Recommendation: The Authority is recommended to agree the revised Arrangements for Assessment, Investigation and Determination of a Complaint that a Member has failed to comply with the Members’ Code of Conduct as set out in Appendix 1 of this report.

1. Introduction
1.1 At its meeting in September 2014 the NPA agreed the establishment of a working group to review the procedures used by the Authority in handling complaints made against Members.
1.2 The Working Group has now completed its review and a proposed updated procedure is attached at Appendix 1 for consideration.
1.3 The outcomes of the working group were presented to the Governance Committee at its meeting in July 2015. The Governance Committee agreed to recommend the changes to the NPA for adoption.
1.4 In the event of there being “live” complaints at the time the new arrangements are agreed, these complaints will continue to be dealt with under the existing arrangements.

2. Background
2.1 The Localism Act 2011, section 28(6), requires the Authority to have in place arrangements under which complaints of alleged breaches of the code of conduct can be investigated, and arrangements under which decisions can be made.
2.2 At its meeting in September 2014, the NPA agreed the establishment of a working group to review the procedures used by the Authority in handling complaints made against Members. The Working Group comprised the Chair and Deputy Chair of the Governance Committee, Norman Dingemans and Sebastian Anstruther, the Authority’s Independent Person, the Authority’s Monitoring Officer and Governance and Support Services Manager.
2.3 The review arose originally from the 2014 annual report of the Authority’s Independent Person, Graham Ault, who had made a series of observations about the procedure, its complexity and how improvements could be made.

3. The outcomes of the Member Complaints Handling Procedures Working Group’s considerations
3.1 The Member Complaints Handling Procedures Working Group met on a number of occasions to consider the Authority’s Arrangements for Assessment, Investigation and Determination of a Complaint that a Member has failed to comply with the Members’ Code of Conduct (“the Procedures”). The current Arrangements are attached as Appendix 3.
3.2 Following its discussions, the Working Group proposes a number of changes to the Procedures, and the revised Procedures are set out at Appendix 1. The most significant of the proposed changes are:

3.2.1 A reduction in the number of Sub-Committee stages from 4 to 1. This removes the Standards Assessment Sub-Committee, Consideration Sub-Committee, Hearing Sub-Committee and Review Sub-Committee and creates the Standards Sub-Committee.

3.2.2 The Standards Assessment Sub-Committee stage of the process is replaced by the Monitoring Officer in consultation with the Chair of the Governance Committee and the Authority’s Independent Person undertaking an initial assessment of the complaint and determining what, if any, action should be taken in respect of it. The three possible outcomes are that no action should be taken, informal resolution be sought or that the matter be referred to the Standards Sub-Committee which will involve formal investigation. This is set out at para 4 of Appendix 1. The purpose of this change is in to enable decisions to be taken in a timely manner. For the same reasons, it is proposed to remove the existing right of review for the complainant. Members have no right of appeal.

3.2.3 The Consideration Sub Committee and Hearings Sub-Committee are merged into one “Standards Sub-Committee” which will perform the functions of receiving any investigation report into a complaint, and agreeing the outcome of the complaint process, including, where appropriate, the application of sanctions.

3.2.4 The inclusion of a section in relation to possible withdrawal from SNPA duties as a neutral action (section 7). The purpose of this inclusion is to create an opportunity, in exceptional circumstances, for the Chair to discuss with a Member who is subject to a complaint whether it may be in their, or the Authority’s, best interests that they withdraw from duties for the duration of the investigation.

3.2.5 Other changes proposed provide clarification of certain points in the process, including timings and processes, and some changes in the process, for instance concerning the right of representation, the right to call witnesses and the right to speak at the Standards Sub-Committee meeting.

3.3 A summary flow chart of the new process is included at Appendix 2.

4. Resources

4.1 The purpose of the amended process is to provide a more efficient, yet equally robust process that ensures appropriate Member engagement at the relevant stages of a complaint.

4.2 Application of the procedure will be met from within existing resources.

5. Risk management

5.1 Ensuring robust policies and procedures in relation to Members’ standards will help avoid adverse publicity in the event of a serious complaint or allegation.

6. Human Rights, Equalities, Health and Safety

6.1 These procedures have been drafted to ensure they are accessible to all. Through the procedures there is assistance available to complainants and members to ensure that they are supported, whilst maintaining a fair and robust process.

7. Sustainability

7.1 The proposal supports sustainability principle 4. Promoting good governance.

8. External Consultees

8.1 None.

ROBIN PARR / LOUISE READ
Governance and Support Services Manager / Monitoring Officer
Appendices

1. Updated draft “Arrangements for Assessment, Investigation and Determination of a complaint that a member has failed to comply with the Members’ Code of Conduct”

2. Flow Chart summarising process

3. Current “Arrangements for Assessment, Investigation and Determination of a complaint that a member has failed to comply with the Members’ Code of Conduct”

SDNPA Consultees

Monitoring Officer, Independent Person

Background Documents

Standing Orders
South Downs National Park Authority

Arrangements for Assessment, Investigation and Determination of a Complaint that a Member has failed to Comply with the Members’ Code of Conduct

Review Date
Responsibility Monitoring Officer
Date Approved
Approved at
With Effect From
Amended
Updated on
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**Appendix 1**  
Complaint Form

**Appendix 2**  
Local Assessment Criteria

**Appendix 3**  
SDNPA Members’ Code of Conduct
1. **Application of these Arrangements**

1.1 These are the Arrangements to be followed by the Governance Committee of the South Downs National Park Authority (SDNPA) in the assessment, investigation and determination of a complaint that any Member of the Authority has failed to comply with the SDNPA’s Members’ Code of Conduct. The Arrangements will be followed and applied in accordance with the requirements of the Localism Act 2011. Unless referred to specifically, any reference to “Member” includes “Co-opted Member” (for the avoidance of doubt, Independent Members of the Governance Committee are Co-opted Members).

1.2 The Members’ Code of Conduct is attached at Appendix C to these Arrangements.

2. **Independent Person**

2.1 The Authority is required by law to appoint an independent person (“the Independent Person”) whose views must be sought, and taken into account, by the Authority before it makes its decision on a complaint that it has decided to investigate (see Paragraph 10.8).

2.2 The views of the Independent Person may also be sought by:

2.2.1 The Authority in relation to a complaint that it has decided not to investigate; and

2.2.2 A Member of the Authority who is the subject of a complaint.

2.3 The Independent Person should normally be involved in initial meetings and discussions concerning the handling of a complaint.

2.4 Contact details of the Independent Person can be obtained from the Monitoring Officer to SDNPA (“the Monitoring Officer”).

3. **Receipt of Complaint**

3.1 A complaint shall be made in writing addressed to the Chair of the Governance Committee, c/o the Monitoring Officer to South Downs National Park Authority, Corporate Services, The Castle, Winchester SO23 8UJ. The Complaint Form at Appendix 1 shall be used for this purpose. A completed Complaint Form may be submitted electronically or by email by following the instructions on the Authority’s website.

3.2 The Monitoring Officer shall normally acknowledge receipt of a complaint within five working days of receipt of a completed complaint form.

4. **Initial Assessment of Complaint**

4.1 In consultation with the Chair or Deputy Chair of the Governance Committee and after reasonable consultation with the Authority’s Independent Person, the Monitoring Officer shall carry out an initial assessment of the complaint to see if it falls within the Authority’s jurisdiction and shall then do one of the following:

4.1.1 Decide that no action should be taken in respect of the complaint; or

4.1.2 Following consultation in accordance with paragraph 6.1, arrange informal resolution if both parties agree (which may include a referral to a mediator); or

4.1.3 Appoint and convene a meeting of the Standards Sub-Committee in accordance with Paragraph 9 below.

4.2 In reaching a decision under Paragraph 4.1, the Monitoring Officer shall have regard to the Local Assessment Criteria in Appendix 2.

4.3 Where the complaint is in respect of a person who is no longer a Member of the Authority but is a Member of another relevant authority (as defined in section 27(6) of the Localism Act 2011), the Monitoring Officer shall refer the allegation to the Monitoring Officer of that other Authority.
4.4 The initial assessment of the complaint shall normally take place within 20 working days of the date of receipt of the complaint (excluding the notification period referred to below).

4.5 Where a matter is referred for further action under Paragraphs 4.1.2 or 4.1.3, it does not mean that there have been findings of fact made in regard to the matter. It simply means that the Monitoring Officer, in consultation with the Chair or Deputy Chair of the Governance Committee and after reasonable consultation with the Authority’s Independent Person, considers that the alleged conduct, if proven, may amount to a failure to comply with the Code of Conduct, and that some action should be taken in response to the complaint.

4.6 If the complaint does not fall within the Authority’s jurisdiction or if it is decided that, for some other reason, no action should be taken in respect of the complaint, the Monitoring Officer shall notify the person making the complaint (“the Complainant”) in writing that the complaint will not be investigated as a breach of the Members’ Code of Conduct, giving reasons for the decision. This notification shall normally be given within five working days of the decision being made. This will be the end of the process.

4.7 Further to a decision being taken under Paragraphs 4.1.2 or Paragraph 4.1.3, the Monitoring Officer shall notify the Complainant in writing of the decision. This notification shall normally be given within five working days of the decision being made.

4.8 If the Monitoring Officer, in consultation with the Chair or Deputy Chair of the Governance Committee and after reasonable consultation with the Authority’s Independent Person, determines to appoint, and convene a meeting of, the Standards Sub-Committee, the Monitoring Officer shall arrange a formal investigation of the complaint in accordance with Paragraph 8 below.

4.9 Normally within five working days of the decision being made, the Monitoring Officer shall inform the Chair of the Authority and the Chair of the Governance Committee in writing of the outcome of the initial assessment.

5. **Notification to Member**

5.1 Normally within five working days of receipt of the complaint form, the Monitoring Officer shall provide the Member who is the subject of the complaint (“the Subject Member”) with written notification that a complaint has been made, the name of the Complainant and a written summary of the complaint (subject to any decision made under Paragraph 5.3 below).

5.2 The Monitoring Officer shall provide the Subject Member with written notification of the outcome of the initial assessment of the complaint and, where further action will be taken under Paragraph 4.1 in regard to the complaint, the relevant paragraphs of the Code of Conduct that may have been breached. This notification shall normally be given within five working days of the decision being made.

5.3 The notification to the Subject Member under Paragraph 5.1 shall include the name of the complainant and a written summary of the complaint unless it is determined that to do so would be contrary to the public interest. In considering this issue, the factors referred to in the Local Assessment Criteria, paragraphs 13-17, of Appendix 2, will be taken into account.

6. **Referral for Informal Resolution**

6.1 Where a referral for informal resolution under Paragraph 4.1.2 above is being considered, the Monitoring Officer shall contact the Complainant, and the Subject Member, seeking confirmation that they would co-operate with the action proposed if such a decision were made. It shall be made clear that the decision to refer the matter for informal resolution, if made, will normally close the opportunity for the complaint to be fully investigated.

6.2 Where it is determined that a referral for informal resolution will be made, the Monitoring Officer shall determine the timescale for, and the format and objectives of, the informal resolution process having consulted the Chair or Deputy Chair of the Governance Committee, the Subject Member, the Complainant and the Authority’s Independent Person.
6.3 The Monitoring Officer in consultation with the Chair or Deputy Chair of the Governance Committee and the Authority’s Independent Person may, in exceptional circumstances, cease the informal resolution process and refer the matter to the Standards Sub-Committee in accordance with paragraph 4.1.3.

7. **Withdrawal from SDNPA duties**

7.1 Where a complaint is referred to the Standards Sub-Committee for consideration, the Chair of the Authority may, in exceptional circumstances, consider that it would be in the interests of the Subject Member and/or the Authority for the Subject Member to withdraw from SDNPA duties pending the outcome of the hearing of the Standards Sub-Committee.

7.2 In such circumstances, and after reasonable consultation with the Monitoring Officer and the Authority’s Independent Person, the Chair of the Authority shall invite the Subject Member to a meeting to discuss the matter and may formally request that the Subject Member voluntarily withdraws from SDNPA duties pending the resolution of the complaint. The Chair of the Authority shall confirm that this is a neutral action and in no way implies that the Subject Member has failed to comply with the SDNPA’s Members’ Code of Conduct. The Chair of the Authority and the Subject Member may agree additional or alternative measures be taken pending the resolution of the complaint.

7.3 Such a discussion may also take place in circumstances where, although no complaint has been submitted to the Monitoring Officer and there is no action being taken by the Authority in respect of the Member’s alleged conduct, the Chair of the Authority is aware that a third party is investigating a complaint concerning a SDNPA Member.

8. **Referral for Investigation**

8.1 Where the matter has been referred to the Standards Sub-Committee, before the Sub-Committee meets, the Monitoring Officer shall arrange for an investigation to be carried out promptly by the Deputy Monitoring Officer, or other person the Monitoring Officer considers to be suitably qualified and experienced to undertake the task (“the Investigating Officer”). This may include:

8.1.1 Making inquiries of such persons as the Investigating Officer considers necessary or appropriate. This may include making inquiries of the relevant authority responsible for appointing the Subject Member to the Authority;

8.1.2 Requesting such persons to give such information or explanation as the Investigating Officer considers appropriate;

8.1.3 Inspection of such documents as the Investigating Officer considers appropriate.

8.2 The Monitoring Officer, in consultation with the Chair or Deputy Chair of the Governance Committee and after reasonable consultation with the Authority’s Independent Person, may decide to cease the investigation and decide that no further action should be taken in respect of the complaint or, in relation to Sub-Paragraph 8.2.1 below, to arrange informal resolution if both parties agree where:

8.2.1 As a result of new evidence or information, the Monitoring Officer is of the opinion that the matter is materially less serious than may have been apparent when the decision to refer the matter to the Standards Sub-Committee was made, and that a different decision would have been made had that new evidence or information been available; or

8.2.2 The Subject Member has died, resigned, or is seriously ill, and the Monitoring Officer is of the opinion that it is no longer appropriate to continue with an investigation.

8.3 On completion of an investigation, the Investigating Officer shall prepare a written report of the investigation which must indicate the Investigating Officer’s opinion as to whether or not the Subject Member has failed to comply with the Code of Conduct.
8.4 Before issuing the final investigation report, the Investigating Officer shall write to both the Subject Member and the Complainant, providing each of them with the draft report and inviting them to respond with their written comments in relation to the draft report. Any such comments must be provided to the Investigating Officer within twenty-one days of the date of the Investigating Officer’s covering letter.

8.5 Following the expiry of the twenty-one day period and after having made any amendments he/she considers appropriate, the Investigating Officer shall issue the final investigation report which he/she shall provide to the Monitoring Officer together with any written comments provided by the Subject Member and/or the Complainant.

8.6 The Monitoring Officer shall send a copy of the final investigation report, together with any written comments provided by the Subject Member and/or the Complainant, to the Subject Member, the Complainant, the Standards Sub-Committee, the Authority’s Independent Person and the Chair of the Authority.

9. Convening a meeting of the Standards Sub-Committee

9.1 Where, under Paragraph 4.1.3, a decision is made that the complaint should be referred for consideration at a meeting of the Standards Sub-Committee, the Monitoring Officer shall appoint, and convene a meeting of, the Standards Sub-Committee for this purpose.

9.2 The Standards Sub-Committee shall be appointed from amongst the Members of the Governance Committee, provided that at all times the composition of the Sub-Committee complies with Paragraph 9.3.

9.3 The Standards Sub-Committee shall comprise three Members, one of whom shall be either the Chair or Deputy Chair of the Governance Committee and another shall be a Co-opted Member of the Governance Committee.

9.4 The meeting shall normally be held within six weeks of the date of issue of the final investigation report (or as soon as reasonably practicable thereafter).

9.5 In consultation with the Chair or Deputy Chair of the Governance Committee, the Monitoring Officer shall determine the date of the meeting of the Standards Sub-Committee.

9.6 The meeting of the Standards Sub-Committee shall be open to the press and public unless the Sub-Committee decides that, in accordance with Part VA of and Schedule 12A to the Local Government Act 1972 and having taken into account any relevant representations made pursuant to Paragraphs 11.3-11.4 below, the matter should be considered in private session.

9.7 The meeting of the Standards Sub-Committee may consider the report in the Subject Member’s absence if the Subject Member does not attend the hearing. If the Sub-Committee is satisfied with the Subject Member’s reasons for not being able to attend the meeting, it may arrange for the hearing to take place on another date.

9.8 The meeting of the Standards Sub-Committee may consider the report in the Complainant’s absence if the Complainant does not attend the hearing. If the Sub-Committee is satisfied with the Complainant’s reasons for not being able to attend the meeting, it may arrange for the hearing to take place on another date.

10. Terms of Reference of Standards Sub-Committee and Meeting Procedure

10.1 The Standards Sub-Committee is established to hold a meeting and make one of the following findings:

10.1.1 That the Subject Member did not fail to comply with the Members’ Code of Conduct; or

10.1.2 That the Subject Member did fail to comply with the Members’ Code of Conduct, but that no action needs to be taken in respect of the matters considered at the hearing; or

10.1.3 That the Subject Member did fail to comply with the Members’ Code of Conduct and that one of, or any combination of, the following sanctions should be imposed:
10.1.3(a) Censure of the Subject Member:

10.1.3(b) Restriction for a period not exceeding six months of that Member’s access to any of the premises of the Authority or that Member’s use of the resources of the Authority, provided that those restrictions are reasonable and proportionate to the nature of the breach, and do not unduly restrict the Subject Member’s ability to perform the functions of a Member;

10.1.3(c) A recommendation to the Authority that he/she be removed from any or all Committees or Sub-Committees of the Authority;

10.1.3(d) A report of its findings to the Authority and/or the relevant authority responsible for appointing the Subject Member to the Authority (providing an explanation of the matter).

10.2 The Standards Sub-Committee shall consider the final investigation report and any comments provided by the Subject Member and/or the Complainant.

10.3 The Investigating Officer shall be invited to attend the meeting in order to present his/her investigation report and to answer any questions that the Standards Sub-Committee may have in respect of the investigation report. The Investigating Officer may call relevant witnesses to give evidence where this has been agreed by the Monitoring Officer in accordance with paragraph 11.2 below.

10.4 The Subject Member and the Complainant shall be invited to attend the meeting for the purposes of observing the proceedings and answering any questions of clarification that the Standards Sub-Committee may wish to ask. The Subject Member and the Complainant shall each be given the opportunity to make an oral statement to the Standards Sub-Committee.

10.5 The Subject Member and the Complainant may each be accompanied at the meeting by a friend but may not normally be represented by another person unless this has been agreed by the Monitoring Officer in accordance with paragraph 11.5 below.

10.6 The Authority’s Independent Person shall be invited to attend the meeting.

10.7 The procedure followed at the meeting will be confirmed in the pre-hearing process summary referred to in Paragraph 11.6.

10.8 The Investigating Officer, the Subject Member, the Complainant and the Authority’s Independent Person may continue to attend the meeting even if the Standards Sub-Committee decides that, in accordance with Part VA of and Schedule 12A to the Local Government Act 1972, the matter should be considered in private session. Only the Authority’s Independent Person and the Monitoring Officer shall normally be present during the Standards Sub-Committee’s deliberations.

10.9 Before it makes its decision on the complaint, the Standards Sub-Committee shall seek, and take into account, the views of the Independent Person appointed by the Authority for this purpose and the Monitoring Officer.

10.10 Any sanction imposed shall take effect immediately, except where the Sub-Committee directs that it shall take effect on a later date within the following six months.

10.11 The meeting is a formal meeting of the Authority and is not a court of law. It does not hear evidence under oath, but it does decide factual evidence on the balance of probabilities. The meeting will be conducted in a fair, independent and impartial way, so that members of the public and members of the Authority have confidence in the Authority’s procedures and findings.

11. Pre-Meeting Procedure

11.1 The Monitoring Officer shall write to the Investigating Officer informing him/her of the date of the meeting, inviting him/her to attend the meeting in order to present his/her investigation report and to answer any questions that the Standards Sub-Committee may have in respect of the investigation report. The letter shall outline the meeting procedure, and shall enquire whether the Investigating Officer wants to make any representations regarding whether any part of the meeting should be held in private. The letter shall ask for a response within a set time.
11.2 Where the Investigating Officer wishes to call relevant witnesses to give evidence at the meeting of the Standards Sub-Committee, he/she must send a written request to the Monitoring Officer, giving his/her reasons for the request. The Monitoring Officer in consultation with the Chair or Deputy Chair of the Governance Committee and after reasonable consultation with the Authority’s Independent Person, may agree for the Investigating Officer to call relevant witnesses to give evidence. The Monitoring Officer shall send written notification to the Investigating Officer of his/her decision.

11.3 The Monitoring Officer shall write to the Subject Member informing him/her of the date of the meeting and inviting him/her to attend the meeting. The letter shall outline the meeting procedure, and shall enquire whether the Subject Member wants to make any representations regarding whether any part of the meeting should be held in private. The letter shall ask for a response within a set time.

11.4 The Monitoring Officer shall write to the Complainant informing him/her of the date of the meeting and inviting him/her to attend the meeting. The letter shall outline the meeting procedure, and shall enquire whether the Complainant wants to make any representations regarding whether any part of the meeting should be held in private. The letter shall ask for a response within a set time.

11.5 Where either the Subject Member or the Complainant wishes to be represented at the meeting of the Standards Sub-Committee, he/she must send a written request to the Monitoring Officer, giving his/her reasons for the request. The Monitoring Officer in consultation with the Chair or Deputy Chair of the Governance Committee and after reasonable consultation with the Authority’s Independent Person, may, in exceptional circumstances, agree for the person to be represented at the meeting. The Monitoring Officer shall send written notification to the person of his/her decision.

11.6 At least two weeks before the meeting, the Monitoring Officer shall prepare a pre-hearing process summary and send it to the members of the Standards Sub-Committee, the Independent Person, the Investigating Officer, the Subject Member and the Complainant copied for information to the Chair of the Authority. This should summarise the complaint, outline the main facts that are agreed and those which are not agreed, note whether the Subject Member and/or Complainant will attend and outline the procedure to be followed at the meeting.

12. Notification of Findings

12.1 Within a period of 14 days of the Standards Sub-Committee making its finding on the matter, the Monitoring Officer shall give written notice of the finding and the reasons for it to the Subject Member and the Complainant.

12.2 Where the finding is that there was a failure to comply with the Members’ Code of Conduct and a sanction is imposed, a summary of the finding and reasons for it shall be placed on the Authority’s website. Where the finding is that there was no failure to comply with the Code of Conduct or that there was a failure but that no further action needs to be taken, the summary of the finding and reasons for it shall not be placed on the Authority’s website unless requested by the Subject Member.

12.3 This is the end of the process.

Appendix 1: Complaint Form
Appendix 2: Local Assessment Criteria
Appendix 3: South Downs National Park Authority’s Members’ Code of Conduct
Adopted by the South Downs National Park Authority Date: 11 December 2012
Reviewed by the Standards and Audit Committee: 24 September 2013
Amended by the South Downs National Park Authority: 15 October 2013
Updated: 01 January 2014
Reviewed and amended by the Governance Committee: July 2015
Appendix 1: Complaint Form

SOUTH DOWNS NATIONAL PARK AUTHORITY
Governance Committee

Complaint form

To be used if you wish to make a complaint that a Member of the Authority has failed to comply with the Members’ Code of Conduct.

If English is not your first language, please contact us if you require help to complete this form.

Your details

1. Please provide us with your name and contact details

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We will only use the information you provide to us for the purposes of processing your complaint. Your information, including any personal information you provide to us (such as name and contact details) may be shared with the people referred to below, or with other relevant authorities as required, only for the purposes of processing your complaint.

All comments and complaints are treated confidentially and will not disadvantage you in any future dealings with the SDNPA. It may not always be possible to keep your details confidential, such as where your complaint is about a third party or where particular legislation applies to your complaint.

We will tell the following people about this complaint:
- The Member(s) you are complaining about
- The Monitoring Officer to the Authority
- The Deputy Chair of the Governance Committee
- The Authority’s Independent Person
- The Chair of the Authority

If your complaint is later referred to the Standards Sub-Committee for consideration, the members of the Sub-Committee and the individuals involved in any investigation carried out, will also be provided with the details of your complaint.

If you have serious concerns about your name and details of your complaint being released, please complete section 6 of this form.
2. **Please tell us which complainant type best describes you:**

- Member of the public
- An elected or co-opted Member of an authority
- A Member of the Governance Committee
- Member of Parliament
- Local authority monitoring officer
- SDNPA employee
- Other ( )

**Making your complaint**

3. Once you have submitted your complaint, it will be considered by the Monitoring Officer of the Authority in consultation with Chair or Deputy Chair of the Governance Committee and after reasonable consultation with the Authority’s Independent Person, who will assess, on the basis of your written submission and any additional relevant material, whether the alleged conduct might amount to a failure to comply with the Members’ Code of Conduct.

   The Monitoring Officer has the following range of options available to him/her: referral to the Standards Sub-Committee (which will involve an investigation of the complaint), informal resolution or no further action, for instance if it is considered that any failure to comply with the Code of Conduct is of a trivial nature.

   If the matter is referred to the Standards Sub-Committee, the Sub-Committee will normally meet to consider and determine the matter within six weeks of the date of issue of the final investigation report (or as soon as reasonably practicable thereafter).

4. Please provide us with the name of the Member(s) you believe have breached the SDNPA Members’ Code of Conduct and, where the Member is also a Councillor, the name of their authority.

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5. Please explain in this section (or on separate sheets) what the Member has done that you believe breached the Members’ Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breached the Code of Conduct.


Alternatively, a paper copy can be obtained from the Monitoring Officer to the Authority by writing to: Louise Read, Monitoring Officer to the Authority, South Downs National Park Authority, Corporate Services, The Castle, Winchester, SO23 8UJ
• You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.

• You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.

• You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.

• You should provide any relevant background information.

Please provide us with the details of your complaint and the outcome from this complaints process that you would like to see happen. Continue on a separate sheet if there is not enough space on this form.

Only complete this next section if you are requesting that your identity is kept confidential.

6. In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be
provided with a summary of the complaint. We are unlikely to withhold your identity or details of your complaint unless you have good reason to justify the Authority doing so.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer to the Authority, in consultation with Chair or Deputy Chair of the Governance Committee and after reasonable consultation with the Authority’s Independent Person, will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

<table>
<thead>
<tr>
<th>Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:</th>
</tr>
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Additional Help

7. Complaints must be submitted in writing. This includes electronic submissions. However, in line with the requirements of equalities legislation, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

If you need support in completing this form, please let us know as soon as possible.

This complaint should be submitted to the Chairman of the Governance Committee, c/o the Monitoring Officer to the Authority, by sending to the following contact addresses:

By post to: Louise Read, Monitoring Officer to the Authority, South Downs National Park Authority, Corporate Services, The Castle, Winchester, SO23 8UJ

Or by e-mail to: louise.read@hants.gov.uk
Appendix 2: Local Assessment Criteria

The following criteria shall apply when considering complaints that a Member has failed to comply with the Members’ Code of Conduct.

1. Is the complaint within the jurisdiction of the Committee?
2. Is it a complaint against one or more named Members or co-opted Members of the Authority covered by the Members’ Code of Conduct?
3. Was the named Member in office at the time of the alleged conduct and the Code of Conduct was in force at the time?
4. Might the alleged conduct, if proven, amount to a failure to comply with the Code under which the Member was operating at the time of the alleged misconduct?

NOTE If the complaint fails one or more of the above tests, it cannot be investigated as a breach of the Code.

5. Is there prima facie evidence of a breach of the Code?
6. Is it serious enough to warrant a sanction?
7. Is this part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the Authority and is there no other avenue left to deal with it except investigation?
8. How much time has passed since the alleged conduct occurred?
9. Would an investigation serve a useful purpose?
10. Is the case suitable for local investigation?
11. Does it appear that the complaint is really about dissatisfaction with an authority decision?
12. Is there insufficient information to justify a decision to refer the matter for investigation?

Factors to consider when deciding whether the identity of the complainant and/or a written summary of the complaint should be disclosed to the Member the subject of the complaint

13. Are there reasonable grounds for believing that the complainant will be at risk of physical harm if their identity is disclosed?
14. Is the complainant an officer who works closely with the Member and is afraid of the consequences to their employment if their identity is disclosed?
15. Is there evidence of any medical risks associated with the complainant’s identity being disclosed?
16. Is it feasible for the complaint to be investigated without the complainant’s identity being disclosed (e.g. where the complaint is bullying of the complainant)?
17. Are there reasonable grounds for believing that disclosure of the complainant’s identity and/or the provision of a written summary of the complaint, may lead to intimidation of witnesses or the destruction of evidence?
Appendix 3: South Downs National Park Authority's Members' Code of Conduct

The SDNPA Members’ Code of Conduct can be found on the Authority Website:

Flow Chart of Procedure for the Assessment, Investigation and Determination of a Complaint that a Member has failed to Comply with the Members’ Code of Conduct (this is a summary only, see Procedure for full details)

1. **Complaint received by Monitoring Officer**
2. **Receipt of complaint acknowledged and Subject Member informed of complaint**
3. **Initial assessment of complaint** by Monitoring Officer, in consultation with Chair/Deputy Chair of Governance Committee and Independent Person (parties notified of outcome within 5 working days of Initial Assessment decision)
   - **No action** End of process
   - **Informal resolution** if both parties agree
   - **Referral to Standards Sub-Committee**
4. **Formal investigation by Investigating Officer**
5. **Draft report** Sent to Subject Member & Complainant for comment within 21 days
6. **Final Investigation Report**
7. **Meeting of Standards Sub-Committee**
   - **Finding of no failure**
   - **Finding of failure but no action**
   - **Finding of failure apply sanction(s)**
8. **Notification of decision** End of process

- **Within 5 working days of receipt of complaint**
- **Within 20 working days of receipt of complaint**
- **Within 6 weeks of Final Report**
- **Within 14 days of decision**
South Downs National Park Authority

Arrangements for Assessment, Investigation and Determination of a Complaint that a Member has failed to Comply with the Members’ Code of Conduct

Review Date: March 2015
Responsibility: Monitoring Officer
Date Approved: 11 December 2012
Approved at: SDNPA Authority meeting
With Effect From: 1 January 2014
Amended: 15 October 2013
Updated on: 1 January 2014
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1. **Application of these Arrangements**

1.1 These are the Arrangements to be followed by the Governance Committee of the South Downs National Park Authority in the assessment, investigation and determination of a complaint that any Member of the Authority has failed to comply with the Members’ Code of Conduct. The Arrangements will be followed and applied in accordance with the requirements of the Localism Act 2011.

2. **Receipt of Complaint**

2.1 A complaint shall be made in writing addressed to the Chair, Governance Committee, c/o the Monitoring Officer to South Downs National Park Authority, The Castle, Winchester SO23 8UJ. The Complaint Form at Appendix 1 shall be used for this purpose. A completed Complaint Form may be submitted electronically or by email by following the instructions on the Authority’s website.

2.2 Anonymous complaints will not normally be considered unless the complaint is accompanied by documentary or photographic evidence indicating an exceptionally serious or significant matter.

3. **Convening of Meeting of the Standards Assessment Sub-Committee**

3.1 In consultation with the Chair, the Monitoring Officer shall appoint, and convene a meeting of, the Standards Assessment Sub-Committee, from amongst the Members of the Governance Committee, provided that at all times the composition of the Sub-Committee complies with Paragraph 3.2.

3.2 The Standards Assessment Sub-Committee shall comprise three members.

3.3 The meeting shall normally take place within 20 working days of the date of receipt of the complaint.

4. **Notification to Member**

4.1 The Monitoring Officer shall provide the Member who is the subject of the allegation with written notification that a complaint has been made, the name of the complainant (unless the complainant has requested confidentiality in section 6 of the Complaint Form) and the relevant paragraphs of the Code of Conduct that may have been breached. The notification shall state that a written summary of the allegation can only be provided once the Standards Assessment Sub-Committee has met to consider the complaint, and the date of this meeting, if known.

5. **Independent Person**

5.1 The Authority is required by law to appoint an independent person (“the Independent Person”) whose views must be sought, and taken into account, by the Authority before it makes its decision on an allegation that it has decided to investigate (see paragraph 18.2).

5.2 The views of the Independent Person may also be sought by:

5.2.1 The Authority in relation to a complaint that it has decided not to investigate; and

5.2.2 A Member, or Co-opted Member, of the Authority who is the subject of a complaint.

5.3 The Independent Person should be involved in initial meetings and discussions concerning the handling of a complaint.

6. **Terms of Reference of Standards Assessment Sub-Committee**

6.1 The Standards Assessment Sub-Committee is established to receive allegations that a Member of the Authority has failed to comply with the Authority’s Members’ Code of Conduct.
Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation to see if it falls within the Authority's jurisdiction and shall then do one of the following:

6.2.1 Refer the allegation to the Monitoring Officer with an instruction that he/she arrange a formal investigation of the allegation or (after consultation with the Monitoring Officer) directing that he/she arrange training, conciliation or such other appropriate alternative steps; or

6.2.2 Decide that no action should be taken in respect of the allegation; or

6.2.3 Where the allegation is in respect of a person who is no longer a Member of the Authority but is a Member of another relevant authority (as defined in Section 27(6) of the Localism Act 2011) refer the allegation to the Monitoring Officer of that other Authority.

6.3 In reaching its decision, the Sub-Committee shall have regard to the Local Assessment Criteria in Appendix 2.

6.4 The Standards Assessment Sub-Committee shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation, and the Member the subject of it, of that decision. Where the decision is that no action should be taken, reasons for the decision shall be given, and reference made to the right to request a review of that decision under Paragraph 7 below. This notification shall normally be given within five working days of the decision being made.

6.5 The notification to the Member concerned under Paragraph 6.4 shall include the name of the complainant and a written summary of the allegation, unless the Sub-Committee determines that to do so would be contrary to the public interest or would prejudice any person's ability to investigate the allegation.

6.6 When a matter is referred to the Monitoring Officer for investigation or other action, it does not mean that the Sub-Committee has made up its mind about the allegation. The Sub-Committee makes no findings of fact on the matter. It simply means that the Sub-Committee believes the alleged conduct, if proven, may amount to a failure to comply with the Code of Conduct, and that some action should be taken in response to the complaint.

7. **Right to Request a Review**

7.1 Where a decision is made by the Standards Assessment Sub-Committee that no action should be taken in respect of the allegation, the person who made the allegation may make a request for that decision to be reviewed. The request shall be made in writing addressed to the Chair, Governance Committee, c/o the Monitoring Officer to South Downs National Park Authority, The Castle, Winchester SO23 8UJ. The request must be received within 30 days of notification being given under Para 6.4 above.

7.2 On receipt of a request for review, it shall be passed to the Monitoring Officer.

8. **Convening of Meeting of the Standards Review Sub-Committee**

8.1 In consultation with the Chair, the Monitoring Officer shall appoint, and convene a meeting of, the Standards Review Sub-Committee, from amongst the Members of the Governance Committee, provided that at all times the composition of the Sub-Committee complies with Paragraphs 8.2 and 8.3. The meeting shall take place within 20 working days of the date of receipt of the request for review, where practicable, and certainly within a maximum of three months from that date.

8.2 The Standards Review Sub-Committee shall comprise three members.

8.3 The Standards Review Sub-Committee shall not include any member who was a member of the Standards Assessment Sub-Committee whose decision to take no action is subject to review. This is to minimise the risk of conflicts of interest and ensure fairness for all parties.
9. **Notification to Member**

9.1 The Monitoring Officer shall notify the Member who is the subject of the allegation that a request for review has been received.

10. **Terms of Reference of Standards Review Sub-Committee**

10.1 The Standards Review Sub-Committee is established to review, upon the request of the person who has made an allegation that a Member of the Authority has failed or may have failed to comply with the Authority’s Code of Conduct, a decision of the Standards Assessment Sub-Committee that no action be taken in respect of that allegation.

10.2 Upon receipt of such request for a review and any accompanying report by the Monitoring Officer the Standards Review Sub-Committee shall review the decision of the Assessment Sub-Committee and shall then do one of the following:

10.2.1 Refer the allegation to the Monitoring Officer with an instruction that he/she arrange a formal investigation of the allegation or (after consultation with the Monitoring Officer) directing that he/she arrange training, conciliation or such other appropriate alternative steps; or

10.2.2 Decide that no action should be taken in respect of the allegation; or

10.2.3 Where the allegation is in respect of a person who is no longer a Member of the Authority but is a Member of another relevant authority (as defined in Section 27(6) of the Localism Act 2011) refer the allegation to the Monitoring Officer of that other Authority.

10.3 In reaching its decision, the Sub-Committee shall have regard to the Local Assessment Criteria in Appendix 2.

10.4 The Sub-Committee shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation, and the Member concerned, of that decision. Where the decision is that no action should be taken, reasons for the decision shall be given. This notification shall normally be given within five working days of the decision being made.

10.5 When a matter is referred for investigation or other action, it does not mean that the Sub-Committee has made up its mind about the allegation. The Sub-Committee makes no findings of fact on the matter. It simply means that the Sub-Committee believes the alleged conduct, if proven, may amount to a failure to comply with the Code of Conduct, and that some action should be taken in response to the complaint.

11. **Meetings in Private**

11.1 Meetings of the Standards Assessment Sub-Committee and Standards Review Sub-Committee shall consider and determine whether or not the press and public should be excluded from the meeting, in accordance with Part VA of and Schedule 12A to the Local Government Act 1972.

12. **Referral for Steps other than Investigation**

12.1 Where the Standards Assessment Sub-Committee or Standards Review Sub-Committee has consulted the Monitoring Officer with a view to making a direction to take steps other than investigation that involve conciliation, the Monitoring Officer shall contact the person making the allegation, and the Member the subject of it, seeking confirmation that they would cooperate with the action proposed if such a direction were made. It must be made clear that the decision to take other action, if pursued, will close the opportunity for the complaint to be fully investigated. The Monitoring Officer shall inform the Sub-Committee of the responses received from the complainant and Member.

12.2 Where a direction is then made to take steps other than investigation, the Monitoring Officer shall produce a written report of the action taken or proposed. The report shall be considered by the Standards and Audit Committee within three months of the direction being given. This meeting shall normally be open to the press and public, unless the
Committee decides that, in accordance with Part VA of and Schedule 12A to the Local Government Act 1972, the report should be considered in private session.

12.3 If the Governance Committee is not satisfied with the action specified in the report, it shall give a further direction to the Monitoring Officer to take such further steps as appear appropriate.

12.4 If the Governance Committee is satisfied with the action specified in the report, it shall authorise the Monitoring Officer to give written notice to that effect to the person making the allegation and the Member who is the subject of it.

13. **Referral for Investigation**

13.1 Where the Standards Assessment Sub-Committee or Standards Review Sub-Committee has referred the matter to the Monitoring Officer for investigation, the Monitoring Officer shall arrange for such investigation to be carried out by the Deputy Monitoring Officer, or other person the Monitoring Officer considers to be suitably qualified and experienced to undertake the task (“the Investigating Officer”). This may include:

13.1.1 making inquiries of such persons as the Investigating Officer considers necessary or expedient;

13.1.2 requiring such persons to give such information or explanation as the Investigating Officer considers expedient;

13.1.3 inspection of such documents as the Investigating Officer considers expedient.

13.2 The Monitoring Officer may refer the matter back to the Standards Assessment Sub-Committee if, as a result of new evidence or information, he is of the opinion that the matter is materially less serious than may have been apparent when the decision to refer the matter for investigation was made, and that the Sub-Committee would have made a different decision had it been aware of that new evidence or information. The Monitoring Officer may also refer the matter back to the Sub-Committee if the Member the subject of the allegation has died, resigned, or is seriously ill, and he is of the opinion that it is no longer appropriate to continue with an investigation.

13.3 Where the matter is referred back to the Standards Assessment Sub-Committee under Paragraph 13.2, the Sub-Committee may make any of the decisions referred to in Paragraph 6.2 above.

13.4 On completion of an investigation, the Investigating Officer shall prepare a written report of the investigation making one of the following findings:

13.4.1 that there has been a failure to comply with the Code of Conduct; or

13.4.2 that there has not been a failure to comply with the Code of Conduct

13.5 The Monitoring Officer shall send a copy of the Investigating Officer’s report to the Member who is the subject of the allegation, and to the Governance Committee. The Governance Committee shall then arrange for the report to be considered at a hearing of the Standards Consideration Sub-Committee.

14. **Convening a meeting of the Standards Consideration Sub-Committee**

14.1 In consultation with the Chair, the Monitoring Officer shall appoint, and convene a meeting of, the Standards Consideration Sub-Committee, from amongst the Members of the Governance Committee, provided that at all times the composition of the Sub-Committee complies with Paragraph 14.2.

14.2 The Standards Consideration Sub-Committee shall comprise three Members. Membership may include any member who has participated in consideration of the allegation at a meeting of the Standards Assessment Sub-Committee or Standards Review Sub-Committee at an earlier stage.
14.3 This meeting shall not normally be open to the press and public, provided that the Sub-
Committee decides that, in accordance with Part VA of and Schedule 12A to the Local
Government Act 1972, the report should be considered in private session.

15. **Terms of Reference of the Standards Consideration Sub-Committee**
15.1 The Standards Consideration Sub-Committee shall be responsible for determining whether:

15.1.1 It accepts the Monitoring Officer’s finding of no failure to observe the Code of
Conduct; or

15.1.2 The matter should be referred to consideration at a hearing before the Standards
Hearings Sub-Committee; or

16. **Finding of No Failure**
16.1 Where a finding of no failure is made under Paragraph 15.1, the Monitoring Officer shall give
written notification of this to the person who made the allegation, and the Member the
subject of it.

16.2 The Monitoring Officer shall also arrange for a notice to be published on the Authority’s
website, stating that there has been no failure to comply with the Code of Conduct, unless
the Member the subject of the allegation requests that no such notice be published.

17. **Convening a meeting of the Standards Hearings Sub-Committee**
17.1 Where the Standards Consideration Sub-Committee decides that the matter should be
referred for consideration at a hearing before the Standards Hearings Sub-Committee, then,
in consultation with the Chair, the Monitoring Officer shall appoint, and convene a meeting
of, the Standards Hearings Sub-Committee for this purpose. The Sub-Committee shall be
appointed from amongst the Members of the Governance Committee, provided that at all
times the composition of the Sub-Committee complies with Paragraph 17.2.

17.2 The Standards Hearings Sub-Committee shall comprise three members. Membership may
include any member who has participated in consideration of the allegation at a meeting of
the Standards Assessment Sub-Committee, Standards Review Sub-Committee or Standards
Consideration Sub-Committee at an earlier stage.

17.3 The meeting shall be held within three months of the date of completion of the Investigating
Officer’s report (or as soon as reasonably practicable thereafter) and at least fourteen days
after the date on which the Monitoring Officer sent the Investigating Officer’s report to the
Member who is the subject of the allegation, under Paragraph 13.5 above (unless the
Member agrees to it being held earlier).

17.4 This meeting shall normally be open to the press and public, unless the Sub-Committee
decides that, in accordance with Part VA of and Schedule 12A to the Local Government Act
1972, the report should be considered in private session.

17.5 The meeting of the Standards Hearings Sub-Committee may consider the report in the
subject Member’s absence if the subject Member does not attend the hearing. If the Sub-
Committee is satisfied with the subject Member’s reasons for not being able to attend the
meeting, it may arrange for the hearing to take place on another date.

18. **Terms of Reference of Standards Hearings Sub-Committee**
18.1 The Standards Hearings Sub-Committee is established to hold a hearing and make one of the
following findings:

18.1.1 that the Member did not fail to comply with the Code of Conduct; or

18.1.2 that the Member did fail to comply with the Code of Conduct, but that no action
needs to be taken in respect of the matters considered at the hearing; or

18.1.3 that the Member did fail to comply with the Code of Conduct and that one of, or
any combination of, the following sanctions should be imposed:
18.1.4 censure of the Member:
18.1.5 restriction for a period not exceeding six months of that Member's access to the premises of the Authority or that Member's use of the resources of the Authority, provided that those restrictions are reasonable and proportionate to the nature of the breach, and do not unduly restrict the Member's ability to perform the functions of a Member;
18.1.6 recommending to the Authority that he/she be removed from any or all Committees or Sub-Committees of the Authority;
18.1.7 reports its findings to the Authority and/or the relevant authority responsible for appointing the Member to the Authority.

18.2 Before it makes its decision on the complaint, the Standards Hearings Sub-Committee shall seek, and take into account, the views of the Independent Person appointed by the Authority for this purpose.

18.3 Any sanction imposed shall take effect immediately, except where the Sub-Committee directs that it shall take effect on a later date within the following six months.

19. Pre-Hearing Procedure

19.1 In consultation with the Chair of the Governance Committee, the Monitoring Officer shall write to the subject Member proposing a date for the hearing. The letter shall outline the hearing procedure, and the Member's rights, asking for a response within a set time. The letter shall enquire whether the subject Member:
19.1.1 wants to be represented at the hearing by a solicitor, barrister or other person;
19.1.2 disagrees with any of the findings in the investigation report, including reasons for any disagreements;
19.1.3 wants to give evidence at the hearing, either verbally or in writing;
19.1.4 wants to call relevant witnesses to give evidence and, if so to provide outlines or statements of the evidence those witnesses intend to give;
19.1.5 wants any part of the hearing to be held in private:
19.1.6 wants to have any part of the investigation report or other documents withheld from the public, and
19.1.7 can attend the hearing.

19.2 The Monitoring Officer shall send a copy of the subject Member's response to the Investigating Officer, inviting them to say by a set date whether they wish to:
19.2.1 be represented at the hearing:
19.2.2 call relevant witnesses to give evidence;
19.2.3 have any part of the hearing held in private; and
19.2.4 have any part of the investigation report or other documents withheld from the public.

19.3 The Monitoring Officer shall advise the Standards Hearings Sub-Committee as necessary on any matter arising out of the subject member's response. At least two weeks before the hearing, the Monitoring Officer shall send a pre-hearing process summary to everyone involved in the complaint. This should set the date, time and place for the hearing, summarise the allegation, outline the main facts that are agreed and those which are not agreed, note whether the subject member will attend and be represented, list the witnesses who intend to give evidence, and outline the procedure to be followed at the hearing.
20. **Hearing Procedure**

20.1 The hearing is a formal meeting of the Authority and is not a court of law. It does not hear evidence under oath, but it does decide factual evidence on the balance of probabilities. The hearing will be conducted in a demonstrably fair, independent and politically impartial way, so that members of the public and members of the Authority have confidence in the Authority’s procedures and findings.

20.2 The procedure followed at the hearing will be confirmed in the pre-hearing process summary referred to in Paragraph 19.3.

21. **Notification of Findings**

21.1 Within a period of 14 days of the Standards Hearings Sub-Committee making its finding on the matter, the Monitoring Officer shall give written notice of the finding and the reasons for it to the Member who is the subject of the finding, the person who made the allegation. A summary of the finding and reasons for it shall be placed on the Authority’s website.

21.2 Where the finding is that there was no failure to comply with the Code of Conduct, a summary of the finding and reasons for it shall not be placed on the Authority’s website if the Member the subject of the finding so requests.

22. **Reference to Independent Person**

22.1 The views of the independent person appointed by the Authority may be sought by the Authority in circumstances other than those described in Paragraph 18.2, and by the Member the subject of the allegation at any stage. Contact details of the independent person can be obtained from the Monitoring Officer.

Appendix 1: Complaint Form  
Appendix 2: Local Assessment Criteria  
Appendix 3: South Downs National Park Authority’s Members’ Code of Conduct

Adopted by the South Downs National Park Authority  
Date: 11 December 2012  
Reviewed by Standards and Audit Committee: 24 September 2013  
Amended by the South Downs National Park Authority: 15 October 2013  
Updated: 01 January 2014
# Appendix 1: Complaint Form

**SOUTH DOWNS NATIONAL PARK AUTHORITY**  
Governance Committee

## Complaint Form

To be used if you wish to make an allegation that a Member of the Authority has failed to comply with the Members’ Code of Conduct.

### Your details

1. **Please provide us with your name and contact details**

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<td>Mobile telephone:</td>
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<tr>
<td>Email address</td>
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Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- The Member(s) you are complaining about
- The Monitoring Officer to the Authority

We will tell them your name and give them a summary of your complaint; We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 6 of this form.

2. **Please tell us which complainant type best describes you:**

- [ ] Member of the public
- [ ] An elected or co-opted Member of an authority
- [ ] A Member of the Governance Committee
- [ ] Member of Parliament
- [ ] Local authority monitoring officer
- [ ] SDNPA employee
- [ ] Other ( )
**Making your complaint**

3. Once you have submitted your complaint, it will be considered by the Standards Assessment Sub-Committee of the Authority. This consists of three members. None of the Members will have any previous involvement in the substance of your complaint.

The Sub-Committee will assess on the basis of your written submission and any additional relevant material that the Monitoring Officer to the Authority may produce whether your allegation is likely to reflect a failure to comply with the Members’ Code of Conduct. If it is considered necessary to do so, the Sub-Committee has a range of options available to it. This can include referral for a full investigation by the Monitoring Officer to the Authority, mediation or no further action if it is considered that any failure to comply with the Code of Conduct is of a trivial nature.

The Sub-Committee will meet to consider and determine the matter within 20 working days. If the Sub-Committee decides that no further action is required in respect of your complaint, you may, within 30 days, ask for that decision to be reviewed. This review will be undertaken by the Standards Review Sub-Committee which consists of three Members. The Review Sub-Committee will have the same range of options available to it as the Standards Assessment Sub-Committee. The Review Sub-Committee will, however, have up to three months to consider and determine the review of your allegations and how they should be dealt with.

If either the Standards Assessment or Review Sub-Committee decide that an investigation is required into your complaint, the Monitoring Officer to the Authority or someone appointed by him will be instructed to undertake it. You will be given further information at that time should an investigation be necessary.

4. Please provide us with the name of the Member(s) you believe have breached the Code of Conduct and, where applicable, the name of their authority.

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5. Please explain in this section (or on separate sheets) what the Member has done that you believe breached the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breached the Code of Conduct.

A copy of the Authority’s Members Code of Conduct can be found on the South Downs National Park Authority Website

Alternatively, a paper copy can be obtained from the Monitoring Officer to the Authority by writing to:

The Monitoring Officer to the Authority, South Downs National Park Authority, Corporate Services, The Castle, Winchester, SO23 8UJ

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.

- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.

- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.

- You should provide any relevant background information.
Please provide us with the details of your complaint and the outcome from this complaints process that you would like to see happen. Continue on a separate sheet if there is not enough space on this form.
Only complete this next section if you are requesting that your identity is kept confidential.

6. In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or details of your complaint unless you have good reason to justify the Authority doing so.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer to the Authority will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

| Please provide us with details of why you believe we should withhold your name and/or the details of your complaint: |

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Additional Help

7. Complaints must be submitted in writing. This includes electronic submissions. However, in line with the requirements of equalities legislation, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

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

If you need any support in completing this form, please let us know as soon as possible.

This complaint should be submitted to the Chairman of the Governance Committee, c/o the Monitoring Officer to the Authority, by sending to the following contact addresses:

By post to: The Monitoring Officer to the Authority, South Downs National Park Authority, Corporate Services, The Castle, Winchester, SO23 8UJ

Or by e-mail to: kevin.gardner@hants.gov.uk
Appendix 2: Local Assessment Criteria

The following criteria shall be applied by the Standards Assessment Sub-Committee and the Standards Review Sub-Committee when considering allegations that a Member has failed to comply with the Members’ Code of Conduct.

1. Is the complaint within the jurisdiction of the Committee?
2. Is it a complaint against one or more named Members or co-opted Members of the Authority covered by the Members’ Code of Conduct?
3. Was the named Member in office at the time of the alleged conduct and the Code of Conduct was in force at the time?
4. Would the complaint, if proven, be a breach of the Code under which the Member was operating at the time of the alleged misconduct?

NOTE If the complaint fails one or more of the above tests, it cannot be investigated as a breach of the Code.

5. Is there prima facie evidence of a breach of the Code?
6. Is it serious enough to warrant a sanction?
7. Is this part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the authority and is there no other avenue left to deal with it except investigation?
8. In considering the case, the Sub-Committee will take into account the time that has passed since the alleged conduct occurred.
9. Would an investigation serve a useful purpose?
10. Is the case suitable for local investigation?
11. It appears that the complaint is really about dissatisfaction with a council decision.
12. There is not enough information currently available to justify a decision to refer the matter for investigation.

Factors to consider when deciding whether the identity of the complainant and/or a written summary of the allegation should be disclosed to the Member the subject of the allegation

13. Are there reasonable grounds for believing that the complainant will be at risk of physical harm if their identity is disclosed?
14. Is the complainant an officer who works closely with the Member and is afraid of the consequences to their employment if their identity is disclosed?
15. Is there evidence of any medical risks associated with the complainant’s identity being disclosed?
16. Is it feasible for the complaint to be investigated without the complainant’s identity being disclosed (e.g. where the allegation is bullying of the complainant)?
17. Are there reasonable grounds for believing that disclosure of the complainant’s identity and/or the provision of a written summary of the allegation, may lead to intimidation of witnesses or the destruction of evidence?
Appendix 3: South Downs National Park Authority's Members’ Code of Conduct

The [SDNPA Members Code of Conduct](http://authoritywebsite.com) can be found on the Authority Website.