

Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP

Telephone 01572 722577 Email: governance@rutland.gov.uk

Ladies and Gentlemen,

A meeting of the **CONDUCT COMMITTEE** will be held in the Council Chamber, Catmose, Oakham on **Tuesday, 22nd March, 2022** commencing at 7.00 pm.

Yours faithfully

Mark Andrews
Chief Executive

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at www.rutland.gov.uk/my-council/have-your-say/

A G E N D A

1) APOLOGIES

2) MINUTES

To confirm the minutes of the Conduct Committee held on 7 December 2022.
(Pages 5 - 8)

3) DECLARATIONS OF INTEREST

In accordance with the Regulations, Members are invited to declare any disclosable interests under the Code of Conduct and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

4) PETITIONS, DEPUTATION AND QUESTIONS

To receive any petitions, deputations and questions received from members of the public in accordance with the provisions of Procedure Rule 93. The total time allowed for this shall be 30 minutes. Petitions, deputations and questions shall be dealt with in the order in which they are received.

5) QUESTIONS FROM MEMBERS

To consider any questions received from Members of the Council in accordance with the provisions of Procedure Rule 95.

6) NOTICES OF MOTION

To consider any Notices of Motion from Members submitted under Procedure Rule 97.

7) REVISED MEMBERS' CODE OF CONDUCT

To receive Report No. 61/2022 from the Monitoring Officer.
(Pages 9 - 36)

8) REVISED ARRANGEMENTS FOR DEALING WITH CONDUCT ALLEGATIONS

To receive Report No. 62/2022 from the Monitoring Officer.
(Pages 37 - 52)

9) EXCLUSION OF THE PRESS AND PUBLIC

The Committee is recommended to determine the public and press be excluded from the meeting in accordance with Section 100(A)(4) of the Local Government Act 1972, as amended, and in accordance with the Access to Information provisions of Procedure Rule 239, as the following item of business is likely to involve the disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

Paragraph 1: Information relating to any individual.

10) ALLEGATION OF BREACH OF CODE OF CONDUCT - OAKHAM TOWN COUNCIL

To receive Report No. 62/2022 from the Monitoring Officer.
(Pages 53 - 88)

11) ANY OTHER URGENT BUSINESS

To consider any other urgent business at the discretion of the person presiding provided that it has been previously notified to them.

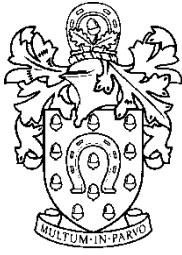
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DISTRIBUTION

MEMBERS OF THE CONDUCT COMMITTEE:

| | |
|---------------------------------|---------------------------------|
| Councillor O Hemsley (Chairman) | Councillor A Brown (Vice-Chair) |
| Councillor P Ainsley | Councillor N Begy |
| Councillor J Burrows | Councillor S Harvey |
| Councillor S Webb | Support |

OTHER MEMBERS FOR INFORMATION



Rutland County Council

Catmose Oakham Rutland LE15 6HP
Telephone 01572 722577 Email: governance@rutland.gov.uk

Minutes of the **MEETING of the CONDUCT COMMITTEE** held in the Council Chamber, Catmose, Oakham on Tuesday, 7th December, 2021 at 7.00 pm

PRESENT: Councillor O Hemsley (Chair) Councillor N Begy
Councillor A Brown Councillor J Burrows
Councillor S Harvey Councillor S Webb

OFFICERS PRESENT: Sarah Khawaja Principal Solicitor
Tom Delaney Governance Officer

IN ATTENDANCE: Gordon Grimes Independent Person

1 APOLOGIES

No apologies for absence were received.

2 MINUTES

Consideration was given to the minutes of the meeting held on 23 September 2020.

RESOLVED

That the minutes of the meeting held on 23 September 2020 be **APPROVED**.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 PETITIONS, DEPUTATION AND QUESTIONS

There were no petitions, deputations and questions.

5 QUESTIONS FROM MEMBERS

There were no questions from Members.

6 NOTICES OF MOTION

There were no notices of motion.

7 APPOINTMENT OF VICE-CHAIR

It was moved by Councillor O Hemsley that Councillor A Brown be appointed as Vice-Chair of the Conduct Committee for the 2021-22 municipal year, this was seconded. There were no further nominations and upon being put to the vote, the motion was unanimously agreed.

RESOLVED

That Councillor A Brown be **APPOINTED** as Vice Chair of the Conduct Committee for the remainder of the 2021-22 municipal year.

8 EXCLUSION OF THE PRESS AND PUBLIC

Councillor O Hemsley moved from the Chair that the meeting exclude the press and public as consideration of the following items was likely to involve discussion of exempt information relating to the identities of the complainants and subject Councillors.

This was seconded and upon being put to the vote the motion was unanimously carried.

RESOLVED

That the press and public be excluded from the remainder of the meeting as the following items of businesses would involve discussion of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to any individual.

9 ALLEGATION OF BREACH OF CODE OF CONDUCT - UPPINGHAM TOWN COUNCIL

Report No. 170/2021 was received from the Monitoring Officer, the Principal Solicitor and Deputy Monitoring Officer, Sarah Khawaja, presented the report which presented the findings of an investigation into allegations of a breach of Uppingham Town Council's Code of Conduct by an Uppingham Town Councillor.

In line with the Council's Arrangements for dealing with complaints, the Committee was advised by Gordon Grimes, the Independent Person, and received representations from the subject Councillor during the hearing.

RESOLVED

- 1) That the subject Councillor breached Uppingham Town Council's Code of Conduct in respect of one of the allegations made.
- 2) That the subject Councillor be issued with a formal letter and required to attend appropriate training arranged by the Monitoring Officer.

10 ALLEGATION OF BREACH OF CODE OF CONDUCT - OAKHAM TOWN COUNCIL

Report No. 171/2021 was received from the Monitoring Officer, the Principal Solicitor and Deputy Monitoring Officer, Sarah Khawaja, presented the report which set out the details of a complaint against an Oakham Town Councillor and requested the Committee to consider what, if any, further steps should be taken in relation to the complaint.

In line with the Council's arrangements for dealing with complaints, the Committee was advised by the Independent Person, Gordon Grimes.

RESOLVED

That the allegations warranted a full report, and the Committee requested the Monitoring Officer to prepare such a report, including further investigations to be carried out if required.

11 ANY OTHER URGENT BUSINESS

There was no urgent business for consideration.

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The Chair declared the meeting closed at 9.00 pm.

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CONDUCT COMMITTEE

22 March 2022

REVISED MEMBERS' CODE OF CONDUCT

Report of the Monitoring Officer

| | | |
|--------------------------------|---|--|
| Strategic Aim: | All | |
| Exempt Information | No | |
| Cabinet Member(s) Responsible: | Councillor Oliver Hemsley, Leader of the Council and Portfolio Holder for Policy, Strategy, Partnerships, Economy, and Infrastructure | |
| Contact Officer(s): | Marie Rosenthal, Interim Director for Law and Governance (Monitoring Officer) | Telephone 01572 827347 email mrosenthal@rutland.gov.uk |
| Ward Councillors | N/A | |

| |
|--|
| DECISION RECOMMENDATIONS |
| <p>That the Conduct Committee:</p> <ol style="list-style-type: none"> 1. Recommends to Council that it approves the adoption of the revised Code of Conduct for Members as set out in Appendix A to this report. 2. Agrees the adoption of the 8 best practice recommendations of the Committee on Standards in Public Life set out in paragraph 5 of this report 3. Agrees an all-member seminar to be arranged as soon as practicable to ensure Members are aware of the change and understand the terms of the new Code of Conduct. 4. Recommends the new Code of Conduct to Rutland Parish Councils. |

1 PURPOSE OF THE REPORT

1.1 The purpose of this report is to present a revised Members' Code of Conduct for consideration prior to it being submitted to full Council on 11 April 2022 for approval. The revised Code is based on the new model code recently produced by the Local Government Association (LGA) following recommendations made by the Committee on Standards in Public Life.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Localism Act 2011 ('the Act') requires the Council to promote and maintain high standards of conduct. In discharging this duty, the Council is required to adopt a Code dealing with the conduct that is expected of its members and co-opted members. The Act abolished the previous national model Code and allowed councils a discretion to adopt a local code consistent with the seven principles of public life (selflessness, integrity, objectivity, accountability, openness, honesty, and leadership), with provisions relating to the registration and disclosure of pecuniary interests and interests other than pecuniary interests.
- 2.2 The Council's current Members' Code of Conduct was adopted by full Council on 9 March 2015 and is in need of an update especially in relation to clearer advice on Personal and Other Interests. It can be viewed here: <https://rutlandcounty.moderngov.co.uk/documents/s9320/Part%205%20-%202.%20Codes%20and%20Protocols%20-%20Members%20Code%20of%20Conduct.pdf>
- 2.3 Under Part 3 of the Constitution, the Conduct Committee is responsible for advising the Council on the adoption or revision of the Member Code of Conduct. It is also the body responsible for ensuring the Council fulfils its duty to promote high standards of conduct.
- 2.4 In January 2021, the Local Government Association (LGA) issued a new draft model Code of Conduct. This was followed in July 2021 with detailed guidance. This can be viewed here: <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>.
- 2.5 This model Code has been developed in response to the report by the Committee on Standards in Public Life which made various recommendations to strengthen the code. The details of this were presented to the Conduct Committee on 23 September 2020. On the 23 September, the Committee requested more details of the LGA Model Code once it had been published.
- 2.6 Rutland County Council works in partnership with adjoining local authorities on many topics including health, adult and children's services and planning. Discussions have taken place between the Interim Monitoring Officer and the Monitoring Officers of neighbouring councils within Leicestershire and Cambridgeshire with a view to identifying areas of commonality to achieve, as far as possible, a common code between authorities. It is believed that this will assist those members who serve on partnership bodies and avoid the need to apply two different codes
- 2.7 Minor revisions are now suggested to the LGA Model Code to reflect local issues now recommended for approval at Rutland. Consideration has been given to more extensive redrafting, but this is not recommended so as to avoid significant changes that would impact on the integrity of the LGA model.

3 THE RECOMMENDED RUTLAND CODE

- 3.1 The draft locally amended Code recommended for Rutland is attached as Appendix A to this report. The main points to highlight are:
- 3.2 General

- 3.2.1 The application of the code (page 2) which is expressed to apply 'when you are acting or are claiming to act in your capacity as a councillor'. This may include when you misuse your position as a councillor, or your actions give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.
- 3.2.2 The section on behaviours is largely as per the Council's current code except that it has been redrafted by the LGA to be expressed in the first person rather than the third person, as per the current Council Code.
- 3.2.3 There is a new section requiring members to cooperate with an investigation and confirming that members will comply with any sanction imposed (para 9).
- 3.2.4 For the first time there is guidance (not part of the Code) dealing with social media issues. This is an area which generates several complaints and so guidance on this issue may be welcome.
- 3.3 Interests
- 3.3.1 The section on interests contains the most differences. The LGA Model Code refers to three types of interest as follows:
- 3.3.2 **Disclosable Pecuniary Interests** - Disclosable Pecuniary Interests (or 'DPs') were introduced by s30 of the Localism Act 2011. They are a category of interests which relate to the member and/or their partner, such as financial interests of you or your partner, such as your house or other property, or if you have a job or own a business. The categories are set out in regulations made under the Act and knowing non-compliance is a criminal offence.
- 3.3.3 **Other registrable interests** - These are categories of interest which have been identified by the LGA as requiring registration as an aid to transparency. These relate to:
- 3.3.3.1 Details of any body of which you are a member or in a position of general control or management and to which you are appointed by your local authority.
- 3.3.3.2 Details of any body of which you are a member or in a position of general control or management and which exercises functions of a public nature, is directed to charitable purposes, or has the principal purpose of influencing public opinion or policy.
- 3.3.3.3 Details of any gifts or hospitality with an estimated value of more than £50 received in connection with your official duties.
- 3.3.4 These interests are personal to you only and do not apply to your spouse /partner etc.
- 3.3.5 **Non- registrable interests** - These are your own interests or those of your family/relative/close associate etc. which are not required to be registered but will need to be declared as and when they arise.
- 3.4 Declarations at meetings
- 3.4.1 The requirement to declare an interest at a meeting is as follows:

- 3.4.2 **DPI** - Where you have a Disclosable Pecuniary Interest in any matter to be considered at a meeting you must disclose the interest, not participate in any discussion or vote on the matter and you must not remain in the room unless you have been granted a dispensation.
- 3.4.3 **Other Registrable Interests** - Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registrable Interests, you must disclose that interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting, but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. Where a matter simply **affects** such an interest, then the test detailed in the paragraph below.
- 3.4.4 Non-registrable interests
- 3.4.4.1 Where a matter arises at a meeting which **directly relates** to your financial interest or well-being or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation
- 3.4.4.2 Where a matter arises at a meeting which **affects** your own financial interest or well-being, a financial interest or well-being of a relative or close associate, or a financial interest or wellbeing of a body included under Other Registrable Interests, you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing that interest the following test should be applied.
- 3.5 The Test
- 3.5.1 Where a matter **affects** a financial interest or well-being:
- 3.5.1.1 To a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and.
- 3.5.1.2 A reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.
- 3.5.2 You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. There are various allowances for sensitive interests etc.
- 3.5.3 The table below is extracted from the LGA guidance to assist in understanding how the various interests will apply in practice:

| No. | TYPE | SPEAK* | VOTE | STAY | EXAMPLE | COMMENTS |
|-----|------|----------------------|------|------|---|--|
| 1 | DPI | N | N | N | Awarding a contract to your own company Planning application for your property Resident parking zone includes your house | <i>Directly relates to DPI-foreseeable-narrow-criminal</i> |
| 2a | ORI | If public allowed to | N | N | Awarding/withdrawing grant funding to a body of which you are a member e.g., village hall Granting planning permission to a body of which you are a member | <i>Directly relates to finances-foreseeable-narrow-can "address" meeting if public can do, but not take part in discussion.</i> |
| 2b | ORI | Test | Test | Test | Awarding grant funding to a body other than the body of which you are a member e.g., competitor to village hall | <i>Affects finances or wellbeing-test (1) greater than majority of inhabitants and (2) reasonable public-affect view of public interest</i> |
| 3a | NRI | If public allowed to | N | N | Determining an application submitted by your sister or your neighbour for a dog breeding licence Partner with free parking permit and policy review decision to be made Councillor objects in private capacity to neighbours planning application cannot sit on PC as statutory consultee | <i>Directly relates to finances of you, partner (not a DPI)-a relative or close associate- Unforeseeable- can "address" meeting if public can do, but not take part in discussion.</i> |
| 3b | NRI | Test | Test | Test | Application for housing development | <i>Affects finances or well-being-test 1)</i> |

| | | | | | | |
|--------------|-----|------|------|------|--|---|
| | | | | | on land near to partners business property Your neighbour applies for planning permission | greater than majority of inhabitants and (2) reasonable public-affect view of public interest |
| 2b/3b | NRI | Test | Test | Test | Road works noise outside your house Odours from nearby refuse tip ASB from rough sleepers housed in B+B's nearby | <i>May not affect finances but Well-being=quality of life – apply 2-stage test</i> |

4 MEMBERS' PROCEDURE RULES

- 4.1 The Constitution Review Working Group are recommending an updated Constitution and have identified the need to consolidate certain aspect of the Constitution to make it easier to navigate.
- 4.2 The Members Procedure Rules in Part 4 of the Constitution set out three Rules relating to Inspection of Land by members; a prohibition on the use of public funds for political purposes and a Rule prohibiting any member from representing the council in trade union negotiations if they work in local government or are employed by a trade union.
- 4.3 These Rules relate to member conduct and logically belong in the new Code of Conduct to ensure easy reference. They have been added to the recommended new Code.

5 COMMITTEE ON STANDARDS IN PUBLIC LIFE

- 5.1 The Committee on Standards in Public Life Report includes eight best practice recommendations for local authorities to consider alongside adoption of a new Code of Conduct. These are set out below and have been included where relevant in the recommended new Code.
- 5.1.1 **Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.
- 5.1.2 **Best practice 2:** Councils should include provisions in their code of conduct requiring members to comply with any formal standards investigation and prohibiting trivial or malicious allegations by members.
- 5.1.3 **Best practice 3:** Principal authorities should review their code of conduct each

year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

- 5.1.4 **Best practice 4:** An authority's code should be readily accessible to both members and the public, in a prominent position on a council's website and available in council premises.
- 5.1.5 **Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.
- 5.1.6 **Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.
- 5.1.7 **Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded dismissing as being without merit, vexatious, or trivial.

6 ALTERNATIVE OPTIONS

- 6.1 None identified.

7 FINANCIAL IMPLICATIONS

- 7.1 The cost of dealing with alleged complaints that a councillor has breached the Code of Conduct are met from the Council's legal budget as they can involve the appointment of an independent investigator usually legally qualified.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 These are detailed in the Report. The revised Code is also suitable for town and parish councils and could be recommended to Rutland Parish Councils via the Parish Forum.

9 DATA PROTECTION IMPLICATIONS

- 9.1 A Data A Data Protection Impact Assessments (DPIA) has not been completed because there are no risks/issues to the rights and freedoms of natural persons.

10 EQUALITY IMPACT ASSESSMENT

- 10.1 None arising from this report.

11 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 11.1 If the Committee resolve to change the Code as recommended, this will be presented to full Council in April 2022 with a view to the Constitution being amended thereafter
- 11.2 A comprehensive training programme will be developed to ensure members are aware of the change and conversant with the terms of any code adopted.

12 BACKGROUND PAPERS

12.1 LGA Model Code of Conduct

12.2 Rutland Council Code of Conduct March 2015:
<https://rutlandcounty.moderngov.co.uk/documents/s9320/Part%205%20-%202.%20Codes%20and%20Protocols%20-%20Members%20Code%20of%20Conduct.pdf>

12.3 Report to Full Council on 4th July 2012 – Review and Revision of the Constitution

12.4 Constitution of Rutland Council

13 APPENDICES

13.1 Appendix A – LGA Model Code with Local Rutland Amendments

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

APPENDIX A- The Rutland Member Code of Conduct (based on LGA Model Code 2021)

BACKGROUND TO THIS CODE OF CONDUCT This section sets out general interpretation and background to the Code of Conduct, including definitions used within the code, the purpose of the code, the principles the code is based on and when the code applies. It does not form part of the Code of Conduct itself and consequently does not contain any obligations for you to follow, as these are contained in the 'Code of Conduct' section below. All councils are required to have a local Member Code of Conduct.

Definitions

For the purposes of this Code of Conduct, a "member" means a member or co-opted member of Rutland Council ("the Council").

A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or.
- b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

Purpose of the Code of Conduct - The purpose of this Code of Conduct is to assist you, as a member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow members, Council officers and the reputation of the council and local government. It sets out general principles of conduct expected of all members and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of member and local government.

General principles of member conduct - Everyone in public office at all levels; i.e. all who serve the public or deliver public services, including ministers, civil servants, members and council officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles, which are set out in Appendix A.

Building on these principles, the following general principles have been developed specifically for the role of member and these principles underpin the obligations in the Code of Conduct that follows. In accordance with the public trust placed in you, you should:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of member.

In undertaking your role, you should:

- impartially exercise your responsibilities in the interests of the local community

- do not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence.
- ensure that public resources are used prudently in accordance with your Council's requirements and in the public interest; and
- uphold high standards of conduct, show leadership at all times and not misuse your position when acting as a member.

Application of the Code of Conduct This Code of Conduct applies to you as a member or co-opted member of the Council. It applies as soon as you sign your declaration of acceptance of the office of member or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a member.

This Code of Conduct applies to you when you:

- act in your capacity as a member or co-opted member of the Council; and
- conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed).

Where you act as a representative of the Council:

- on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct. It is your responsibility to comply with the provisions of this Code and to ensure all its obligations are met. You are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct which you are unsure of.

THE RUTLAND COUNCIL CODE OF CONDUCT

Standards of member conduct This section sets out your obligations, which are the minimum standards of conduct required of you as a member. Should your conduct be perceived to fall short of these standards or the Nolan Principles, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a member:

1.1 I will treat others member with respect.

1.2 I will treat council officers, employees and representatives of partner organisations and those volunteering for the council with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in members.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and notify them to the Council, the relevant social media provider or the police. This also applies to fellow members, where action could then be taken under the Member Code of Conduct, and council officers where concerns should be raised in line with the council's member-officer protocol.

2. Bullying, harassment and discrimination

As a member:

2.1 I will not bully any person.

2.2 I will not harass any person.

2.3 I will promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of

power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the Council

As a member:

3.1 I will not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the council.

Officers work for the council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to Information

As a member:

4.1 I will not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it.**
 - ii. I am required by law to do so.**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**

2. made in good faith and in compliance with the reasonable requirements of the Council; and
3. I have consulted the Monitoring Officer prior to its release.

4.2 I will not improperly use knowledge gained solely as a result of my role as a member for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I will not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a member:

5.1 I will not bring my role or Council into disrepute or conduct myself in a manner which could reasonably be regarded as bringing my role or Council into disrepute.

As a Member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other members and/or the Council and may lower the public's confidence in your or the Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Council into disrepute.

You are able to hold the Council and fellow members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a member:

6.1 I will not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

6.2 I will not place myself under a financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.

Your position as a member of the Council provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact

others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

As a member you need to be able to act impartially in the exercise of your responsibilities and ensure that you make decisions in the interests of the local community. You should therefore avoid any financial or other obligations to outside individuals or organisations whose influence may prevent you from acting impartially.

7. Use of Council resources and facilities

As a member:

7.1 I will not misuse council resources.

7.2 I will, when using the resources of the Council or authorising their use by others:

- a. act in accordance with the Council's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Council or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the Council to assist you in carrying out your duties as a member.

Examples include:

- office support
- stationery
- equipment such as phones, iPad, dongles computers etc.
- transport
- access and use of council buildings and rooms.

These are given to you to help you carry out your role as a member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the council's own policies regarding their use.

8. Making decisions

As a member:

8.1 When reaching decisions on any matter I will have regard to any relevant advice provided to me by officers and professional third parties.

8.2 I will give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed.

8.3 I will make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on individual and independent merit

8.4 I will be as open as possible about my decisions and actions and the decisions and actions of the authority and will be prepared to give reasons for those decisions and actions, notwithstanding my other obligations under this Code.

To assist members in acting lawfully, officers may give advice from time to time. It is important that as a member you have due regard to any such advice given and consider it fully, even if (for good reason) you may choose not to follow that advice.

In making any decisions, giving reasons helps instil public confidence in the role of the member and can be a legal requirement in certain situations. You should ensure that you always give reasons in accordance with any specific requirements and having regard to the benefits of transparency generally.

As a member you must act impartially and not improperly seek to confer an advantage, or disadvantage, on any person. It is therefore important that when you are making decisions that involve choosing one party over another, that you do so based on independent merit. You should be open and transparent about the decisions that you have made and the actions of the authority.

9. Complying with the Code of Conduct

As a Member:

9.1 I will undertake Code of Conduct training provided by my Council.

9.2 I will cooperate with any Code of Conduct investigation and/or determination.

9.3 I will not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

9.4 I will comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Council or its governance. If you do not understand or are concerned about the council's processes in handling a complaint you should raise this with the Monitoring Officer.

Protecting your reputation and the reputation of the Council

10. Interests

As a member:

10.1 I will register and disclose my interests in accordance with the provisions set out in Appendix B

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, Council employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other members when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as defined in Appendix B, is a criminal offence under the Localism Act 2011.

The provisions of this paragraph 10.1 shall be applied in such a manner as to recognise that this Code of Conduct should not obstruct a member's service on more than one local authority. For the avoidance of doubt, participation in discussion and decision-making at one local authority will not by itself normally prevent you from taking part in discussion and decision-making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to an interest which might lead to bias in exceptional circumstances.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Monitoring Officer, or from the clerk in the case of town and parish councils.

11. Gifts and hospitality

As a member:

11.1 I will not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.

11.2 I will register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

11.3 I will register with the Monitoring Officer any significant gift or hospitality with an estimated value of at least £50 that I have been offered but have refused to accept.

In order to protect your position and the reputation of the Council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a member. If you are unsure, do contact the Monitoring Officer or Clerk for guidance.

12. Dispensations

As a member:

- 12.1 I may request a dispensation from the Monitoring Officer for one meeting only.**
- 12.2 I must make the request in writing detailing what my interest is, why the dispensation is required and for what meeting.**
- 12.3 I must make my request 5 days prior to the meeting at which the Dispensation is required.**
- 12.4 If I wish to make a further request for dispensation, this must be made to the Monitoring Officer.**
- 12.5 I will only be granted a Dispensation where there are reasonable grounds for doing so and where such grounds are in the public interest.**

Appendix B sets out the situations where a Member's personal interest in a matter may prevent them from participating in the decision-making process. In certain circumstances, however, there may be reasonable grounds to allow a Member to participate in decision-making on that matter where it would be in the public interest to do so. Where you consider that there may be good grounds for you to continue to participate you should request a dispensation from the Monitoring Officer.

[Sections 13- 15; Previously SECTION 8 - MEMBERS PROCEDURE RULES (Procedure rules 360-389)]

13. Inspection of Land

1) If a Member of the Council wishes to have access to land or buildings in the occupation of the Council to which the public do not have access and to which

Members of the Council do not regularly have access, he shall apply to the appropriate Chief Officer giving at least 24 hours' notice. Unless the Chief Officer considers that there is good reason why such access should not be given, he shall give permission, but may attach conditions to that permission, including in particular a condition that the Member shall be accompanied by an Officer of the Authority. No Member shall make any orders on such premises.

4. No Member of the Council and no other Member (whether voting or non-voting) of a Committee or Sub-Committee or Scrutiny Committee or Sub-Committee shall have any claim by virtue of his position:

a) to enter any land or buildings occupied by the Authority to which the public do not have access or to which Members of the Council do not regularly have access except with the permission of the Chief Executive.

b) to exercise any power of the Authority to enter or inspect other land or buildings, except where specifically authorised to do so by the Authority.

c) to exercise any other power of the Authority.

d) to issue an order, with respect to any works which are being carried out by, or on behalf of, the Authority, or with respect to goods or services which are being, or might be, purchased by the Authority.

3) The Proper Officer for the purposes of section 100(F)(2) of the 1972 Act and for the purposes of this Procedure Rule is the Chief Executive.

14 USE OF PUBLIC FUNDS

Members must not use public funds to publish any material that appears to be designed to influence public support for a particular political party. This would include comments on policies that are associated with a political or particular party.

15 TRADE UNION NEGOTIATIONS

A Member may not represent the Council in negotiations over the terms and conditions of the Council's workforce if the Member is either a local government employee or is an official of, or employed by, a trade union which contains local authority employees in its membership.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B – Interests

1. Definitions

“**Disclosable Pecuniary Interest**” means any interest described as such in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#) and includes an interest of yourself, or of your Partner (if you are aware of your Partner's interest) that falls within the descriptions set out in the following table. A Disclosable Pecuniary Interest is a Registerable Interest.

| Subject | Description |
|--|---|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.] |
| Sponsorship | Any payment or provision of any other financial benefit (other than from the council) made to the member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. |
| Contracts | Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged. |
| Land and Property | Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is |

| | |
|----------------------------|---|
| | living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income. |
| Licenses | Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer |
| Corporate tenancies | Any tenancy where (to the member's knowledge)— (a) the landlord is the council; and the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of. |
| Securities | Any beneficial interest in securities* of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the council; and (b) either— (i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/ her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

"Other Registerable Interest" is a personal interest in any business of your authority which relates to or is likely to affect:

- a) anybody of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

"Registrable Interests" are interests that you are required to register in accordance with this Code of Conduct and include both Disclosable Pecuniary Interests and Other Registerable Interests.

"Non-Registrable Interests" are interests that you are not required to register but need to be disclosed in accordance with section 3.3.

A **"Dispensation"** is agreement that you may continue to participate in the decision-making process notwithstanding your interest as detailed at section 12 of the Code of the Conduct and this Appendix B.

A **"Sensitive Interest"** is as an interest which, if disclosed, could lead to the member, or a person connected with the member, being subject to violence or intimidation. In any case where this Code of Conduct requires to you to disclose an interest (subject to the agreement of the Monitoring Officer in accordance with paragraph 2.2 of this Appendix regarding registration of interests), you do not have to disclose the nature of the interest, if it is a Sensitive Interest. In such circumstances you just have to disclose that you have an interest.

A matter **"directly relates"** to one of your interests where the matter is directly about that interest. For example, the matter being discussed is an application about a particular property in which you or somebody associated with you has a financial interest.

A matter **"affects"** your interest where the matter is not directly about that interest but would still have clear implications for the interest. For example, the matter concerns a neighbouring property.

2. Registering Interests

2.1. Within 28 days of becoming a member or co-opted member or your re-election or re-appointment to office you must register with the Monitoring Officer any Disclosable Pecuniary Interests and any Other Registerable Interests.

2.2. Where you have a Sensitive Interest, you must notify the Monitoring Officer with the reasons why you believe it is a Sensitive Interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

2.3. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

3. Declaration at and Participation in Meetings

If you are present at a meeting and you have either a Registerable or Non-Registerable Interest in any matter to be considered or being considered, and the interest is not a Sensitive Interest, you must disclose that interest to the meeting (whether or not it is registered).

To determine whether your interest affects your ability to participate in a meeting, you must first determine what type of interest you have and, if necessary, go on to apply the tests as set out below.

3.1. Disclosable Pecuniary Interests

3.1.1. Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests subject to paragraph 3.2.2 below:

- a) you must disclose the interest.
- b) not participate in any discussion or vote on the matter; and
- c) must not remain in the room unless you have been granted a Dispensation.

3.2. Other Registerable Interests

3.2.1. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests subject to paragraph 3.2.2 below:

- a. you must disclose the interest.
- b. may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
- c. must not remain in the room unless you have been granted a Dispensation.

3.2.2 The provisions of paragraph 3.1.1 and 3.2.1 shall be applied in such a manner as to recognise that this Code should not obstruct a member's service on more than one local authority. For the avoidance of doubt, participation in discussion and decision making at one local authority will not by itself normally prevent you from taking part in discussion and decision making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as

prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to a Personal Interest which might lead to bias in exceptional circumstances.

3.3. Non-Registerable Interests

3.3.1. Where a matter arises at a meeting which **directly relates** to a financial interest or the well-being of yourself or of a friend, relative or close associate (and is not a Registerable Interest):

- a. you must disclose the interest;
- b. may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
- c. must not remain in the room unless you have been granted a Dispensation.

3.3.2. Where a matter arises at a meeting which does not directly relate to but **affects**

- a) a financial interest or the well-being of yourself or of a friend, relative or close associate; or
- b) a financial interest or wellbeing of a body included in those you need to disclose under Other Registerable Interests

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test in paragraphs 3.3.3 and 3.3.4 should be applied.

3.3.3. Where a matter under paragraph 3.3.2 **affects** the financial interest or well-being or body:

- a. to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision; and
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest;

you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a Dispensation.

3.3.4. Where a matter under paragraph 3.3.2 does not affect the financial interest or well-being or body:

- a. to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision; and/or

- b. a reasonable member of the public knowing all the facts would not believe that it would affect your view of the wider public interest;

you may remain in the room, speak if you wish to and take part in any discussion or vote on the matter, provided you have disclosed your interest under paragraph 3.3.2.

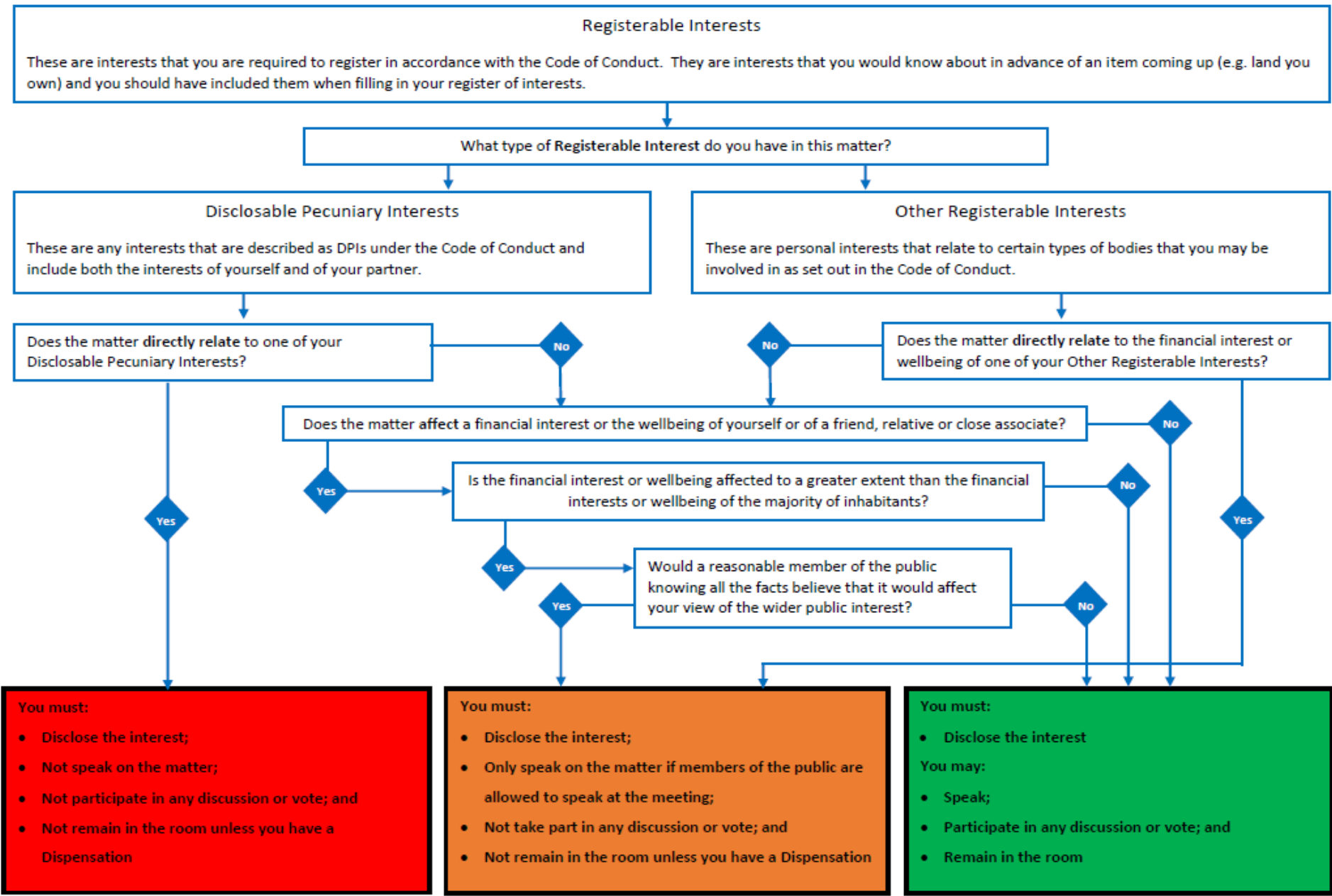
4. Single-Member-Decision-Making

4.1. The Council does operate single-member-decision-making from time to time . In the event that you are making a decision as a single member the following section applies in relation to any interests you may have.

4.1.1. Where you have a personal interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function (i.e. single-member-decision-making) and the interest is:

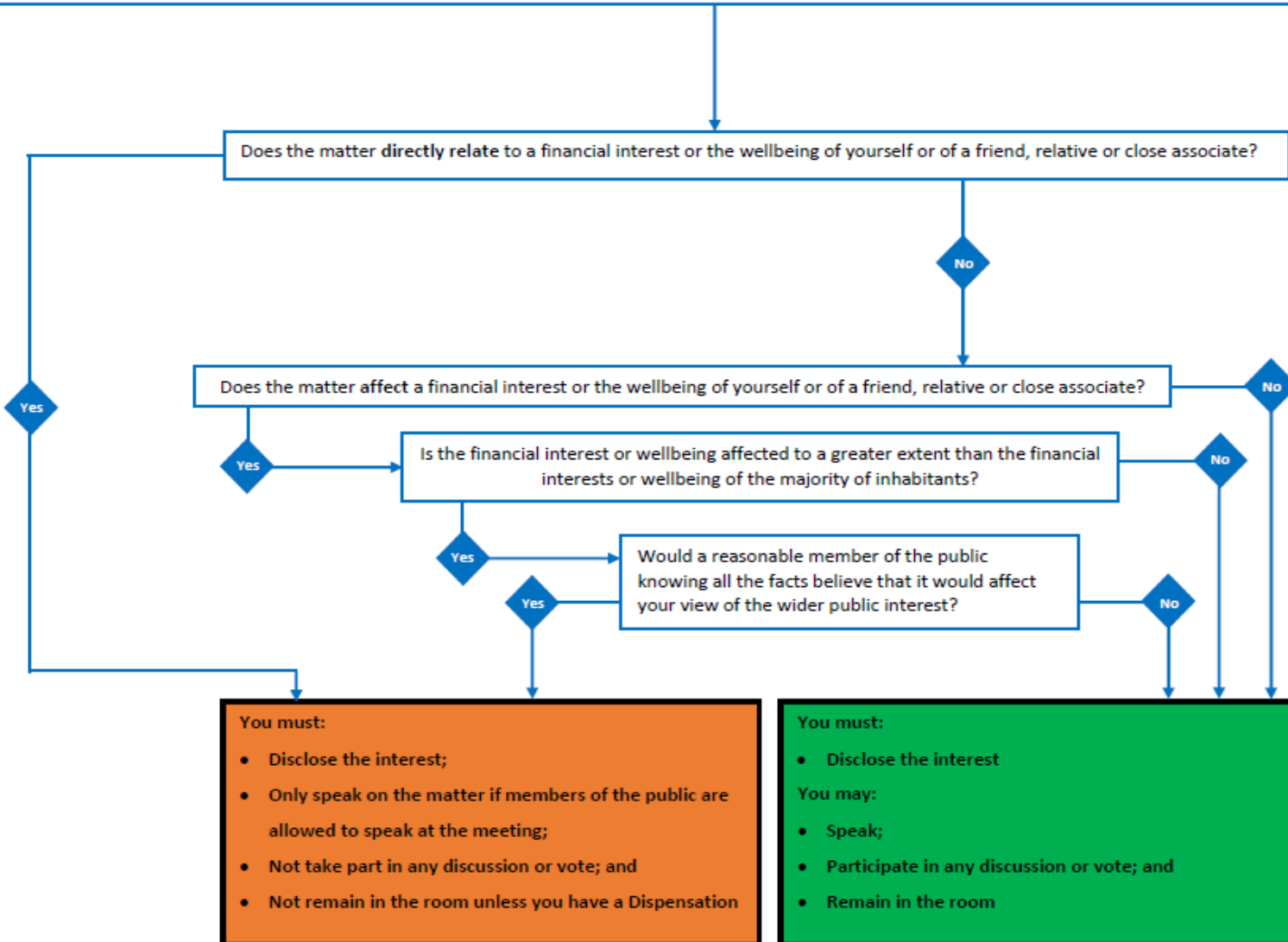
- a. A Registrable Interest; or
- b. A Non-Registrable Interest that falls under paragraph 3.3.3 above; you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

4.1.2. Where you have a personal interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function (i.e. single-member-decision-making) and the interest is a Non-Registrable Interest that falls under paragraph 3.3.4 , you must make sure that any written statement of that decision records the existence and nature of your interest.



Non-Registerable Interests

These are interests that you are not required to register but may become relevant when a particular item arises. These are usually interests that relate to other people you are connected with (e.g. friends, relatives or close associates) but can include your own interests where you would not have been expected to register them.



CONDUCT COMMITTEE

22 March 2022

REVISED ARRANGEMENTS FOR DEALING WITH CONDUCT ALLEGATIONS

Report of the Monitoring Officer

| | | |
|----------------------|--|---|
| Strategic Aim: | All | |
| Exempt Information | No | |
| Cabinet Responsible: | Member(s) | Councillor Oliver Hemsley, Leader of the Council and Portfolio Holder for Policy, Strategy, Partnerships, Economy, and Infrastructure |
| Contact Officer(s): | Marie Rosenthal, Interim Director of Law & Governance (Monitoring Officer) | Telephone 01572 827347 email: mrosenthal@rutland.gov.uk |
| | Sarah Khawaja, Legal Services Manager (Deputy Monitoring Officer) | Telephone 01572 827427 email: skhawaja@rutland.gov.uk |
| Ward Councillors | N/A | |

| |
|--|
| RECOMMENDATIONS |
| That the Conduct Committee agrees: a) To recommend that Council approves the adoption of the revised Arrangements for Dealing with Conduct Allegations, which are contained in Appendix A to this report. |

1 PURPOSE OF THE REPORT

- 1.1 To present revised Arrangements for Dealing with Conduct Allegations for consideration and comment prior to them being submitted to full Council on 11 April 2022 for approval.
- 1.2 The purpose of the revisions to the Arrangements is to simplify the process for dealing with member complaints and to avoid matters being referred to committee unnecessarily or repeatedly. This will help to ensure that complaints are dealt with expeditiously and appropriately.
- 1.3 The revised arrangements increase the Monitoring Officer’s case management

responsibility, but the Conduct Committee retains the ultimate decision-making function.

2 BACKGROUND AND MAIN CONSIDERATIONS

2.1 Responsibilities

2.1.1 The Localism Act 2011 ('the Act') requires the Council to promote and maintain high standards of conduct. In discharging this duty, the Council is required to adopt a Code dealing with the conduct that is expected of its members and co-opted members.

2.1.2 In accordance with Section 28(6) and (7) of the Localism Act 2011, The Council must have in place 'arrangements' under which allegations that a member or co-opted member of the Council or of a town or parish council within its area has failed to comply with the relevant council's Code of Conduct can be investigated and decisions made on such allegations.

2.1.3 The Council's current arrangements were adopted by Council on 1st July 2012 and are contained in Appendix B to this report.

2.1.4 Under Part 3 of the Constitution, the Conduct Committee is responsible for advising the Council on the adoption or revision of the Member Code of Conduct. It is also the body responsible for ensuring the Council fulfils its duty to promote high standards of conduct.

2.1.5 The Monitoring Officer and the Conduct Committee will remain responsible for promoting the Code of Conduct and dealing with any allegations of breach of the Code. The arrangements for dealing with conduct allegations are published on the Council's website.

2.2 Proposed new arrangements

2.2.1 The draft Arrangements for Dealing with Conduct Allegations for Rutland are included in Appendix A. The main points to highlight that are contained in the draft revised Arrangements are:

- There is now the option for the matter to be referred to Committee for a final determination, without a full investigation either because it is unnecessary due to the circumstances of the case or because the member has admitted it.
- The revised draft also gives the Monitoring Officer case management powers, which avoids the need to refer to Committee for that reason alone.
- The requirement to seek the views of the parish/town council is removed. Instead, it says they will be notified and their views can be sought.
- The previous arrangements stated that where there was alleged criminal conduct the investigation would stop. This has been changed to on hold pending outcome of any criminal investigation because the Council should have the ability to resume the conduct case following the conclusion of any criminal case.

- There is an additional provision that the Monitoring Officer can act without investigating, in consultation with an Independent Person. This would be rarely used and only in the case of serious allegations but gives the Council the ability to take action. Remove a member from committees before any conviction. The likelihood is that a member would be suspended but the provision would safeguard the council's position in any event.
- The process for the report where a full investigation is not necessary will be the same as for where there is a full investigation.
- It does not have to be the investigating officer who presents the report to the conduct committee. Some cases are straightforward and/or the facts are uncontroversial. In these cases, it will avoid delay in matters being referred to committee due to, for example, the unavailability of the investigating officer. It will also save costs as the investigator's time has to be paid for on an hourly rate basis.
- A paragraph has been added which sets out who can make complaints and against whom i.e., named members. This is to clarify the situation as the council currently receives complaints relating to entire councils and/or committees which are then rejected.
- The procedure where the Monitoring Officer makes a complaint is included.
- The initial test to determine whether there should be further examination of a complaint or if it should be rejected has been expanded upon.
- That decisions of the conduct committee will be published unless there are reasons to not is included.

3 CONSULTATION

3.1 There is no requirement to consult on the Arrangements.

4 ALTERNATIVE OPTIONS

4.1 The Committee could recommend that Council does not adopt the revised Arrangements.

5 FINANCIAL IMPLICATIONS

5.1 There is a separate budget for the costs of dealing with alleged complaints that a Member has breached the Code of Conduct as they can involve the appointment of an independent investigator.

5.2 The simplified process set out in the revised Arrangements should lead to savings in time and costs.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

6.1 These are detailed in the Report. The revised Arrangements would also apply to conduct allegations against town and parish council members.

6.2 The revised Arrangements will need to be approved by Council.

7 DATA PROTECTION IMPLICATIONS

- 7.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no risks/issues to the rights and freedoms of natural persons.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 None arising from this report.

9 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 9.1 The current Arrangements are almost 10 years old, and it is appropriate for them to be reviewed, particularly considering the proposed amended Code of Conduct.
- 9.2 The current Arrangements do not set out a lean process, particularly for more straightforward, uncontentious matters. They do not afford the Monitoring Officer sufficient case management powers so that an over reliance on committee is required which adds to the time and cost of dealing with these allegations.
- 9.3 The revised draft arrangements fill any identified gaps in the current arrangements and provides for a more straightforward process as unnecessary steps have been removed.

10 BACKGROUND PAPERS

None

11 APPENDICES

Appendix A – Current Arrangements for Dealing with Conduct Allegations

Appendix B – Draft Revised Arrangements for Dealing with Conduct Allegations

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577

Rutland County Council

Arrangements for Dealing with Conduct Allegations under the Localism Act 2011 (with effect from 1st July 2012)

1 Context

These Arrangements set out how a person may make a complaint that an elected or co-opted member of Rutland County Council or of a Town or Parish Council within Rutland has failed to comply with the Members' Code of Conduct of the relevant authority, and how the County Council ("the Council") will deal with allegations of a failure to comply with that Code.

The Arrangements are made under section 28(6) and (7) of the Localism Act 2011 ("the Act"). The Council is responsible for dealing with allegations concerning town and parish councillors as well as county councillors.

The Council has appointed Independent Persons, as defined in the Act. The view of an Independent Person must be sought before a decision is made on an allegation which has been investigated. The Council may seek the view of an Independent Person at any other stage, as may a member against whom an allegation has been made ("the subject member").

2 The Code of Conduct

The Council has adopted a Code of Conduct for members, which is available for inspection on the authority's website and on request from Customer Services at the Council Offices, Catmose, Oakham (telephone 01572 722577; e-mail enquiries@rutland.gov.uk).

The Town and Parish Councils have adopted their own codes of conduct. They may be seen on websites if the councils have one, or on request to the town or parish clerk. The Council's Customer Services team will forward enquiries if requested.

3 Making a complaint

If you wish to make a complaint, please write or e-mail to: –

Monitoring Officer
Rutland County Council
Catmose
Oakham
Rutland
LE15 6HP

e-mail: monitoringofficer@rutland.gov.uk

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

In order to ensure that all the information required is available with the complaint, the complainant will be asked to provide their name and a contact address or e-mail address together with any relevant documents in support of their complaint.

The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it.

Where an anonymous complaint is received or the complainant wishes to remain anonymous it will be at the Monitoring Officer's discretion as to whether the complaint proceeds. Consideration will be given to the public interest and whether the complaint can be justified or determined without the complainant's participation.

4 What happens to my complaint?

The Monitoring Officer will review every complaint received and, after consultation with an Independent Person, make a decision as to whether it merits further examination. This decision will normally be taken within 14 days of receiving the complaint.

Once the Monitoring Officer has taken a decision, he/she will inform the complainant of that decision and the reasons for it.

The initial tests are:-

- a) is the complaint against one or more named members of a relevant council?
- b) was the named member in office at the time of the alleged conduct and was the Code Conduct in force at the time?
- c) if proven, would the complaint be a breach of the Code of Conduct under which the subject member was operating at the time of the alleged misconduct?

The subject member will be notified of the complaint at the earliest opportunity and given the opportunity to respond to it, unless the Monitoring Officer accepts that a request for confidentiality made by the complainant is justified at that stage.

Where the complaint relates to a Town or Parish Councillor, the Monitoring Officer may also inform the Parish Council, through the Parish Clerk (or the Chairman if appropriate), of the complaint and seek the views of the Parish Council before deciding whether the complaint merits further examination.

Where additional information is required in order to come to a decision, the Monitoring Officer may refer back to the complainant for such information, and may request information from the subject member.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for further review. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but the complainant and/or the subject member are not willing to accept that offer, the Monitoring Officer may take account of this in deciding whether the complaint merits further examination.

If the complaint alleges criminal conduct or a breach of other regulation by any person, the Monitoring Officer will refer the complainant to the Police or other appropriate regulatory body. The Council's dealing with the allegation will cease on the complainant's referral to such bodies.

5 What if Informal Resolution is not appropriate/successful?

In cases where informal resolution is not appropriate or successful, the Monitoring Officer may conduct a fact-finding exercise to establish the grounds of the complaint. This would not amount to a full investigation of all the circumstances, but would be sufficient to enable the Monitoring Officer, in consultation with an Independent Person, to decide whether the allegation should be referred to the Council's Conduct Committee.

If on conducting the fact-finding exercise, there are no facts found which might tend to substantiate the complaint, or the complaint is deemed to be frivolous or vexatious, the Monitoring Officer will notify the complainant and the subject member that there is "no case to answer" and the matter will cease. There is no right of review of this decision unless new evidence is presented in support of the complaint. It will be at the discretion of the Monitoring Officer, in consultation with an Independent Person, to determine whether such new evidence merits further examination.

Where facts are found which might tend to substantiate the complaint, the Monitoring Officer will prepare a report for the Conduct Committee, which will determine the further steps to be taken in relation to the complaint.

The Conduct Committee is subject to the normal local government rules in relation to public meetings and it will decide at the start of the meeting whether it is appropriate to hold some or all of the meeting in closed session.

Subject to their right to attend as members of the public, the complainant and the subject member will not be present at the meeting, but their views will have been sought prior to the meeting to enable their opinions to be presented.

If the Committee determines that there is no case to answer, or that no further action is required, this will be reported back to the complainant and the subject member. The complainant may request that the Committee reviews the decision, but this will be allowed only where there is new evidence in relation to the complaint.

There may be instances where the Committee considers the action of the subject member to be so serious as to warrant criminal investigation. In such circumstances, the Committee will instruct the Monitoring Officer to refer the matter to the appropriate body for investigation.

Should the Committee determine that the allegation warrants a detailed investigation, the Monitoring Officer will appoint an Investigating Officer, who may be an officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to the complainant to understand the nature of the complaint and will provide an opportunity for the complainant to explain their understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer should interview.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the subject member, to give them both an opportunity to identify any matters in the draft report with which they disagree or consider requires more consideration.

Having received and taken account of any comments, the Investigating Officer will send his/her final report to the Monitoring Officer. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report.

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

On completing the investigation, the Investigating Officer will present his/her report to the Conduct Committee, which will take into account the facts and evidence produced.

Subject to their right to attend as members of the public, the complainant and the subject member will not be present at the meeting, but their views will have been sought prior to the meeting to enable their opinions to be presented.

If satisfied that the Investigating Officer's report is sufficient, the Committee will accept the findings of the report and request the Monitoring Officer to write to the complainant and to the subject member notifying them that it is satisfied that no further action is required, providing a copy of the Investigating Officer's final report.

There may be instances where the Committee wishes to ask questions of the complainant and/or the subject member in order to fully understand the circumstances of the complaint. Where this is requested by the Committee, the meeting will be adjourned to enable the attendance of all parties. The subsequent meeting of the Committee will be conducted in a manner similar to court proceedings where each party may present their arguments. Legal representation will not be allowed, but either party may be accompanied by a friend.

In any case where the conclusion is that there is no evidence of a failure to comply with the Code of Conduct, the subject member will be asked if he/she wishes the outcome of the matter to be published through a press statement made by the Council.

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

Where the Investigating Officer has determined that there has been a breach of the Code of Conduct, he/she will present the report to the Conduct Committee.

The Monitoring Officer will conduct a "pre-hearing process", requiring the subject member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chairman of the Committee may issue directions as to the manner in which the hearing will be conducted.

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

Legal representation will not be allowed, but either party may be accompanied by a friend.

The Committee, with the benefit of any advice from the Monitoring Officer and having sought the view of an Independent Person, may conclude, in disagreement with the Investigating Officer that the subject member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Committee concludes that the subject member did fail to comply with the Code of Conduct, the Chairman will inform the meeting of this finding and the Committee will then consider what action, if any, should be taken as a result of the member's failure to comply with the Code of Conduct. Before deciding on appropriate action, the Committee will give the

subject member an opportunity to make representations and will consult an Independent Person.

The Chairman will state the decision of the Committee as to any actions which the Committee resolves to take.

As soon as reasonably practicable, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chairman of the Committee, and send a copy to the complainant and to the subject member, and to the Town or Parish Council where appropriate.

8 What action can the Conduct Committee take where a member has failed to comply with the Code of Conduct?

The Council has delegated to the Conduct 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 Committee may: –

- Issue a formal letter to the member found to have breached the code;
- Impose formal censure;
- Make recommendations to the full Council to remove the member from committee(s) and other appointments, unless the member is a member of a political group, in which case the decision could only be to recommend the group leader to change the group's nominated appointees;
- A press release and other appropriate publicity;
- Recommend training.

The Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

In relation to Town or Parish Council members, the Committee can only make recommendations for sanctions. The responsibility for agreeing and enforcing those sanctions will fall to the Town or Parish Council, with the assistance and guidance of the Monitoring Officer.

9 Appeals

There is no internal right of appeal against a decision of the Conduct Committee following an investigation.

Judicial Review or a complaint to the Local Government Ombudsman might be available to aggrieved parties.

10 Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Monitoring Officer, in consultation with an Independent Person, the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

Rutland County Council Arrangements for Dealing with Conduct Allegations under the Localism Act 2011 (with effect from 11 April 2022)

1 Background

These Arrangements set out how a person may make a complaint that an elected or co-opted member of Rutland County Council or of a Town or Parish Council within Rutland has failed to comply with the Members' Code of Conduct of the relevant council, and how the County Council ("the Council") will deal with allegations of a failure to comply with that Code.

The Arrangements are made under section 28(6) and (7) of the Localism Act 2011 ("the Act"). The Council is responsible for dealing with allegations concerning town and parish councillors as well as county councillors.

The Council has appointed Independent Persons, as defined in the Act. The view of an Independent Person must be sought before a decision is made on an allegation which has been investigated. The Monitoring Officer may seek the view of an Independent Person at any other stage, as may a member against whom an allegation has been made ("the subject member").

2 The Code of Conduct

The Council has adopted a Code of Conduct for members, which is available on the Council's website and on request from Customer Services (telephone 01572 722577; e-mail enquiries@rutland.gov.uk). The Town and Parish Councils have adopted their own codes of conduct. They will be on the councils' websites or on request to the town or parish clerk. The Council's Customer Services team will forward enquiries.

3 Making a complaint

Complaints must be about named elected members or co-opted members and can be made by members of the public, elected members or officers of the Council. If the Monitoring Officer makes a complaint, it shall be made to the Conduct Committee via the Deputy Monitoring Officer.

To make a complaint, write or e-mail : – Monitoring Officer Rutland County Council Catmose Oakham Rutland LE15 6HP or e-mail: monitoringofficer@rutland.gov.uk The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

You should provide as much detail of your complaint as possible and your name and a contact details together with any relevant documents in support of your complaint.

The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receipt. The subject member will also be notified of the complaint within 5 working days and given the opportunity to respond to it unless the Monitoring Officer accepts that a request for confidentiality made by the complainant is justified at this stage.

Where an anonymous complaint is received or the complainant wishes to remain anonymous it will be at the Monitoring Officer's discretion, in consultation with the Independent Person as to whether the complaint proceeds. Consideration will be given to the public interest and whether the complaint can be justified or determined without the complainant's participation.

4 What happens to my complaint?

The Monitoring Officer will review every complaint received and, after consultation with an Independent Person, decide whether it merits further examination. This decision will be made within 14 days of receiving the complaint.

The initial tests to determine whether a complaint should be examined further are:-

- a) is the complaint against one or more named current members of a relevant council?
- B) was the member acting as a councillor at the time of the alleged conduct?
- C) if proven, would the complaint be a breach of the relevant Code of Conduct?
- D) If the complaint is anonymous or the complainant has asked to remain anonymous can there be a fair and sufficient examination of the complaint without the complainant's identity being known or disclosed.
- E) Is the claim clearly vexatious or frivolous

Where additional information is required to make an initial decision, the Monitoring Officer may request information from the complainant and/or subject member.

Once the Monitoring Officer has made a decision, they will inform the complainant and the subject member of that decision and the reasons for it.

Where the complaint relates to a Town or Parish Councillor, the Monitoring Officer may also inform the Parish Council, through the Parish Clerk (or the Chair if appropriate), of the complaint and may seek their views.

5. Informal Resolution / Local Settlement

In appropriate cases, the Monitoring Officer, following consultation with the Independent Person, may seek to resolve the complaint informally, without the need for further examination. Informal resolution may involve the subject member accepting that their conduct was unacceptable and offering an apology, or other remedial action.

Where the subject member or the Council makes a reasonable offer of local resolution, but the complainant and/or the subject member are not willing to accept that offer, the Monitoring Officer may take account of this in deciding whether the complaint merits further examination.

If the complainant alleges criminal conduct or a breach of other regulation by any person, the Monitoring Officer will refer the complaint to the Police or other appropriate regulatory body. It is likely that the Council will need to put the complaint investigation on hold until any criminal investigation is complete.

There may be circumstances where it is appropriate for the Monitoring Officer, in consultation with an Independent Person, to take action in the interim without investigating the matter.

6 What if Informal Resolution is not appropriate/successful?

In cases where informal resolution is not appropriate or successful, the Monitoring Officer will, following consultation with the Independent Person, take the next appropriate steps by way of a fact-finding exercise and/or a full investigation to establish the grounds of the complaint.

If on conducting the fact-finding exercise, there are no facts found which substantiate the complaint, or the complaint is deemed to be frivolous or vexatious, the Monitoring Officer will, following consultation with the independent person, notify the complainant and the subject member that there is “no case to answer” and the matter will cease. There is no right of review of this decision unless new evidence is presented in support of the complaint. It will be at the discretion of the Monitoring Officer, in consultation with an Independent Person, to determine whether the new evidence merits further examination.

If on conducting the fact-finding exercise, the Monitoring Officer finds that there are facts found which substantiate the complaint, they will, following consultation with an Independent Person, prepare a report to submit to the Conduct Committee for a decision about what, if any action, should be taken in respect of the breach. Similarly, if at any stage the Subject Member agrees that they have breached the code of conduct, the matter will be referred to the Conduct Committee for a decision about what, if any action, should be taken in respect of the Subject Member. The Monitoring Officer will produce a draft report and send to the parties before finalising the report in accordance with the procedure for the Investigating Officer’s report set out below.

Should the Monitoring Officer determine, following consultation with the Independent Person, that the allegation warrants a detailed investigation, the Monitoring Officer will appoint an Investigating Officer, who may be an officer of the authority, an officer of another authority or an external investigator.

The Investigating Officer will decide whether they need to meet or speak to the complainant and/or the Subject Member to understand the nature of the complaint and will provide an opportunity for the complainant and/or the Subject Member to explain their understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer should interview.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the subject member, to give them both an opportunity to identify any matters in the draft report with which they disagree or consider requires more consideration. Having received and taken account of any comments, the Investigating Officer will send their final report to the Monitoring Officer. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, they may ask the Investigating Officer to reconsider their report.

7 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

Where on completing the investigation, the Investigating Officer concludes that there is no evidence of a breach of the code of conduct, the Investigating Officer will submit their report to the

Monitoring Officer to present to the Conduct Committee, which will take into account the facts and evidence produced. Subject to their right to attend as members of the public, the complainant and the subject member will not be present at the meeting, but their views will have been sought prior to the meeting to enable their opinions to be presented. If satisfied that the Investigating Officer's report is sufficient, the Committee will accept the findings of the report and request the Monitoring Officer to write to the complainant and to the subject member notifying them that it is satisfied that no further action is required, providing a copy of the Investigating Officer's final report.

There may be instances where the Committee does not agree with the Investigating Officer's findings and/or may want to ask questions of the complainant and/or the subject member to fully understand the circumstances of the complaint and/or require the Investigating Officer to undertake further inquiries. Where this is requested by the Committee, the meeting may be adjourned to enable the attendance of the parties.

The subsequent meeting will be conducted in the same way as for where the Investigating Officer finds that there is a breach of the code of conduct.

In any case where the conclusion is that there is no evidence of a failure to comply with the Code of Conduct, the subject member will be asked if he/she wishes the outcome of the matter to be publicised through a press statement made by the Council.

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

Where the Investigating Officer has determined that there has been a breach of the Code of Conduct, the matter will be referred to the Conduct Committee.

The Monitoring Officer will conduct whatever steps they consider appropriate as a "pre-hearing process" to identify what is likely to be agreed and what is likely to be in contention at the hearing.

At the meeting of the Committee, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the subject member has failed to comply with the Code of Conduct.

The Investigating Officer may ask the complainant to attend and give evidence to the Committee. The subject member will then have an opportunity to give evidence, to call witnesses and to make representations to the Committee as to why they consider that they did not fail to comply with the Code of Conduct. Legal representation will not be allowed, but the parties may be accompanied by a representative.

The Committee, with the benefit of any advice from the Monitoring Officer and having sought the view of an Independent Person, may conclude, in disagreement with the Investigating Officer that the subject member did not fail to comply with the Code of Conduct, and dismiss the complaint.

If the Committee concludes that the subject member did fail to comply with the Code of Conduct, the Chairman will inform the meeting of this finding and the Committee will then consider what action, if any, should be taken as a result of the member's failure to comply with the Code of Conduct.

Before deciding on appropriate action, the Committee will give the subject member an opportunity to make representations and will consult an Independent Person. The Chairman will state the decision of the Committee as to any actions which the Committee resolves to take.

As soon as reasonably practicable, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chairman of the Committee and send a copy to the complainant and to the subject member, and to the Town or Parish Council where appropriate.

8 What action can the Conduct Committee take where a member has failed to comply with the Code of Conduct?

The Council has delegated to the Conduct 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 Committee may: –

1. Issue a formal letter to the member found to have breached the code; and/or
2. Impose formal censure; and/or
3. Make recommendations to the full Council to remove the member from committee(s) and other appointments, unless the member is a member of a political group, in which case the decision could only be to recommend the group leader to change the group's nominated appointees; and/or
4. A press release and other appropriate publicity; and/or
5. Recommend training.

The Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances. In relation to Town or Parish Council members, the Committee can only make recommendations for sanctions.

The responsibility for agreeing and enforcing those sanctions will fall to the Town or Parish Council, with the assistance and guidance of the Monitoring Officer.

The decisions of the Conduct Committee, including the name of the subject member, will be published after the meeting, unless there are suitable reasons for the information not to be made public.

9 Appeals

There is no internal right of appeal against a decision of the Conduct Committee following an investigation. Judicial Review or a complaint to the Local Government Ombudsman might be available to aggrieved parties.

10 Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Monitoring Officer, in consultation with an Independent Person, the right to depart from these arrangements where he/she considers that it is expedient to secure the effective and fair consideration of any matter

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