



CAMPBELL PARK PARISH COUNCIL

Member Conduct Protocol

Introduction

Every Member when elected is required to sign, and thereafter observe, the Code of Conduct.

The Council's Standing Orders provide that "If a Member reasonably believes another Member is in breach of the Code of Conduct, that Member is under a duty to report the breach to the Standards for England." – now the Milton Keynes Council Standards Committee.

However, Council has determined that, whenever possible, there should be an attempt to settle alleged breaches of the Code "in house" rather than immediately going to the Standards Committee or Standards for England.

This protocol sets out how Campbell Park Parish Council (CPPC) will attempt to resolve difficulties relating to alleged misconduct on the part of elected Councillors.

Informal Reporting

In the first stage, any person, Member or Officer, who has any concerns about the behaviour of a CPPC Councillor is encouraged to approach that individual informally, and without aggression, to advise them how the behaviour was received

The intention will be to seek a mutually satisfactory outcome to the matter before it escalates to formal complaint.

If this can be achieved at this stage no-one else need know the conversation has occurred.

Formal Reporting.

If the above does not result in a mutually satisfactory outcome, or if the complainant feels unable to approach the other person he/she should write to the Chair of Council setting out his/her concerns. If they relate to the Chair the letter may be sent to the Monitoring Officer.

Step 1

Except where the concerns are about the Chair, he will invite the complainant to a confidential, one-to-one, meeting to discuss the letter. The intention at this stage will be to ensure that the Chair fully

understands the report from the complainant. There will be no attempt to judge the matter.

It may be that having spoken to the Chair, in confidence, the complainant will not wish to take the matter any further in which case the Chair will simply make a diary note but will take no other action. No-one else in the Council, Member or Officer, will be made aware of the matter.

Step 2.

If the complainant is not satisfied and wishes to proceed with the complaint, the Chair will invite the Member against whom the complaint has been made to a confidential, one-to-one, meeting to discuss the matter.

Again there will be no attempt to judge. The intention will be to appraise the Member of the complaint and to seek his/her immediate response. It may be a case where the Member was unaware of how his/her behaviour had been seen by the complainant and having been made aware the Member will commit to ensuring that such behaviour ends/does not re-occur.

When this is the case the Chair will write to the complainant advising that this is the outcome.

No further action will take place.

The matter will remain confidential between the Chair and the two Members concerned unless they divulge the matter to colleagues.

Step 3

If a satisfactory outcome cannot be achieved at this stage, or if the alleged behaviour is such that the Chair and complainant believe that Step 2 is inappropriate, the Chair will invite the person against whom the complaint has been made to a meeting of him/herself accompanied by 2 Members of Council chosen solely by him/her

The invitation will be in writing and will indicate the reason i.e. a report from Councillor X or person Y about the behaviour.

The meeting will be clerked by the Clerk to Council or another Councillor.

The intention will be to achieve a mutually satisfactory outcome where both parties have a better understanding of each other, of the event

that lead to the complaint, and to a commitment by both to seek to avoid a repetition of that event.

Step 4

If such a satisfactory outcome cannot be achieved, or conduct leading to complaints continues, the Chair of Council will call an Extraordinary Meeting of Council, from which the Press and public will be barred, to consider the matter.

He/she will present a confidential report to Council about the complaint(s) received and all attempts to resolve the matter.

The Complainant will be given the opportunity to state his/her case, in the presence of the Member against whom it is made but will not be challenged or questioned during this statement.

The Member against who the complaint is made will then have his/her opportunity to respond, also in the presence of the complainant but will not be challenged or questioned during the response.

Through the Chair, and only through the Chair, all other Councillors present at the meeting may ask questions of the Members concerned, for clarification.

The complainant and Member against whom the complaint has been made will then both be asked to withdraw to enable Council to consider the matter. If either is invited back to the meeting for clarification on any matter both will be invited back.

Council will determine:-

- Whether the complaint is upheld
- Whether it should be forwarded to the Monitoring Officer

OR

- Whether to require the Councillor to undertake training to address the behaviour which gave rise to the complaint
- Whether to take any other action from the list below.

Possible Action

A Councillor duly elected is entitled to attend any meeting of Council or a committee. CPPC does not have the authority to deny that.

However Council is the ultimate authority within CPPC and is responsible for:-

- Membership of committees – the distinction here is that whilst any Member can attend any meeting only those appointed to a committee are entitled to vote at its meetings
- Appointment of CPPC Members as its representatives on outside bodies
- Facilities made available to Members specifically the Parish Office
- Confirmation of appointments as Chairs of Committees
- Confirmation of “Champions”

It follows, therefore, that whatever Council may grant/confirm, it can withdraw to prevent actions which may prejudice the good administration of the Council.

Therefore if Council determines that the complaint against a Councillor is valid but does not wish to escalate the matter to the Standards Committee or Standards Board it may, by majority vote of those present at the Extraordinary Meeting, resolve to restrict one or more of the above for a specified period.

Council therefore may

Remove the subject Councillor from any or all committees for a specified period

Determine that the subject Councillor shall not represent CPPC on all, or specific, outside bodies

Order that access to the Parish Office shall be not be unrestricted as at present but shall be by prior appointment with the Parish Manager/Clerk

Appeal

As Council is the ultimate authority there can be no appeal against a Council decision in this matter. A person wishing to appeal against a decision would have to write to the Monitoring Officer.

Notes:

At all stages the intention will be to resolve issues which are interfering with the efficient and harmonious operation of the Council.

At all stages the matter will be treated as confidential by all parties unless/until it is decided that it should be referred to the Monitoring Officer.

Any records of meetings, other than full Council meetings, will be confidential and will not be a part of the public record.

At any time the complainant or person against whom a complaint has been made may determine that they no longer wish the matter to be dealt with "in house" in which case the Chair of Council will seek the advice of the Monitoring Officer on how to proceed.

All references above in the singular e.g. "the member", apply equally if there is more than one complainant, more than one complaint, or more than one Member against whom complaint(s) are made.