14-month period if the Councillor is re-elected/co-opted back to the Council during that period. This decision will be taken by the Monitoring Officer in consultation with the Independent Person. If the Councillor is not re-elected/co-opted during that period, further action on the complaint will automatically cease.
- 5.15 If a Councillor has been subject to a finding of the Standards Sub-Committee and sanctions have been imposed under 9.1 below, or by Full Council and the Councillor has failed without reasonable excuse to comply

with a sanction, then the Monitoring Officer will refer this directly back to the Standards Sub-Committee ('direct referral') for determination.

- 5.16 There is no further right of internal review or appeal by a complainant following a decision at the **Initial Assessment Stage** not to investigate (unless new evidence is then submitted within a reasonable time and this will, in any event, be subject to the Assessment Criteria in Appendix 1). Brief and anonymised versions of the complaints and any outcomes are reported to the Standards Committee and Full Council.

6. How is the investigation conducted?

- 6.1 The Council has adopted a procedure for the investigation of conduct complaints, which is attached as Appendix 2 to these arrangements.

- 6.2 If the Monitoring Officer decides that a complaint merits investigation and moves it into the **Investigation Stage**, they may investigate the matter themselves or appoint an Investigating Officer. The Investigating Officer may be;

6.2.1 the Deputy Monitoring Officer,

6.2.2 another senior Stevenage Borough Council officer,

6.2.3 an officer of another authority, or

6.2.4 an external investigator

This Officer's role is to conduct an objective investigation on the merits of the complaint and whether there appears to be a case to answer, this will be presented to the Standards Sub-Committee. The Officer is not there to represent the complainant or the Councillor and there is no difference in the status of the report prepared by an Investigating Officer and that of the Monitoring Officer.

- 6.3 Any investigation should be completed within 4 months, and parties must co-operate to ensure that this deadline can be met (unless there are extenuating circumstances to justify extending this). Any failure to co-operate by the Councillor complained of, or an attempt to interfere with, impede or obstruct any part of the process, or intimidate any person involved in the process, may be considered a separate potential breach of the Code of Conduct, notwithstanding the original complaint. Equally,

should a complainant attempt to interfere with, impede or obstruct any part of the process, or intimidate any person involved in the process, the Monitoring Officer reserves the right to terminate the investigation. Any such decision will be taken in consultation with the Independent Person.

- 6.4 The Monitoring Officer/Investigating Officer will decide whether they need to interview a complainant to understand the nature of the complaint, any events surrounding it and consider what documents need to be seen. They will also consider if any other party needs to be interviewed as part of the investigation. Such interviews may be by remote means or in person and are likely to be recorded. Those recorded interviews will likely be used/produced as part of the evidence, together with any other relevant evidence that has been produced.
- 6.5 If any witness(es) to the alleged breaches of the Code have been identified, the Monitoring Officer/Investigating Officer will decide whether to interview those witnesses. Again, these interview arrangements may be by remote means or in person and will be recorded/used as part of witness evidence. This is to prevent disagreements as to what has or has not been said at interview. Any witness(es) must be identified by the complainant at this stage of the Procedure, late witnesses will generally not be accepted after the investigation has been concluded.
- 6.6 The Monitoring Officer/Investigating Officer will provide the Councillor with a copy of the complaint and ask the Councillor to provide their explanation of events, and to identify what documents they need to see and the name(s) of any witnesses they believe should be interviewed. The Councillor and any of their witnesses are likely to be interviewed on the same basis as under 6.4. Any witnesses must be identified at this stage of the Procedure as late witnesses will generally not be accepted after the investigation has been concluded. The Councillor is expected to co-operate with any investigation.
- 6.7 At the end of their investigation, the Monitoring Officer/Investigating Officer will produce a draft report ("the Investigation Report") and will send copies of that draft report, in confidence, to the complainant, the Councillor concerned and to the Monitoring Officer where they were not the investigating officer, so that there is an opportunity to identify any inaccuracies, areas of dispute or which the parties believe require more consideration. The Independent Person will also see a copy of the report for comment. Relevant parties will be given 21 days to respond. The complainant/Councillor will be expected to raise any issues with the draft report at this stage.

- 6.8 Parties are encouraged to acknowledge or accept any findings at the draft report stage so that the issues can be narrowed to those that remain in dispute. It is possible that parties will disagree with the findings/reasons on whether there is a case to answer in the report. Comments and issues will be considered by the Monitoring Officer or Investigating Officer; errors will be corrected however this does not mean the report findings will be changed. A summary of these comments from the complainant/Councillor are likely to be included in the final report.
- 6.9 Having received and considered any comments made on the draft Investigation Report, it will then be finalised. Where an Investigating Officer has been appointed, the Investigating Officer will send their final report (again in confidence) to the complainant, the Councillor, the Monitoring Officer and the Independent Person. Note that this report will remain confidential until the Monitoring Officer determines otherwise or, in any hearing, the Standards Sub-Committee determines that this matter shall be heard in public.
- 6.10 Where an Investigating Officer has been appointed, and if the Monitoring Officer and Independent Person are not satisfied that the investigation has covered the issues sufficiently, the Monitoring Officer may ask the Investigating Officer to reconsider their draft report. The Monitoring Officer, in consultation with the Independent Person, will review any revised report and may decide that there remains no case to answer or further action is required, as set out below.

7. What happens if the Monitoring Officer or Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

- 7.1 Where an Investigating Officer has been appointed by the Monitoring Officer to conduct an investigation, the Monitoring Officer will review the Investigating Officer's report in consultation with the Independent Person. If the Monitoring Officer is satisfied that the Investigating Officer's report is sufficient and there is no apparent case to answer of a failure to comply with the Code, the Monitoring Officer will write to the parties to notify them that they are satisfied that no further action is required. The report shall remain confidential and other than those parties who have received a copy, it shall not be disclosed further. An anonymised summary of the complaint and outcome will, however, be reported through to Standards Committee and Full Council during the year.

8. What happens if the Monitoring Officer or Investigating Officer concludes in the report that there is evidence of a failure to comply with the Code of Conduct?

- 8.1 If the Monitoring Officer is satisfied that the Investigating Officer's report is sufficient and there is an apparent case to answer of a failure to comply with the Code, the Monitoring Officer will write to the parties to notify them that the matter will proceed to the **Sub-Committee Stage** and a hearing before the Standards Sub-Committee or, in consultation with the Independent Person, that the scope for an Alternative Remedy will be considered.

Alternative Remedy

- 8.2 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult both the Independent Person and the complainant and seek to agree a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Councillor acknowledging that their conduct was unacceptable and offering an apology, either publicly or privately as may be appropriate in the circumstances, and/or other remedial action (such as training or mediation). If the Councillor complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee for information but will take no further action. If the Councillor fails to abide by the Alternative Remedy, the Monitoring Office may re-open the issue and refer the case to the Standards Sub-Committee for a hearing to determine whether there has been a breach of the Code of Conduct.

Hearing

- 8.3 The Councillor will be expected to attend unless there is a reasonable excuse for not doing so – as notified to the Monitoring Officer in advance of any hearing.
- 8.4 Normal Committee rules apply as to whether the Sub-Committee meets in public or private with the presumption that any hearings will be in public at the Stevenage Borough Council offices.

8.5 In all but straightforward cases there will be a preliminary administrative hearing of the Standards Sub-Committee to manage the preparation and arrangements for the hearing called a Case Management Hearing ("CMH"), followed by a Final Determination Hearing ("FDH"). The Membership of those hearings may or may not be the same.

CMH

8.6 The CMH will deal with administrative issues, such as fixing a date for the final hearing/length of the hearing/final evidence or representations that may be presented at the FDH.

8.7 This CMH should be arranged between 35 – 42 calendar days after the report has been sent to the parties, and both the Councillor in question and the complainant may be invited to attend.

8.8 As part of the investigation, the Councillor will have been asked and should have informed the Investigating Officer of any witnesses they wish to rely on and evidence obtained as part of the Investigation. However, if this has not taken place, the Councillor will be required to confirm 14 days prior to the CMH:

8.8.1 the areas of the Investigation Report the Councillor disputes (and the factual reasons for doing so), including evidence from current witnesses that are relevant to the matter of dispute; and

8.8.2 whether they will be represented at the final hearing (and details of that representative).

8.9 If the Councillor fails to confirm the above information by a date specified prior to the CMH, or fails to attend the hearing without reasonable explanation, then this may be considered a further potential breach of the Code of Conduct for failure to co-operate. In the event that the Councillor fails, with or without excuse, to attend the CMH, then it may take place in their absence. Where the Councillor attends, they may be represented or accompanied during the hearing by a solicitor, counsel or, with the permission of the Sub-Committee, another person as agreed with the Monitoring Officer.

8.10 Members of the Sub-Committee, the Independent Person, Investigating Officer, Monitoring Officer and/or Legal Adviser may ask questions of the Councillor and of the complainant.

8.11 The Sub-Committee may take legal advice from its Legal Adviser or seek the opinion of the Independent Person at any time during the CMH and may retire to deliberate in private before it comes to a decision. The Legal Adviser will retire with Members of the Sub-Committee and the substance of any legal advice provided during this time will be shared with the Councillor and the Investigating Officer if they are present when the Members return to the hearing. The Independent Person will not retire with the Sub-Committee. If the Sub-Committee requires the opinion of the Independent Person on CMH matters, this should be requested prior to retiring to consider the decision or in any event before the decision is taken.

8.12 Other than in exceptional circumstances, the date of the FDH must be fixed at the CMH, within 35-42 calendar days of the CMH.

FDH

8.13 The agreed a procedure for the FDH is attached as Appendix 3.

8.14 At the FDH, the Monitoring Officer or Investigating Officer (or nominated representative) will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that there is a case to answer that the Councillor has failed to comply with the Code of Conduct. The Standards Sub-Committee may set out a timetable for the hearing.

8.15 At the FDH, the Councillor will not be able to challenge evidence from a witness that is contained/reflected in the Investigation Report, unless the Councillor has indicated, by the specified date prior to the CMH, that a particular witness' evidence is disputed and why. Subject to that indication, the Monitoring Officer/Investigating Officer will be expected to request the attendance of that witness at the hearing. If the Councillor has not indicated by a specified date that a witness' evidence is disputed, the Monitoring Officer is unlikely to request that witness' attendance at the FDH.

8.16 The complainant should be prepared to attend and give evidence to the Sub-Committee. The Councillor will have an opportunity to ask any relevant questions of the Investigating Officer or witnesses produced at the hearing through the Chairman, give their evidence, call witnesses and to make representations to the Sub-Committee as to why they consider they have not failed to comply with the Code of Conduct.

- 8.17 Members of the Sub-Committee, Independent Person, Investigating Officer, Monitoring Officer and/or Legal Adviser may ask questions of any of the witnesses' present (including the Councillor and complainant). The Chairman of the Sub-Committee may halt any questions they believe to be irrelevant, repetitive or haranguing in nature.
- 8.18 The Sub-Committee may take legal advice from its Legal Adviser at any time during the FDH and may retire to deliberate in private before it comes to its decision. The Legal Adviser will retire with the Members of the Sub-Committee and the substance of any legal advice given in private session will be confirmed when the meeting reconvenes in public session. The Independent Person will not retire with the Sub-Committee. The Sub-Committee should request the views of the Independent Person prior to retiring to consider the decision or in any event before the decision is taken, on whether there has been a breach of the Code of Conduct. *Please note that in accordance with section 28(7) of the Localism Act 2011 the views of the Independent Person are to be sought and taken into account by the Sub-Committee before it makes its decision on an allegation that it has decided to investigate.*
- 8.19 The Sub-Committee, with the benefit of any views from the Independent Person, may conclude that,
- 8.19.1 the Councillor did not fail to comply with the Code of Conduct and dismiss the complaint. In these circumstances, the case is at an end, or
- 8.19.2 the Councillor did fail to comply with the Code of Conduct. In these circumstances the Chair will inform the Councillor of this finding and of the reasons for it.
- 8.20 Where the Sub-Committee concludes the Councillor did fail to comply with the Code of Conduct under 8.19.2 above, the Sub-Committee will then consider what action, if any, it should take as a result of the Councillor's failure to comply with the Code of Conduct. In doing this, the Sub-Committee will give the Councillor an opportunity to make representations to it and will seek the view of the Independent Person on any sanction, but will itself decide what action, if any, to take in respect of the matter. The Sub-Committee may retire in private session to deliberate on what, if any, sanctions will be applied. The Legal Adviser will retire with the Members of the Sub-Committee and the substance of any legal advice given to the Members in private session will be confirmed when the meeting

reconvenes in public session. The Independent Person will not retire with the Sub-Committee.

9. What action can the Standards Sub-Committee take where a Councillor has failed to comply with the Code of Conduct?

9.1 The Council has delegated (via the Constitution) to the Sub-Committee such of its powers to take action in respect of individual Councillors as may be necessary to promote and maintain high standards of conduct. The Sub-Committee will impose sanctions (or a combination of sanctions) commensurate with the nature and gravity of the breach of the Code of Conduct and confirm their reasons for doing so. Accordingly, the sanctions available to the Sub-Committee are to:

- 9.1.1 Publish its findings in respect of the Councillor's conduct e.g. in a local newspaper, in print or on-line or both. Any decision will be published on the Council's website in any event,
- 9.1.2 Report its findings to Council for information,
- 9.1.3 Report its findings and recommend to Council that the Councillor be issued with a formal censure or be reprimanded,
- 9.1.4 Recommend to the Councillor's Group Leader (or in the case of ungrouped Councillors, recommend to Council or to Committees) that the Councillor be removed from any or all Committees or Sub-Committees of the Council,
- 9.1.5 Recommend to the Leader of the Council that the Councillor be removed from the Executive, or removed from particular Executive Member responsibilities,
- 9.1.6 Instruct the Monitoring Officer to arrange relevant training for the Councillor,
- 9.1.7 Recommend to Council that the Councillor be removed from all outside appointments to which they have been appointed or nominated by the authority,

- 9.1.8 Recommend to Council that it withdraws facilities provided to the Councillor by the Council, such as a computer, website and/or e-mail,
 - 9.1.9 Recommend to Council that the Councillor be excluded from the Council's Offices or other premises, with the exception of meeting rooms (real or virtual) as necessary for attending Council, Committee and Sub-Committee meetings; or
 - 9.1.10 Take no further action.
- 9.2 The Sub-Committee has no power to suspend or disqualify the Councillor or to withdraw the Councillors' basic or special responsibility allowances or any other payment made to the Councillor that they are entitled to under legislation.

What happens at the end of the hearing?

- 9.3 At the end of the hearing, the Chair will state the decision of the Standards Sub-Committee with a summary of the reasons as to whether or not the Councillor failed to comply with the Code of Conduct and, if the Councillor did fail to comply, any actions which the Sub-Committee resolves to take.
- 9.4 As soon as reasonably practicable thereafter (and in any event within 7 working days), a formal decision notice will be prepared by the Legal Adviser in consultation with the Sub-Committee, and sent to the complainant, the Councillor by the Monitoring Officer and make that decision notice available for public inspection and available on the Council's website.
- 9.5 There is no further right of internal review or appeal by either the Councillor or complainant following the determination hearing. Either party may seek independent advice and apply for Judicial Review of the decision or may consider making a complaint to the Local Government and Social Care Ombudsman (LGO), although there is limited remit for the LGO to consider complaints and cannot revisit any decision taken.

10. Revision of these arrangements

- 10.1 The full Standards Committee may amend these arrangements and has delegated to a Chairman of the Sub-Committee the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter. Minor amendments may be made by the Monitoring Officer in consultation with the Independent Person, Chair and Vice Chair of the Standards Committee under delegated authority.

APPENDIX 1
STANDARDS COMPLAINTS ASSESSMENT CRITERIA

Complaints which would not normally be initially assessed or referred for investigation:

1. The complaint appears to be minor, trivial or otherwise not sufficiently serious; and/or
2. The complaint appears to be vexatious, malicious, retaliatory or politically motivated; and/or
3. It appears that there can be no breach of the Code of Conduct, for example, the Councillor was not acting in their capacity as a Councillor at the time of the alleged incident, it relates to the Councillor's private life or is about dissatisfaction with a Council decision; and/or
4. It is about someone who is no longer a Councillor; and/or
5. There is insufficient information available nor is it forthcoming upon request; and/or
6. The complaint has not been received within 3 months of the alleged conduct, unless there are exceptional circumstances e.g. allegation of bullying, harassment etc. and/or
7. The matter occurred so long ago that it would be difficult to conduct a fair investigation; or
8. The complaint appears the same or similar to one that has already been considered; and/or
9. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct; and/or
10. The Member complained of has already apologised and/or admitted making an error and the matter would not warrant a more serious sanction if considered further; and/or

APPENDIX 2

Investigation Procedure – Information / instructions for an Investigating Officer

On receipt of instructions to carry out an investigation from the MO, ensure sufficient detail is received to commence an investigation.

Identify:

- Whether further information from the complainant is required.
- What paragraphs of the code are alleged to have been breached.
- The facts which need to be determined to establish if the Member may have a case to answer in respect of potential breaches of the code.
- The evidence you need to determine the issues.
- How you plan to gather the evidence.
- How long it is likely to take to undertake and produce the final report of the investigation (the aim being 4 months).

- Contact complainant & request any supporting or further documentary evidence relating to the complaint.
- Contact subject Member with details of the complaint & seek explanation.

- Interview relevant parties, including Member and complainant.
- Identify witnesses and arrange interview(s).
- Request any further documentary evidence.

Produce draft and then final report and submit to complainant, Councillor and MO for consideration. Report to contain:

- Councillor's official detail (election/ co-option/ Committee/ Cabinet & training details).
- The complaint made.
- Relevant Code, protocols, guidance and legislation.
- Evidence gathered.
- Any relevant complaint background.
- The evidence as applied to the alleged breaches and a conclusion on whether there appears to be a case to answer on those allegations. This to include any agreed facts/ disputed facts. Any Code of Conduct Guidance should be taken into account when reaching a conclusion.

MO, in consultation with the IP, either accepts the report or, if it has not sufficiently covered the issues, asks that the report be reconsidered. If it's apparent there may be a case to answer, then consider alternative remedy/refer to Standards Sub-Committee.

APPENDIX 3

THE FINAL DETERMINATION HEARING (FDH) PROCEDURE FOR THE STANDARDS SUB-COMMITTEE

The Standards Sub-Committee ("the Sub-Committee") must have an efficient and effective hearing process. This will assist Members of the Sub-Committee to deal with all the issues that need to be resolved in a way that is fair to the Councillor subject to the allegation, any complainant and witnesses involved. This procedure sets out a consistent approach for all concerned.

1. Interpretation

- "Complainant":** means the person who referred the allegation to Monitoring Officer.
- "CMH":** means the Sub-Committee Case Management Hearing that deals with administrative and procedural matters and clarifies the issues for the Final Determination Hearing (FDH).
- "FDH":** means Sub-Committee Final Determining Hearing that hears evidence, decides if a Councillor has breached the Code of Conduct and, if so, the sanction to be imposed.
- "Investigating Officer":**
means the Monitoring Officer, Deputy or Investigating Officer or their nominated representative(s).
- "Independent Person/ IP":**
means Independent Person and Reserve Independent Persons appointed by the Council under the Localism Act 2011, whose views must be sought by the authority before it takes a decision on an allegation which it has decided to investigate under section 28(7) of the Localism Act 2011, and whose views can be sought by the authority at any other stage, or by a Councillor against whom an allegation has been made.
- "Legal Adviser":** means the officer responsible for providing legal advice to the Sub-Committee. This may be the Monitoring Officer, another legally qualified officer of the authority, or

	someone appointed for this purpose from outside the authority. "Councillor": means the Councillor of Stevenage Borough Council Councillor who is the subject of the complaint. "Proper Officer": means the designated Democratic Services officer or nominated representative.
	2. Representation
2.1. 2.2. 2.3	The Councillor may be represented or accompanied during the hearing by a solicitor, counsel or, with the permission of the Sub-Committee, another person. Such person to have been notified to the Standards Sub-Committee, and agreed where applicable, at the CMH. Where a representative has been appointed, reference below to Councillor will (except in respect of any evidence from the Councillor concerned) mean the representative. Where a representative is present the Councillor must indicate if the representative is to ask questions on the Councillor's behalf and make any submissions. Once such arrangements have been confirmed, they will be applied throughout the hearing.
	3. Legal Advice
3.1. 3.2.	The Sub-Committee may take legal advice from its Legal Adviser at any time during the hearing or while they are considering the final decision on the potential breach(es) of the Code and any sanctions. The Legal Adviser will provide a summary of any legal advice given to the Members of the Sub-Committee in private session, when the meeting reconvenes in public session.
	4. Voting
4.1	Each Member of the Sub-Committee will have one vote, and all matters/issues will be decided by a simple majority of votes cast.

4.2	Abstentions will not be permitted. The Sub-Committee's decision will record whether it was unanimous or taken by a majority.
5. Quorum	
5.1.	The Proper Officer or their representative will confirm whether the Committee is quorate. A quorum for the Sub-Committee will be three elected Members of the Standards Committee.
5.2.	The Sub-Committee must nominate a Chairman for the meeting.
5.3.	The Independent Person must be present throughout the Sub-Committee hearing.
6. Opening/ Setting the Scene and Preliminary Procedural Issues	
6.1.	The Members of the Sub-Committee shall determine whether the hearing will be considered in private session, and shall, where possible, receive representations on this from the parties involved.
6.2.	The Chairman must explain the procedure for the hearing and remind all parties to turn off mobile phones, audible alarms, and similar devices etc. If the proceedings are in open session, they will be recorded.
6.3.	The Chairman must ask all present to introduce themselves.
6.4.	The Sub-Committee may, however, resolve any issues (including failure to abide by resolutions from the CMH and absence of parties/ witnesses and whether to proceed).
7. The presentation of the Complaint and evidence of the case to answer on alleged breach of the Code of Conduct	
7.1.	The Investigating Officer will be invited to present the report including any evidence or other material and make any representations to support the relevant conclusions on a case to answer from the report. This will be based on the complaint made to the Council and any alleged failure to co-operate with the investigation or hearing preparation (where relevant). Witnesses will be called to give evidence or have their

witnesses evidence taken as accepted, where the Councillor has indicated that the witness evidence is not disputed. 7.2. The Councillor against whom the complaint has been made (or their representative) may question the Investigating Officer on the content of the report and question any witnesses called by the Investigating Officer¹. This is the Councillor's opportunity to ask questions arising from the report and not to make a statement. 7.3. Members of the Sub-Committee, the Independent Person and the Legal Adviser may question the Investigating Officer about the content of the report and/or any witnesses (including the complainant) called by the Investigating Officer.
8. The Councillor's case
8.1. The Councillor will then be given the opportunity to present their case (and call any relevant witnesses) including any evidence or other material and make any representations to address the specific allegations before the Sub-Committee. 8.2. The Investigating Officer may question the Councillor and/or any witnesses. 8.3. Members of the Sub-Committee, the Independent Person and the Legal Adviser may question the Councillor and/or any of the Councillor's witnesses.
9. Summing Up
9.1. The Investigating Officer will be given the opportunity to sum up the complaint and any relevant representations on the case to answer. 9.2. The Councillor, or their representative, will be given the opportunity to sum up their case.
10. Consultation with the Independent Person

¹ NOTE If the Member disputes any relevant fact in the Investigating Officer's report, without having given prior notice of the dispute they will be required to give good reasons for not mentioning it when the draft report was finalised or in any event at the CMH. Such behaviour is likely to affect the weight of the Member's evidence on that issue and/ or be treated as evidence of failure to co-operate with an investigation.

10.1. Prior to the consultation, the Independent Person may seek a short adjournment of the hearing to prepare/ finalise their view on whether, in their view, a breach of the Code of Conduct has occurred. 10.2. The hearing will then be reconvened, and Members of the Sub-Committee must consult the Independent Person on whether in his/ her opinion a breach has occurred. This view must be taken into account by the Sub-Committee before it makes its decision on an allegation.
11. The Members of Sub-Committee
11.1 Members of the Sub-Committee will deliberate in private session to consider the evidence presented and to reach their decision. 11.2 During deliberations, the Legal Adviser will attend to provide any advice needed. 11.3 Where the Sub-Committee are minded to decide there has been a breach of the Code of Conduct, they must also consider whether it should make any recommendations to the Council with a view to promoting high standards of conduct among its Councillors.
12. Decision
12.1. Upon the Sub-Committee's return the Chairman will announce the Sub-Committee's decision in the following terms: 12.1.1. The Sub-Committee decides that there is no breach of the Code of Conduct; or 12.1.2. The Sub-Committee decides that there is a breach of the Code of Conduct. 12.2 The Sub-Committee will give reasons for its decision. 12.3 If the Sub-Committee decides that there is no breach of the Code of Conduct the Chairman closes the hearing. The case is at an end. 12.4 If the Sub-Committee decides that the Councillor has breached the Code of Conduct, it will consider any representations from the Investigating

Officer and/or the Councillor and will seek the views of the Independent Person as to:

12.4.1 Whether any action should be taken; and

12.4.2 If so, what form any action (in the form of a sanction) should take.

12.5 As part of their role under 12.4.2, the Sub-Committee will consider whether to impose any of the following sanctions:

12.5.1 Publish its findings in respect of the Councillor's conduct (e.g. in a local newspaper in print or on-line or both). [Note that any decision will normally be made available for inspection and published on the Council's website in the event that the hearing was held in public],

12.5.2 Report its findings to Council for information,

12.5.3 Report its findings and recommend to Council that the Councillor be issued with a formal censure or be reprimanded,

12.5.4 Recommend to the Councillor's Group Leader (or in the case of un-grouped Councillors, recommend to Council or to Committees) that the Councillor be removed from any or all Committees or Sub-Committees of the Council,

12.5.5 Recommend to the Leader of the Council that the Councillor be removed from the Cabinet, or removed from particular Executive Member responsibilities,

12.5.6 Instruct the Monitoring Officer to arrange training for the Councillor,

12.5.7 Recommend to Council that the Councillor be removed from all outside

appointments to which they have been appointed or nominated by the authority,

12.5.8 Recommend to Council that it withdraws facilities provided to the Councillor by the Council, such as a computer, website and/or e-mail,

12.5.9 Recommend to Council that the Councillor be excluded from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings, or

12.5.10 Take no further action.

12.6 The Sub-Committee has no power to suspend or disqualify the Councillor or to withdraw Councillor's basic or special responsibility allowances or any other payment made to the Councillor that they are entitled to under legislation.

12.7 If the Sub-Committee feels that, as a result of the representations made to it under 12.4 above, it needs to retire to further consider what, if any, sanction to impose, then it will so retire (the Legal Adviser will attend).

12.8 The Chairman will confirm that a full written decision will be issued within 7 working days following the hearing and that the Sub-Committee's minutes will be published. The hearing will then be closed.

APPENDIX 4
ROLE OF INDEPENDENT PERSON AND RESERVE INDEPENDENT PERSONS –
STEVENAGE BOROUGH COUNCIL

ROLE DESCRIPTION

Appointed by: The Council

Liaison with: Monitoring Officer, Deputy Monitoring Officer, Members of the Standards Committee, officers, Borough Councillors, within the district, key stakeholders within the community.

Reference to the IP includes the Independent Person and Reserve Independent Persons (except number 8 which is just the Reserve IP, where the Council has one from time to time). The role is:

1. To assist the Council in promoting high standards of conduct by elected Councillors of Stevenage Borough Council and in particular to uphold the Code of Conduct adopted by the Council and underpinned by the seven principles of public life, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. To assist the Council by acting as advocate and ambassador in promoting ethical behaviour and by developing a sound understanding of the ethical framework as it operates within Stevenage Borough Council and its local councils.
3. To be available for ad hoc consultation by the Monitoring Officer where the Monitoring Officer is dealing with a matter that has not reached the stage of a formal complaint.
4. To be available for consultations on assessment of a complaint with the Monitoring Officer.
5. To be available for consultation by the Monitoring Officer and/or the Standards Committee before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same.

6. To be consulted by the Council through the Monitoring Officer and/or the Standards Committee before it makes a decision on an allegation that has been investigated and to be available to attend meetings of the Standards Committee in a non-voting advisory capacity.
7. To attend a CMH meeting of the Standards Sub- Committee and an FDH meeting to confirm the IP's views as to whether a breach of the Code of Conduct has occurred and any subsequent penalty (which will be taken into account).
8. To be available for consultation by any Councillor. This may be on an ad hoc basis for views on the Complaints Procedure or process as pre-arranged between the parties, either by telephone, online or at the Council's offices. It is not the role of the IP to act as advocate for the Councillor who is subject to the complaint, to negotiate complaint matters, or to provide substantive advice (legal or otherwise) on the allegations themselves. This will generally be confidential between the Councillor and IP, unless the Councillor confirms they have acted illegally or has a complaint about the Procedure. This will then be confirmed to the Monitoring Officer.
9. To participate in training events to develop skills, knowledge, and experience and in any networks developed for Independent Persons operating outside the District Council's area. To share information and promote debate and discussion amongst the Standards Committee following such training. To attend training events organised and promoted by the Council's Standards Committee and Monitoring Officer.