



BREACHES OF THE CODE OF CONDUCT

YORKSHIRE DALES NATIONAL PARK AUTHORITY (“the Authority”) Conduct of Investigation

1. Purpose of the Investigation

The purpose of the Investigating Officer's investigation is to enable him/her to prepare and present to the Standards Committee a report which will provide the Committee with sufficient information to determine whether the Subject of the complaint has acted in breach of the Code of Conduct and, where there has been a breach of the Code of Conduct, whether any action should be taken in respect of the Subject of the complaint, or in consequence of the breach, and what any such action should be.

2. Termination of the Investigation.

The Investigating Officer may terminate his/her investigation at any point, where he/she is satisfied that he/she has sufficient information to enable him/her to report to the Standards Committee and to enable the Committee to come to a considered decision on the allegation.

3. Additional Matters

Where, in the course of his/her investigation, the Investigating Officer becomes aware of any other matter which appears to him/her to indicate a breach of the Code of Conduct by the Subject of the Complaint other than the breach which he/she is currently investigating, or any breach of the Code of Conduct by some other member, the Investigating Officer shall report the matter to the Monitoring Officer, who will provide the Subject of the Complaint with details of the matter and invite them to provide a statement as to why the additional matter does not constitute a breach of the Code of Conduct. The Monitoring Officer will then determine whether to report the additional matter to the Standards Committee;

Following notification to the Subject of the complaint, the Investigating Officer will identify a list of persons to be interviewed, organisations from whom information is to be sought and documents to be inspected as part of the investigation. Where the Subject of the complaint has provided the Investigating Officer with the information requested the Investigating Officer shall include in this list, each document, person and organisation referred to in that response, unless he/she is of the opinion that the inclusion of that document, person or organisation would unreasonably delay the completion of the investigation, rather than contribute to the accuracy of the Investigating Officer's final report. The Investigating Officer may supplement, or amend this list at any stage of the investigation.

4. Production of documents, information and explanations

In the course of the investigation, the Investigating Officer and any person authorised on his/her behalf may make such enquiries of any person or organisation, and request any person or organisation to provide any document or information, which is in his/its possession or control, or provide any explanation, as he/she thinks necessary or expedient for the purposes of carrying out the investigation.

In the course of the investigation, the Investigating Officer and any person authorised on his/her behalf may request any authority of which the Subject of the complaint is a member, to provide any advice and assistance, or any document, which is in its possession, or control which he/she thinks necessary for the purposes of carrying out the investigation.

5. Interviews

a. Requesting attendance

In the course of the investigation the Investigating Officer may request any person to meet with him/her, or otherwise provide any information, document, or explanation for the purpose of paragraph (e), as he/she thinks necessary for the purposes of carrying out the investigation.

b. Representation

Any person who meets the Investigating Officer may arrange to be accompanied at their own expense by a legal representative, or other person.

c. Notes of interviews

Where practicable, following the interview the Investigating Officer shall produce a written note of the material points of the interview, provide two copies of that note to the person interviewed and ask them to return one copy signed as a correct record of the interview, with such corrections or amendments as they may feel necessary.

6. The Investigating Officer's Report

At the conclusion of the investigation, the Investigating Officer shall produce a draft report. The report should give details of the allegation, quote the relevant provisions of the law and of the code of conduct, and state the Investigating Officer's findings of fact and the basis for them. It must contain the Investigating Officer's findings, which must be either to the effect that there has been a breach of the code of conduct of the Authority or to the effect that there has not been such a breach. The report should make clear that it will be presented to the Standards Committee, and should have appended to it copies of any documents, which the Investigating Officer has relied on in reaching his/her conclusions, such as background documents, notes of telephone conversations, letters and notes of interviews with witnesses. It may contain general recommendations to the Authority in relation to the promotion and maintenance of high standards of conduct by Members.

The Investigating officer will send copies of the draft, in confidence to the complainant and to the Subject of the complaint, to give both the opportunity to identify any

matter in the draft report which they consider requires more consideration. The Investigating officer will give the parties 5 working days to respond. In the event that no response is received the Investigating Officer will send the final report to the Monitoring Officer.