



## MILLOM TOWN COUNCIL NON-COMPLIANCE WITH THE CODE OF CONDUCT

Adopted: 31<sup>st</sup> January 2024

Review Date: January 2027

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### 1. Introduction:

Millom Town Council ("MTC" or "the council") is required by law to adopt a Code of Conduct that applies to the conduct of Members of the Council while acting in their official capacity. If it is alleged that a Member of the Council has breached the Code of Conduct, it is exclusively the responsibility of the Cumberland Council to investigate the allegation, to decide whether a breach has, in fact, occurred and to recommend a sanction to be imposed on the Councillor who has been found to be in breach of the Code of Conduct.

When a complaint against an MTC Councillor has been referred to Cumberland Council's Monitoring Officer, and his/her investigation finds that the Councillor has failed to comply with the Code of Conduct, he/she will report that finding to MTC, along with a recommendation for an appropriate sanction. While MTC has no power to determine whether or not a breach has occurred, it can decide whether or not to apply the recommended sanction. However, MTC has no power to impose any sanction other than one recommended by the Monitoring Officer.

This document sets out what MTC will do on receipt of a report from the Monitoring Officer or a breach by a Member of the Council of our adopted Code of Conduct.

### 2. Procedure:

#### 2.1 Receipt of a Complaint:

- a). Upon receiving a report from the Monitoring Officer that a Councillor has failed to comply with the Code of Conduct, the Clerk will make provisions for the matter to be included on the agenda for the next available full Council meeting.
- b). All Councillors will be provided with details of the complaint, including the name of the Councillor who has not complied with the Code of Conduct, along with the recommendation for an appropriate sanction from the Monitoring Officer.

#### 2.2 Complaint Hearing:

- a). At the appropriate point during the MTC meeting the Chairman of the meeting will outline the nature of the complaint.

b). The complaint will be heard in the public session of the meeting. However, if the matter is deemed to be too sensitive, the complaint will be heard in private in accordance with the Public Bodies (Admission to meetings) Act 1960/

c). The Councillor who is in breach of the Code will be offered an opportunity to respond to the complaint.

d). Once the complaint has been considered, MTC, will decide whether to apply the Monitoring Officer's recommended sanction.

e). Should MTC resolve not to apply the Monitoring Officer's recommendation, then MTC shall not impose an alternative sanction.

## 2.2 Action Following Consideration of the Complaint:

a) Councillors in breach of the Code of Conduct must adhere to the sanction once it has been considered and approved by the Council.

b). Councillors who fail to adhere to an imposed sanction will be reported to the Monitoring Officer.

c). The resolution of the Council will be recorded in the minutes of the meeting.

**Signed: ..... (Chair) Dated: 31<sup>st</sup> January 2024**