

PROPOSED AMENDMENTS TO THE CODE

8.8.13

THE CODE

1. Interpretation

In this Code:

“Associated Person” means (either in the singular or in the plural):

(a) a family member or any other person **or body** with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or

(b) any person or body who employs or has appointed you or such persons, any

firm in which you or they are a partner, or any company of which you or they are directors; or

(c) any person or body in whom **you or** such persons have a beneficial interest in a class

of securities exceeding the nominal value of £25,000; or

(d) any body of which you are in a position of general control or management and

to which you are appointed or nominated by the Authority; or

(e) any body in respect of which you are in a position of general control or management:

(i) exercising functions of a public nature; or

(ii) directed to charitable purposes; or

(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

“Authority” means Ashford Borough Council.

“Co-opted Member” means a person who is not an **elected** Member of the Authority but who is a member of:

AMENDMENTS TO ARRANGEMENTS

PROCEDURE ON RECEIPT OF A COMPLAINT

- (g) The complaint is relatively minor and/or dealing with the complaint would have a disproportionate effect on both public money and officers' and Members' time;

4.4 If the complaint identifies potential criminal conduct or potential breach of other regulations by the Subject Member or any other person, the Complainant may be advised by the Monitoring Officer to report the complaint to the police or other prosecuting or regulatory authority. **Alternatively the Monitoring Officer will consider the complaint against the legal jurisdiction criteria test and if the complaint passes that test he may pass the complaint to the police. Where a complainant has been advised to refer a matter to the police or the Monitoring Officer has referred the matter to the police the complaints process under these Arrangements will be suspended, pending a decision/action by the police or other prosecuting or regulatory authority. Where the police or other prosecuting or regulatory authority decide to take no action on the complaint, the Monitoring Officer will lift the suspension and, in consultation with the Independent Person, will apply the local assessment criteria test in paragraph 1.4 above.**

- 6.1 The Monitoring Officer may, after consultation with the Independent Person, seek to resolve a complaint informally at any stage in the process, whether without the need for an investigation or before or after an investigation has been commenced or concluded. In so doing, the Monitoring Officer will consult with the Complainant and the Subject Member to **seek to** agree what they consider to be a fair resolution, which will help to ensure higher standards of conduct for the future.

- 6.4 If the Subject Member is agreeable to and complies with the informal resolution process, the Monitoring Officer will report the matter to the Standards Committee [and, if applicable, the Parish Council] for information, but will take no further action **against the Subject Member.**

New Clause 6.6 under INFORMAL RESOLUTION

If the Complainant or Subject Councillor do not agree the precise details of the Informal Resolution eg the actual wording of an apology, the Monitoring Officer shall still be entitled to resolve the Complaint by Informal Resolution.