

Appendix A – Procedure agreed on 27th July 2021

Investigation

The Monitoring Officer will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The decision on investigating officer will depend upon a variety of factors including staff capacity and nature of complaint.

The Investigating Officer will write to Mr Hickford provide him with details of the potential breaches of the Code.

The investigating officer will be provided with such documents as he/she considers necessary to fully investigate the issues.

The investigating officer will interview Mr Hickford and such other people as he/she considers he/she needs to in order to properly consider the issues raised. The investigating officer will produce statements to be signed by all interviewees.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to Mr Hickford to give him an opportunity to identify any matter in that draft report which he disagrees with or which he considers requires more consideration. Mr Hickford will be given 7 days to make any comments on the draft report.

Having received and taken account of any comments which Mr Hickford may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will, in consultation with the Independent Person, review the Investigating Officer's report and if satisfied with the investigation report the outcome to the Constitution and Ethics Committee.

What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

Mr Hickford will be sent a copy of the report and given 5 working days to notify the Monitoring Officer if he objects to the findings and if so whether he wishes to participate in a local hearing.

If he does not object to the findings prior to the deadline the report will be final and the Monitoring Officer will refer it to Constitution and Ethics Committee.

If Mr Hickford does object to findings in the report within 5 working days then the Constitution & Ethics Committee will consider if a local hearing should be held to consider his objections further before considering the conclusions in the report.

Hearing

If the Constitution & Ethics Committee consider that a hearing should take place the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel of the Constitution and Ethics Committee, which will conduct a local hearing to decide whether Mr Hickford failed to comply with the Code of Conduct and, if so, what action should be taken.

In summary, the Monitoring Officer will conduct a "pre-hearing process", requiring Mr Hickford to give his response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chairman of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary, and make representations to substantiate his/her conclusion that Mr Hickford failed to comply with the Code of Conduct.

Mr Hickford would then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he considers that he did not fail to comply with the Code of Conduct.

The Hearings Panel will seek the views of the Independent Person before reaching a decision.

The Hearings Panel will then reach a decision on whether Cllr Hickford failed to comply with the Code of Conduct and, if so, what action should be taken as a result. As Mr Hickford is no longer a member this would be limited to referring the report to Council, publishing the report, writing to Mr Hickford about the determination and his conduct and referring any lessons learned from the investigation for consideration by the Constitution and Ethics Committee.