

Broughton Parish Council

Non-Compliance with the Code of Conduct

1. Scope of this document

Broughton Parish Council (“The Council”) is required by statute to adopt a Code of Conduct that applies to the conduct of the Members of the Council while acting in their official capacity. If an allegation is made that a Member of the Council has breached the Code of Conduct, it is the responsibility of Cumberland Council Monitoring Officer to investigate the allegation, and to decide if a breach has occurred, and if so to recommend a sanction to be imposed on the Councillor who has been found to be in breach of the Code of Conduct.

2. How do I complain

If you feel a Parish Councillor has broken any of the rules of the Council’s Code of Conduct you can complain to the Cumberland Council Monitoring Officer:

Monitoring Officer
Cumberland Council
Allerdale House
Workington
Cumbria
CA14 3YJ

For further information you can visit: <https://legacy.cumberland.gov.uk/council-democracy/constitution/part4/4b.asp>

Your complaint must be about:

- a. A named Councillor/s who at the time of the action you are complaining about was an elected or co-opted member of one of the Parish Councils in the Cumberland Council area (Broughton Parish Council is within the former Allerdale Borough Council Area).
- b. Behaviour covered by the Code of Conduct (see www.broughtonparishcouncil.co.uk)

3. Procedure

When a complaint against a Councillor of the Council has been referred to Cumberland Council’s Monitoring Officer, and their investigation finds that the Councillor has failed to comply with the Code of Conduct, they will report that finding to the Council, along with a recommendation for an appropriate sanction. Broughton Parish Council has no power to determine if a breach has or has not occurred, it can decide on if to recommend the sanction. The Council has no power to impose any sanction other than the one recommended by the Monitoring Officer.

4. Receipt of a Complaint

On receiving a report from the Monitoring Officer that a Councillor has failed to comply with the Code of Conduct, the Clerk will include the matter on the agenda for the next available full Council meeting.

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.

5. Complaint Hearing

At the appropriate point of the Council meeting the chairperson of the meeting will outline the nature of the complaint.

The complaint will be heard in the public session of the meeting. (If the matter is deemed too sensitive, the complaint will be heard in private in accordance with the Public Bodies (Admission to Meetings) Act 1960.

The Councillor who is in breach of the Code of Conduct will be offered an opportunity to respond to the complaint.

Once the Complaint has been considered, the Council will decide if to apply the Monitoring Officers recommended sanction.

Should the Council resolve not to apply the Monitoring Officers recommendation, then the Council shall not impose an alternative sanction.

The decision of the Council will be made public at the conclusion of the meeting.

6. Action following consideration of the Complaint.

Councillors found to be in breach of the Code of Conduct must comply with the sanction imposed once it has been considered and approved by the Council.

Councillors who fail to adhere to an imposed sanction will be reported to the Monitoring Officer.

The resolution of the Council will be recorded in the minutes of the meeting.

Date of policy: April 2020

Review: Annually to see most recent review date please visit
<https://broughtonparishcouncil.co.uk/policies-procedures/>