

Part 7, Section 4

Protocol on Publicity for Complaints to the Standards Committee

Introduction

The purpose of this Protocol is to provide guidance to Members as to their conduct when referring an alleged breach of the Code of Conduct to the Standards Committee, or when they are the subject of such an allegation, or are aware of such an allegation.

Background

There is no statutory mechanism preventing those making a complaint to the Standards Committee (or those the subject of such a complaint) making the nature of the allegation known to the press and public, or making public comment on the allegation. Any such comments would be subject to the general law of defamation, and a Member could seek a court injunction to prevent the publication of defamatory material.

Guidance to Members

When a Member has made or is considering making a complaint to the Standards Committee alleging a breach of the Code of Conduct, the Member is recommended not to make the complaint or allegation known to any other Member, or to the public in any forum, whether at a meeting that is open to the public or through the press or media, nor to discuss the complaint or possible complaint in such a manner as is reasonably likely to cause the complaint to be made known to the public.

It is recognised that a Member who has made or is considering making a complaint to the Standards Committee may wish to discuss the matter within the Member's own political group or seek advice from a third party.

A Member who is aware of a complaint is recommended not to make any public comment on it, and it is recommended that the matter should not be the subject of discussion or debate within the Council.

Likewise, once a Member becomes aware that he/she is the subject of a complaint or allegation to the Standards Committee, the Member is recommended not to make any public or press comment on it.

These recommendations apply until the complaint has been resolved. This will be as follows:

- Where, following the assessment of the complaint, it is determined that no action should be taken.
- Where, following a referral for investigation, the investigation finds that there has been no breach of the Code
- Where, following a referral for investigation and a finding by the investigation that there has been a breach of the Code, a hearing has taken place before the Standards Committee.

This Protocol does not bind members of the public.

Where a complaint is made to the Standards Committee by a member of the public, this may become known to the public through the press or some other medium.

If the press become aware of a complaint, by whatever means, this Guidance does not preclude the Member who is the subject of the complaint from making a public comment, although it is recommended that the Member should carefully consider the appropriateness of so doing. Until the complaint is resolved (as described above), other Members who are aware of the complaint are recommended not to make any public comment on it, and it is recommended that the matter should not be the subject of discussion or debate within the Council.

The Standards Committee has approved a Press Protocol for dealing with press inquiries to the Council about complaints of breach of the Code.