

# **DOGMERSFIELD PARISH COUNCIL**

## **Code of Conduct for Members 2013**

### **General Provisions and Interpretation**

#### **1. Introduction**

This Code of Conduct is adopted by the Parish Council pursuant to its statutory duty to promote and maintain high standards of conduct by Members and Co-opted Members of the Parish Council. This Code applies to all Members and Co-opted Members of the Parish Council.

This Code is based on and is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership as referred to in the Localism Act 2011.

In the interests of transparency and openness, and in accordance with the requirements of the Localism Act 2011, a copy of, or a link to, the Register of Members' Interests is published on the Parish Council's website, and is available for public inspection by appointment with the Parish Clerk at all reasonable hours.

#### **2. Scope**

This Code applies to all Members and Co-opted Members of the Parish Council when acting in their official capacity, or when giving the impression that they are acting as a representative of the Parish Council.

Where a Member or Co-opted Member is a member of more than one local authority, but acting on behalf of the Parish Council, such Member or Co-opted Member is, for the avoidance of doubt, bound by this Code of Conduct.

#### **3. General obligations of Members and Co-opted Members**

As a Member of Dogmersfield Parish Council, your conduct will address the principles of the Code of Conduct by:

- 3.1 Representing the needs of residents, and putting their interests first.
- 3.2 Dealing with representations or enquiries from residents, members of communities within the administrative area of the Parish Council and visitors fairly, appropriately and impartially.
- 3.3 Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of the Parish Council's area, or the good governance of the Parish Council in a proper manner.
- 3.4 Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties.

- 3.5 Listening to the interests of all parties, including relevant advice from statutory and other professional officers of the Parish Council, taking all relevant information into consideration, remaining objective and making decisions on merit.
- 3.6 Being accountable for your decisions and co-operating when scrutinised internally and externally.
- 3.7 Contributing to making the Parish Council's decision-making processes as open and transparent as possible.
- 3.8 Restricting access to information when the wider public interest, the Parish Council's Constitution or the law requires it.
- 3.9 Behaving in accordance with all the Parish Council's legal obligations, the Parish Council's policies, protocols and procedures.
- 3.10 Ensuring that when using or authorising the use by others of the resources of the Parish Council that such resources are not used improperly for political purposes.
- 3.11 Having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or otherwise.
- 3.12 Not knowingly doing anything which might cause the Parish Council to breach any legislation.
- 3.13 Valuing your colleagues and Officers of the Parish Council and engaging with them in an appropriate manner.
- 3.14 Always treating all people and organisations with respect and propriety.
- 3.15 Providing leadership through behaving in accordance with these principles.

## **Part 2: Disclosable Pecuniary Interests**

### **1. Introduction**

A disclosable pecuniary interest is an interest falling within the Schedule set out at Paragraph 3 below of:

- 1.1 Yourself; or
- 1.2 Your spouse or civil partner, or someone you are living with as if you were husband and wife or civil partners, where you are aware that that other person has the interest.

### **2. Interpretation**

In the Schedule set out at Paragraph 3 below, the following words or expressions mean as follows:

- 2.1 'the Act' means the Localism Act 2011;
- 2.2 'body in which the relevant person has a beneficial interest' means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- 2.3 'director' includes a member of the committee of management of an industrial and provident society;
- 2.4 'land' excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- 2.5 'M' means a member of a relevant authority;
- 2.6 'member' includes a co-opted member;
- 2.7 'relevant authority' means The Parish Council of which M is a member;
- 2.8 'relevant period' means the period of 12 months ending with the day on which M gives a notification for the purposes of Section 30(1) or Section 31(7), as the case may be, of the Act;
- 2.9 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 (2000 c. 8) and other securities of any description, other than money deposited with a building society.

## Schedule of Disclosable Pecuniary Interests

Subject	Prescribed description
Employment, office, trade profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (1992 c. 52).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge):</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

## **Part 3: Registration and Disclosure of Disclosable Pecuniary Interests**

### **1. Obligations**

- 1.1 You must, within 28 days of taking office as a Member or Co-opted Member of the Parish Council, notify the Clerk to the Parish Council of any disclosable pecuniary interests as defined by regulations made by the Secretary of State (as set out at Part 2 of this Code), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
- 1.2 You must also, within 28 days of becoming aware of any new disclosable pecuniary interest, or change thereto, notify the Clerk to the Parish Council of such new or changed interest.
- 1.3 If you have a disclosable pecuniary interest included on the Register of Members' Interests, you must disclose this interest at any meeting of the Parish Council or its Committees at which you are present and participating in the business. Such interest should be disclosed at the commencement of consideration of the business or when the interest becomes apparent. You do not need to disclose details of the interest itself.
- 1.4 If a disclosable pecuniary interest has not been entered onto the Parish Council's Register of Interests, then you must also disclose the interest to any meeting of the Parish Council or its Committees, at which you are present where you have such an interest in any matter being considered. Such interest should be disclosed at the commencement of consideration of the business or when the interest becomes apparent. You do not need to disclose details of the interest itself. Following disclosure of a disclosable pecuniary interest not on the Parish Council's Register or the subject of pending notification, you must notify the Clerk to the Parish Council of such interest within 28 days, beginning with the date of disclosure.
- 1.5 Unless a dispensation has been granted by the Parish Council, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest. You must as soon as it becomes apparent that you have such an interest (save for in circumstances set out at Paragraph 1.6 below) withdraw from the chamber or room where the meeting considering the business is being held, and must not seek improperly to influence a decision about that business.
- 1.6 Without prejudice to Paragraph 1.5 above where you have a disclosable pecuniary interest in any business of the Parish Council you may, notwithstanding such disclosable pecuniary interest, attend such meeting for the purpose of making representations, answering questions or giving evidence relating to such business, provided members of the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

## **Part 4: Registration of Gifts and Hospitality**

- 1 You must, within 28 days of receipt, notify the Clerk to the Parish Council of any gift or hospitality you receive, if such gift or hospitality has an estimated value of at least £25.

## **Part 5: Registration and Disclosure of Non Pecuniary Interests**

1. Without prejudice to requirements contained at Part 3 of this Code in respect of the Registration and Disclosure of Pecuniary Interests, you may in addition notify the Clerk of the Parish Council of any Non Pecuniary Interests you consider it appropriate to be entered on the Register of Members' Interests.
2. Where you have a Non Pecuniary Interest in a matter being considered at a meeting of the Parish Council, its Committees, whether or not such interest is registered on the Register of Members' Interests, you may, should you consider it appropriate in the interests of transparency and openness to do so, disclose such interest at the meeting.
3. In cases where Paragraph 2 above applies if you consider, having taken advice in appropriate circumstances, you should not participate in the business being considered, you should leave the chamber or room where the business is being considered, after exercising any right to make representations, answer questions or give evidence relating to such business, provided members of the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

## **LOCALISM ACT 2011 SECTION 28 – CODE OF CONDUCT ARRANGEMENTS FOR DEALING WITH ALLEGATIONS**

### **I. MAKING COMPLAINTS**

Any complaint that a member has failed to comply with the Code of Conduct should be addressed to:

The Monitoring  
Officer Hart District  
Council Harlington  
Way  
Fleet  
Hants GU15 4AE

A form for making complaints is available. Its use is encouraged, but is not essential providing the complaint includes all the necessary information.

The Council will not however, investigate any complaint about the failure of a Councillor to declare a Disclosable Pecuniary Interest (DPI). The failure to declare a DPI could amount to a criminal offence. When such allegations are made the complainant should make the complaint direct to the Police.

### **2. INITIAL ACTION BY THE MONITORING OFFICER**

On receiving the complaint the Monitoring Officer may dismiss it without further action if:

- a) The person complained about is no longer a member of the relevant Council; or
- b) The Monitoring Officer considers the complaint does not relate to behaviour in the member's official capacity as a Councillor; or
- c) The matter being complained about happened more than 12 months before the complaint was received; or
- d) The matter or issue being complained about came to the complainant's notice more than 6 months before the complaint was received.

The Monitoring Officer will inform the complainant and the member accordingly.

Where the complaint is made by a Parish/Town Council or a parish/town councillor against a councillor of the same authority, unless a matter of overriding public interest is identified, the Monitoring Officer shall use his discretion and may refer the complaint to the respective parish/town council to be dealt with as an internal matter of dispute within the parish/town council. It will not then be investigated further by the Monitoring Officer as a formal complaint.

If the Monitoring Officer does not dismiss the complaint on any of the above grounds, he/she will acknowledge it and inform the complainant of the procedure to be followed. The Monitoring Officer may ask the complainant for further information or clarification.

The Monitoring Officer will (except in exceptional circumstances where he/she considers that it is in the public interest not to do so) send the member complained about a copy of the complaint, and invite the member to submit initial written comments within 10 working days.

The Monitoring Officer will also ask the member any specific questions the Monitoring Officer considers will assist the initial assessment of the complaint.

### **3. INITIAL ASSESSMENT OF THE COMPLAINT**

Initial assessment will, if practicable, take place within 20 working days of receipt of the member's written comments under section 2 above.

The decision on the initial assessment will be made by the Monitoring Officer, in consultation with the Independent Person (IP) appointed under Section 28 of the Localism Act 2011 and the Chairman of Standards Committee.

Before the Monitoring Officer considers the complaint, the Monitoring Officer will send the IP and the Chairman of Standards Committee.

- (a) A copy of the complaint
- (b) A copy of the member's comments in response to the complaint
- (c) Any other information in the Monitoring Officer's possession that he/she considers relevant.

The Monitoring Officer's decision on the initial assessment, with reasons, will be given in writing to the member, the complainant, and the Clerk to the Parish/Town Council (if the complaint was about a Parish/Town Councillor) within 20 working days.

There will be no right of appeal.

The decision will be available for public inspection.

### **4. DECISION OPTIONS AT INITIAL ASSESSMENT**

The Monitoring Officer, in consultation with the IP and the Chairman of Standards Committee, may decide to take one of the following

options:

- A. To take no action (Appendix A); or
- B. To attempt to resolve the matter informally between the complainant and member, either in writing, by face-to-face meeting, or by any other method the Monitoring Officer considers appropriate. In this case there will be no formal decision as to whether or not there was a breach of the Code of Conduct. If an attempt to resolve the matter in this way is not achieved, options A, C and D will remain open; or



C. To arrange a hearing before a Panel of 3 members drawn from the Standards Committee and the IP, at which the member and complainant can state their case and, if appropriate, call witnesses. Where the complaint relates to a Parish Councillor a Parish Member on Standards Committee must be present at the Hearing Panel. Procedures are set out at Appendix B. The hearing will form a recommendation as to whether the member breached the Code of Conduct and the Monitoring Officer will act upon any such recommendation; or

D. If the complaint is potentially complex, to arrange for a formal investigation to be undertaken, including interview of appropriate witnesses, and to seek the view of the investigator as to whether there has been a breach of the Code of Conduct. If the investigator considers there has been a breach of the Code, a hearing will be arranged as in (C). If the investigator considers that there has not been a breach of the Code, the Monitoring Officer will issue a formal finding to that effect.

**NO ACTION** will be taken where any of the following apply:

- (a) the Monitoring Officer, in consultation with the IP, considers that there is no prima facie evidence that the Code has been breached;
- (b) taking into account the nature of the allegation, the Monitoring Officer, in consultation with the IP and the Chairman of Standards Committee, considers that using public funds to examine the matter further would be disproportionate;
- (c) the Monitoring Officer, in consultation with the IP and the Chairman of Standards Committee, considers that the complaint appears to be vexatious, politically motivated, tit-for-tat or made by a persistent complainant;
- (d) the conduct complained about has already been the subject of investigation or enquiry by another public body;
- (e) the same, or substantially the same, issue has been the subject of a previous Code of Conduct allegation, and the Monitoring Officer, in consultation with the IP and the Chairman of Standards Committee, considers that there is nothing further to be gained;
- (f) the Monitoring Officer, in consultation with the IP and Chairman of Standards Committee considers that there is not enough information to take the matter further;
- (g) the complaint was made anonymously;
- (h) the complainant has requested that their identity as complainant be withheld from the member, and the Monitoring Officer, in consultation with the IP and Chairman of Standards Committee considers that the matter cannot reasonably be taken further in these circumstances;
- (i) the member has already apologised for the action that was the subject of the complaint, and the Monitoring Officer, in consultation with the IP and the Chairman of Standards Committee, considers that this is sufficient to dispose of the complaint;
- (j) the Monitoring Officer, in consultation with the IP and Chairman of Standards Committee considers that the complaint is essentially against the action of the Council as a whole and cannot properly be directed against an individual member(s).

**PROCEDURE FOR HEARINGS**

**GENERAL:**

Hearings will where possible be held within 2 months of the initial assessment decision where there is no prior investigation and within 2 months of receipt by the Monitoring Officer of the investigator's report where there has been a prior investigation.

The hearing will be before a Panel of 3 members drawn from the Standards Committee. One of the members will be elected Chairman.

The Independent Person [IP] appointed under Section 28 of the Localism Act 2011 may also be present. His/her views will be requested and taken into account by the Panel, but by law he/she cannot vote.

The Monitoring Officer or deputy Monitoring Officer will be present as advisor to the Panel. There will normally be no requirement to have a separate legal representative present unless the matter is peculiarly complex.

Both the member and complainant will be invited to appear. They may present their own case or they may be represented.

They may bring witnesses (of a number the Panel considers is reasonable), in which case written statements from the witnesses must be lodged with the Monitoring Officer at least

10 working days before the hearing. "Character witnesses" who cannot provide evidence on the matter complained about will not be permitted. The cost of any attendance/representation must be borne by the parties concerned.

All written evidence will be circulated to the Panel, the IP, the member and the complainant at least 5 working days before the hearing.

Written statements will not be read out at the hearing as it will be assumed all those present are already familiar with their contents.

The Monitoring Officer can speak at any time to advise the Panel on technical matters or ask questions of any party.

**PROCEEDINGS:**

1. The complainant can address the Panel and call witnesses (if any).
2. The member can ask the complainant and witnesses questions.
3. The Panel and IP can ask the complainant and witnesses questions.
4. The member can address the Panel and call witnesses (if any)
5. The complainant can ask the member and witnesses questions.
6. The Panel and IP can ask the member and witnesses questions.
7. The complainant can make a closing statement.
8. The member can make a closing statement.

The Panel, the Monitoring Officer, the IP, any legal advisor if present, and Clerk, will leave the room to another separate room in order to deliberate and formulate their recommendations at hearings.

The Panel's recommendations will be announced orally as soon as possible.

A written report of the hearing and recommendations, with reasons, will be prepared, usually within 10 working days. A copy will be sent to all those present at the hearing and to the Clerk of the Parish/Town Council if the complaint was about a Parish/Town Councillor.

The written report will be available for public inspection.

### **OPTIONS OPEN TO THE PANEL:**

To conclude whether:

I. The member did comply with the Code of Conduct;

or whether

2. The member did fail to comply with the Code of Conduct, and

that:

I. No action need be taken – reasons to be given;

Or

II. The member should be censured; and one or more of the following:

- (a) The findings of the Hearing be reported to Full Council [*or to the Parish/Town Council*] for information;
- (b) Recommendation be made 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;
- (c) Recommendation be made to the Leader of the Council that the member be removed from Cabinet, or removed from particular Portfolio responsibilities;
- (d) Recommendation be made to the Monitoring Officer [*or recommend that the Parish/Town Council*] that training be arranged for the member;
- (e) Recommendation be made to Council [*or recommend to the Parish/Town Council*] that the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority [*or by the Parish/Town Council*];
- (f) Recommendation be made to Council [*or recommend to the Parish/Town Council*] that it withdraws facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- (g) Recommendation be made to Council [*or recommend that the Parish/Town Council*] that it 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 Panel may also make any recommendations it considers appropriate to the Council concerned on procedural amendments that might assist members generally to follow the Code of Conduct and promoting standards.



## ▪ **CODE OF CONDUCT COMPLAINT FORM**

Your complaint must be about a named councillor(s) and the conduct that you are complaining about must, if proven, be a breach of the Code of Conduct. **Please note that anonymous complaints will not be investigated.**

### **1. Please give us with your name and contact details**

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Daytime telephone:</b>	
<b>Evening telephone:</b>	
<b>Mobile telephone:</b>	
<b>Email address:</b>	

In the interests of fairness and natural justice, we believe councillors who are complained about have a right to know who has made the complaint. We will therefore, tell the following people that you have made this complaint:

- the councillor(s) you are complaining about
- the parish or town clerk (if applicable)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it.

All the complaint details, including your name, will be made public if the complaint is considered by the Council's Standards Committee.

### **2. Please give us with the name of the councillor(s) you believe have breached the Code of Conduct and the name of the Council that they represent:**

Title	First name	Last name	Council name

**3 Please explain in this section (or on separate sheets) what the councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.**

It is important that you provide all the information you wish to have taken into account. For example:

- *You should be specific, wherever possible, about exactly what you are alleging the councillor said or did. For instance, instead of writing that the councillor insulted you, you should state what it was they actually said.*
- *You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.*
- *You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.*
- *You should provide any relevant background information.*

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

**3. Complaints must be submitted in writing. This includes fax and electronic submissions.**

If you need any help in completing this form, please let the Monitoring Officer know as soon as possible.

## Guidance Notes

### ARE YOU USING THE CORRECT FORM?

The points listed below will help you decide whether this is the correct form to use when making your complaint.

- Your complaint must be about conduct that occurred while the councillor(s) complained about were in office. Conduct of an individual before they were elected, co-opted or appointed to the authority, or after they have resigned or otherwise ceased to be a councillor, will not be considered
- The Code of Conduct came into effect on 29 November 2012, although some parish and town councils adopted their respective Code of Conduct earlier.
- Your complaint must be about one or more named councillors of the following authorities:

#### **Hart District Council**

<http://www.hart.gov.uk>

#### **Blackwater & Hawley Town Council**

<http://www.blackwaterandhawleytowncouncil.gov.uk>

#### **Bramshill**

#### **Church Crookham**

<http://communities.hants.gov.uk/churchcrookham-index.htm>

#### **Crandall**

<http://www.crandall-pc.gov.uk/>

#### **Crookham Village**

[www.crookhamvillage-pc.org.uk](http://www.crookhamvillage-pc.org.uk)

#### **Dogmersfield**

<http://www.dogmersfieldparish.co.uk/>

#### **Elvetham Heath**

<http://communities.hants.gov.uk/elvetham-index.htm>

#### **Eversley**

[www.eversleyparishcouncil.co.uk](http://www.eversleyparishcouncil.co.uk)

#### **Ewshot**

[www.ewshotpc.com](http://www.ewshotpc.com)

#### **Fleet Town Council**

<http://communities.hants.gov.uk/fleet-index.htm>

#### **Greywell**

<http://communities.hants.gov.uk/greywell-index>

#### **Hartley Wintney**

[www.hartleywintney.org.uk](http://www.hartleywintney.org.uk)

#### **Heckfield**

<http://www.heckfield.hampshire.org.uk/>

#### **Hook**

[www.hook.gov.uk](http://www.hook.gov.uk)

**Long Sutton**

<http://www.longsutton.org/>

**Mattingley**

<http://www.mattingleypc.hampshire.org.uk/>

**Odiham**

<http://www.odiham.org.uk/>

**Rotherwick****South Warnborough**

<http://www.southwarnborough.net>

**Winchfield**

<http://communities.hants.gov.uk/winchfield-index>

**Yateley Town Council**

[www.yateley-tc.gov.uk](http://www.yateley-tc.gov.uk)

- Your complaint must be about a named councillor(s) and the conduct that you are complaining about must, if proven, be a breach of the Code of Conduct.
- Complaints about dissatisfaction with a decision or action of the authority or one of its committees, a service provided by the authority or the authority's procedures do not fall within the jurisdiction of this complaints system. Complaints about the actions of people employed by the authority also do not fall within the jurisdiction of the complaints system.
- Your complaint must be in writing. If a disability prevents you from making your complaint in writing you may contact the Monitoring Officer for assistance.

**INITIAL ACTION UPON RECEIPT OF A COMPLAINT**

On receiving the complaint Hart District Council's it will not be investigated if:

- a) the person complained about is no longer a councillor of the relevant Council; or
- b) the complaint does not relate to behaviour in the councillor's official capacity as a Councillor;  
or
- c) the matter being complained about happened more than 12 months before the complaint was received; or
- d) the matter complained about came to the complainant's notice more than 6 months before the complaint was received.

Where the complaint is made by a parish/town Council or a parish/town councillor against a councillor of the same authority, unless a matter of overriding public interest is identified, the complaint will be referred to the respective parish/town council to be dealt with as an internal matter of dispute within the parish/town council. It will not then be investigated further as a formal complaint.

**DECISION OPTIONS AT INITIAL ASSESSMENT**

The initial options are to:

- take no action
- try to resolve the matter informally



- arrange a hearing before a panel of councillors drawn from Hart District Council's Standards Committee
- in more complex cases, ask for a formal investigation into whether there has been a breach of the code

**NO ACTION** will be taken where any of the following apply:

- there is no prima facie evidence that the Code has been breached;
- taking into account the nature of the allegation using public funds to examine the matter further would be disproportionate;
- the complaint appears to be vexatious, politically motivated, tit-for-tat or made by a persistent complainant;
- the conduct complained about has already been the subject of investigation or enquiry by another public body;
- the same, or substantially the same, issue has been the subject of a previous Code of Conduct allegation;
- there is not enough information to take the matter further;
- the complaint was made anonymously;
- the councillor has already apologised for the action that was the subject of the complaint;
- the complaint is essentially against the action of the Council as a whole and cannot properly be directed against an individual councillor(s).

### **OPTIONS OPEN TO THE HART DISTRICT COUNCIL'S STANDARDS COMMITTEE:**

If it is found that the Councillor had not complied with the Code of Conduct the following action can be taken:

A. No action – reasons will be given;

Or

B. The Councillor should be censured; and one or more of the following:

- The findings be reported to Council [*or to the Parish/Town Council*] for information;
- Recommendation be made to the councillor's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council;
- Recommendation be made to the Leader of the Council that the councillor be removed from Cabinet, or removed from particular Portfolio responsibilities;
- Recommendation be made to the Monitoring Officer [*or recommend that the Parish/Town Council*] that training be arranged for the councillor;
- Recommendation be made to Council [*or recommend to the Parish/Town Council*] that the councillor be removed from all outside appointments to which he/she has been appointed or nominated by the authority [*or by the Parish/Town Council*];
- Recommendation be made to Council [*or recommend to the Parish/Town Council*] that it withdraws facilities provided to the councillor by the Council, such as a computer, website and/or email and Internet access; or
- Recommendation be made to Council [*or recommend that the Parish/Town Council*] that it exclude the councillor from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.