

# APPLEBY-IN-WESTMORLAND TOWN COUNCIL

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## PROCEDURE FOR NON-COMPLIANCE WITH THE CODE OF CONDUCT

Report 5

### INTRODUCTION

This policy has been developed to deal with findings following receipt of a report by the Monitoring Officer of an apparent failure by an Appleby-in-Westmorland Town Councillor to comply with the Code of Conduct.

When a complaint against a Councillor has been referred to the Monitoring Officer, and an investigation finds that the Councillor has failed to comply with the Code of Conduct, Eden District Council's Monitoring Officer will refer the complaint to Appleby-in-Westmorland Town Council to determine, along with a recommendation for an appropriate sanction.

### PROCEDURE

#### RECEIPT OF COMPLAINT

1. Upon receiving a complaint concerning a Councillor from the Monitoring Officer, the Town Clerk will make provision for the matter to be included on the agenda for the forthcoming Council meeting.
2. All Councillors will be provided with details of the complaint, including the name of the Councillor who has not complied with the Code of Conduct, along with the recommendation for an appropriate sanction from the Monitoring Officer.

#### COMPLAINT HEARING

3. At the appropriate point during the Council meeting the Mayor will outline the nature of the complaint.
4. The complaint will be heard in the public session of the meeting. However, if the matter is deemed to be too sensitive, the complaint will be heard in private in accordance with the Public Bodies (Admission to meetings) Act 1960.
5. The decision of the Council will be made public at the conclusion of the meeting.
6. If a Councillor is in breach of the Code he/she will be offered an opportunity to respond to the complaint.
7. Once the complaint has been considered, the Council will consider whether to apply the Monitoring Officer's recommended sanction.
8. Should the Council resolve not to apply the Monitoring Officer's recommendation, then the Council may consider an alternative sanction.

#### ACTION FOLLOWING CONSIDERATION OF THE COMPLAINT

9. Councillors in breach of the Code of Conduct must adhere to the sanction imposed once it has been considered and approved by the Council.
10. Councillors who fail adhere to an imposed sanction will be reported to the Monitoring Officer.
11. The findings and resolution of the Council will be recorded in the minutes of the meeting.