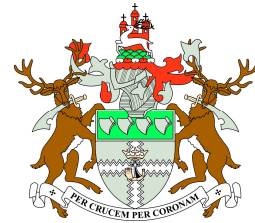


# Council Agenda



## Epping Forest District Council

### NOTICE OF COUNCIL MEETING

You are hereby summoned to an extraordinary meeting of the EPPING FOREST DISTRICT COUNCIL to be held in the COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING at 7.30 pm on Monday, 18 June 2012 for the purpose of transacting the business set out in the agenda.

A handwritten signature in black ink, appearing to read "D. Macnab".

**DEREK MACNAB**  
Acting Chief Executive

**Democratic Services  
Officer:**

Council Secretary: Ian Willett  
Tel: 01992 564243 Email:  
[democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### WEBCASTING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy and copies made available to those that request it.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

## **BUSINESS**

### **1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chief Executive will read the following announcement:

“This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the chamber’s lower seating area you consenting to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer”

### **2. DECLARATIONS OF INTEREST**

(Chief Executive) To declare interests in any item on the agenda.

### **3. ANNOUNCEMENTS**

**(a) Apologies for Absence**

**(b) Announcements**

To consider any announcements by:

- (i) the Chairman of the Council;
- (ii) the Leader of the Council; and
- (iii) any other Cabinet Member.

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

(Councillor J M Whitehouse – Chairman of the Committee) To consider a report (to follow after the meeting of the Committee on 8 June 2012).

### **5. LOCALISM ACT 2011 - NEW STANDARDS ARRANGEMENTS (Pages 5 - 48)**

(Monitoring Officer) To consider the attached report.

## 6. EXCLUSION OF PUBLIC AND PRESS

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Confidential Items Commencement:** Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

**Background Papers:** Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

This page is intentionally left blank

## ***Report to the Council***

**Report of:** Monitoring Officer

**Date:** 18 June 2012

**Monitoring Officer:** Colleen O'Boyle  
(Director of Corporate Support  
Services and Solicitor to the Council)

---

### **1. LOCALISM ACT 2011 – NEW STANDARDS ARRANGEMENTS**

#### **Standards Committee**

(1) 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 Appendix 1;

(2) That, subject to the adoption of (1), the Council appoints nine members, pro rata, at this meeting in order that the new Standards Committee is able to take up its role from 1 July 2012;

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

(3) That the Monitoring Officer submit a report to this meeting on the results of consultations with parish and town councils in the District on whether they wish to participate in the Standards Committee to be established by this Council or form their own Joint Standards Committee;

#### **Code of Conduct**

(4) That the draft model Code of Conduct developed by the Public Legal Partnership be adopted in respect of this Council and any affiliated parish and town councils as set out in Appendix 2;

(5) That the Monitoring Officer be authorised to include within the draft Code details of disclosable pecuniary interests once Government regulations have been issued regarding the definition of those interests.

#### **Arrangements for dealing with complaints**

(6) That the model complaints procedures under Section 28 of the Localism Act 2011 as developed by the Public Legal Partnership be adopted as set out in Appendix 3;

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

(7) That the Council note that the Monitoring Officer will shortly publish a notice inviting applications for independent persons to assist with the new standards arrangements;

(8) That the Council note that the existing independent members of the Standards Committee may, under forthcoming Government regulations, be enabled to apply for the positions of independent persons but that any application from those independent members must be regarded as provisional until the Government issues those regulations;

(9) 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;

(10) That the number of independent persons to be recruited should 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;

(11) That a Panel be appointed at this meeting in order to interview the applicants to become independent persons comprising five members of the Council on pro rata lines (i.e. Conservative 3, LRA 1 and Liberal Democrats 1) and to recommend suitable candidates for appointment; and

(12) That, notwithstanding that 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**

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

- 
1. The present Standards Committee reported to the Council on 27 March 2012 with details of the new standards arrangements for elected and co-opted councillors which comes into force on 1 July 2012.
  2. At that meeting, the Council made a number of decisions on the operation of the new arrangements including agreement in principle on other key aspects of the new regime. This report deals with further work which has been undertaken by the Public Legal Partnership to provide standardised arrangements in the local area so as to reassure the public that the same standards will apply to all Councils in the area.
  3. The report also deals with discussions between the Monitoring Officer and representatives of the Essex Association of Local Councils (Epping Forest Branch) who were interested in establishing a Joint Standards Committee for the 24 Parish and Town Councils in the District to work along side the Standards Committee for this authority.

### **Standards Committee**

4. The Public Legal Partnership has now produced a constitution in respect of the proposed Standards Committee (Appendix 1). This includes details of a Sub-Committee to deal with complaints which come to adjudication under the new regime.
5. It is recommended that this new Committee should comprise nine elected councillors, distributed between the political groups. The present Standards Committee comprises nine members (of whom only three are elected District Council members). In the event of that Parish or Town Councils wish to affiliate to the District Council's Standards Committee, it is suggested that one non-voting representative of those parish councils should be entitled to attend meetings of the Standards Committee. Likewise, it is recommended that any independent person appointed by the Council (see below) should also have non-voting status on the Committee.
6. If the number of councillors to serve on the Standards Committee is accepted, the Council is invited to make these appointments at this meeting or for Group Leaders to notify their appointees before July.

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

7. The Monitoring Officer has consulted with the Parish and Town Councils in the District regarding the option of having a Standards Committee. They may opt to have individual Standards Committees of their own, join together in a single Standards Committee covering all the parish and town councils, opt to affiliate to the District Council's Standard Committee or choose not have a Standards Committee at all.
8. An oral report will be made to this meeting on the outcome of those consultations. It is desirable in these matters to ensure that the arrangements being operated by Parish and Town Councils should be consistent with those of the District Council. The Monitoring Officer will comment as to whether the results of the consultation indicate a workable arrangement with the parish and town councils in the future can be achieved.

### **Code of Conduct**

9. The Public Legal Partnership has undertaken considerable work on a model Code of Conduct. At the Council meeting in March 2012, it was agreed to adopt the Partnership model code. This is recommended to the Council in Appendix 2.
10. A key feature of the Code of Conduct is that it must make provision for the dealing with disclosable pecuniary interests (which replace the current prejudicial and personal interests). The Code of Conduct must also include the statutory definition of such interests for future reference. At the time of preparing this report, the Government has not provided this definition so that the adoption of the new Code of Conduct must be subject to those elements being included. It is recommended that because the definitions are not discretionary but mandatory, the Monitoring Officer should be authorised to include those elements in the final version of the new Code.

## **Arrangements for Dealing with Complaints**

11. The Council has already agreed in principle to adopt model complaints procedures under Section 28 of the Act developed by the Public Legal Partnership. These arrangements are set out in Appendix 3 to this report and are recommended for adoption.

## **Independent Persons**

12. The existing independent members of the Standards Committee are no longer able to hold office in that capacity. There has been considerable discussion nationally with the Government regarding the possibility that those independent members be allowed to apply to become independent persons.
13. The Monitoring Officer is shortly to place an advertisement in the local press, as required by the Act, seeking applications for members of the community to become independent persons. The independent persons are there to assist both the Standards Committee and the Monitoring Officer in standards matters and particularly complaints where they are able to offer input to the Monitoring Officer on complaints received and also support and advice to members who are the subject of complaints. For the independent members of the present Standards Committee, any application they are prepared to make must be regarded as provisional until the Government issues regulations to clarify the 2011 Act as to their eligibility. Draft regulations have been laid before Parliament which if made will enable existing independent members to apply to be an independent person if they have ceased to be an independent member of the current Standards Committee before 1 July 2012. The existing three independent members on the Standards Committee have been informed of the position and invited to resign from the current Standards Committee if they wish to apply for the position of an independent person.
14. It is suggested that a minimum of two independent persons need to be appointed. This is to avoid conflicts of interest if they are asked upon to advise the Monitoring Officer and the subject member. If suitable candidates emerge from the public recruitment exercise, the Council could consider increasing the number.
15. The 2011 Act requires that applicants to become independent persons should be interviewed by a panel of members and the final decision made by the Council. It is recommended therefore that a panel of five members appointed on a pro rata basis (Conservative 3, LRA 1, Liberal Democrat 1) should be appointed at this meeting in order to take the recruitment process forward and submit recommendations to the Council on the appointment of suitable persons to undertake this role. In the event that Group Leaders are unable to nominate their members at this meeting they are asked to do so by July.

## **Independent Persons – Interim Phase**

16. The Council will be unable to have its own independent persons in place by the commencement date for the new standards arrangements. However, through the Public Legal Partnership the Monitoring Officer has arranged to obtain support from independent persons already appointed elsewhere. The Council is therefore recommended to delegate this authority to her over this interim phase.
17. The Council is able to pay an allowance plus travel and subsistence expenses to appointed independent persons. This is much the same as the existing co-optees' allowance paid to the independent members of the present Standards Committee



(i.e. £500 per annum plus travel/subsistence). The responsibility for determining the payments to independent persons is outside the specific brief of the Remuneration Panel. However, it is recommended that the Panel should be asked to give an opinion on the allowance to be payable to the independent persons as it determined the allowances payable under the present standards regime.

### **Register of Members' Interests**

18. It is recommended that the Monitoring Officer be authorised to agree, in consultation with the Public Legal Partnership, the format for the registration of members' interests and bring these into operation before 1 July 2012. The Council is asked to note that this will mean that once the new standards regime comes into operation, the process of registering interests, etc. will need to be carried out again. Any registrations carried out by, for instance, new members of the Council following the recent election will need to be replaced with registrations under the new arrangements.

### **Further Alterations to the Constitution**

19. Until the full details of the new standards arrangements are available from the Government, it is premature to carry out further reviews of the constitution. It is therefore recommended that this matter be deferred for the time being until the full picture is clear and then referred back to the Council for further review.

### **Review of New Arrangements**

20. The intention of this report is to ensure that the Council can respond to its statutory obligations under the Localism Act and have new standards arrangements in place by 1 July 2012. The Council will appreciate that there is now very little time for the Council to review the fine print of all the procedural documents which are being submitted to this meeting. In order to recognise this, it is recommended that a review of these arrangements be undertaken after a year. This review would be undertaken in consultation with the Public Legal Partnership and would reflect on experience in the first year of operation.

We recommend as set out at the commencement of this report.

This page is intentionally left blank

## APPENDIX 1

### Terms of Reference for Standards Committees or in the alternative Governance Committee

<b>STANDARDS/GOVERNANCE 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>8 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 Councils be invited to nominate a maximum of 3 Parish Councillors to be co-opted as non-voting members</p>
<p><b>Chair and Vice-Chair appointed by:</b></p> <ol style="list-style-type: none"> <li>1. The Chair will be elected by the Committee.</li> <li>2. There will be one Deputy Chair, who shall be elected by the Committee</li> <li>3. The Deputy-Chair shall deputise for the Chair 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 Person:</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 Person:</b></p> <p>The Independent Person 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> <p>The Standards Committee will have the following roles and functions:</p> <ol style="list-style-type: none"> <li>1. promoting and maintaining high standards of conduct by Members and Co-Opted Members of the authority;</li> <li>2. Advising and assisting Parish Council(s) and Councillors to maintain high standards of conduct and to make recommendation to Parish Councils on improving standars or actions following a finding of a failure by a Parish Councillor to comply with the Code of Conduct</li> <li>3. to conduct hearings on behalf of the Parish Council</li> <li>1. advising the Council on the adoption or revision of the Members' Code of Conduct;</li> <li>4. to receive referrals from the Monitoring Officer into allegatjions of misconduct in accordance with the authority assessment criteria</li> <li>1. receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Members' Code of Conduct;</li> <li>2. advising, training or arranging to train Members and Co-Opted Members on matters relating to the Members' Code of Conduct;</li> <li>3. assisting Councillors and co-opted Members to observe the Members' Code of Conduct;</li> <li>4. hearing and determining complaints about Members and Co-Opted Members referred to it by the Monitoring Officer;</li> <li>5. advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council</li> <li>6. maintaining oversight of the Council's arrangements for dealing with complaints</li> <li>7. informing Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints.</li> <li>8. Appointment of Sub-Committee</li> <li>9. to grant dispensations after consultation with the Independent Person pursuant to</li> </ol>	

S33(2) (b), (c) and (e) of the Localism Act 2011

10. hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to S33(2)(a) and (d) of the Localism Act 2011

**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.

**Chair and Vice-Chair appointed by:**

The Chair shall be elected by the Sub-Committee at each meeting.

**Political Proportionality:**

Rules of political proportionality apply.

**Substitutes:**

None.

**Frequency:**

As and when required.

**Venue:**

To be determined by the Monitoring Officer.

**Quorum:**

At least 3 voting Members

Parish Councillor be invited to be co-opted as non-voting members in dealing with a complaint against a Parish Councillor

**Independent Person:**

Appointment approved by full Council in accordance with the provisions of Section 28(6) and (7) of the Localism Act 2011

**The Independent Person:**

The Independent Person to attend the meetings of the Standards Committee dealing with hearings into allegations of misconduct

**Terms of Reference**

To conduct a Hearing into an allegation that a Member or Co-opted Member has breached the Authority's Code of Conduct.

Following a Hearing, make one of the following findings:

- (a) 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
- (b) 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
- (c) That the Member has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed

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.

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.



**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 *[name of authority]*, 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 (c) (“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. ;
- ii. any person or body who employs or has appointed you;
- iii. ;
- iv. 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**

- 10.1 Subject to sub-paragraphs 9.2 to 9.5, 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
- 9.1 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
- 9.2 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

- 9.3 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
- 9.4 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
- 9.5 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

DRAFT



### **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>1</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

---

<sup>1</sup> Regulations from the Secretary of State are currently awaited as to the definition of "pecuniary interests and disclosable pecuniary interests"

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.

This page is intentionally left blank

## **Complaints Procedure**

### **Context**

- 1.1 These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this authority (*or of a parish council within its area*) has failed to comply with the Councillors’ Code of Conduct, and sets out how the authority 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 Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority (*or of a parish council within the authority’s area*), or of a Committee or Sub-Committee of the authority, 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 authority to appoint at least 1 Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority 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 Council has adopted a Code of Conduct for Councillors, which is available for inspection on the authority’s website and on request from Reception at the Council 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 and 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 or email to:  
  
The Monitoring Officer

(address of authority)

or

email address for Monitoring Officer

- 3.2 The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member 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 authority's website, next to the Code of Conduct, and is available on request from the Reception at the Council 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 authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.
- 3.6 The Monitoring 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 annexed 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:

- 4.1.1 Merits no further investigation

#### 4.1.2 Merits further investigation

#### 4.1.3 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 Assessment Criteria annexed 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. *(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).*

4.3 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.

4.4 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 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 authority, 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 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 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 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 and in consultation with the Independent Person seek an informal resolution.

#### 7.1.1 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 may 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 authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee (*and the Parish Council*) for information, but will take no further action.

#### 7.1.2 Hearing

If the Monitoring Officer considers that informal resolution is not appropriate, or the councillor 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 Sub-Committee which may 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 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 member did fail to comply with the Code of Conduct, the Chair 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 Panel 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?<sup>1</sup>**

8.1 The 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:-

8.1.1 Publish its findings in respect of the member's conduct;

8.1.2 Report its findings to Council (*or to the Parish Council*) for information;

8.1.3 Recommend to Council that he/she be issued with a formal censure or be reprimanded (*or to the Parish Council*)

8.1.4 Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;

8.1.5 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;

8.1.6 Instruct the Monitoring Officer to (*or recommend that the Parish Council*) arrange training for the member;

---

<sup>1</sup> Need to consider the actions in light of the Opinion received from Clive Sheldon QC obtained by ACSeS

- 8.1.7 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 authority (*or by the Parish Council*);
  - 8.1.8 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
  - 8.1.9 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 Sub-Committee meetings.
- 8.2 The Sub-Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

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

- 9.1 At the end of the hearing, the Chair 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 Chair of the Sub-Committee, and send a copy to you, to the member (*as 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 authority'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 authority's Executive and comprising members 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 Councillor complained about is a member of a Parish Council a Parish Councillor who is a 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 Council.

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

11.2.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;

11.2.2 *(Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority's area), or*

11.2.3 Is a relative or close friend, of a person within paragraph 11.2.1 or 11.2.2 above. For this purpose, a "relative" means:

11.2.3.1 Spouse or civil partner;

11.2.3.2 Living with the other person as husband and wife or as if they were civil partners;

11.2.3.3 Grandparent of the other person;

11.2.3.4 A lineal descendent of a grandparent of the other person;

11.2.3.5 A parent, sibling or child of a person within paragraphs 11.2.3.1 or 11.2.3.2; or

11.2.3.6 A spouse or civil partner of a person within paragraphs 11.2.3.3, 11.2.3.4 or 11.2.3.5; or

11.2.3.7 Living with a person within paragraphs 11.2.3.3, 11.2.3.4 or 11.2.3.5 as husband and wife or as if they were civil partners.

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

The Council may be resolution agree to amend these arrangements, and has delegated to the Chair 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 member against a decision of the Monitoring Officer or of the Sub-Committee.
- 13.2 If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

**Appendix 1**  
**Complaints Procedure Flowchart**  
**(attached)**

DRAFT

## 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
5. There is insufficient information available for a referral; or
6. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances eg allegation of bullying, harassment etc.
7. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
8. 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
9. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct.
10. 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.

2. 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
3. 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
4. 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.**



**APPENDIX 3**  
**STANDARDS COMPLAINTS INVESTIGATION PROCEDURE**

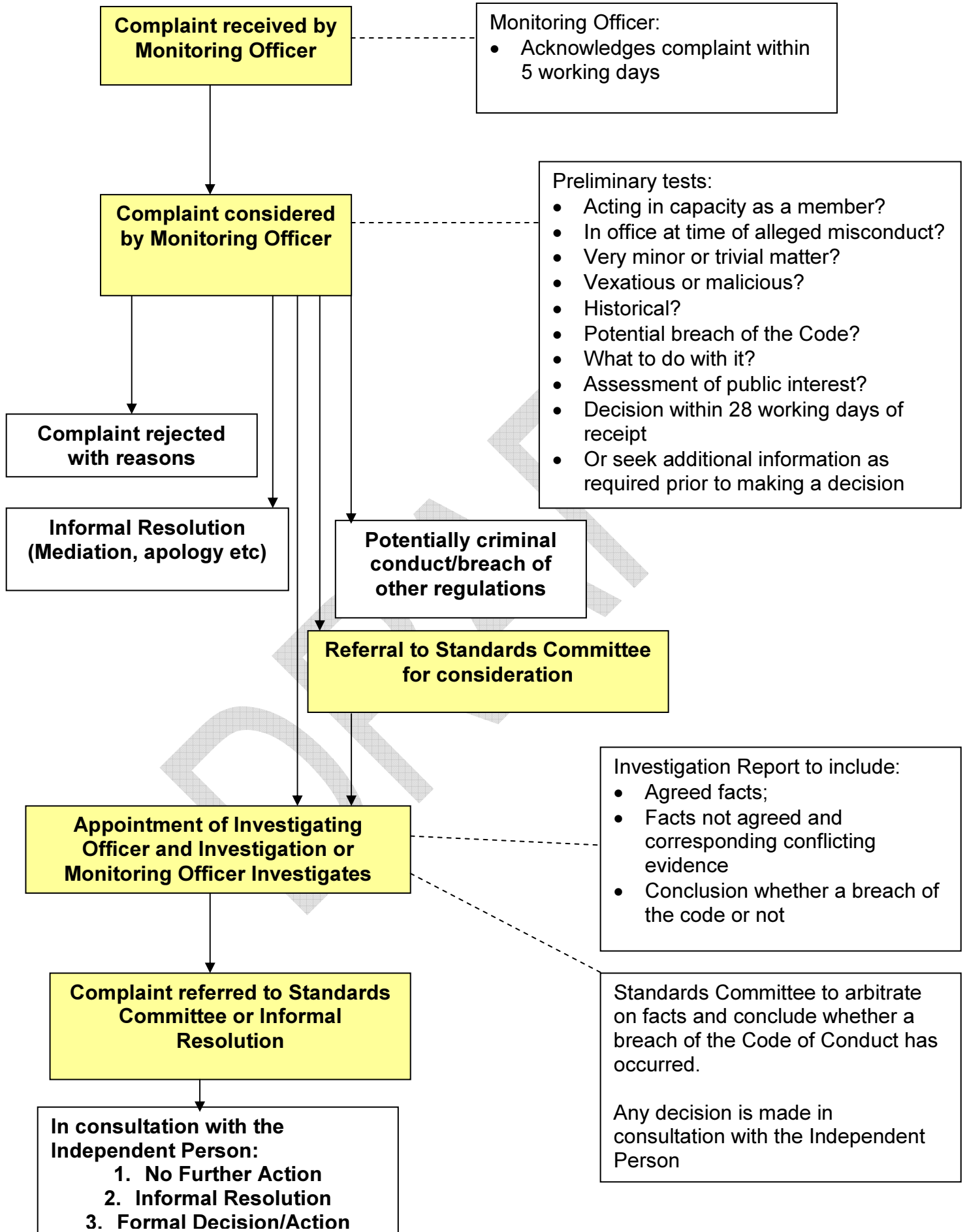
DRAFT

**Appendix 4**  
**Complaints Standards Sub-Committee Procedure**

**(attached)**

DRAFT

## Appendix 1 Complaints Procedure Flowchart



This page is intentionally left blank

**Appendix 4**  
**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.</p> <p>1.3. Where the complaint refers to a Parish Councillor a non voting Parish member of the Standards committee may be present</p> <p>1.4. 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>

This page is intentionally left blank