

Dear [insert name of complainant]

Ref:

I refer to your recent allegation of a breach of the Code of Conduct and attach a copy of the Decision Notice of the Standards Sub-Committee (Initial Assessment), which also explains the relevant procedures including your right to seek a review of the decision.

As before, you should take care when acting on this information, as some information in this matter may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

If you decide to exercise this right of review, I must receive your written request and any supporting information by [insert date].

Yours sincerely

Andrea McCaskie
Monitoring Officer
South Derbyshire District Council
Civic Offices
Civic Way
Swadlincote
Derbyshire
DE11 0AH

Tel: 01283 595831

Fax: 01283 228734

E-mail: andrea.mccaskie@south-derbys.gov.uk

CODE OF CONDUCT FOR MEMBERS – DECISION NOTICE: REQUEST FOR FURTHER INFORMATION

Reference [insert reference number]

Parties receiving this Decision Notice should take care when acting on this information, as the matter could ultimately be the subject of a review and the Standards Sub-Committee (Review) may come to a different view on the complaint. In addition, some information in this Decision Notice may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

Complaint

On [insert date], the Standards Sub-Committee (Initial Assessment) considered a complaint from [name of complainant] concerning the alleged conduct of [name of member], a member of [insert authority/parish council name].

A general summary of the complaint appears below:

[Summarise complaint]

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Standards Sub-Committee (Initial Assessment) resolved that no action should be taken on the allegation at this time. This is because the information provided was insufficient to make a decision as to whether there should be no action on the allegation(s) or whether the complaint should be referred for investigation (or other action).

Reasons for decision

In particular it was noted that [list gaps in information].

This Decision Notice is sent to the person or persons making the allegation, the member against whom the allegation was made [and the clerk to the parish council, if applicable].

Provision of further information

If the requested information is provided within 21 days of this Decision Notice, the Standards Sub-Committee (Initial Assessment) will consider afresh as to what to do with the complaint.

Unless and until further information is received, no further action will be taken on this allegation and if the information is not provided within 21 days or no good reasons have been put forward by the complainant to substantiate why more than 21 days is required to provide the required information, the Standards Sub-Committee (Initial Assessment) is likely to resolve that no action should be taken on the allegation and the complainant will be advised accordingly at the relevant time.

Additional Help

If you need additional support in relation to this or future contact with us, please let the Monitoring Officer know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Signed: **Date:**

Chairman of the Standards Sub-Committee (Initial Assessment)

c/o Andrea McCaskie
Monitoring Officer
South Derbyshire District Council
Civic Offices
Civic Way
Swadlincote
Derbyshire DE11 0AH

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CODE OF CONDUCT FOR MEMBERS – DECISION NOTICE: NO FURTHER ACTION

STANDARDS SUB-COMMITTEE (INITIAL ASSESSMENT)

Reference [insert reference number]

Parties receiving this Decision Notice should take care when acting on this information, as the matter could be the subject of a review and the Standards Sub-Committee (Review) may come to a different view on the complaint. In addition, some information in this Decision Notice may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

Complaint

On [insert date], the Standards Sub-Committee (Initial Assessment) considered a complaint from [name of complainant] concerning the alleged conduct of [name of member], a member of [insert authority/parish council name].

A general summary of the complaint appears below:

[Summarise complaint]

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Standards Sub-Committee (Initial Assessment) decided that no action should be taken on the allegation.

Reasons for decision

[include reasons for decision].

This Decision Notice is sent to the person or persons making the allegation, the member against whom the allegation was made [and the clerk to the parish council, if applicable].

Right of review

At the written request of the complainant, the Standards Sub-Committee (Review) can review and if it considers it appropriate to do so, change the above decision as the Standards Sub-Committee (Review) is constituted of different Members from those Members on the Standards Sub-Committee (Initial Assessment).

If the complainant wishes to exercise the right of a review, the complainant must submit his/her written request within 30 days from the date of this Decision Notice, explaining in detail the grounds upon which the decision should be reviewed.

If a request for a review is received in the appropriate timescale, the Standards Sub-Committee (Review) will deal with it within a maximum of three months of receipt. All the parties mentioned above will be notified that a Review has been requested and the outcomes of any such review.

Additional Help

If you need additional support in relation to this or future contact with us, please let the Monitoring Officer know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Signed: **Date:**

Chairman of the Standards Sub-Committee (Initial Assessment)

c/o Andrea McCaskie
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**CODE OF CONDUCT FOR MEMBERS – DECISION NOTICE:
REFERRAL TO MONITORING OFFICER FOR
[INVESTIGATION OR OTHER ACTION (delete as applicable)]**

STANDARDS SUB-COMMITTEE (INITIAL ASSESSMENT)

Reference [insert reference number]

Parties receiving this Decision Notice should take care when acting on this information, as the matter could be the subject of a review and the Standards Sub-Committee (Review) may come to a different view on the complaint. In addition, some information in this Decision Notice may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

Complaint

On [insert date], the Standards Sub-Committee (Initial Assessment) considered a complaint from [name of complainant] concerning the alleged conduct of [name of member], a member of [insert authority/parish council name].

A general summary of the complaint appears below:

[Summarise complaint]

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Standards Sub-Committee (Initial Assessment) resolved to refer the allegation to the Monitoring Officer for [insert investigation/description of other action].

Potential breaches of the Code of Conduct identified

The Standards Sub-Committee (Initial Assessment) identified below the paragraphs of the Code of Conduct which may apply to the alleged breach. The investigator will actually determine which paragraphs are relevant during the course of the investigation and which paragraphs may have been breached.

[Delete those which do not apply]

- failing to treat others with respect
- acting in a way that may cause the authority to breach an equality enactment
- bullying
- intimidating, or attempting to intimidate a person involved in an allegation against you
- compromising the impartiality of those who work for, or on behalf of, the authority
- disclosing confidential information
- bringing an office or authority into disrepute
- using your position as a member improperly to confer or secure an advantage or disadvantage
- not using the resources of the authority in accordance with their requirements
- disregarding advice when reaching decisions
- failing to give reasons for decisions
- failing to declare a personal or prejudicial interest
- having a prejudicial interest and failing to act appropriately
- failing to register interests

This Decision Notice is sent to the person or persons making the allegation, the member against whom the allegation was made [and the clerk to the parish council, if applicable].

What happens now ?

[Delete those which do not apply]

- Investigation
- Other action – [describe to the complainant what, if any, allowance your authority makes for their involvement and/or notification in the other action]

Additional Help

If you need additional support in relation to this or future contact with us, please let the Monitoring Officer know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Signed: **Date:**

Chairman of the Standards Sub-Committee (Initial Assessment)

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CODE OF CONDUCT FOR MEMBERS – DECISION NOTICE: REFERRAL TO THE STANDARDS BOARD FOR ENGLAND

STANDARDS SUB-COMMITTEE (INITIAL ASSESSMENT)

Reference [insert reference number]

Parties receiving this Decision Notice should take care when acting on this information, as the matter could be the subject of a review and the Standards Sub-Committee (Review) may come to a different view on the complaint. In addition, some information in this Decision Notice may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

Complaint

On [insert date], the Standards Sub-Committee (Initial Assessment) considered a complaint from [name of complainant] concerning the alleged conduct of [name of member], a member of [insert authority/parish council name].

A general summary of the complaint appears below:

[Summarise complaint]

Decision

In accordance with Section 57A(2)(b) of the Local Government Act 2000, as amended, the Standards Sub-Committee (Initial Assessment) decided to refer the allegation to the Standards Board for England, for the following reason(s):

[delete which do not apply]

- The Sub-Committee believes that the status of the member would make it difficult for the authority to deal with the complaint
- The Sub-Committee believes that the number of members involved would make it difficult for the authority to deal with the complaint
- The Sub-Committee believes that the status of the complainant or complainants would make it difficult for the authority to deal with the complaint
- The Sub-Committee believes that there is a potential conflict of interest for so many members of the Standards Committee and its Sub-Committees that it could not deal with the hearing of this allegation following an investigation
- The Sub-Committee believes that there is a potential conflict of interest for the Monitoring Officer (or other officers) and that suitable alternative arrangements cannot be put in place to address the conflict
- The member is a member of more than one authority having a Standards Committee, and the alleged conduct also relates to their capacity as member of another authority. The Sub-Committee believes that the Standards Board for England should decide how the allegation ought to be dealt with

This Decision Notice is sent to the person or persons making the allegation, the member against whom the allegation was made and the Standards Board for England [and the clerk to the parish council, if applicable]

What happens now ?

The Standards Board for England will now decide whether to investigate this allegation itself. It is not bound to take charge of the case, and has the discretion to refer the matter back to the Initial Assessment Sub-Committee, or to decide to take no further action in respect of the allegation. The Standards Board aims to make its decision within ten working days, and will write to the Initial Assessment Sub-Committee and the complainant when it has done so.

Additional Help

If you need additional support in relation to this or future contact with us, please let the Monitoring Officer know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

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Signed: **Date:**

Chairman of the Standards Sub-Committee (Initial Assessment)

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