

Democratic Services

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12 September 2012

To: All Members of the Standards Committee

Independent Members: Susan Toland (Chair), Deborah Russell and Dr Cyril Davies

Parish/Town Councillors: Veronica Packham and Axel Palmer

Bath and North East Somerset Councillors: Councillor Sally Davis, Councillor Sarah Bevan, Councillor Eleanor Jackson, Councillor Nigel Roberts and Councillor Malcolm Lees

Chief Executive and other appropriate officers

Press and Public

Dear Member

Standards Committee: Thursday, 20th September, 2012

You are invited to attend a meeting of the **Standards Committee**, to be held on **Thursday, 20th September, 2012** at **5.30 pm** in the **Kaposvar Room - Guildhall, Bath.**

The agenda is set out overleaf.

Yours sincerely



Ann Swabey
for Chief Executive

If you need to access this Agenda or any of the supporting reports in an alternative accessible format, please contact Democratic Services or the relevant report author whose details are listed at the end of each report

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Ann Swabey who is available by telephoning Bath (01225) 394416 or by calling at the Riverside Offices, Keynsham (during normal office hours).
- 2. Details of Decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting as above:-

Public Access points - Guildhall - Bath, Riverside – Keynsham, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Libraries.

- 3. Substitutions:** Members are reminded that any substitutions must be made in accordance with the relevant Rule set out in the Council's Constitution and notified in writing to Ann Swabey prior to the commencement of the meeting.
- 4. Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may ask a question which must be submitted in writing to Democratic Services and to which a written answer will be given. Public and Councillor submissions to the Standards Committee under this scheme must relate to the general business of this Committee. Separate arrangements apply to hearings about individual cases.

Advance notice is required not less than two full working days before the meeting (for instance, this means that for meetings held on Thursdays notice must be received in Democratic Services by 4.30pm the previous Monday).

- 5. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**

7. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people

8. Wards (the areas of the Authority which Councillors represent)

Where an item relates to a specific ward within the Authority, the name of that ward is given alongside the item heading. The name of the Ward is also shown on the front page of the associated report. Where no ward is given, this is because the item is a general matter or relates to the whole of the Bath and North East Somerset area.

**Standards Committee – Thursday, 20th September, 2012
at 5.30 pm in the Kaposvar Room - Guildhall, Bath**

A G E N D A

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out on the Agenda.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTION

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* **an other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair will announce any items of urgent business accepted since the agenda was prepared under the Access to Information provisions.

6. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

7. ITEMS FROM COUNCILLORS AND CO-OPTED AND ADDED MEMBERS RELATING TO THE GENERAL BUSINESS OF THE COMMITTEE

8. MINUTES OF THE MEETING OF 21ST JUNE 2012 (Pages 5 - 6)

To approve the minutes of the meeting of 21st June 2012 as a correct record.

9. THE NEW STANDARDS REGIME

The Standards Committee will consider the following issues:

- a) The progress of the implementation of the new Standards regime
- b) The suggested process for dealing with complaints against councillors
- c) The Register of Interests
- d) Parish and Town Councils
- e) The role of Independent Persons
- f) Transitional issues.

The Committee Administrator for this meeting is Ann Swabey who can be contacted on 01225 394416.

BATH AND NORTH EAST SOMERSET

STANDARDS COMMITTEE

MINUTES OF THE MEETING OF THURSDAY, 21ST JUNE, 2012

PRESENT:-

Independent Members: Susan Toland (Chair), Deborah Russell (Independent Member) and Dr Cyril Davies (Independent Member)

Parish Representatives: Veronica Packham and Axel Palmer

Bath and North East Somerset Councillors: Sally Davis, Malcolm Lees, Eleanor Jackson and Nigel Roberts

Officers: Vernon Hitchman (Divisional Director, Legal and Democratic Services)

30 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

31 EMERGENCY EVACUATION PROCEDURE

The Clerk drew attention to the Emergency Evacuation Procedure.

32 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies were received by Nick Stevens – Parish Representative.

33 DECLARATIONS OF INTEREST

There were none.

34 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

35 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

There were none.

36 ITEMS FROM COUNCILLORS AND CO-OPTED AND ADDED MEMBERS RELATING TO THE GENERAL BUSINESS OF THE COMMITTEE

There was none.

37 MINUTES OF THE MEETING OF 26TH APRIL 2012

The minutes of the meeting of 26th April 2012 were confirmed as a correct record and signed by the Chair.

38 THE NEW STANDARDS REGIME

The Monitoring Officer introduced the report and explained that all Councils are required to adopt a new code of conduct governing elected and co-opted members conduct. He explained that Councils have discretion as to what they include and that

there are some examples appended to the report. He asked the Committee to agree on some principles so that he could draft a new version of the Code to bring back to them at a later date.

The Committee requested that the Monitoring Officer base the new draft code of conduct on the ACSes Draft Code (paper C, marked Appendix D to Report No. 111/2012) with some developments in line with the following:

- The Committee generally preferred the longer rather than the shorter codes but not so long as to put people off of reading it;
- The code should be clearly written and some paragraphs may need amending such as Paragraph 8 which they felt should just read 'set aside your personal interest'
- Parts of the existing code could be used such as those relating to bullying and respect.

It was **agreed** that the Monitoring Officer would circulate

1. A draft of a new code of conduct based on the ACSes Draft Code and that he be authorised to submit it to Council for approval, and
2. A formalised complaints and hearing process and training proposals would be drawn up in due course

The meeting ended at 6.50 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council

MEETING:	Standards Committee
MEETING DATE:	20 th September 2012
TITLE:	Implementation of the new Standards Regime
WARD:	ALL
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix 1 - Proposed complaints procedure.</p>	

1 THE ISSUE

1.1 To report to the Committee the current situation in respect of the implementation of the new Standards Regime and seek the Committee’s guidance on the issues outlined the report.

2 RECOMMENDATION

2.1 That the Committee consider the issues raised in the report.

3 FINANCIAL IMPLICATIONS

3.1 It is hoped that the new Standards regime will be no less expensive than the current regime in terms of the costs of Committee meetings, Committee support and investigations. There may be some additional costs in respect of the implementation of the requirements of the Act in respect of Parish and Town Council registers which will need to be absorbed within existing Legal & Democratic Service's budgets.

4 THE REPORT

4.1 The Council as a result of previous decisions by the Committee and by Council already have in place a number of arrangements concerning the new regime. The purpose of this report is to update on progress and also ask the Committee to decide on a number of matters as outlined in the remainder of section 4.

4.2 Progress on implementation

Council in July adopted a new Code of Conduct and, in accordance with the requirements of that Code, all Bath & North East Somerset Council members have been asked to complete the appropriate forms concerning both disclose able pecuniary interests and notified gifts and hospitality. The Monitoring Officer will update the meeting as to the number of duly completed registers that have been received. One aspect which needs to be considered is training on the new Code. The Committee's views are sought on this; as a minimum it is recommended that 2 or 3 sessions should be offered by the Monitoring Officer in the autumn of this year and the Committee is invited to back this proposal and also indicate any further action it would recommend.

The Committee will recall previous discussions about the chairing of the Committee and the Committee's views are sought on this. As a result of the change in the statutory regime, it is no longer possible for co-opted members to have voting rights but given that the Committee has hitherto worked in an essentially consensual manner it is not envisaged that this will cause any problems and that both independent and parish representatives will participate fully in discussion and debate in matters referred to the Committee. The legal requirement, however, for a chair of a Council committee to have a second or casting vote is problematic; it is recommended that the Committee should appoint one of the members with voting rights as a Chair but designate one of the independent members as 'lead independent co-opted member' who would have a particularly role when it came to the filtering and assessment of complaints.

4.3 Process of dealing with complaints against councillors

Annex 1 contains a draft procedure for the Committee's consideration. The Committee will particularly note that it has 2 options in respect of the way in which the complaints that need to be considered are dealt with; the recommendation is that the light touch second method should be used with the option of bringing in or instigating some form of 'investigation' (whether undertaken by internal or external assistance) in exceptional cases which are particularly complex.

4.4 Registers of Interests

The Council is now in a position to comply with the requirements of the 2011 Act for there to be both a paper copy of declared interests and also one hosted on its

web site. There will be a far bigger challenge under section 4.5 when it comes to Town and Parish Council registers.

4.5 Parish and Town Councils

This Council and Parish and Town Councils have distinctive roles under the new regime. It is this Council's role to maintain a Register of Parish and Town Councils' declared interests, to deal with allegations concerning the breach of the Code adopted by Parish and Town Councils and as such the Monitoring Officer, as required by the 2011 Act, has responsibilities both to this Council and to the Parish and Town Councils in the area.

The role of Parish and Town Councils is to adopt their own Code, (which a number are in the process of doing) and deal with requests for dispensations made by Parish and Town Councillors to participate in Parish and Town Council business (a role formerly undertaken by the Standards Committee of this Council).

The Monitoring Officer, in consultation with the Secretary of the Association of Local Councils for the area, has provided guidance to Parish and Town Clerks concerning the new Standards regime.

4.6 The role of the independent persons

The Committee will recall that there are significant differences between the new regime and the old regime concerning independent persons. Under the old regime, the Council was required to have a number of independent co-opted members of the Standards Committee and it was considered that this requirement

worked well and Council in July established this Committee with independent co-opted members to ensure that the previous good practice was continued. The 2011 Act however introduced the concept of a confusingly named 'independent person' who was to be an individual appointed by the Council 'but not as a member of the Committee' who would have a role in commenting on complaints made in a number of ways; potentially to be contacted by potential actual complainants concerning the conduct of other members, to be contacted by the Monitoring Officer in assessing whether or not a complaint should be pursued and to assist the Standards Committee in its deliberations. An advertisement has been placed for the filling of this position; it is recommended that a decision on who to appoint once applications are considered should be delegated to the Monitoring Officer in consultation with the Lead Independent member of the Committee.

4.7 Transitional issues

There are 2 cases which were not completed under the old regime and the Monitoring Officer will update the meeting as to the implications of this and the recommended course of action.

5 RISK MANAGEMENT

5.1 No risk assessment related to the issue and recommendations has been undertaken.

6 EQUALITIES

a) An Equality Impact Assessment (EqIA) has been completed. Adverse impacts were identified and have been justified/mitigated in the following ways ...

b) An EqIA has been completed. No adverse or other significant issues were found.

7 CONSULTATION

7.1 Consultation has been undertaken with the Chief Executive and the Section 151 Officer.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 *Human Rights; Corporate; Other Legal Considerations*

9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>Vernon Hitchman, Monitoring Officer & Divisional Director (Legal Democratic Services) – 01225 - 395171</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	

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APPENDIX 1

BATH AND NORTH EAST SOMERSET COUNCIL

(DRAFT) ARRANGEMENTS FOR DEALING WITH COMPLAINTS ABOUT THE CODE OF CONDUCT FOR MEMBERS

Introduction

1. This procedure applies when a complaint is received that a Member, Co-opted Member or Town/Parish Member has or may have failed to comply with the relevant Code of Conduct for Members.
2. The person making the complaint will be referred to as “The Complainant” and the person against whom the complaint is made will be referred to as the “Subject Member”.
3. No Member or officer will participate in any stage of the arrangements if he or she has, or may have, any personal conflict of interest in the matter.

4. Making a complaint

A complaint must be made in writing by post or email to:-

The Monitoring Officer
Bath and North East Somerset Council
Riverside
Temple Street
Keynsham
BS31 1LA

OR

vernon_hitchman@bathnes.gov.uk

The standard complaint form should be used. This can be obtained from the Monitoring Officer or downloaded from the Council’s website [insert ref] in order that all required information is included.

The Monitoring Officer will normally acknowledge receipt of the complaint within 5 working days of receiving it and, at the same time, write to the Subject Member (and in the case of a complaint about a Town/Parish Councillor to the Clerk of the Town/Parish Council as well) with details of the allegations (subject to any representations from the Complainant on confidentiality, which are accepted as valid by the Monitoring Officer). The Subject Member may, within 5 working days of receipt, make written representations to the Monitoring Officer which must be taken into account when deciding how the complaint will be dealt with. Representations received after this time may be taken into account, at the discretion of the Monitoring Officer, but will in any event not be considered after the Monitoring Officer has issued his Complaint Initial Assessment.

5. Complaint Initial Assessment

The Monitoring Officer will review the complaint and, after consultation with the Independent Person and the lead independent co-opted member, take a decision (a Complaint Initial Assessment) as to whether it merits further consideration, or another course of action. This decision will normally be taken within 20 working days of receipt of a complaint.

A complaint will be rejected if:

- It is not against one or more named Members or co-opted Members of the Council or a Town/Parish Council within the Council's area;
- The Subject Member was not in office at the time of the alleged conduct/or a Code of Conduct was not in force at the time;
- The complaint, if proven, would not be a breach of the Code of Conduct under which the Subject Member was operating at the time of the alleged misconduct.

If appropriate, the Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be investigated, dealt with informally, or rejected:

- Whether a substantially similar allegation has previously been made by the Complainant to Standards for England, or the Standards Committee, or the complaint has been subject of an investigation by another regulatory authority;
- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
- Whether the allegation is anonymous;
- Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:-
 - (i) The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations;

- (ii) Whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation;
- Whether the complaint appears to be malicious, vexatious, politically motivated or tit-for-tat;
- Whether the complaint suggests that there is a wider problem throughout the authority;
- Whether it is apparent that the subject of the allegation is relatively inexperienced as a Member, or has admitted making an error and the matter would not warrant a more serious sanction;
- Whether training or conciliation would be the appropriate response;

6. Additional Information

The Monitoring Officer may require additional information to come to a decision and may request information from the Subject Member. Where the complaint relates to Town/Parish Councillor, the Monitoring Officer may also inform the Clerk of the Town/Parish Council of the complaint and seek the views of the Clerk of the Town/Parish Council before deciding whether the complaint merits formal consideration or other action. In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation. Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable and offering an apology, or taking other steps. Where the Subject Member or the authority (in appropriate cases) make a reasonable offer of local resolution, but it is rejected by the Complainant, the Monitoring Officer will take account of this in deciding whether the complaint merits further consideration.

If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer may report this to the Police or other prosecuting or regulatory authorities.

7. Confidentiality

If a Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the Complaint Initial Assessment stage.

As a matter of fairness and natural justice, the Subject Member should usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Monitoring Officer may withhold the Complainant's identity if on request from the Complainant, or otherwise, they are satisfied that the Complainant has reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of physical harm, or his or her employment may

be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the Complainant's identity being disclosed.

If the Monitoring Officer decides to refuse a request by a Complainant for confidentiality, he will offer the Complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the Complainant's wish to have his or her identity withheld from the Subject Member.

8. Further consideration

Two options are set out below for the Committee's consideration. The first of these – sections 9 – 11, are the sort of procedures which are commonly adopted or have been commonly adopted by other Councils and involve the formal appointment of an investigator, the preparation of a draft report, obtaining comments from interested parties and a conclusion for the recommendation for a Local Hearing – in other words a system not dissimilar from the current arrangements for dealing with the Standards' issues but with the removal of the 'pre hearing process' prescribed under the old regime which was generally agreed served no useful purpose other than to prolong the procedure.

The key feature of this process is the gathering of information and the reaching of conclusions by someone other than the Committee itself with the Committee's role limited to adjudication once the investigation has been completed.

An alternative proposal which would appear to have the merit of simplicity is set out as an alternative in section 12. The essential feature of this process is that the complaint, once it has passed the initial threshold as being worthy of consideration, is considered in its entirety by a Hearing of the Committee in the format set out in section 14. Essentially, the complainant is invited to present their case and produce information/call evidence in support of it; the member complained about has similar facilities. The Committee regulates through the Chair the extent of any examination or cross examination; a common approach to this is to vest in the chair of the panel the power to permit cross examination but reserve the normal power to make enquiries for clarification and so on to the Committee members themselves. Once the evidence is heard, both parties may then 'sum up' and the Committee can retire to reach a verdict.

There are clearly arguments both for and against either system. However Committee members may recall that even when a report has been prepared by an independent investigator under the old regime, then a pre hearing assessment undertaken to try and ascertain which facts were accepted and which were in dispute, that it was not uncommon for the

Committee having to make its' own judgements as to what evidence should be believed and not believed and so on.

My recommendations would be therefore that we adopt the system whereby there is no independent investigator as a matter of course but in the event of there being a particularly complex case reserving the right to have some of investigation undertaken.

9. Procedure A

The Monitoring Officer will appoint an Investigating Officer where a complaint merits formal investigation. The Investigating Officer may be a Council officer, an officer of another Council, or an external investigator.

The Investigating Officer will follow guidance issued by the Monitoring Officer on the investigation of complaints. The guidance will follow the principles of proportionality and the cost-effective use of Council resources and shall be interpreted in line with these principles.

The Investigating Officer will ensure that the Subject Member receives a copy of the complaint – subject to a Monitoring Officer decision on Confidentiality.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report to the Complainant and to the Subject Member, for comments. The Investigating Officer will take such comments into account, before issuing their final report to the Monitoring Officer.

10. Investigating Officer finding of insufficient evidence of failure to comply with the Code of Conduct

The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is satisfactory, will make a Confirmation Decision to confirm the finding of no failure to comply with the Code of Conduct.

The Monitoring Officer will write to the Complainant and the Subject Member (and to the Clerk of the Town/Parish Council, where the complaint relates to a Town/Parish Councillor), with a copy of the Confirmation Decision and the Investigating Officer's final report.

If the Monitoring Officer is not satisfied that the investigation has been conducted satisfactorily, the Investigating Officer may be asked to reconsider their report and conclusion.

11. Investigating Officer finding of sufficient evidence of failure to comply with the Code of Conduct

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for Local Hearing before the Standards Committee or, after consulting the Independent Person, seek Local Resolution.

12. Procedure B

Under this procedure, the complaint and the comments made by the member complained of will be collated into a report for Local Hearing. The parties will be informed of the hearing date and the complaint, together with supporting evidence/witnesses and the subject members' comments and supporting evidence/witnesses will be presented to the meeting.

13. Local Resolution

If the Monitoring Officer considers that the matter can reasonably be resolved without the need for a hearing, he will consult with the Independent Person and the Complainant and seek to agree a fair resolution. Such resolution may include the Member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action. If the Member accepts the suggested resolution, the Monitoring Officer will report the outcome to the Standards Committee and the Clerk to the Town/Parish Council (if appropriate) for information, but will take no further action. If the Complainant or the Subject Member refuses Local Resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter for a Local Hearing without further reference to the Complainant or the Subject Member.

14. Local Hearing

Where, in the opinion of the Monitoring Officer, Local Resolution is not appropriate or the Complainant and /or Subject Member refuse to co-operate, the Monitoring Officer will report on the complaint to the Standards Committee which will conduct a Local Hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

The Standards Committee will need to agree a procedure for local hearings in due course.

15. Constitution of the Standards Committee when considering a Local Hearing

When the Standards Committee is conducting a Local Hearing, the quorum for the Committee will comprise of 5 members. At least one member will be an independent member and where the Local Hearing relates to the conduct of a Town/Parish Council member, one member may be a town/parish council representative.

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

16. The Independent Person

The Independent Person must be a person who has applied for the post following advertisement of a vacancy for the post, and appointed by a positive vote from a majority of all the Members of Council at a meeting of the Full Council.

A person is not eligible for appointment if they:

- 16.1 Are, or have been within the past 5 years, a Member, co-opted Member or officer of the Council, with the exception that former Independent Members of Standards Committees can be appointed as Independent Persons;
- 16.2 Are or have been within the past 5 years, a member, co-opted Member or officer of a town/parish council within the Council's area, or
- 16.3 Are a relative or close friend, of a person within paragraph 14.1 or 14.2 above. For this purpose, "relative" means –
 - 16.3.1 Spouse or civil partner;
 - 16.3.2 Living with the other person as husband and wife or as if they were civil partners;
 - 16.3.3 Grandparent of the other person;
 - 16.3.4 A lineal descendent of a grandparent of the other person;
 - 16.3.5 A parent, sibling or child of a person within paragraphs 14.3.1 or 14.3.2;
 - 16.3.6 A spouse or civil partner of a person within paragraphs 14.3.3, 14.3.4 or 14.3.5;
 - 16.3.7 Living with a person within paragraphs 14.3.3, 14.3.4 or 14.3.5 as husband and wife or as if they were civil partners.

17. Action the Standards Committee may take where a Member has failed to comply with the Code of Conduct

Where the Standards Committee finds that a Member has failed to comply with the Code of Conduct, the Council has delegated to the Standards Committee such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly the Standards Committee may –

- 17.1 Publish its findings in respect of the Member's conduct;
- 17.2 Report its findings to Council (or to the Town/Parish Council) for information;
- 17.3 Recommend to Council that the Member be censured;
- 17.4 Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 17.5 Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from their Portfolio responsibilities;
- 17.6 Instruct the Monitoring Officer to (or recommend that the Town/Parish Council) arrange training for the Member;
- 17.7 Recommend to Council (or recommend to the Town/Parish Council that the Member be removed) from all outside body appointments to which they have been appointed or nominated by the Council (or by the Town/Parish Council);
- 17.8 Withdrawn (or recommend to the Town/Parish Council that it withdraws) facilities provided to the Member by the Council, such as a computer, website and /or email and Internet access;
- 17.9 Exclude (or recommend that the Town/Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

18. Revision of these arrangements

The Council may by resolution or delegation to the Monitoring Officer agree to amend these arrangements and has delegated to the Chair of the Standards Committee the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

19. Appeals

There is no right of appeal against a decision of the Monitoring Officer or of the Standards Committee.

If a complainant feels that the Council has failed to deal with his or her complaint properly, he or she may make a complaint to the Local Government Ombudsman.

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