

In accordance with Council Procedure Rule No. 12, Councillor Fitzpatrick will move the following motion:

**Motion to Amend - SDDC – Procedure for considering a complaint that a member has breached the code of conduct.**

The current procedures set out twenty points of how SDDC will consider code of conduct complaints against members. It is a very important document which allows us to uphold our behavioural standards, but I believe it has a specific weakness.

Such as in the event that a member is investigated for possible breaches of conduct and that member is ultimately found to have no case to answer then the options for that member are limited solely to point 16 of the procedure.

***That point 16 states - Wherever there is a decision that the subject member has not breached the Code of Conduct, that decision shall be placed on the Council's website if the subject member wishes it to be.***

This single limited recourse of action for the subject member is as likely to raise new questions about the subject member as it is to "clear their name" and this may come after several months of difficulties for the subject member.

For example, I believe that for a member who may have been subject to many months of investigation, may whilst the investigation is underway have been suspended from their political party and /or lost position and influence at this council that the recourse to merely have a decision notice posted on the council website is inadequate.

Further since this present council was formed in May 2019 there have been a significant number of costly code of conduct investigations conducted by the authority as detailed in several financial reports to council. My recollection is that only one of these matters has reached the Standards Committee meaning that many others have not found evidence of a breach of the code of conduct by the member in question.

To me this means that either means the complaints could have been vexatious or that the investigator did not find the necessary evidence to prove a breach of the code of conduct, neither of which should be palatable to this council.

I propose that affording elected members more insight into the Code of Conduct complaint procedure can be gained by amending our procedures as follows;

16. Wherever there is a decision that the subject member has not breached the Code of Conduct, the subject member has the following options if they wish to use them.

A. That decision shall be placed on the Council's website.

Or

B. That a copy of the investigation report together with any other statements made by the subject member to the investigating officer can be disclosed to elected members in an exempt section at full council.

Or

C. The subject member can request that the investigation report together with any other statements made by the subject member to the investigating officer can be presented to the standards committee panel for them to note the reports.

It is my belief that this amendment will allow our council and elected members to uphold our standards to the highest level, restoring a balance between a member who raises a complaint and the subject member. This amendment could help prevent vexatious complaints and in such cases prevent the waste of public money and I further propose that this amendment should act retrospectively for complaints raised during this sitting Council back to May 2019.