



2014 CHAPTER 8

PART 9

CONDUCT OF COUNCILLORS

*Investigations*

**Investigations**

**55.—**(1) The Commissioner may investigate—

- (a) cases in which a written allegation is made to the Commissioner by any person that a councillor (or former councillor) has failed, or may have failed, to comply with the code of conduct; and
- (b) other cases in which the Commissioner considers that a councillor (or former councillor) has failed, or may have failed, to comply with the code of conduct and which have come to the Commissioner's attention as a result of an investigation under paragraph (a).

(2) Instead of, or in addition to, conducting an investigation under this section, the Commissioner may take such action as appears to the Commissioner to be desirable to deal with any particular case falling within subsection (1).

(3) If the Commissioner considers that a written allegation under subsection (1)(a) should not be investigated, the Commissioner must take reasonable steps to give written notification to the person who made the allegation of the decision and the reasons for the decision.

(4) The purpose of an investigation under this section is to determine which of the findings mentioned in subsection (5) is appropriate.

(5) Those findings are—

- (a) that there is no evidence of any failure to comply with the code of conduct;
  - (b) that no action needs to be taken in respect of the matters which are the subject of the investigation;
  - (c) that the Commissioner should make an adjudication on the matters which are the subject of the investigation.
- (6) The Commissioner may cease an investigation under this section at any stage before its completion.

**Investigations: further provisions**

**56.—**(1) The procedure for conducting an investigation under section 55 is to be such as the Commissioner considers appropriate in the circumstances of the case.

(2) Without prejudice to subsection (1), the Commissioner must give any person who is the subject of an investigation under section 55 an opportunity to comment on any allegation that the person has failed, or may have failed, to comply with the code of conduct.

(3) The Commissioner may pay to persons who attend or furnish information for the purposes of an investigation under section 55—

- (a) such sums in respect of the expenses properly incurred by them; and
- (b) such allowances by way of compensation for the loss of their time,

as may be determined by the Commissioner.

(4) The carrying out of an investigation under section 55 is not to affect—

- (a) any action taken by the council concerned; or
- (b) any power or duty of the council concerned to take further action with respect to any matters which are the subject of the investigation.

(5) Where a person is no longer a councillor of the council concerned but is a councillor of another council, any reference in subsection (4) to the council concerned is to be treated as including a reference to that other council.