

# EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Council **Date:** Monday, 18 June 2012

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.15 pm

**Members Present:** Councillors B Rolfe (Chairman), Mrs M Sartin (Vice-Chairman), K Avey, R Bassett, Mrs H Brady, W Breare-Hall, K Chana, G Chambers, T Church, Mrs T Cochrane, R Cohen, C Finn, Mrs R Gadsby, Mrs A Grigg, Ms J Hart, D Jacobs, Ms H Kane, P Keska, Mrs J Lea, L Leonard, Mrs M McEwen, A Mitchell MBE, G Mohindra, R Morgan, S Murray, J Philip, Mrs C Pond, Ms G Shiell, Mrs P Smith, P Spencer, D Stallan, Ms S Stavrou, Mrs T Thomas, H Ulkun, Mrs L Wagland, G Waller, A Watts, Mrs E Webster, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, D Wixley and J Wyatt

**Other Councillors:**

**Apologies:** K Angold-Stephens, A Boyce, L Girling, P Gode, J Hart, Mrs S Jones, J Knapman, Ms Y Knight, A Lion, H Mann, J Markham, B Sandler and N Wright

**Officers Present:** D Macnab (Acting Chief Executive), C O'Boyle (Director of Corporate Support Services), I Willett (Assistant to the Chief Executive), G Lunnun (Assistant Director (Democratic Services)), P Maginnis (Assistant Director (Human Resources)), P Seager (Chairman's Secretary) and T Carne (Public Relations and Marketing Officer)

## 14. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive, on behalf of the Chairman of the Council, reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

## 15. DECLARATIONS OF INTEREST

Pursuant to the Council's Staff Code of Conduct, Mr D Macnab (Acting Chief Executive) declared a personal interest in agenda item 4 (Report of the Committee for the Appointment of a Chief Executive). He advised that he had determined that his interest was prejudicial and that he would leave the meeting for the consideration and voting on the matter.

## 16. ANNOUNCEMENTS

### (a) Announcements by the Chairman of the Council

#### (i) Mrs S Hawkins

The Chairman stated that it gave him great pleasure to announce that the Council's Executive Assistant, Shirley Hawkins had received a British Empire Medal in the

Queen's Birthday Honours List. He advised that her honour had been awarded in recognition of her services to Epping Forest District Council and for her charity work. The Chairman reported that Shirley had worked for Epping Forest District Council and one of its predecessor authorities, Epping Urban District Council, for 52 years. He also advised that she was involved with several local causes, including St Clare Hospice and the Thornwood Festival.

Councillor Rolfe informed the Council that the British Empire Medal had been reintroduced this year to coincide with the Queen's Diamond Jubilee Year to recognise people who served their local communities.

The Chairman, Councillors Whitbread and Wagland congratulated Shirley and all members of the Council gave her a round of applause.

**(b) Announcement by the Leader of the Council**

Councillor Whitbread advised that he had recently visited the Food Bank in Langston Road, Loughton and had been impressed with the work they were undertaking. He reported that Council officers were speaking to the Food Bank to establish if the Council could provide any assistance.

**(c) Announcements by Portfolio Holders**

The Council noted a written report of the Planning Portfolio Holder, Councillor Bassett.

**17. ORDER OF BUSINESS**

The Chairman sought leave of the Council to bring forward agenda item 5 (Localism Act 2011 – New Standards Arrangements).

**RESOLVED:**

That agenda item 5 be taken as the next item of business.

**18. LOCALISM ACT 2011 - NEW STANDARDS ARRANGEMENTS**

The Deputy Monitoring Officer presented a report on the new Standards arrangements required under the Localism Act 2011.

Mr Willett drew attention to the present Standards Committee report to the Council on 27 March 2012 in which details had been provided of the new Standards arrangements for elected and co-opted councillors to come into force on 1 July 2012. At that meeting, the Council had made a number of decisions on the operation of the new arrangements including agreement in principle on key aspects of the new regime.

The Deputy Monitoring Officer reported that since 27 March 2012, further work had been undertaken by the Public Law Partnership to provide standardised arrangements in the local area so as to reassure the public that the same standards would apply to all councils in the area. He drew attention to a proposed constitution for the proposed new Standards Committee, a model Code of Conduct, arrangements for dealing with complaints, the appointment of independent persons,

the register of members' interests, further alterations to the Council's Constitution and a review of the proposed new arrangements.

The attention of the Council was drawn to discussions which had taken place between the Monitoring Officer and representatives of the Essex Association of Local Councils (Epping Forest Branch). As a result of these discussions, it had been understood that local parish and town councils were being commended to establish a Joint Standards Committee for all of the parish and town councils in the District to work alongside the Standards Committee for the District Council. However, it now appeared that some parish councils did not wish to join a Joint Committee of parish and town councils and had indicated a desire to affiliate to the District Council's Standards Committee.

The Deputy Monitoring Officer drew attention to the definition of disclosable pecuniary interests now included within the proposed Code of Conduct.

He informed the Council that since the publication of the report, a notice had appeared in the local press inviting applications for the position of independent persons.

The Council considered the proposed arrangements.

**Amendment moved by Councillor Stallan and seconded by Councillor Grigg.**

"That the Council:

(a) notes that the draft Code of Conduct, under recommendation (4) does not include the provisions in the current Code for members who have declared prejudicial interests to make representations before leaving a meeting where the public have the same right;

(b) agrees to ask the Standards Committee to submit proposals for a standing order to provide for the circumstances under which a member can make representations of this kind in relation to pecuniary and non pecuniary interests but not to Disclosable Pecuniary Interests (DPI)".

**Carried**

**Report as amended ADOPTED**

**RESOLVED:**

(1) That the following decisions be taken in addition to those taken by the Council on 27 March 2012 regarding the new arrangements;

**Standards Committee**

(2) That the terms of reference and constitution for a Standards Committee for this Authority comprising nine Councillors including one member of the Cabinet and appointed on pro rata lines be approved as set out in Annex 1 to these minutes;

(3) That the following Councillors be appointed to the Standards Committee for 2012/13:

Conservative Group (6):

Councillors G Chambers, H Kane, A Mitchell, B Rolfe, P Smith, D Stallan.

LRA Group (2):

Councillors K Angold-Stephens, C Pond.

Liberal Democrats Group (1):

Councillor J H Whitehouse;

### **Joint Standards Committee – Parish and Town Councils**

(4) That the current position regarding parish and town councils in the District be noted;

(5) That parish and town councils wishing to participate in the Standards Committee established by the District Council be welcomed;

(6) That all parish and town councils be reassured that whichever option they choose they will continue to receive full support from the Monitoring Officer and her staff;

### **Code of Conduct**

(7) That the draft model Code of Conduct developed by the Public Law Partnership as set out in Annex 2 to these minutes be adopted in respect of this Council and any affiliated parish and town councils;

### **Arrangements for Dealing with Complaints**

(8) That the model complaints procedures under Section 28 of the Localism Act 2011 as developed by the Public Law Partnership be adopted as set out in Annex 3 to these minutes;

### **Independent Person(s)**

(9) That the publication of a notice inviting applications for independent persons to assist with the new Standards arrangements be noted;

(10) That the Council notes that the existing independent members of the Standards Committee may, under Government regulations laid before Parliament, apply for the positions of independent persons provided that they resign as members of the current Standards Committee before 1 July 2012 but that any application from those independent persons must be regarded as provisional until the regulations are made;

(11) That, as the Council will not have completed appointments of independent persons until after 1 July 2012 when the new Standards arrangements come into force, the Monitoring Officer be authorised to seek support from independent persons appointed by other local authorities when required, as an interim measure;

(12) That the number of independent persons to be recruited be no less than two in order to ensure that there is a clear differentiation of responsibilities should an independent person be advising either the Monitoring Officer or a councillor subject to a complaint;

(13) That a Panel be appointed in order to interview the applicants to become independent persons comprising five members of the Council on pro rata lines (i.e., Conservative Group 3, LRA Group 1 and Liberal Democrats Group 1) and that Group Leaders notify the Monitoring Officer of their nominations;

(14) That, notwithstanding the payment of allowances and expenses to independent persons is not part of the statutory duties of the Remuneration Panel, the Panel be invited to give their advice on the level of co-optees' allowance and travel and subsistence which should apply to independent persons, bearing in mind the payment of £500 per annum plus travel/subsistence payable to the independent members of the present Standards Committee;

#### **Register of Member Interests**

(15) That the Monitoring Officer be authorised to finalise, in consultation with the Public Law Partnership, the format for registration of members' interests under the new Code of Conduct.

### **19. REPORT OF THE COMMITTEE FOR THE APPOINTMENT OF A CHIEF EXECUTIVE**

#### **Mover: Councillor J M Whitehouse – Chairman of the Committee**

Councillor Whitehouse submitted a report outlining the selection process for the post of Chief Executive. He advised that the recruitment advertisement had produced 43 firm applications and that the Committee had agreed proposals by the Council's recruitment advisers, Messrs GatenbySanderson for a long list of 11 candidates. Applicants had then been involved in technical interviews with GatenbySanderson and a peer adviser recruited by the company, the latter being a Chief Executive of another local authority. At its meeting of the Committee on 18 May 2012, a detailed report had been received from GatenbySanderson on the results of the technical interviews and an assessment of each of the long listed candidates. As a result, the Committee had agreed a shortlist of five candidates who had been submitted to a two day recruitment exercise held on 7/8 June 2012.

Councillor Whitehouse emphasised that the Committee had been impressed with the range of applicants and the strength of the long and short lists. He drew attention to the individual characteristics being sought for the post.

The Council noted that, following conclusion of the recruitment exercise on 8 June 2012, the Committee had met and were recommending that Mr Glen Chipp be appointed as Chief Executive. Councillor Whitehouse advised that Mr Chipp currently held the post of Strategic Director for Place with Bath and North East Somerset Council and the responsibilities of his current position covered planning, transport, environmental and waste services, tourism and leisure, culture, economic development and major capital projects.

Councillor Whitehouse advised that under the Local Authorities (Standing Orders) Regulations 2001, the Committee had been required to notify the Proper Officer (Mr I Willett, Assistant to the Chief Executive for this purpose) of the name of the person to whom it was intended to make an offer of an appointment. The regulations were designed to allow the Cabinet members to object if they so wished to any proposed appointment, reflecting the fact that the appointment of a Chief Executive/Head of Paid Service was a matter for the Council rather than the Cabinet. Councillor Whitehouse advised that the Proper Officer had provided each member of the Cabinet with relevant information on the proposed appointee. As a result, all nine members of the Cabinet had confirmed in writing that they had no objection to the proposed appointment to be made.

Councillor Whitehouse confirmed that the Committee had followed the requirements adopted by the Council last year, following recommendations from an Overview and Scrutiny Task and Finish Panel regarding the process for recruitment to top management positions and employment contracts. He advised that the Committee were recommending that a review report should be submitted to the Overview and Scrutiny Committee once this recruitment had been finalised.

Councillor Whitehouse drew attention to the Committee's recommendation expressing appreciation of the work undertaken by Mr D Macnab as Acting Chief Executive.

Councillor Whitehouse thanked the other members of the Appointments Committee for their work throughout the appointment process.

Councillor Wagland thanked Councillor Whitehouse for the manner in which he had chaired meetings and Mr D Macnab for the work which he had undertaken as Acting Chief Executive.

Councillor Murray thanked the other members of the Appointments Committee for their work and paid special tribute to the role of Councillor Whitehouse.

Councillor Whitbread also thanked Councillor Whitehouse and Mr D Macnab for the work they had undertaken.

Councillor Cohen endorsed the comments made by other members about the work undertaken by the Appointments Committee and the Acting Chief Executive.

In response to a question, Councillor Whitehouse advised that the cost of the recruitment exercise as a whole had been approximately £24,000 of which some two thirds had represented the recruitment consultant's fees.

### **Report as first moved ADOPTED**

#### **RESOLVED:**

- (1) That Mr G Chipp be offered the position of Chief Executive at the salary indicated in the report subject to final agreement of the contract;
- (2) That the Chairman of this Committee and the Leader of the Council, in consultation with the Assistant Director (Human Resources) and Messrs GatenbySanderson, be authorised to agree a starting date and agree any other detailed terms in the contract as may arise, subject to legal advice from a nominated employment law specialist from the Public Law Partnership;

(3) That the Council notes that the Contract of Employment for the Chief Executive will make specific provision for clear and measureable performance management and supervision based on:

(a) the Council's key objectives;

(b) specific personal targets to be set for the Chief Executive by the Leader of the Council; and

(c) regular review meetings with the Leader of the Council of a kind and at a frequency which meets the best interests of the Council, together with an annual appraisal;

(4) That the Overview and Scrutiny Committee receive a report on the recruitment process for this appointment and be requested to undertake, through the Constitution and Member Services Standing Scrutiny Panel, a review of the Constitution's Employment Procedure Rules in the light of recent legal advice;

(5) That, if necessary, the temporary contract of the Acting Chief Executive be extended if the new Chief Executive takes up his duties after 31 August 2012 and that the Chairman of the Committee and the Leader of the Council be authorised to agree the revised termination date for the temporary contract and Mr Macnab's return to his substantive post of Deputy Chief Executive; and

(6) That the Council's appreciation of Mr D Macnab's work as Acting Chief Executive be recorded.

**CHAIRMAN**

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## ANNEX 1

### Terms of Reference for Standards Committee

<b>STANDARDS COMMITTEE</b>	
<p><b>Appointed by:</b></p> <p>The Council, in accordance with the provisions of S101 &amp; S102 Local Government Act 1972 and Regulations made thereunder.</p> <p>Appointment of a Standards Committee shall be by full Council</p>	<p><b>Number of Members:</b></p> <p>9 elected Members appointed proportionally (of whom 1 member may be a member of the Executive nominated by the Leader of the Council)</p> <p>Parish/Town Councils to be invited to nominate one Parish/Town Councillor to be co-opted as a non-voting member.</p>
<p><b>Chairman and Vice-Chairman appointed by:</b></p> <ol style="list-style-type: none"> <li>1. The Chairman will be elected by the Committee.</li> <li>2. There will be one Vice-Chairman, who shall be elected by the Committee</li> <li>3. The Vice-Chairman shall deputise for the Chairman in his or her absence.</li> </ol>	<p><b>Political Proportionality:</b></p> <p>Rules of political proportionality apply.</p> <p><b>Substitutes:</b></p> <p>Substitutes are permitted for the Standards Committee.</p> <p><b>Frequency:</b></p> <p>At least quarterly.</p> <p><b>Venue:</b></p> <p>As set out in the approved Calendar of Meetings.</p>
<p><b>Independent Persons:</b></p> <p>Appointment approved by full Council in accordance with the provisions of Section 28(6) and (7) of the Localism Act 2011</p>	<p><b>The Independent Persons:</b></p> <p>The Independent Persons to be invited to attend the meetings of the Standards Committee</p>
<p><b>Quorum:</b></p> <p>At least 3 voting Members of the Committee</p>	
<p><b>Terms of Reference:</b></p>	

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Members and Co-Opted Members of the authority;
- (b) advising and assisting Parish/Town Councils and Councillors to maintain high standards of conduct and to make recommendation to Parish/Town Councils on improving standards or actions following a finding of a failure by a Parish/Town Councillor to comply with the Code of Conduct
- (c) conducting hearings on behalf of the Parish/Town Councils
- (d) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (e) receiving referrals from the Monitoring Officer into allegations of misconduct in accordance with the Authority's assessment criteria
- (f) receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Members' Code of Conduct;
- (g) advising, training or arranging to train Members and Co-Opted Members on matters relating to the Members' Code of Conduct;
- (h) assisting Councillors and Co-opted Members to observe the Members' Code of Conduct;
- (i) hearing and determining complaints about Members and Co-Opted Members referred to it by the Monitoring Officer;
- (j) advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council
- (k) maintaining oversight of the Council's arrangements for dealing with complaints
- (l) informing Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints.
- (m) appointing a Sub-Committee
- (n) granting dispensations after consultation with the Independent Person(s) pursuant to S33(2) (b), (c) and (e) of the Localism Act 2011
- (o) hearing and determining appeals against refusal to grant dispensations by the Monitoring Officer pursuant to S33(2)(a) and (d) of the Localism Act 2011

**STANDARDS SUB-COMMITTEE**

**Appointed by:**

The Council, for the purposes of section 28(6 and (7) of the Localism Act 2011

**Number of Elected Members:**

5 Members appointed from Members of the Standards Committee.

<p><b>Chairman and Vice-Chairman appointed by:</b></p> <p>The Chairman shall be elected by the Sub-Committee at each meeting.</p>	<p><b>Political Proportionality:</b></p> <p>Rules of political proportionality apply.</p> <p><b>Substitutes:</b></p> <p>None.</p> <p><b>Frequency:</b></p> <p>As and when required.</p> <p><b>Venue:</b></p> <p>To be determined by the Monitoring Officer.</p>
<p><b>Quorum:</b></p> <p>At least 3 voting Members</p>	<p>Parish Councillor to be invited to be co-opted as non-voting member in dealing with a complaint against a Parish Councillor</p>
<p><b>Independent Persons:</b></p> <p>Appointment approved by full Council in accordance with the provisions of Section 28(6) and (7) of the Localism Act 2011</p>	<p><b>The Independent Persons:</b></p> <p>The Independent Person(s) to attend the meetings of the Standards Committee dealing with hearings into allegations of misconduct</p>
<p><b>Terms of Reference</b></p> <p>To conduct a Hearing into an allegation that a Member or Co-opted Member has breached the Authority's Code of Conduct.</p> <p>Following a Hearing, make one of the following findings:</p> <ul style="list-style-type: none"> <li>(f) That the Member has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the Hearing</li> <li>(g) That the Member has failed to comply with the Code of Conduct but that no further action needs to be taken in respect of the matters considered at the Hearing</li> <li>(h) That the Member has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed</li> </ul> <p>The Sub-Committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions as are available to it by law or policy.</p>	

After making a finding the Sub-Committee shall, as soon as reasonably practicable provide written notice of its findings and the reasons for its decision to the Member and complainant.

## **ANNEX 2**

### **Localism Act 2011**

#### **Promoting and Maintaining High Standards of Conduct in Local Government**

#### **CODE OF MEMBER CONDUCT**

# COUNCILLOR CODE OF CONDUCT

## PART 1 GENERAL PROVISIONS

### Introduction and interpretation

As a member you are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

This Code as a whole is consistent with “Nolan Principles” which are set out in Appendix 1 and the provisions of S29(1) Localism Act 2011

In this Code-

“meeting” means any meeting of:

- (a) the authority
- (b) the Executive of the authority
- (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees or areas committees  
whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members
- (d) any briefings by officers and site visits organised by the authority

“relevant period” means the period of 12 months ending with the day on which you give notification to the authority’s monitoring officer of any disclosable pecuniary interests you had at the time of the notification.

“profit or gain” includes any payments or benefits in kind which are subject to Income Tax

“beneficial interest” means having an economic benefit as a legal owner or holding it on trust for the beneficial owner, having a right to the income from the land or securities or a share in it or the right to the proceeds of sale or share of part of the proceeds of sale

“member” includes a co-opted member.

### 1. Who does the Code apply to?

- (1) This Code applies to all members of the Epping Forest District Council, including co-opted members.
- (2) It is your responsibility to comply with the provisions of this Code.

## **2. What does the Code apply to?**

- (1) You must comply with this Code whenever you -
  - (a) conduct the business of your authority, or
  - (b) you are acting as a representative of your authority,
- (2) This Code has effect in relation to your conduct in your official capacity.
- (3) Where you act as a representative of your authority--
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## **3. General obligations**

- (1) You must treat others with respect.
- (2) You must uphold the law
- (2) You must not--
  - (a) do anything which may cause your authority to breach any of the equality enactments
  - (b) bully any person;
  - (c) intimidate or attempt to intimidate any person who is or is likely to be--
    - (i) a complainant,
    - (ii) a witness, or
    - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
  - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

#### **4. Confidential Information**

You must not--

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where--
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is--
    - (aa) reasonable and in the public interest; and
    - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

#### **5. Conferring an advantage or disadvantage**

You--

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority-
  - (i) act in accordance with your authority's reasonable requirements;
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.



## PART 2 MEMBERS INTERESTS

### 6. Disclosable Pecuniary Interests

6.1 You have a disclosable pecuniary interest in any business of your authority if it is of a description set out in 6.2 below and is either:

- (a) An interest of yours
- (b) An interest of your spouse
- (c) An interest of your civil partner
- (d) An interest of a person you are living with as a spouse or civil partner

And in the case of paragraphs 6.1 (b) – 6.1 (d) (“relevant persons”) where you are aware that that relevant person has the interest

6.2 It relates to or is likely to affect:

- i. Any employment, office, trade, profession or vocation carried on by you or a relevant person for profit or gain;
- ii. Any payment or provision of any other financial benefit (other than from your authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 other than from a registered political party;
- iii. Any beneficial interest in securities of a body where-
  - 1. that body (to your knowledge) has a place of business or land in the area of your authority and
  - 2. either:
    - a. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - b. the beneficial interest exceeds one hundredth of the total issued share capital of the share capital of that body, if of more than one class, the total nominal value of the shares of any one class
- iv. Any contract for goods, services or works which has not been fully discharged between you or a relevant person and your authority or a body in which you or they have a beneficial interest;
- v. A beneficial interest in any land in your authority’s area

- vi. any tenancy where to your knowledge (a) the landlord is your authority and (b) the tenant is a body in which you or a relevant person has a beneficial interest
- vii. a licence of any land in your authority's area (alone or jointly with others) that you or a relevant person occupy for a month or longer;

## **7. Other Pecuniary Interests**

7.1 You have a pecuniary interest in any business of your authority where either-

(b) It relates to or is likely to affect:

- i. any person or body who employs or has appointed you;
- ii. any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specific in paragraph 6.2.(iii) which has been fully discharged within the last 12 months;

## **8. Non-Pecuniary Interests**

8.1 You have a non-pecuniary interest in any business of your authority where either:-

(a) it relates to or is likely to affect-

- i. any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- ii. any body-
  - 1. exercising functions of a public nature;
  - 2. directed to charitable purposes; or
  - 3. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);
 of which you are a member or in a position of general control or management;
- iii. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
- iv. a decision in relation to that business which might reasonably be regarded as affecting your wellbeing or the wellbeing of a relevant person to a greater extent than the majority of:-

- (a) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
- (b) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's areas

## **9. Disclosure of Interests**

- 9.1 Subject to sub-paragraphs 9.2 to 9.6, where you have a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of your authority and you are present at a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your register of Interests or for which you have made a pending notification
- 9.2 Sub-paragraph 9.1 only applies where you are aware or ought reasonably to be aware of the existence of the pecuniary or non pecuniary interest
- 9.3 Where you have an interest in any business of your authority which would be disclosable by virtue of paragraph 9.1 but by virtue of paragraph 14 (sensitive interests) details of the interest are not registered in your authority's published register of members' interest and that the interest is a disclosable pecuniary interest (if that is the case) but you need not disclose the nature of the interest to the meeting
- 9.4 Where you have a pecuniary interest in any business of your authority and a function of your authority may be discharged by you acting alone in relation to that business, you must ensure you notify the authority's monitoring officer of the existence and nature of that interest within 28 days of becoming aware that you will be dealing with the matter even if more than 28 days before you will actually deal with the business
- 9.5 Where you have an interest in any business of your authority which would be disclosable by virtue of paragraph 9.1 and you have made an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest
- 9.6 In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000

## **10. Disclosure of Interests generally**

10.1 Subject to sub-paragraph 10.2 where you have a pecuniary interest in any business of your authority you also have a disclosable pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment in the public interest.

10.2 You do not have a disclosable pecuniary interest in any business of your authority where that business-

- i. does not affect your financial position or the financial position of a person or body described in paragraph 8.1 (a) i. and ii.;
- ii. does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8.1 (a) i and ii; or
- iii. relates to the functions of your authority in respect of-
  - i. housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - ii. school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - iii. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - iv. an allowance, payment or indemnity given to members;
  - v. any ceremonial honour given to members; and
  - vi. setting council tax or a precept under the Local Government Finance Act 1992

## **11. Effect of Disclosable Pecuniary Interests on participation**

11.1 You may not-

- a. if present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority and
- b. you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and
- c. you are aware that sub-paragraph 11.1.b is met:
  - i. participate, or participate further, in any discussion of the matter at the meeting, or

ii. participate in any vote, or further vote, taken on the matter at the meeting

and must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the authority's proper officer

d. exercise executive functions in relation to that business and

e. seek improperly to influence a decision about that business

11.2 If a function of your authority may be discharged by a member acting alone and you have a disclosable pecuniary interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by yourself)

11.3 If you have a pecuniary interest other than a disclosable pecuniary interest in any business of your authority which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and you are present at a meeting of the authority at which such business is to be considered or is being considered your must:-

11.3.1 Disclose the existence and nature of the interest in accordance with paragraph 9.1 (but subject to paragraph 9.3)

11.3.2 Withdraw from the room or chamber where the meeting considering the business is being held unless you have obtained a dispensation from your authority's proper officer in a case where paragraph 11.3 applies immediately after making your representations or in any other case when the business is under consideration unless you have obtained a dispensation from your authority's proper officer

### **PART 3 REGISTER OF MEMBERS INTERESTS**

#### **12. Registration of Members' Interests**

Subject to paragraph 13, you must, within 28 days of—

- (a) this Code being adopted by or applied to your authority; or
- (b) your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the authority

register in your authority's register of members' interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:

- i. disclosable pecuniary interests<sup>i</sup> as referred to in paragraph 6 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time
  - ii. pecuniary interests referred to in paragraph 7 that you have
- (c) Subject to paragraph 13, you must within 28 days of becoming aware of any new disclosable pecuniary interest as referred to in paragraph 6 that you, your spouses, civil partner or person with whom you live as if they were your spouse or civil partner or change to any disclosable pecuniary interest registered under paragraphs 12. i. or ii above

by providing written notification to your authority's Monitoring Officer

#### **13. Sensitive Information**

13.1 Where you have a disclosable pecuniary interest referred to in paragraph 6 or pecuniary interest referred to in paragraph 7 and the nature of the interest is such that you and your authority's monitoring officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the authority's register then copies of the register available for inspection and any published version of the register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.

13.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 13.1 is no longer sensitive information, notify your authority's monitoring officer

13.3 In this Code “sensitive information” means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subject to violence or intimidation.

## **CODE OF CONDUCT**

### **APPENDIX 1**

#### **THE NOLAN PRINCIPLES AND SECTION 28(1) OF THE LOCALISM ACT 2011**

##### **SELFLESSNESS**

To serve only the public interest and never improperly confer an advantage or disadvantage on any person

##### **INTEGRITY**

Not to place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour

##### **OBJECTIVITY**

Make decisions on merit, including when making appointments, awarding Contracts or recommending individuals for rewards or benefits.

##### **ACCOUNTABILITY**

To be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their Office.

##### **OPENNESS**

To be as open as possible about their actions and those of the Council and should be prepared to give reasons for those actions.

##### **HONESTY**

Not to place themselves in situations where their honesty may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behaviour.

##### **LEADERSHIP**

Should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence.

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### Complaints Procedure

#### Introduction

1.1 These “Arrangements” set out how you may make a complaint that an elected or co-opted member of Epping Forest District Council or of a parish council or town council (referred to as a parish council in this document) within the District of Epping Forest has failed to comply with the Councillors’ Code of Conduct, and sets out how the District Council will deal with allegations of a failure to comply with the Councillors’ Code of Conduct.

1.2 Under Section 28(6) and (7) of the Localism Act 2011, the District Council must have in place “Arrangements” under which allegations that a member or co-opted member of the District Council (or of a parish council within the District of Epping Forest), or of a Committee or Sub-Committee of the District Council, has failed to comply with Code of Conduct can be investigated and decisions made on such allegations.

1.3 Such arrangements must provide for the District Council to appoint at least one Independent Person, whose views must be sought by the District Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the District Council at any other stage, or by a member (or a member or co-opted member of a parish council) against whom an allegation has been made.

#### 2. The Code of Conduct

2.1 The District Council has adopted a Code of Conduct for Councillors, which is available for inspection on the District Council’s website and on request from Reception at the District Council Civic Offices.

2.2 Each Parish Council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council’s Code of Conduct, you should inspect any website operated by the Parish Council or request the parish clerk to allow you to inspect the Parish Council’s Code of Conduct.

#### 3. Making a complaint

3.1 If you wish to make a complaint, please write to:

The Monitoring Officer  
c/o The Local Assessment Officer  
Epping Forest District Council  
Office of the Chief Executive  
Civic Offices, High Street  
Epping  
CM16 4BZ

or by email to:

[shill@eppingforestdc.gov.uk](mailto:shill@eppingforestdc.gov.uk)

3.2 The Monitoring Officer is a senior officer of the District Council who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of councillor misconduct.

3.3 In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the complaint form, which can be downloaded from the District Council's website, next to the Code of Conduct, and is available on request from Reception at the District Council Civic Offices.

3.4 Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form. The Monitoring Officer will consider your request and if granted we will not disclose your name and address to the member against whom you make the complaint, without your prior consent.

3.5 The District Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

3.6 The Local Assessment Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

3.7 The Complaints Procedure Flowchart is attached at Appendix 1 for your assistance.

#### **4. Will your complaint be investigated?**

4.1 The Monitoring Officer will review every complaint received and, may consult with the Independent Person before taking a decision as to whether it:

- (a) merits no further investigation; or
- (b) merits further investigation; or
- (c) should be referred to the Standards Committee,

4.2 This decision will normally be taken within 28 working days of receipt of your complaint. Your complaint will be considered in accordance with the District Council's Assessment Criteria contained at Appendix 2. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision. Where the Monitoring Officer requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed.

4.3 Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.

4.4 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member

or the authority make a reasonable offer of informal resolution, but you are not willing to accept the offer, the Monitoring Officer will take account of this in deciding whether the complaint merits further investigation.

4.5 If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police or other regulatory agencies.

## **5. How is the investigation conducted?**

5.1 The District Council has adopted a procedure for the investigation of misconduct complaints, which is attached as Appendix 3 to these arrangements.

5.2 If the Monitoring Officer decides that a complaint merits further investigation, he/she may appoint an Investigating Officer, who may be another senior officer of the District Council, an officer of another authority or an external investigator. The Investigating Officer or Monitoring Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents need to be seen, and who needs to be interviewed.

5.3 The Investigating Officer or Monitoring Officer will normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

5.4 At the end of his/her investigation, the Investigating Officer or Monitoring Officer will produce a draft report ("the Investigation Report") and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

5.5 Having received and taken account of any comments which you may make on the draft Investigation Report. Where an Investigating Officer has been appointed the Investigating Officer will send his/her final report to the Monitoring Officer.

## **6. What happens if the Investigating Officer or Monitoring Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

6.1 If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer's report and, if he/she is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned and to the Parish Council, where your complaint relates to a Parish Councillor, notifying you that he/she is satisfied that no further action is required, and give you both a copy of the Investigation Final Report.

(6.2) If an Investigating Officer has been appointed and if the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report.

## **7. What happens if the Investigating Officer or Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

7.1 If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer's report and will then either send the matter for a hearing before the Standards Sub-Committee or in consultation with the Independent Person seek an informal resolution.

### **(a) Informal Resolution**

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the District Council's Standards Committee (and the Parish Council) for information, but will take no further action.

### **(b) Hearing**

If the Monitoring Officer considers that informal resolution is not appropriate, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigation Report to the Standards Sub-Committee which will conduct a hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The District Council has agreed a procedure for hearing complaints, which is attached as Appendix 4 to these arrangements.

At the hearing, the Investigating Officer or the Monitoring Officer will present her/his report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer or Monitoring Officer may ask you as the complainant to attend and give evidence to the Sub-Committee. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and dismiss the complaint. If the Sub-Committee concludes that the councillor did fail to comply with the Code of Conduct, the Chairman will inform the member of this finding and the Sub-Committee will then consider what action, if any, the Sub-Committee

should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Sub-Committee will give the member an opportunity to make representations to the Sub-Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

## **8. What action can the Standards Sub-Committee take where a member has failed to comply with the Code of Conduct?**

8.1 The District Council has delegated to the Sub-Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Sub-Committee may:-

- (a) Publish its findings in respect of the member's conduct;
- (b) Report its findings to Council (or to the Parish Council) for information;
- (c) Recommend to Council (or to the Parish Council) that the member be issued with a formal censure or be reprimanded
- (d) Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that the member be removed from any or all Committees or Sub-Committees of the Council;
- (e) Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (f) Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the member;
- (g) Recommend to Council to remove (or recommend to the Parish Council that the member be removed) from all outside appointments to which he/she has been appointed or nominated by the District Council (or by the Parish Council);
- (h) Recommend to Council to withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
- (i) Recommend to Council to exclude (or recommend that the Parish Council exclude) the member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Panel meetings.

8.2 The Sub-Committee has no power to suspend or disqualify the councillor or to withdraw the councillor's basic allowance or any special responsibility allowances.

## **9 What happens at the end of the hearing?**

9.1 At the end of the hearing, the Chairman will state the decision of the Standards Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Sub-Committee resolves to take.

9.2 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chairman of the Sub-Committee, and send a copy to you, to the member (and to the Parish Council), make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

## **10 Who are the Standards Sub-Committee?**

10.1 It is a Sub-Committee comprising of Councillors sitting on the Council's Standards Committee.

10.2 The Standards Committee has decided that it will comprise a maximum of five Councillors of the Council, including not more than one member of the Council's Executive and comprising councillors drawn from all political groups. Subject to those requirements, it is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council. If the member complained about is a member of a Parish Council, a parish councillor who is a co-opted member of the Standards Committee will also be invited to attend the Sub-Committee.

10.3 The Independent Person is invited to attend all meetings of the Sub-Committee and their views are sought and taken into consideration before the Sub-Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## **11 Who is the Independent Person?**

11.1 The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of the District Council.

11.2 A person cannot be "independent" if he/she:

- (a) is, or has been within the past 5 years, a member, co-opted member or officer of the District Council;
- (b) is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the District of Epping Forest), or
- (c) is a relative or close friend, of a person within paragraph (a) or (b) above. For this purpose, a "relative" means:
  - (i) spouse or civil partner;
  - (ii) living with the other person as husband and wife or as if they were civil partners;
  - (iii) grandparent of the other person;
  - (iv) a lineal descendent of a grandparent of the other person;
  - (v) a parent, sibling or child of a person within paragraphs (a) or (b) above
  - (vi) a spouse or civil partner of a person within paragraphs (iii), (iv) or (v) above; or
  - (vii) living with a person within paragraphs (iii), (iv) or (v) above as husband and wife or as if they were civil partners.

## **12. Revision of these arrangements**

The District Council may by resolution agree to amend these arrangements, and has delegated to the Chairman of the Sub-Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

## **13. Appeals**

13.1 There is no right of appeal for you as complainant or for the councillor

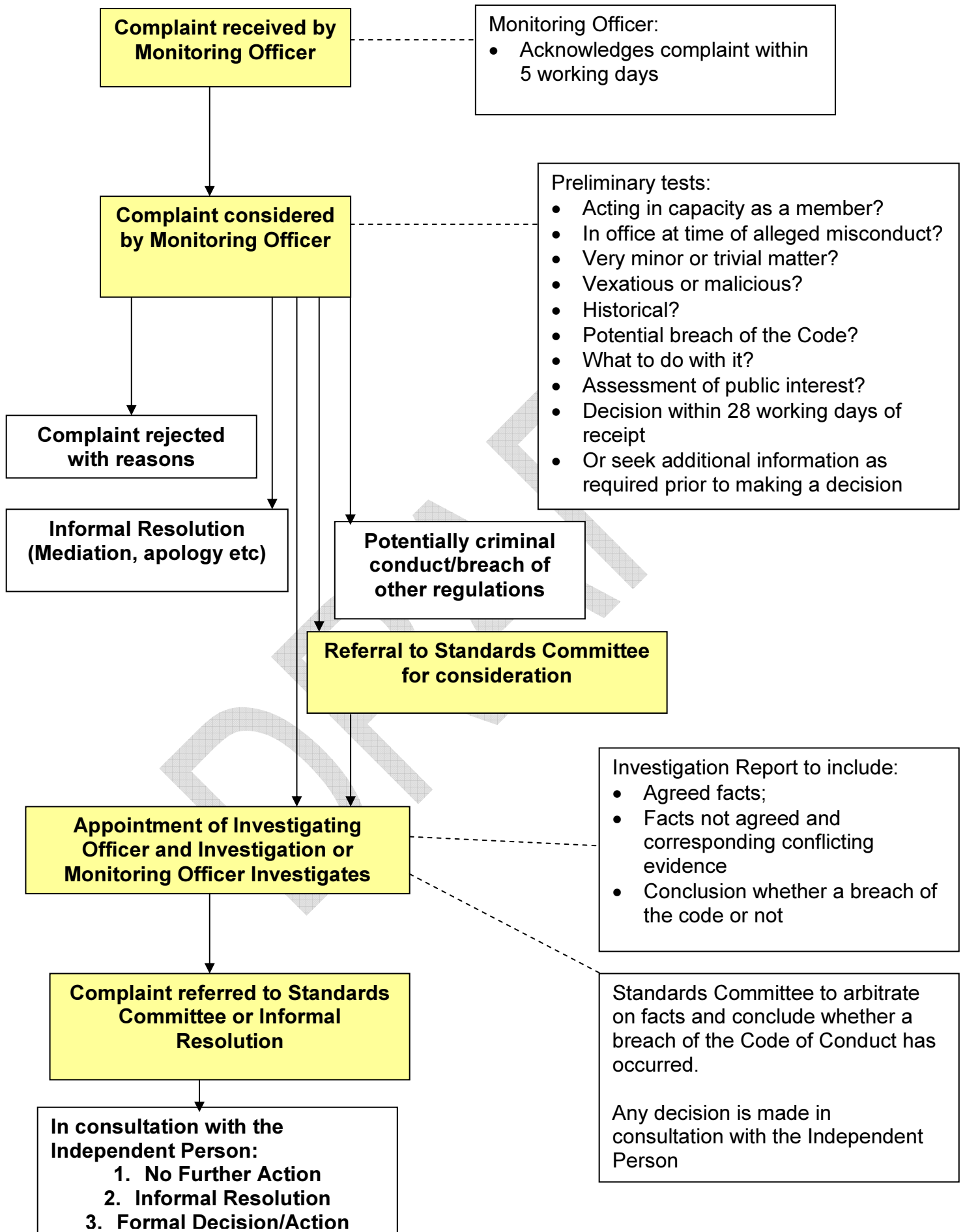
against a decision of the Monitoring Officer or of the Sub-Committee.

13.2 If you feel that the District Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

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## Appendix 1 Complaints Procedure Flowchart



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## APPENDIX 2

### STANDARDS COMPLAINTS ASSESSMENT CRITERIA

#### **Complaints which would not normally be referred for investigation**

1. The complaint is not considered sufficiently serious to warrant investigation; or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat”; or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor’s private life or is about dissatisfaction with a Council decision; or
5. It is about someone who is no longer a Councillor; or
6. There is insufficient information available for a referral; or
7. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances eg. allegation of bullying, harassment etc; or
8. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
9. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Standards Committee; or
10. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct; or
11. Where the member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction

#### **Complaints which may be referred to the Standards Committee**

1. It is serious enough, if proven, to justify the range of actions available to the Standards Committee; or
2. There are individual acts of minor misconduct which appear to be a part of a continuing pattern of behaviour that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation; or

3. When the complaint comes from a senior officer of the Council, such as the Chief Executive or the Monitoring Officer and it would be difficult for the Monitoring Officer to investigate; or

4. The complaint is about a high profile Member such as the Leader of the Council and it would be difficult for the Monitoring Officer to investigate

5. Such other complaints as the Monitoring Officer considers it would not be appropriate for him to investigate

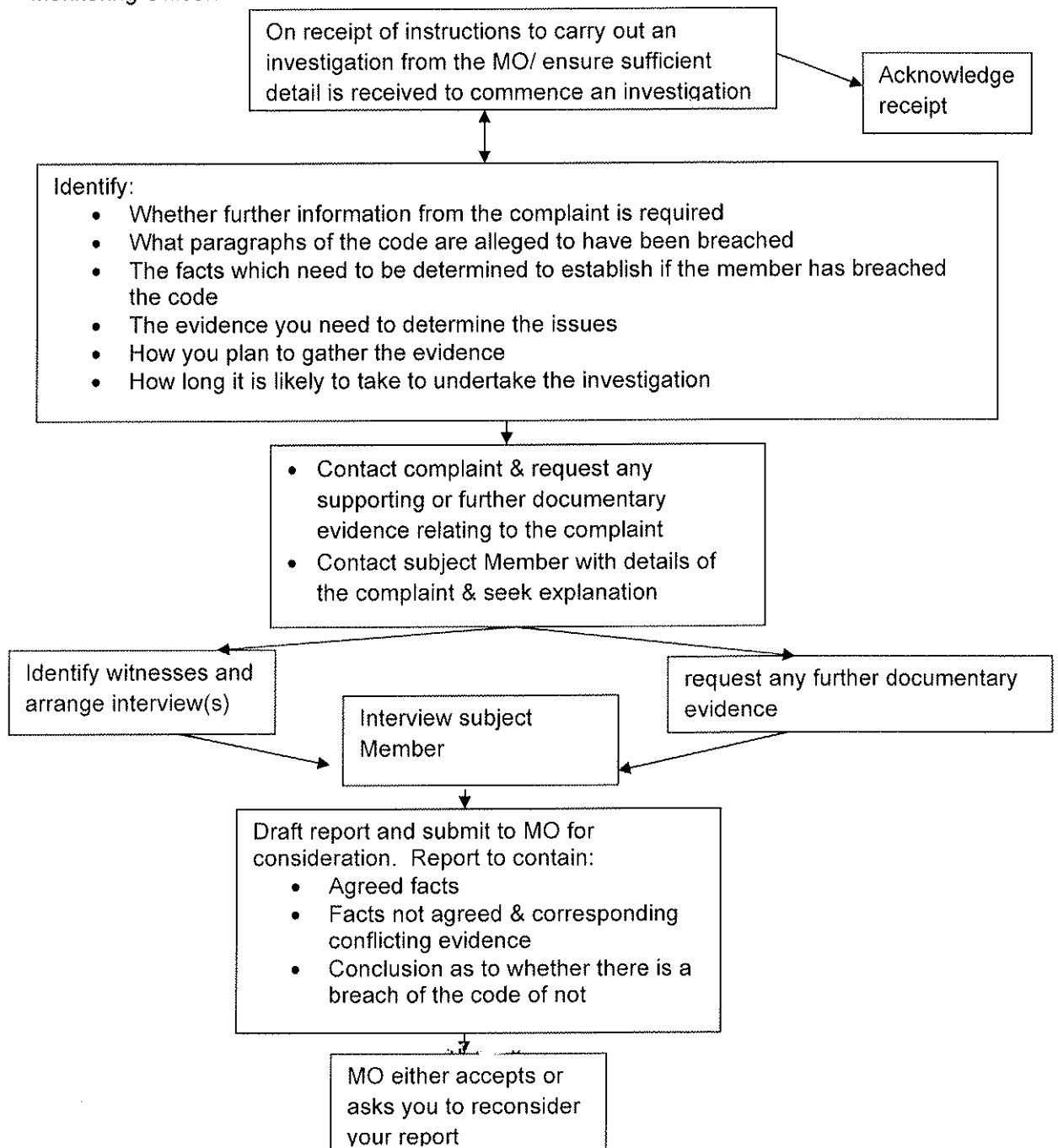
**Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and members' time. This is an important consideration where the complaint is relatively minor.**

**STANDARDS COMPLAINTS INVESTIGATION PROCEDURE**

**Investigation Procedure**

You should maintain a written record to demonstrate what was considered at the start of each investigation and plan how you intend to carry out the investigation, the paragraphs of the code that may have been breached, the facts you need to determine to establish, the evidence you will need, how you plan to gather the evidence and how long it will take to conclude your investigation. Remember there is no provision in the Localism Act 2011 compelling Members or witnesses to co-operate with your investigation.

A written Investigation Report will need to be prepared for consideration by the Council's Monitoring Officer.



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**STANDARDS SUB-COMMITTEE HEARING PROCEDURE**

<b><u>Item No.</u></b>	<b><u>Procedure</u></b>
1	<p style="text-align: center;"><b><u>Quorum</u></b></p> <p>1.1. Three Members must be present throughout the hearing to form a quorum.</p> <p>1.2. Where the complaint refers to a Parish Councillor a non voting Parish member of the Standards committee may be present</p> <p>1.3. The Sub-Committee shall nominate a Chairman for the meeting</p>
2	<p style="text-align: center;"><b><u>Opening</u></b></p> <p>2.1 The Chairman explains the procedure for the hearing and reminds all parties to turn off mobile phones, audible alarms and pagers etc.</p> <p>2.2 The Chairman asks all present to introduce themselves</p> <p>2.3 The Councillor will be asked whether they wish to briefly outline their position</p>
3	<p style="text-align: center;"><b><u>The Complaint</u></b></p> <p>3.1 The Investigating Officer shall be invited to present their report including any documentary evidence or other material (and to call witnesses as required by the Investigating Officer). This report and documentary evidence must be based on the complaint made to the Council – no new points will be allowed.</p> <p>3.2 The Councillor against whom the complaint has been made (or their representative) may question the Investigating Officer upon the content of their report and any witnesses called by the Investigating Officer. (This is the Councillor's opportunity to ask questions rising from the Investigators report and not to make a statement)</p> <p>3.3 Members of the Sub-Committee may question the</p>

	Investigating Officer upon the content of their report and/or any witnesses called by the Investigating Officer
4	<p style="text-align: center;"><b><u>The Councillor's case</u></b></p> <p>4.1 The Councillor against whom the complaint has been made (or their representative) may present their case (and call any witnesses as required by the Councillor or their representative)</p> <p>4.2 The Investigating Officer may question the Councillor and/or any witnesses</p> <p>4.3 Members of the Sub-Committee may question the Member and/or any witnesses</p>
5	<p style="text-align: center;"><b><u>Summing Up</u></b></p> <p>5.1 The Investigating Officer may sum up the Complaint</p> <p>5.2 The Member (or their representative) may sum up their case.</p>
6	<p style="text-align: center;"><b><u>Decision</u></b></p> <p>6.1 Members of the Sub-Committee will deliberate in private to consider the complaint in consultation with the Independent Person prior to reaching a decision</p> <p>6.2 Upon the Sub-Committee's return the Chairman will announce the Sub-Committee's decision in the following terms:-</p> <p>6.2.1 The Sub-Committee decides that the Member has failed to follow the Code of Conduct or</p> <p>6.2.2 The Sub-Committee decides that the Member has not failed to follow the Code of Conduct</p> <p>6.2.3 The Sub-Committee will give reasons for their decision</p> <p>6.3 If the Sub-Committee decides that the Member has failed to follow the Code of Conduct the Panel will consider any representations from the Investigator and/or the Member as to:</p> <p>6.3.1 Whether any action should be taken and</p> <p>6.3.2 What form any action should take</p> <p>6.4 The Sub-Committee will then deliberate in private to consider</p>



	<p>what action if any should be taken in consultation with the Independent Person</p>
6.5	<p>On the Sub-Committee's return the Chairman will announce the Sub-Committee's decision (in relation to a Parish Councillor a recommendation to the Parish Council)</p>
6.6	<p>The Sub-Committee will consider whether it should make any recommendations to the Council or in relation to a Parish Councillor to the Parish Council with a view to promoting high standards of conduct among Members</p>
6.7	<p>The Chairman will confirm that a full written decision shall be issued within 7 working days following the hearing and that the Sub-Committee's findings to be published.</p>

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