



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

WEDNESDAY 21ST MARCH 2012, AT 6.00 P.M.

CONFERENCE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Independent Members: Mr. N. A. Burke (Chairman), Ms. K. J. Sharpe (Vice-Chairman) and Mrs. G. Bell
District Councillors: Mrs. S. J. Baxter, S. R. Colella, L. C. R. Mallett and Mrs. M. A. Sherrey JP
Parish Councils' Representatives: Mr. J. Cypher (Alvechurch Parish Council) and Mr. I. A. Hodgetts (Romsley Parish Council)
Observer: Mrs. K. May (Non-voting Deputy Parish Councils' Representative - Bournheath Parish Council)

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meetings of the Standards Committee held on 21st September 2011 and 18th October 2011 (Pages 1 - 12)
4. Parish Councils' Representatives' Report
[To receive an oral report from the Parish Councils' Representatives on any matters of relevance to the Committee.]
5. Monitoring Officer's Report (Pages 13 - 22)
[To receive a report from the Monitoring Officer on any matters of relevance to the Committee.]

6. Review of Operation of the Committee, Work Programme and Calendar of Meetings 2012/13 (Pages 23 - 26)

[To review the general operation of the Standards Committee and its Sub-Committees over the last twelve months, and to note the position in relation to the current Standards Committee's Work Programme and the dates set out in the Council's calendar of meetings for the current Standards Committee and any successor committee to the current Committee for the 2012/13 Municipal Year.]

7. Localism Act 2011 - New Standards Regime (Pages 27 - 50)

[To receive a report on upcoming changes to the standards regime in light of the Localism Act 2011 and to consider proposals for implementation of the new regime.]

8. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

9. Exclusion of the Public

[Should it prove necessary, in the opinion of the Chief Executive, to exclude the public from the meeting at any point during the proceedings in relation to any item(s) of business on the grounds that either exempt and/or confidential information is likely to be divulged, the following resolution(s) will be moved:

"That under Section 100 I of the Local Government Act 1972, as amended, it/they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part being (...to be specified by the Chairman at the meeting), and that it is in the public interest to do so.", and/or

"That under Section 100 A of the Local Government Act 1972, as amended, it/they involve the likely disclosure of confidential information which would be in breach of an obligation of confidence."]

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

12th March 2012



INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can attend all Council, Cabinet and Committee/Board meetings, except for any part of the meeting when the business would disclose confidential or “exempt” information.
- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
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- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.
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- Meeting Agendas
- Meeting Minutes
- The Council’s Constitution

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Declaration of Interests - Explained

Definition of Interests

A Member has a **PERSONAL INTEREST** if the issue being discussed at a meeting affects the well-being or finances of the Member, the Member's family or a close associate more than most other people who live in the ward affected by the issue.

Personal interests are also things relating to an interest the Member must register, such as any outside bodies to which the Member has been appointed by the Council or membership of certain public bodies.

A personal interest is also a **PREJUDICIAL INTEREST** if it affects:

- The finances, or
- A regulatory function (such as licensing or planning)

Of the Member, the Member's family or a close associate **AND** which a reasonable member of the public with knowledge of the facts would believe likely to harm or impair the Member's ability to judge the public interest.

Declaring Interests

If a Member has an interest they must normally declare it at the start of the meeting or as soon as they realise they have the interest.

EXCEPTION:

If a Member has a **PERSONAL INTEREST** which arises because of membership of another public body the Member only needs to declare it if and when they speak on the matter.

If a Member has both a **PERSONAL AND PREJUDICIAL INTEREST** they must not debate or vote on the matter and must leave the room.

EXCEPTION:

If a Member has a prejudicial interest in a matter being discussed at a meeting at which members of the public are allowed to make representations, give evidence or answer questions about the matter, the Member has the same rights as the public and can also attend the meeting to make representations, give evidence or answer questions **BUT THE MEMBER MUST LEAVE THE ROOM ONCE THEY HAVE FINISHED AND CANNOT DEBATE OR VOTE.** However, the Member must not use these rights to seek to improperly influence a decision in which they have a prejudicial interest.

For further information please contact Committee Services, Legal, Equalities and Democratic Services, Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, B60 1AA

Tel: 01527 873232 Fax: 01527 881414

Web: www.bromsgrove.gov.uk email: committee@bromsgrove.gov.uk

Agenda Item 3

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

WEDNESDAY, 21ST SEPTEMBER 2011 AT 6.00 P.M.

PRESENT: Independent Members: Mr. N. A. Burke (Chairman) and Ms. K. J. Sharpe (Vice-Chairman)
Councillors: Mrs. S. J. Baxter, S. R. Colella and Mrs. M. A. Sherrey JP
Parish Councils' Representatives: Mr. I. A. Hodgetts
Observers: Councillor M. A. Bullivant (Portfolio Holder)
Officers: Mrs. C. Felton, Mrs. S. Sellers and Ms. D. Parker-Jones

25/11 CHAIRMAN'S WELCOME

The Chairman opened the meeting and welcomed Councillor M. A. Bullivant, Portfolio Holder for (amongst others) Legal, Equalities and Democratic Services, who was attending the meeting in an observational capacity.

26/11 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs. G. Bell, Independent Member, Mr. J. Cypher, Parish Councils' Representative, and Councillor L. C. R. Mallett.

27/11 DECLARATIONS OF INTEREST

No declarations of interest were received.

28/11 MINUTES

The minutes of the meetings of the Standards Committee held on 8th June 2011, 8th July 2011 and 19th July 2011 were submitted.

RESOLVED that the minutes be approved as correct records.

29/11 MONITORING OFFICER'S REPORT

The Committee noted the contents of the Monitoring Officer's (MO's) report and the issues detailed below were raised during the consideration of this.

(i) Member Investigations and Associated Matters

It was noted that following the Final Determination Hearings which had taken place for the complaints against former District Councillor Mrs. Luck and the complaints arising from the meetings of full Council on 29th July 2009 and 20th January 2010, local press notices detailing the Committee's findings were currently being arranged. The required training for Councillor Mrs. McDonald in relation to the 29th July 2009 complaints outcome was also being finalised. One Final Determination Hearing remained; for linked Complaint References 03/10 and 04/10 against Alvechurch Parish Councillor Matthews, which was scheduled to take place on 18th October 2011.

(ii) Member Training

The MO advised that Members who had been unable to attend any of the required training sessions would receive individual sessions with officers to ensure that they completed all necessary training elements. Some of the sessions had been a learning curve, with any required adjustments being noted for the future, and with training having been well-attended and received by Members. In areas where officers might hold a particular view, such as planning and enforcement, external providers were conducting the training to ensure that this was unbiased.

A number of sessions had also been run in conjunction with Redditch Borough Council Members, which it was reported had worked well in the sharing of knowledge and experiences. This has proven useful in the building of relationships between Members, which was particularly useful given the different dynamics which prevailed between the two authorities. Councillor Bullivant stated that he, as a newly-elected Member, had found the joint sessions with Redditch to be very positive.

The MO added that she would be taking to the Member Development Steering Group the issue of a recommendation which the Standards Committee had made to the authority as part of its decision at the Final Determination Hearing on 8th July 2011 against former District Councillor Mrs. Luck.

(iii) Parish Council Matters

The MO reported that the Monitoring Officer Liaison Meetings (MOLMs), which took place periodically between Officers and the parish council clerks, had proven to be very successful and that it was hoped that it would be possible to continue with such proactive work in the future. Given however that the authority was currently entering into a programme of shared services with Redditch Borough Council, a great deal would depend on resulting Officer workloads. Whilst it was proposed to offer the same level of service as currently, any capacity to undertake additional proactive work would need to be looked at.

A question was raised regarding the level of support given by the MO to Redditch's single (Feckenham) parish council, and whether that support in any way impacted on the support which the MO gave to the Bromsgrove parishes. The MO confirmed that there was no detrimental

effect to the Bromsgrove parishes and that invites to both the District Council's Parish Councils' Forum and the MOLMs were extended to Feckenham Parish Council, meaning that there was no duplication of effort.

(iv) Localism Bill

The MO advised that she was working with the Leader of the Council and the Leader of the Labour Group regarding possible future proposals for any successor local standards regime.

A Member stated their understanding that an amendment had been tabled to the Localism Bill during the final stages of the House of Lords, which was being supported by the National Association of Local Councils (NALC), proposing the restoration of a mandatory code of conduct for all local authority Members. NALC had reportedly offered to work with other relevant bodies, such as the LGA, to draft such a code. The MO stated that she would check the current position with this.

The MO added that it was her personal view that it would be wrong to remove the code in its entirety and that the local Member-Member protocol might be a good starting point for any future considerations, particularly given that the current Code of Conduct was so rigid. The key factor would be in determining, with the agreement of all 39 councillors, what the 'bar' for acceptable conduct should be.

RESOLVED:

- (a) that the contents of the report be noted; and
- (b) that any required actions arising from the points detailed in the report and the preamble above be acted upon and reported back to the Committee as appropriate.

30/11 **PARISH COUNCILS' REPRESENTATIVES' REPORT**

Mr. Hodgetts advised that a meeting of the Bromsgrove Area Committee of the Worcestershire Association of Local Councils had taken place in September and that he had nothing further to report on this.

RESOLVED that the position be noted.

31/11 **OMBUDSMAN REVIEW**

Members considered a report which presented the Local Government Ombudsman (LGO) Annual Review Letter. The Annual Review Letter provided a summary of statistics on the complaints made to the LGO about the Council for the year ending 31st March 2011.

A Member noted the slight increase in the average number of days it had taken the Council to respond to complaints in comparison with previous years. Officers detailed the types of issues which impacted on response times and it was noted that the Council fell within the 65% of district councils that

responded to complaints within 28 days (as opposed to those who took between 29-35 days or 36+ days to respond). It was also noted that there had been a relatively small number of complaints received during the period, in addition to which that there had been neither any findings of maladministration nor any agreements to pay compensation.

The Deputy Monitoring Officer (DMO) added that over the last 12 months there had been a significant amount of work undertaken throughout the organisation relating to customer service and in raising staff awareness of the importance and benefits of good customer service, which would ultimately impact on complaints made to the Ombudsman.

Members agreed that it was key for any staff involved in gathering information in response to Ombudsman complaints to understand the significance of doing this as quickly as possible and of proving this to the Council's Ombudsman Link Officer in the required format, particularly given the complex nature of some complaints which could require responses from a number of different Officers.

RESOLVED that the contents of the report and the Local Government Annual Review Letter be noted.

32/11 **PUBLICATIONS**

It was noted that there were no publications to be brought to the Committee's attention.

33/11 **WORK PROGRAMME**

Consideration was given to the Committee's Work Programme.

RESOLVED that the Work Programme be approved.

The meeting closed at 6.32 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

TUESDAY, 18TH OCTOBER 2011 AT 5.15 P.M.

PRESENT: Independent Members: Mr. N. A. Burke (Chairman), Ms. K. J. Sharpe (Vice-Chairman) and Mrs. G. Bell

District Councillors: S. R. Colella and Mrs. M. A. Sherrey JP

Parish Councils' Representatives: Mr. I. A. Hodgetts and Mrs. K. May (substituting for Mr. J. Cypher)

Subject Member: Councillor D. Matthews

Investigating Officer: Mrs. T. Lovejoy

Officers: Mrs. S. Sellers and Ms. D. Parker-Jones

34/11 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from District Councillors Mrs. S. J. Baxter and L. C. R. Mallett.

Mrs. K. May, Deputy Parish Councils' Representative, substituted for Mr. J. Cypher, Parish Councils' Representative, who was precluded from participating in the proceedings as both he and the Subject Member were Members of Alvechurch Parish Council.

35/11 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

36/11 **FINAL DETERMINATION OF COMPLAINT REFERENCES 03/10 AND 04/10**

Further to Minute No. 17/11 of the meeting of the Standards Committee held on 8th July 2011, the Committee considered a report of the Investigating Officer on an alleged failure by Parish Councillor David Matthews to follow the Alvechurch Parish Council Code of Conduct. The allegation (which arose from two linked complaints) concerned Councillor Matthews's failure to declare an interest during discussions of a proposed development of a site in Alvechurch at three Alvechurch Parish Council meetings.

It was noted that at the meeting on 8th July 2011 the Committee had agreed to make public the Investigating Officer's report, subject to certain personal data contained in both the Investigating Officer's report and Schedule of Evidence which had to remain exempt and which could not therefore be

discussed in public. It was further noted that no request had been made by Councillor Matthews as part of the pre-hearing process for any part of the hearing to take place in closed session, and with the agreement of all parties present it was agreed that the hearing would continue in public.

A report of the Investigating Officer dated 27th June 2011, which found that Councillor Matthews had failed to follow the Alvechurch Parish Council Code of Conduct in relation to the allegation, was considered. The Committee was asked to determine whether, based on the facts set out in the report and the representations made at the hearing, it agreed with the Investigating Officer's findings.

A copy of a letter from Councillor Matthews dated 29th August 2011, which included an apology from him for an "unintended" breach of the Code together with a statement for the Committee's attention in relation to the complaints, was included in the agenda papers.

Councillor Matthews was present at the hearing and represented himself. No witnesses were called by either Councillor Matthews or the Investigating Officer.

RESOLVED:

- (a) that Councillor Matthews had failed to follow the Code of Conduct by not declaring a personal interest at meetings of Alvechurch Parish Council on 13th July 2009 and 14th September 2009, contrary to paragraph 9 of the Alvechurch Parish Council Code of Conduct; and
- (b) that the following sanction be imposed on Councillor Matthews:
 - 1. that Councillor Matthews be required to attend training on the Code of Conduct to be arranged by the Monitoring Officer, such training to take place by 1st December 2011; and
 - 2. that Councillor Matthews be subject to a partial suspension from Alvechurch Parish Council limited to not attending two meetings namely:
 - (i) the meeting of the Planning Committee of Alvechurch Parish Council on 7th November 2011; and
 - (ii) the full Parish Council meeting on 14th November 2011.

There were no recommendations to the authority but the Committee agreed, as an additional action, that the Chairman of the Committee would write to the Chairmen and Clerks of the parish councils within the Bromsgrove District endorsing the Code of Conduct training provided by Bromsgrove District Council and encouraging all parish councillors to attend.

(A copy of the Committee's full decision, together with the reasons for it, is appended.)

The meeting closed at 7.40 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE HEARING

FULL WRITTEN DECISION

Reference number 03/10 and 04/10

Member subject to allegation	Parish Councillor David Matthews
Investigating Officer	Mrs. T. Lovejoy
Date of report:	27 June 2011
Name of Member's representative:	N/A
Relevant authority concerned:	Alvechurch Parish Council
Date of the hearing:	18 October 2011
Names of Standards Committee members:	
Chairman:	Mr. N. A. Burke Mrs K. J. Sharpe Mrs. G. Bell Mr. I. A. Hodgetts Councillor S. R. Colella Councillor Mrs. M. Sherrey Mrs. K. May (substituting for Mr. J. Cypher)
Standards Committee Legal Adviser:	Mrs. S. Sellers
Committee Services Officer:	Ms. D. Parker-Jones

Referral for investigation and subject matter of complaint

On 15th June 2010 the Standards Assessment Sub-Committee met and considered two complaints made by Mr David Boardman and Mr Peter McHugh that Councillor David Matthews of Alvechurch Parish Council had breached the Alvechurch Parish Council Code of Conduct. Specifically, it was alleged that Councillor Matthews had failed to declare an interest during discussions of the proposed development of a site at Birmingham Road, Alvechurch at meetings of Alvechurch Parish Council. The Assessment Sub-Committee decided to refer the complaints for investigation. Accordingly, the Monitoring Officer appointed Mrs Tracy Lovejoy as the Investigating Officer.

The Investigating Officer's report into her enquiries was issued on 27th June 2011. The Investigating Officer's report was considered by the Standards Committee on 8th July 2011. The report contained one finding that Councillor Matthews had failed to follow the Code of Conduct by not declaring a personal interest during consideration of the proposed development site at Birmingham Road at the Alvechurch Parish Council meetings of 13th July 2009 and 14th September 2009. The Standards Committee referred the matter to a final hearing.

Summary of the Allegation

That Councillor Matthews failed to comply with the Code of Conduct for Alvechurch District Council by failing to declare a personal interest at meetings of Alvechurch Parish Council 13th July 2009 and 14th September 2009 contrary to paragraph 9 of the Alvechurch Parish Council Code of Conduct.

Preliminary Issues

The Standards Committee had decided at the hearing on 8th July 2011 to lift the exemption on the complaint being considered in private session. Accordingly the committee reports and the Investigating Officers reports were released into the public domain with the papers being redacted to remove any personal information.

The Standards Committee considered this issue again at the start of the hearing and no representations having been made to ask for any part of the hearing to be held in private the Committee agreed to proceed with the hearing in public session.

Findings of fact

The Committee made the following decision:

1. That the facts set out at paragraphs 5.1 to 5.14, and at 5.18 to 5.23 of the Investigating Officer's Report were undisputed and would be adopted by the Committee as the facts of the matter.
2. The Committee noted the conflict in the accounts of the Subject Member and the witnesses given at paragraphs 5.15 to 5.17 of the Investigating Officer's report, and further noted that the Investigating Officer had not been able to form a view on this aspect. As the contents of the report were not disputed by the Subject Member the Committee did not hear oral evidence on this part of the report. The Committee acknowledged that it would not be possible to get to the bottom of exactly what happened. However, the Committee agreed that between 12th January 2009 and 2nd March 2009 the subject member became aware that JM was the co-owner of the site at Birmingham Road and decided that this be adopted as the statement of facts in relation to paragraphs 5.15 to 5.17.

Summary of submissions by the Investigating Officer

Mrs. Lovejoy confirmed that the contents of her report were correct and accurate. She summarised the inquiries she had made and addressed the Committee in relation to the facts. She commented that the discrepancies relating to paragraphs 5.15 to 5.17 could be due to lapse of time and stated that this element in itself was not of overwhelming significance. She explained the reasoning she had applied in reaching her conclusions that based on the facts Councillor Matthews has breached the Code of Conduct for Alvechurch Parish Council. She answered questions from the Members in relation to the definition of a family member and whether there had been a prejudicial interest.

Summary of submissions by the Subject Member

Councillor Matthews was present at the hearing but was not represented. Councillor Matthews did not seek to dispute any of the facts in the Investigating Officer's report and did not call any witnesses. Councillor Matthews apologised for not having declared a personal interest which he said had been "an unintended" breach of the Alvechurch Parish Council Code of Conduct. A copy of a letter he had written to the Council setting out his apology dated 29th August 2011 was included in the papers which had been circulated to Members in advance of the hearing. He confirmed that he is not close to JM but that they are related. He stated that having declared a personal interest at the meeting on 2nd March 2009 he had not appreciated that he would have to repeat this declaration when the subject was discussed at later meetings. He stated that he had not attended any training on the Code of Conduct since being elected to the Parish Council 11 years ago. This

was mainly due to not having the time to attend. He further stated that he now realised that he should have gone to training and that this was a mistake on his part. Councillor Matthews has recently taken over as the Chairman of the Planning Committee for Alvechurch Parish Council.

Finding as to whether the Subject Member had failed to follow the Code including reasons

The Standard Committee found that Councillor Matthews had failed to follow the Code of Conduct by not declaring a personal interest at meetings of Alvechurch Parish Council 13th July 2009 and 14th September 2009 contrary to paragraph 9 of the Alvechurch Parish Council Code of Conduct.

The reasons for the Committee's decision were as follows:-

- The facts were not disputed by Councillor Matthews and the Committee agreed with the finding of the Investigating Officer that what occurred represented a breach of the obligation imposed on Councillor Matthews by paragraph 9 of the Code of Conduct to disclose personal interests when business was being considered at meetings of the Parish Council.
- Although the relationship between Councillor Matthews and JM was not a close one and they met infrequently, they were related and the Committee were of the view that the family connection was such that this did create an obligation under the Code for Councillor Matthews to declare a personal interest. The Committee accepted that Councillor Matthews did not know about the ownership of the land until the period between 12th January 2009 and 2nd March 2009. However, having declared an interest at the meeting on 2nd March Councillor Matthews should have repeated this declaration at the meetings on 13th July and 14th September. There was a lack of understanding on the part of Councillor Matthews relating to the requirement for elected members to repeat declarations of interest at every meeting at which the business they are affected by is being considered.
- The rules requiring elected members to declare interests are designed to ensure transparency of decision making. This is a fundamental principle of local government. In this instance the failure to make the declaration meant that the other Parish Councillors at the meeting and any of the public present would not have been made aware of the family connection between Councillor Mathews and the owner of the site. The Committee noted that the minutes from the meeting on 13th July revealed quite a detailed contribution to what was under discussion from Councillor Matthews who actively participated in this item at the meeting. At the subsequent meeting on 14th September, again no declaration was made and the Members agreed to make no objection to the application. The Committee were of the view that the other Councillors at the meetings may have regarded the comments of

Councillor Matthews in a different light had they been aware of the interest that existed.

- Although at the hearing Councillor Matthews acknowledged that he needed to attend training on the Code of Conduct and offered to do so, the Committee was concerned by the lack of insight he showed into the rules around interests and by the fact that he had never attended training on the Code of Conduct having been a member of the Parish Council for 11 years. The Committee noted that in the last two years the District Council had provided training courses on the Code of Conduct to members of Parish Councils in the area. There had been three sessions in the last 18 months and it was unfortunate that Councillor Matthews had not attended any of these.

The Sanctions imposed and reasons for them

The Committee gave careful consideration to the issue of imposing a sanction and was referred to the Standards for England guidance in deciding what level of sanction would be appropriate

Having taken into account the facts of the case and the Standards for England guidance the Committee decided that a sanction should be imposed as follows:-

1. That Councillor Matthews be required to attend training on the Code of Conduct to be arranged by the Monitoring Officer, such training to take place by 1st December 2011.
2. That Councillor Matthews be subject to a partial suspension from Alvechurch Parish Council limited to not attending two meetings namely:
 - (i) The meeting of the Planning Committee of Alvechurch Parish Council on 07 November 2011, and
 - (ii) The full Parish Council meeting on 14th November 2011.

In considering the penalty the Committee had regard to the following:

- The Committee welcomed the apology made by Councillor Mathews together with his acknowledgment that he needed to attend training and his willingness to co-operate with this.
- The Committee also noted the fact that Councillor Matthews has been a Councillor for many years and acknowledged his clear dedication to serving the residents of Alvechurch.
- The Committee noted that the Parish Council was not the ultimate decision making body relating to the planning application. There was

no suggestion of any dishonesty and the issue appeared to have arisen due to a mistake on the part of Councillor Matthews.

- The Committee did regard the failure to make the declaration as a serious matter that affected the ability of the public to have confidence in the decision making process.
- The Committee was concerned by the lack of insight into the Code of Conduct and that the clear need to receive training on this had not been addressed by Councillor Matthews either in the period he had been a Parish Councillor, or since he had become aware of this complaint in the summer of 2010. The Committee regarded the need for training as vital particularly since Councillor Matthews has now taken over as the Chairman of the Planning Committee. For this reason the Committee decided to impose a requirement for Councillor Matthews to receive training by 1st December 2011.
- Further, the Committee took the view that as the complaint related to a planning issue a partial suspension from the next planning committee meeting and the Council meeting following (at which any planning issues would then be considered by the full council) should be imposed.

Recommendations to the authority or additional actions

There were no recommendations to the authority but the Committee agreed an additional action as follows:-

That the Chairman of the Standards Committee write to the Chairs and Clerks of the Parish Councils within the Bromsgrove District endorsing the Code of Conduct training provided by Bromsgrove District Council and encouraging all Parish Councillors to attend.

Right of Appeal

A Member subject to a Standards Committee finding has the right to apply in writing to the First-tier Tribunal of the General Regulatory Chamber (Local Government Standards in England) for permission to appeal the Standards Committee's finding.

A request for permission to appeal has to be made to the First-tier Tribunal within 28 days of the Member's receipt of the Standards Committee's full written decision.

.....
Chairman of the Standards Committee

Dated:

STANDARDS COMMITTEE

21st March 2012

MONITORING OFFICER'S REPORT

Relevant Portfolio Holder	Councillor Mark Bullivant
Portfolio Holder Consulted	Councillor Mark Bullivant
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services and Monitoring Officer
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Standards Committee has requested the Monitoring Officer to report to each meeting of the Standards Committee on a number of items, and this report sets out the latest position in relation to key items since the last (policy) meeting of the Committee on 21st September 2011.
- 1.2 Any further updates will be reported orally at the meeting.

2. RECOMMENDATIONS

That the Committee note the report and comment on any aspects of this, as appropriate.

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications associated with the contents of this report.

Legal Implications

- 3.2 The Local Government Act 2000 introduced primary legislation to enable the implementation of a Members' Code of Conduct, and this was amended by the Local Government and Public Involvement in Health Act 2007 insofar as it related to the application of the Members' Code of Conduct to their private lives. Further details have been provided by the Local Authorities (Model Code of Conduct) Order 2007 and the Relevant Authorities (General Principles) Order 2001. The local assessment regime was introduced by the LGPIHA 2007, and further expanded in the Standards Committee (England) Regulations 2008 which also set out the rules and procedures governing the investigation and determination of complaints.

**STANDARDS
COMMITTEE**

21st March 2012

Service / Operational Implications

Complaints for Local Assessment

- 3.3 Since 21st September 2011 three Standards Assessment Sub-Committee meetings have taken place, namely:
- 23rd November 2011 - assessed District Councillor Complaint References 01/11 to 05/11;
 - 6th January 2012 - assessed Parish Councillor Complaint Reference 06/11; and
 - 2nd March 2012 - assessed District Councillor Complaint References 07/11 to 09/11.
- 3.4 Details of the complaints considered at the 2nd March Sub-Committee meeting will be reported on separately at the 21st March meeting as, at the time of preparing this report, the parties involved had not been notified of the existence/outcomes of those complaints.
- 3.5 In relation to the 23rd November and 6th January meetings, a total of six new complaints were assessed, the outcomes of which were as follows:

Complaint Ref	Against	Outcome	Comments
01/11	District Councillor	Referred to MO for local investigation	
02/11	District Councillor	Referred to MO for local investigation	
03/11*	District Councillor	No further action	* Linked complaints
04/11*	District Councillor	No further action	* Linked complaints
05/11*	District Councillor	No further action	* Linked complaints
06/11	Parish Councillor	No further action	

(MO = Monitoring Officer)

- 3.6 The Committee is reminded that details of only those complaints which have been assessed by the relevant Sub-Committee appear in this report. Any complaints that have yet to be assessed and/or for which Sub-Committee decision notices have yet to be issued are not included as the Subject Members concerned will not be aware of the complaints. Equally, only information relating to review requests which have

already been considered by the appropriate Review Sub-Committee and for which the parties involved have been notified of the outcome are included in this report.

Member Investigations and Associated Matters

3.7 Complaint References 03/10 & 04/10

The Final Determination Hearing into linked complaints 03/10 and 04/10 against Alvechurch Parish Councillor David Matthews took place on 18th October 2011. The Committee resolved that Councillor Matthews had failed to follow the Code of Conduct by failing to declare a personal interest at two Alvechurch Parish Council meetings. Sanctions were imposed on Councillor Matthews requiring him to attend training on the Code of Conduct and suspending him from two Alvechurch Parish Council meetings. A copy of the minutes of the hearing, together with the Committee's full decision and the reasons for the decision appear at agenda item 3.

3.8 Councillor Matthews subsequently sought leave to appeal the Committee's decision to the First-tier Tribunal - General Regulatory Chamber (Local Government Standards in England). The Tribunal granted permission for Councillor Matthews's appeal to proceed and in doing so directed that the sanction imposed on him be suspended pending the outcome of the appeal. The appeal was dealt with on the basis of each party (Councillor Matthews and the Standards Committee) submitting written representations. The appeal was considered by a panel consisting of a judge and two lay members on 3rd February 2012. A copy of the Tribunal's decision is attached at Appendix 1.

3.9 The Tribunal allowed Councillor Matthews's appeal. The main reason for this is that the Tribunal disagreed that a first cousin once removed should be treated as falling under the definition of family member for the purposes of the Code of Conduct. In paragraphs 5 to 7 of the decision notice the panel have set out their reasoning as to why they believe that the Standards for England guidance on the definition of family is too wide. The effect of the decision is that the original decision of the Standards Committee is quashed. That includes the sanction imposed of missing two meetings and having to attend training. The panel agreed with the view of the Standards Committee that Councillor Matthews would benefit from receiving training on the Code of Conduct and as noted this could still be undertaken by Councillor Matthews on a voluntary basis.

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3.10 Complaint References 01/11 and 02/11

The investigations into Complaint References 01/11 and 02/11 (as referred to in point 3.5 above) have been concluded and will shortly be moving to the next appropriate stage of the process.

Member Training

3.11 Councillor Mrs. McDonald completed the training imposed upon her by the Standards Committee following the Final Determination Hearing which took place in July 2011. The training, relating to the appropriate behaviour expected of an elected Councillor, was conducted by Redditch Borough Council's Deputy Monitoring Officer.

3.12 The 2012/13 programme of Member training is currently being established. It is intended that this will include training on the Code of Conduct under the new standards regime which it is anticipated will come into force on 1st July 2012. Whilst non-mandatory, it will be highly desirable for all Members to attend the Code of Conduct training. Three separate sessions will be run for this: one for Redditch Borough Councillors; a second for Bromsgrove District Councillors; and a third for Parish Councillors and Parish Clerks/Executive Officers. However, none of the sessions will be exclusive meaning Members can attend any session they wish. Any Independent Persons appointed under the new regime should also attend one of the sessions.

3.13 The Bromsgrove District Councillor session will take place at 6.30pm on Wednesday 13th June. This will necessitate a slight adjustment to the start time of the final meeting of the current Standards Committee which is scheduled to take place at 6.00pm the same evening - should that meeting need to go ahead. The session will be conducted by Simon Mallinson, Head of Legal and Democratic Services and Monitoring Officer at Worcestershire County Council. Dates for the remaining two sessions, which will be conducted by a separate external provider, will be established shortly.

3.14 Separate mandatory training for all members of the Standards Committee will take place from 5.00pm to 6.00pm on Wednesday 25th July - immediately prior to the first meeting of the new successor Standards Committee which will commence at 6.00pm the same evening. Further Standards Committee mandatory training sessions will then be arranged as necessary.

Parish Council Matters

3.15 A Monitoring Officer Liaison Meeting for Parish Clerks and Executive Officers (EOs) took place on 11th October 2011, with a further meeting planned for the end of March. These meetings provide an opportunity

for the Parish Clerks/EOs (from both Bromsgrove and Redditch) to meet with Officers to discuss issues of mutual interest and/or concern that fall within the Monitoring Officer's remit. The meeting in March will focus on the requirements under the new standards regime.

Localism Act 2011

- 3.16 The Localism Act became law on 15th November 2011. A separate report on the implications of the Act for the standards regime and standards committees appears at item 7 of this agenda.

Standards for England

- 3.17 As outlined in the standards provisions of the Localism Act, the regulatory role of Standards for England (SfE) ceased to exist on 31st January 2012. From that date, SfE no longer had powers to accept new referrals from local standards committees or conduct investigations into complaints against Members. Its role in providing guidance on the existing standards framework has also ceased and any guidance previously issued by SfE now takes on a different status to reflect the cessation of its regulatory role. It is anticipated that the organisation will formally close on 31st March 2012.

Customer / Equalities and Diversity Implications

- 3.17 There are no customer / equalities and diversity implications associated with the contents of this report.

4. RISK MANAGEMENT

- 4.1 The main risks associated with the details included in this report are:
- Risk of challenge to Council decisions; and
 - Risk of complaints about elected Members.
- 4.2 These risks are being managed as follows:
- Risk Register: Legal, Equalities and Democratic Services
Key Objective Ref No: 3
Key Objective: Effective ethical governance

5. APPENDICES

Appendix 1: Decision of the First-tier Tribunal - General Regulatory Chamber (Local Government Standards in England)

6. BACKGROUND PAPERS

Member complaint files.

**STANDARDS
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Previous Standards Committee reports and minutes, as denoted in the report.

7. KEY

Not applicable.

AUTHOR OF REPORT

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**IN THE FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
(Local Government Standards in England)**

ref no: LGS\2011\0565

ON APPEAL FROM:

Standards Committee of:
Decision Notice No:
Dated:

Bromsgrove Borough Council
03/10 04/10
18 October 2011

APPELLANT:

**Councillor David Matthews of Alvechurch
Parish Council**

RESPONDENT:

**Bromsgrove District Council Standards
Committee**

DATE OF HEARING:

3 February 2012

(Determined on the papers)

DATE OF DECISION:

10 February 2012

BEFORE:

**Judge: David Laverick
Member: Stan Szaroleta
Member: David Ritchie**

Subject matter:

**Appeal by a member of a local authority
against a Standards Committee decision**

DECISION OF THE FIRST-TIER TRIBUNAL

The appeal is allowed and the finding that the Appellant had been in breach of the Code of Conduct is rejected.

REASONS

1. This is an appeal against a finding that the Appellant failed to comply with paragraph 9 of his Parish Council's Code of Code because he did not declare a personal interest at two meetings of his Parish Council. The business at the two meetings included consideration of the proposed development of land in the village. One of the co-owners of the land concerned was the first cousin once removed of the Appellant.
2. The Appellant had told the Respondent that he did not wish to contest the complaint against him and that he apologised for his unintended breach of the Code of Conduct. In his appeal against the resulting decision, however, he seeks to challenge the finding that he had failed to follow the provisions of the Code of Conduct.
3. Paragraph 8 of the Code of Conduct provides that a Councillor has a personal interest when *"a decision in relation to [the business of the Council] might reasonably be regarded as affecting the well being or financial position of a relevant person to a greater extent than the majority ofother council tax payers, ratepayers or inhabitants of " the relevant ward or area of the Council"*. "Relevant person" is defined by paragraph 8(2)(a) of the Code as including a member of the Councillor's family or a person with whom the Councillor has a close association.
4. The Respondent is required to have regard to guidance issued by Standards for England. That guidance stated:

"A member of your family should be given a very wide meaning. It includes a partner (someone you are married to, your civil partner, or someone you live with in a similar capacity, a parent, a parent in law, a son or daughter, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, an uncle or aunt, a nephew or niece, and the partners of any of these people".
5. The Tribunal has some concern about the advice from Standards for England that the term *family* should be applied widely. The usual rule of interpretation is that words should be given their ordinary and natural meaning and the Tribunal is unsure why Standards for England did not adopt that rule as its starting position.

6. Relevant definitions of *Family* in the Shorter Oxford Dictionary are:

- A group of people living in one household;
- The group of people consisting of one set of parents and their children whether living together or not;

- Any group of people connected by blood or other relationship.
7. The Standards for England guidance is encompassed by the third of those dictionary definitions but that definition (connected by blood or other relationship) is far too imprecise to be applied for the purposes of the Code of Conduct. Without a great deal of genealogical research it would be difficult for a Councillor to know everyone to whom he or she is connected by blood let alone those to whom he or she is connected by "other relationship". There is clearly a risk that, even if the particular family members are not personally close, others observing the matter might nevertheless assume that a Councillor might be influenced by the family connection. But that risk diminishes as one moves away from the immediate, into the extended family.
 8. The Respondent was of the view that the Appellant was not considered to have a close association with the particular first cousin once removed. The Tribunal might not have demurred had a different view been taken on that aspect but the point was not argued in the submissions before the Tribunal. Had there been a close association then, regardless of whether or not the co-owner was to be regarded as having a family connection with the Appellant, there would have been a personal interest.
 9. In the absence of a close association, the key point is whether the person concerned should be regarded as a member of the Councillor's family. If that depends on such a distant blood relationship as to fall outside even Standards for England's examples of a wide definition, an adjudicating body should be very wary of stigmatising the Councillor for failing to declare that interest.
 10. In the Tribunal's view it would be unrealistic and unreasonable for "a member of your family" to be interpreted for the purposes of the Code as encompassing the broader reaches of the extended family and it would be wrong to regard a first cousin once removed as coming within the definition. The Tribunal stresses that this does not mean that a Councillor will never have to declare an interest between himself and the particular member of the extended family. If, despite, the distance of the family connection, there is nevertheless a close association then the second limb of paragraph 8(2)(a) will come into play and require declaration of the interest.
 11. The appeal should therefore be upheld and the decision of the Respondent that there has been a breach of the Code of Conduct is rejected. The papers seen by the Tribunal lend support to the Respondent's view that the Appellant would benefit from some training on the application of standards in public life. That such a training cannot now be imposed on him as a formal requirement does not mean that it cannot voluntarily be undertaken.
 12. The written reasons for the Tribunal's decision will be published on the Tribunals website at www.adjudicationpanel.tribunals.gov.uk.
 13. Any request for permission to appeal needs usually to be made to the First-tier Tribunal within 28 days of receipt of the Tribunal's reasoned decision. Such applications need to be in writing.

David Laverick

Judge

Date: 10 February 2012

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STANDARDS COMMITTEE

21st March 2012

REVIEW OF OPERATION OF THE COMMITTEE, WORK PROGRAMME AND CALENDAR OF MEETINGS 2012/13

Relevant Portfolio Holder	Councillor Mark Bullivant
Portfolio Holder Consulted	Councillor Mark Bullivant
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services and Monitoring Officer
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

In light of the upcoming changes to the standards regime under the Localism Act 2011, Members are requested:

- 1.1 to review the general operation of the Committee and its Sub-Committees over the last twelve months;
- 1.2 to note the position in relation to the current Standards Committee's Work Programme; and
- 1.3 to note the dates set out in the Council's meetings calendar for the Standards Committee/any successor committee to the current Standards Committee for the 2012/13 Municipal Year.

2. RECOMMENDATIONS

That the Committee note the report and comment on any aspects of this, as appropriate.

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications associated with the contents of this report.

Legal Implications

- 3.2 There are no legal implications associated with the contents of this report.

Service / Operational Implications

Background

- 3.3 It is anticipated that the new standards regime under the Localism Act 2011 will come into force on 1st July 2012, at which point the current Standards Committee will cease to exist.
- 3.4 Full Council will, at its Annual Meeting on 16th May, decide whether a successor Standards Committee should be established and, if so, what the composition and Terms of Reference of any such committee should be.

Review of Operation of the Committee and its Sub-Committees

- 3.5 Since May 2009 Members have, on an annual basis, reviewed the general operation of the Standards Committee, for the preceding twelve month period. Such a review normally takes place at the March meeting; that being the final meeting of the municipal year and the last meeting prior to any change in district councillor membership of the Committee.
- 3.6 Reviewing the general operation of the Standards Committee and its Sub-Committees is beneficial as it provides Members and Officers with an opportunity to reflect on any key issues that may have arisen with regard to the Committee's practices and procedures over the preceding twelve months, and to consider whether any consequential changes are required in the light of such issues.
- 3.7 Notwithstanding the fact that the Committee will, in its current form, likely cease to exist as at 30th June 2012, Members are asked to review the operation of the Committee and its Sub-Committees over the last year. This will assist Officers in noting any particularly useful or successful elements which may be carried over to the new regime.

Work Programme

- 3.8 As detailed at paragraph 3.4 above, Full Council will decide upon any successor committee to the current Standards Committee and will agree the Terms of Reference of the committee. Any new committee will establish a Work Programme in accordance with the agreed Terms of Reference and the outstanding tasks on the current Committee's Work Programme will be reviewed to see whether they should continue under any successor committee.

Calendar of Meetings 2012/13

- 3.9 The Council meetings calendar for the 2012/13 Municipal Year includes the following meeting dates for Standards Committee (or any successor committee to the current Committee):
- Wednesday 13th June 2012;
 - Wednesday 25th July 2012;
 - Wednesday 19th September 2012;
 - Wednesday 28th November 2012;
 - Wednesday 23rd January 2013; and
 - Wednesday 20th March 2013.
- 3.10 All meetings are scheduled to commence at 6.00pm. Start times may, with the approval of the Committee, be subject to change in order to accommodate relevant Committee business.
- 3.11 In addition to the meetings detailed at paragraph 3.9 above, meetings of the Standards Committee's Sub-Committees and Final Determination Hearing panels may also be required to consider complaint allegations, as appropriate. Such meetings take place during the daytime or evening and in accordance with any statutory timeframes.
- 3.12 Members are asked to note that the meeting scheduled for 13th June 2012 would normally represent the first meeting of the Committee of the new municipal year. This meeting would usually include any newly appointed district councillor members following changes to the committee memberships after the Annual Meeting of Council in May. However, as the new standards regime is anticipated to come into force on 1st July, the 13th June meeting (should business necessitate this going ahead) will be a meeting of the current Standards Committee. The meeting scheduled to take place on 25th July will therefore be the first meeting of any successor Standards Committee.
- 3.13 Should it prove necessary for the June meeting to proceed the start time of this will be either 5.00pm or 5.30pm as training on the new Code of Conduct is scheduled to take place at 6.30pm the same evening.

Customer / Equalities and Diversity Implications

- 3.14 The Standards Committee is responsible for promoting and maintaining high standards of behaviour among Members and its work is therefore key to ethical governance arrangements in place within the Council.
- 3.15 Under the Localism Act 2011 the Council will still have a responsibility to promote and maintain high standards of conduct by members and co-opted members of the authority.

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- 3.16 Reviewing the general operation of the Standards Committee and its Sub-Committees assists the Committee in being proactive in fulfilling its role in ethical governance under the local standards framework.
- 3.17 Equally, in terms of customer implications, a Work Programme assists Members, Officers and the public in highlighting the work being undertaken by the Committee, and in ensuring that the Council is an ethical organisation which is proactively working towards improvement.

4. RISK MANAGEMENT

There are no risk implications associated with the contents of this report.

5. APPENDICES

None

6. BACKGROUND PAPERS

None

7. KEY

Not applicable

AUTHOR OF REPORT

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**STANDARDS
COMMITTEE**

21st March 2012

LOCALISM ACT 2011 - NEW STANDARDS REGIME

Relevant Portfolio Holder	Councillor Mark Bullivant
Portfolio Holder Consulted	Councillor Mark Bullivant
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services and Monitoring Officer
Ward(s) Affected	All Wards
Ward Councillor(s) Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Localism Act 2011 introduces fundamental changes to the system of regulation of the standards of conduct for elected and co-opted Councillors (with voting rights).
- 1.2 This report describes the changes and sets out proposals for consideration by the Standards Committee in order that they may make recommendations to Full Council on how the new regime may be implemented.

2. RECOMMENDATIONS

- 2.1 Members of the Committee are being asked to consider whether to recommend to the Full Council that an appropriate way of discharging its duty to promote high standards of behaviour in public life would be to set up a Standards Committee and if so what the composition of that committee would be.
- 2.2 Members of the Committee are being asked to consider and approve in principle the content of the Draft Code of Conduct at Appendix 1 to this report and to make recommendations to Full Council in this regard.
- 2.3 Members are asked to consider the draft process for managing standards complaints at Appendix 2 to this report and to make recommendations to Full Council in this regard.
- 2.4 Members are asked to consider the proposed role of Parish Representatives on the Standards Committee and to make recommendations to the Full Council in this regard.
- 2.5 Members are asked to consider the proposals for discharging the requirement under the Localism Act for an Independent Person(s) and to make recommendations to Full Council in this regard.
- 2.6 Members are asked to consider the proposals for managing dispensations and to recommend a process for managing the same to Full Council.

3. KEY ISSUES

Financial Implications

- 3.1 It is anticipated that the Council will wish to include the roles associated with the new regime within the scheme of Members' allowances and that a payment will be made to the Independent Person(s) appointed in accordance with section 28 (7) of the Localism Act 2011.
- 3.2 The costs associated with this will need to be determined by Full Council but it is not anticipated that this will be in excess of the budgets currently allocated for this purpose.

Legal Implications

- 3.3 The Localism Act repeals Section 55 of the Local Government Act 2000, which provides for the current statutory Standards Committee. There will therefore no longer be a requirement for a Standards Committee, however there will still be a requirement to deal with standards issues and case work. It will be necessary therefore for the Standards Committee in its current structure to be disbanded and the proposal is that it be replaced by an ordinary Committee of the Council established to deal with Standards issues.
- 3.4 Under sections 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 Parish Council within the authority's area) has failed to comply with that authority's Code of Conduct can be investigated and decisions made on such allegations.
- 3.5 Such arrangements must provide for the authority to appoint at least one 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.

Service / Operational Implications

- 3.6 The Localism Act fundamentally changes the way in which standards of conduct for elected and co-opted Councillors are regulated.
- 3.7 Whilst the Council will retain a statutory duty to promote and maintain high standards of conduct for its elected and co-opted Members the new provisions will enable Local Authorities to introduce a more flexible approach as to how this may be best achieved.

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- 3.8 Members will be aware that under the current regime the Council has a statutory obligation to appoint a Standards Committee and the process by which that Committee operates is strictly prescribed by the relevant regulations and guidance.
- 3.9 Whilst there is no requirement under the Localism Act for a statutory Standards Committee in its current form there is a duty for the Council to maintain and promote high standards in public life and Council must have a process for managing complaints in this regard.
- 3.10 It would therefore be logical for the Council to consider the creation of a normal Committee of the Council to enable the Council to properly discharge its duty to maintain and promote high standards in public life.

Standards Committee

- 3.11 As referred to in paragraph 3.3 the newly created Standards Committee will operate as a normal committee of the Council. It is anticipated that the implementation date for the new style committee will be 1st July 2012 but this has not yet been formally confirmed as the relevant regulations and guidance have yet to be issued by the government.
- 3.12 Members should note that the new style committee will not be able to operate with the unique features that were afforded to it in under the previous regime. In other words the composition of the committee will be governed by the normal rules relating to political proportionality and the current restriction that allows only one member of the Cabinet/Executive to sit on the Standards Committee will cease to apply.
- 3.13 The current Independent Members of the Standards Committee will cease to hold office and the Act introduces a new category of Independent Person whose role is detailed under a separate heading later in this report.
- 3.14 The Council will continue to have responsibility for dealing with standards complaints against elected and co-opted Councillors at District level and will continue to have responsibility for dealing with standards complaints against Members of Parish Councils, but the current Parish Council Representatives will cease to hold office.
- 3.15 It is important therefore for members of the Committee to consider how best to enable Parish involvement in the process moving forward so as to ensure that the Council's duty to promote high standards of behaviour within Parish Councils is achieved.
- 3.16 For the purposes of this report members of the Committee are being asked in the first instance to consider whether to recommend to the Full Council that an appropriate way of discharging its duty to promote high standards of behaviour in

public life would be to set up a Standards Committee and if so what the composition of that committee would be.

The Code of Conduct

- 3.17 The Council will be required to adopt a Code of Conduct.
- 3.18 Recognising that it is important to ensure that all Councillors whether County, District or Parish are clear in relation to their obligations under a Code of Conduct the Monitoring Officers across the County have worked together to produce a draft Code of Conduct and it is proposed that this be adopted by all Councils whether County, District or Parish in an attempt to support Councillors in this regard. A copy of the draft Code of Conduct for Worcestershire is attached at Appendix 1. Members are asked to note that the Code is still in draft format and discussions to agree a final version are on-going. Whilst the first part of the draft Code dealing with the conduct expected of Members can be regarded as more or less finalised, the second section on interests will be subject to further changes because the related regulations and guidance are not yet available (as referred to at 3.10 above).
- 3.19 Members of the Committee are advised that the Monitoring Officer has also spoken to a representative from the Worcestershire County Association of Local Councils (CALC) regarding the proposal of adoption of a Code of Conduct for all authorities in Worcestershire. Early discussions have revealed that it would be the intention of CALC to recommend to Parishes that they also adopt the same Code of Conduct for the same reasons as outlined above.
- 3.20 It is fair to say that the majority of problems associated with the current standards regime have resulted as a consequence of the process for administering and determining complaints rather than as a consequence of the Code itself.
- 3.21 For this reason, and the fact that love it or hate it Members are now very familiar with the Code, Officers have used the existing Code as the starting point when drafting the new one and it is proposed that the ten principles of public life will continue to form the basis for the levels of behaviour expected.
- 3.22 In addition the new Code will need to set out the requirements in relation to the registration and declaration of Interests – these will now be described as “Disclosable Pecuniary Interests”, “Other Pecuniary Interests” and “Non Pecuniary Interests”.
- 3.23 As referred to above, it is not yet possible for Officers to include within the draft Code the definitions of these classifications of interest as the regulations that will provide these have not yet been published by the government. Officers will continue to update members as these issues become clearer.

- 3.24 In the meantime Officers have worked to establish the most straight forward mechanism whereby Members can register and declare interests under the new regime and these appear within Part 2 of the draft Code that appears at Appendix 1 for members' consideration.

Register of Members' interests and disclosure of interests

- 3.25 In accordance with the Localism Act the Monitoring Officer is required to establish and maintain a register of interests of Members and co-opted Members of the District/Borough Council and the Parish Councils.

- 3.26 The Localism Act provides that the register must contain "Disposable Pecuniary Interests". At this stage the draft Code reflects this requirement but does not extend that duty to either "Non Pecuniary Interests" or "Other Pecuniary Interests". Again without definition of the categories at present it is difficult to assess what the appropriate levels of registration should be.

- 3.27 Members are advised that for the purposes of interests falling into the category of "Disposable Pecuniary Interests" that the requirement to register these will extend not only to the Members themselves but also to:

- Their spouse or civil partner;
- A person with whom they are living as husband and wife; or
- A person with whom they are living as if they were civil partners,

provided that the Member concerned is aware that the other person listed above has the interest.

- 3.28 Every elected or co-opted person must notify the Monitoring Officer within 28 days of being elected or co-opted onto the authority of all current disposable pecuniary interests and for the purposes of this report the Monitoring Officer is proposing that Members continue to update this as an ongoing requirement throughout their term of office.
- 3.29 Failure to register any such interest or the provision of misleading information on registration without reasonable excuse will be a criminal offence, potentially carrying a Scale 5 fine (£5,000) and/or disqualification from being a Councillor for up to five years. Prosecution is at the instigation of the Director of Public Prosecutions. Members are advised that the Monitoring Officer is in discussions with the Police in order to establish how this will actually happen in practice and in order that Members can be properly supported to ensure that wherever possible this can be avoided.
- 3.30 Members are advised that the Localism Act is far from straight forward in its approach to interests and the disclosure thereof and for this reason the Monitoring Officer has been working closely with County colleagues to establish

a process for registering and disclosing interests that is open and transparent, clear to follow and meets the requirements of the Act.

- 3.31 Members are advised that for the purposes of this report Officers will not be able to provide the detail that would be associated with the categorisation and disclosure of interests as this is not possible to determine until the regulations on these issues have been published.

Sensitive Information

- 3.32 Members will recall the ability under the current regime for Members to register and declare the existence of sensitive interests without the need for public disclosure in very limited and specific circumstances. The Localism Act continues to recognise the need for this and Members will note section 14 within the draft new Code at Appendix 1 that deals with this point.

Dispensations

- 3.33 The existing provisions on dispensations are significantly changed by the Localism Act.
- 3.34 The new arrangements allow for a dispensation to be granted on the following grounds –
1. That so many members of the decision-making body have Disclosable Pecuniary Interests in a matter that it would impede the transaction of business. In practice this would mean that the decision-making body would be inquorate as a result;
 2. That without the dispensation the representation of different political groups on the body transacting business would be so upset as to alter the outcome of any vote on the matter;
 3. That the Council considers that the dispensation is in the interests of persons living in the authority's area;
 4. That without a dispensation no member of the Cabinet/Executive would be able to participate on the matter; or
 5. That the authority considers that it is otherwise appropriate to grant a dispensation.
- 3.35 Any grant of a dispensation must specify how long it lasts for, up to a maximum of four years.
- 3.36 Where the Local Government Act 2000 required that dispensations be granted by the Standards Committee the Localism Act gives discretion for this power to be delegated by Council to the Standards Committee or to the Monitoring Officer.

3.37 For the purposes of this report it is proposed that in relation to points one and two above that the delegation be made to the Monitoring Officer in consultation with the Independent Person, with an appeal to the Standards Committee thus enabling dispensations to be granted in a timely and efficient manner where appropriate. Three and five would remain with the Standards Committee in consultation with the Independent Member. In relation to point four, with reference to Cabinet decisions provision can be made in the Scheme of Delegations to allow the Leader to take the decision by using his powers as a "Strong Leader". Were the Leader himself to be unable to act, the matter would have to be referred to the Standards Committee for a dispensation as per points 3 and 5.

Independent Person(s)

3.38 The Act requires the Council to appoint at least one Independent Person.

3.39 Members are advised that under the new arrangements the office of current Independent Members of the Standards Committee will cease and that a new category of Independent Person is established.

3.40 Members should be aware that the Independent Person role is quite different from that carried out by Independent Members of the current Standards Committee and that the new role will become a consultative one for the Monitoring Officer, the Committee and the person against whom an allegation has been made.

3.41 Independent Persons will need to be appointed by advertisement and application, and there are strict rules governing the category of person who would be eligible to fill this role.

3.42 Members are advised that on the face of it current Independent Members would not be eligible to apply although members are advised that the Monitoring Officer as been working with County colleagues to determine whether it would be beneficial to establish a pool of Independent Persons to support all Districts and the County in this regard. If members were minded to recommend that this be an appropriate way to proceed then it may enable the expertise of current Independent Members to be retained throughout the County albeit restricted in relation to the Council for which they can act. The Monitoring Officer will advise the Committee in relation to this in more detail at the meeting.

3.43 It is clear that the arrangements are moving to enable Councils to establish a mechanism for local resolution where it is possible to do so and members are advised that the Monitoring Officer is keen to establish as many opportunities for the use of the new Independent Person throughout the process to enable this to be achieved.

New arrangements for dealing with Standards Allegations

- 3.44 In addition to the adoption of a Code of Conduct, the Council will also have a duty to have in place arrangements to deal with complaints into Member conduct both at District and Parish level.
- 3.45 The Monitoring Officer, Deputy Monitoring Officer and Ethical Standards Officer have worked together to establish a draft process for managing standards complaints and recognise that members of the Standards Committee will wish to make recommendations to Full Council in this regard. An outline draft process is attached at Appendix 2 to this report for members' consideration, with the intention that a more detailed mapping of the process be discussed at the meeting. Members are asked to note that the current arrangements for Assessment Sub-Committees will no longer apply under the new regime. Where final hearings do prove necessary, Members may want to consider and recommend to Full Council the use of panels as opposed to the entire committee deciding complaints as at present.
- 3.46 Members will note from the draft process that Officers have attempted where possible to ensure that local resolution options are used and that the Leaders of Political Groups and the Chairmen of Parish Councils are included in conjunction with the new Independent Person to encourage mediation and support measures to be used when the circumstances allow, and that investigations are reserved for those cases where there would appear to be no other practical and effective alternatives.

Sanctions

- 3.47 The Act does not give the Council or its Standards Committee any powers to impose sanctions so it would appear that where a complaint is upheld under the new arrangements that the Council will have a number of options available to it to secure the continuing ability of the Council to discharge its duty to uphold and promote high standards of behaviour in public life effectively.
- 3.48 In practice this is going to involve more practical steps at a local level to help and support Councillors in a great proportion of the complaints that arise and members may wish to consider the following for local adoption;
- Reporting findings to Full Council (or to the Parish) for information;
 - Agreement by the Member to apologise or a recommendation to the Member's Group Leader that he facilitates an apology from the Member;
 - Recommending to the Member's Group Leader (or in the case of ungrouped Members to the Council or to Boards or Committees) that the Member be removed from any or all of the Council's Committees, Boards or Sub-Committees;

- Recommending to the Leader of the Council that the Member be removed from the Cabinet/Executive, or removed from particular Portfolio responsibilities;
 - Instructing the Monitoring Officer to (or recommending that the Parish) arrange training for the Member;
 - Withdrawing (or recommending to the Parish that it withdraws) facilities provided to the Member by the Council, such as a computer, website and/or email facilities and internet access;
 - Excluding (or recommending that the Parish 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.
- 3.49 There is a particular difficulty in respect of Parish Councils as the Localism Act gives the Council or its Standards Committee no power to do any more in respect of a Parish Council than make a recommendation to the Parish Council on action to be taken in respect of a Member.
- 3.50 Parish Councils will be under no obligation to accept any such recommendation notwithstanding the Council's duty to uphold the standards of behaviour within the Parish Councils and their duty to investigate any complaints against Parish Councillors or co-opted Councillors.
- 3.51 Members of the Committee are advised that the Monitoring Officer has discussed this issue in detail with the representative from CALC on behalf of the other Districts and the County.
- 3.52 It is proposed as a consequence of those discussions that members consider that an effective way of managing this situation would be to continue to involve Parish Council Representatives on the Standards Committee (albeit in a non-voting capacity) and to ensure that those Representatives are involved in any hearings that involve Parish Councillors.
- 3.53 In addition to this it is proposed that the early resolution stages include Parish involvement in Parish matters and where there are positions of conflict involved, if agreed, a CALC Representative.
- 3.54 In any event it is proposed that were members of the Committee minded to agree this recommendation that the arrangements be reviewed after 12 months to monitor effectiveness.
- 3.55 There will be criminal sanctions if a Councillor:
- Fails to register Pecuniary Interests within 28 days of taking office;
 - Fails to declare a Pecuniary Interest at meetings;
 - Fails to register Pecuniary Interests within 28 days of disclosure;

- Participates in any discussion or votes on a matter in which the Member has a Pecuniary Interest; or
- Makes an Executive decision in which the Member has a Pecuniary Interest.

3.56 As already outlined within this report these matters will be handled by the Police and Crown Prosecution Service with offences punishable by a fine not exceeding £5000. The Court may also disqualify a Councillor for a period not exceeding five years.

3.57 Members are advised that the new arrangements will include a process for dealing with such complaints recognising that it will be necessary in some instances for an internal resolution to be sought in conjunction with the criminal process.

Appeals

3.58 There is no right of appeal against a decision within the new arrangements although the decision would be open to judicial review by the High Court if it was patently unreasonable, or if it was taken improperly, or if it sought to impose a sanction which the Council had no power to impose.

Implementation Date and Transitional Arrangements

3.59 The regulations to cover implementation and transitional arrangements have not yet been published. However, it is anticipated that the transitional phase will commence on 1st April 2012 (referred to as the "Appointed Day"). With effect from that date Standards Committee will no longer be able to impose suspensions and the ability to make appeals to the First -tier Tribunal will cease. Sanctions will be limited to censure, training, withdrawal of facilities etc. Authorities will have a two month period starting from 1st April to process and finalise any outstanding complaints. It is not clear whether it will be possible for any new complaints to be made under the old system after 1st April. The new style Standards Committee and new obligations under the Localism Act will come into effect from 1st July 2012.

Customer / Equalities and Diversity Implications

3.60 The Council is aware that any process for managing standards of behaviour for elected and co-opted Councillors must be accessible to the public. It is therefore proposed that an impact assessment will be carried out on the complaints process when established to ensure accessibility. In addition it is proposed that the members of the Council's Equality and Diversity Forum receive a presentation in relation to the new arrangements for comment.

3.61 Members are advised that the new arrangements will be publicised on the Council's website and that Officers will work to ensure that members of the public

are made aware of the process for making a complaint through all existing community engagement events.

4. RISK MANAGEMENT

- 4.1 The Council has identified Member to Member relations as a corporate risk to the authority and it has also identified the reputational issues that are associated with this.
- 4.2 The Chief Executive and the Monitoring Officer work closely with the Leaders of all political groups to ensure where possible that effective working relationships with all Members can be maintained and from time to time it is necessary for specific measures to be introduced to enable this to continue effectively.
- 4.3 All three Statutory Officers meet on a monthly basis to assess the risks associated with this and to ensure that any local issues are managed effectively and that support is given to all Members of the Council where appropriate.
- 4.4 Members are advised that they are obliged to consider and determine appropriate mechanisms for managing complaints and to discharge their duty to promote high standards in public life, at District and Parish level, and that whilst the process for doing this is no longer governed by statute that a process will nevertheless need to be adopted and that the proposals within this report would enable the Council to discharge this.

5. APPENDICES

Appendix 1 - Draft Code of Conduct

Appendix 2 - Draft process for managing standards complaints

6. BACKGROUND PAPERS

Relevant sections of the Localism Act 2011.

7. KEY

None

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XXXXXXXXXX COUNCIL

CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to you as a member or co-opted member of XXXXXXXXXXXX Council.

(2) You should read this Code together with the Ten [Seven] Principles of Public Life [also known as the Nolan Principles] which are set out in Appendix 1] [below]

Comment [s11]: To be agreed locally – some councils may opt for Seven principles

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

"meeting" means any meeting of

(a) the authority;

(b) any of the authority's, sub-committees, joint committees, joint sub-committees, or area committees;

(c) the executive (Cabinet) of the authority or it's committees

"Monitoring Officer" means the Monitoring Officer for the principal Council which is XXXXX Council;

Scope

2. (1) This Code applies to you as a member of this authority when you act in your role as a Member.
- (2) Where you act as a representative of the 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 the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.
 - (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 the authority's Code of Conduct;
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

4. 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. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. 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, or under the control of, the authority:
 - (i) act in accordance with the 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.

7. You must:
- (a) when reaching decisions on any matter have regard to any relevant advice provided to you by the authority's officers and in particular by the authority's Monitoring Officer and Section 151 Officer; and
 - (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority

8. You must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

Part 2
Interests

Disclosable Pecuniary Interests ("DPI")

9. (1) You will have a Disclosable Pecuniary Interest ("DPI") under this Code if:-
- (a) such interest meets the definition prescribed by XXX regulations as amended from time to time and set out in Appendix 2 to this Code; and
 - (b) it is either an interest of yourself; or it is an interest of :-
 - (i) your spouse or civil partner; or
 - (ii) a person with whom you are living as husband and wife; or
 - (iii) a person with whom you are living as if you were civil partners;
- And you are aware that the other person has the interest.

Other Pecuniary Interests

Note – Agreed by County solicitors that this will cover interests of a financial nature but outside the definition of dpi's as laid down by the regulations. Full definition to be confirmed once the regulations are available

10.(1) You will have an Other Pecuniary Interest:.....

Non-pecuniary interests

11.(1) You will have a Non-pecuniary Interest in any matter if you or a member of your family or person or organisation with whom you are associated have a close connection with the matter under discussion.

(2) If you are a member of another local authority, or public body, or you have been appointed as the Council's representative on an outside body, you do not have a non-pecuniary interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice your judgment of what is in the public interest.

Registration of Disclosable Pecuniary Interests

12. (1) You must within 28 days of becoming a member of the authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given

(2) You must within 28 days of becoming aware of any new DPI, or changes to existing DPis notify the Monitoring Officer in writing.

Disclosure of Interests

13.(1) DPis

(a) If you are present at a meeting of the Council committee and you have a DPI then you must:-

- i Disclose the nature and existence of the interest; and
- ii Leave the meeting (including the meeting room and public gallery) and take no part in the discussion; and
- iii If the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.

(b) If you have a DPI you must not participate in informal meetings/briefings and site visits and must disclose the DPI in any correspondence with the Council.

(2) Single Member Decisions

If when participating in single member decision making you have a DPI affecting the matter being decided then you may take no steps other than asking for the matter to be decided under alternative arrangements.

Comment [s21]: Not applicable to Parish Councils

(3) Dispensations

The only exception to paragraph 13(1) is that you may take part in the discussion and vote regarding a matter in which you have a disclosable pecuniary interest provided that you have been granted a dispensation by your authority in accordance with section 33 of the Localism Act 2011. The procedure for applying for a dispensation is set out at Part XXXXX of the [Council's Constitution] [Standing Orders]

Comment [s31]: In the case of a Parish Council

(4) Other Pecuniary Interests and Non-pecuniary Interests

- (a) If you are present at a meeting of the Council and you have an Other Pecuniary Interest or a Non-pecuniary Interest then you must:
 - i Disclose the nature and existence of the interest; and
 - ii If the interest is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgment of what is in the public interest leave the meeting (including the meeting room and public gallery) and take no part in the discussion.

Sensitive Information

14. (1) An interest will be a sensitive interest if the two following conditions apply:

- (a) That you have an interest (whether or not a DPI); and
 - (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.
- (2) Where following consultation with the Monitoring Officer it is decided that an interest is a "sensitive interest" copies of the register that are made available

for inspection and any published version of the register must not include details of the interest. The Monitoring Officer may decide to state on the register that the member has an interest the details of which are excluded under this section.

- (3) Where the sensitive interest is a DPI the usual rules relating to disclosure of that interest will apply save that the member will not be required to disclose the nature of the interest but merely the fact that they hold a DPI in the matter concerned.

APPENDIX 1

The Ten Principles of Public Life (*not attached*)

APPENDIX 2

The Localism Act Definition of Disclosable Pecuniary Interests Regulations (*not attached*)

**Draft process for managing standards complaints under the
Localism Act 2011**

The following provides an outline of the anticipated process for how standards complaints under the Localism Act 2011 will be dealt with.

A more detailed mapping flow of the process will be made available to the Standards Committee at the meeting.

Key:

C	Complainant
IO	Investigating Officer
IP	Independent Person
MO	Monitoring Officer
PC	Parish Council
SM	Subject Member

Note: The MO reserves the right, at any stage in the process, to seek to consult with 'relevant parties' on any aspect of a complaint, or on any proposed course of action in relation to a complaint. For this purpose relevant parties may include, amongst others:

- the Leaders of the Political Groups;
- a Representative from the Worcestershire Association of Local Councils;
- the Chairman, Vice-Chairman or Clerk/Executive Officer of a Parish Council; or
- a Representative of the Police or other relevant regulatory body.

Stages in the process

1. Written complaint received by the MO.
2. The MO will send a written acknowledgement of the complaint to the C and the SM, which will explain the process involved and confirm any relevant timeframes.
3. The MO will review the complaint, in consultation with the IP, to determine whether it can be dealt with (in first instance at least) via local resolution, or whether a formal investigation is required.

(Note: If any criminal conduct or breach of other regulation is identified the MO may refer the matter to the Police or other regulatory agency. The MO will, at the same time, continue to undertake any separate course of action on behalf of the Council in relation to the complaint, as deemed appropriate and where necessary in consultation with the IP, with a view to maintaining high standards of Member conduct.)

4. Once having reviewed the complaint the MO will notify the C, SM, and if the complaint relates to a Parish Councillor the PC concerned, in writing of how she intends to proceed with the complaint and her reasons for the decision.

Local resolution

5. If the MO attempts to deal with the complaint under local resolution she will liaise with the relevant parties to seek to agree a way forward.
6. If the SM accepts that his/her conduct was unacceptable and offers an apology, and/or if other remedial action is offered/undertaken by either the SM or the authority, the MO will notify the C of any reasonable terms offered by either the SM and/or the authority.
7. If the C accepts the terms offered the MO will write to all parties detailing the outcome and the matter will be closed.
8. If the C does not accept the terms offered the MO will determine, in consultation with the IP, whether the complaint merits a formal investigation.
9. The MO will write to the relevant parties detailing her decision and the reasons for the decision and the matter will either be closed or a formal investigation will take place.

Formal investigation

10. If (at stages 3 or 8) the MO determines that a formal investigation is necessary the MO will appoint an IO.
11. The IO will conduct the investigation and in doing so will liaise with any relevant parties, as appropriate.
12. The IO will produce a draft report detailing his/her findings and will send a copy of the report to the C and SM for comment.
13. Following comments from the C and/or SM the IO will finalise his/her report and will send a copy of the final report to the MO.
14. The MO will review the IO's report and, depending on the IO's findings and the reasons for those findings, will determine the next course of action.

Available options following formal investigation

15. If the IO finds that there is no evidence of any failure by the SM to comply with the Code of Conduct and the MO is satisfied with the IO's findings the MO will, following consultation with the IP, write to the C, SM, and if the

- complaint relates to a Parish Councillor the PC concerned, enclosing a copy of the final report and confirming that she is satisfied that no further action is required. The matter will then be closed.
16. If the IO finds that there is evidence of failure by the SM to comply with the Code of Conduct and the MO is satisfied with the IO's findings the MO will determine, in consultation with the IP and depending on the seriousness of the failure in question, whether to send the matter for a local hearing or to seek to resolve the matter via local resolution.
 17. If the MO attempts to conclude the matter via local resolution she will liaise with the relevant parties to seek to agree a fair resolution, with a view to ensuring higher standards of conduct by the SM in the future.
 18. If a fair resolution is agreed and the SM complies with the suggested resolution the MO will report the matter to the Standards Committee, and if the matter relates to a Parish Councillor to the PC concerned, for information. No further action will be taken and the matter will then be closed.
 19. If (at stage 17) the C tells the MO that any suggested resolution is not adequate, or if the SM is not prepared to undertake any proposed remedial action, the MO will refer the matter for a local hearing.

Local hearing

20. Where (at stages 3, 8, 16 or 19) a local hearing is to take place, a pre-hearing process will be undertaken which will seek to facilitate the smooth running of the hearing including, for example, the identification of any significant disputed facts and the calling of any witnesses.
21. The hearing will take place in accordance with the published procedure and a formal written decision of the Hearing Panel will follow as soon as reasonably practicable after the hearing.

Additional notes

- (i) Full Council can, by resolution, amend these arrangements and can delegate to the Chairman of the Hearings Panel the right to depart from these arrangements where the Chairman considers it expedient to do so in order to secure effective and fair consideration of a matter.
- (ii) There is no right of appeal for either the C or SM against a decision of either the Monitoring Officer or of the Hearings Panel. Any decision would, however, be open to judicial review by the High Court if it was patently unreasonable, or if it were taken improperly, or if it sought to impose a sanction which the Council had no power to impose.

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