

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Legal Services/ Monitoring Officer

TO: Civic Affairs Committee

19/3/2014

WARDS: None directly affected

REVIEW OF STANDARDS REGIME

1 INTRODUCTION

- 1.1 The Localism Act 2011 made significant changes to the legal framework for standards in local authorities. The Standards Board was abolished and councils were given powers to decide on their own code of conduct and complaints procedures. The Localism Act also introduced the appointment of “independent persons” to provide an external input into standards issues.
- 1.2 The Council adopted a new code of conduct and complaints procedures in July 2012.

2. RECOMMENDATIONS

- 2.1 That the Committee consider whether any changes are needed to the Code of Conduct or to the procedure for considering complaints.
- 2.2 That the Committee recommends Council to extend a formal invitation to the Council’s Independent Persons, appointed under the Localism Act 2011, to attend, and contribute to, its meetings.
- 2.3 That the Committee considers whether it can identify further work to enhance the standards regime for the City Council.
- 2.4 That Council amends the Code of Conduct by incorporating the seven principles of public life set out in section 3 of this report in place of the earlier version included in the Code.

3. CODE OF CONDUCT

- 3.1 The Code of Conduct adopted by the City Council in July 2012 is attached to this report as Appendix A. At this time, Civic Affairs considered a number of model codes, including those published by DCLG and by the LGA. The code adopted is based on the statutory code which was in force prior to July 2012 but incorporates the provisions for “disclosable pecuniary interests” introduced by the Localism Act.
- 3.2 The Monitoring Officer’s perception is that the new Code has worked well. He receives a flow of queries from members about the nature of interests they might have, but no more so than under the previous Code.
- 3.3 The Monitoring Officer believes that the main issue with the Code is that it is a long and fairly complex document. This arises, in part, through the inclusion of three kinds of interest (disclosable pecuniary, personal, and personal and prejudicial) with different implications, depending on the nature of the interest held. Disclosable pecuniary interests are the only statutory interests required, but the Council made a clear decision In 2012 to retain the wider class of interests.
- 3.4 It might, however, be possible to set out the Code in a clearer manner.
- 3.5 Members are asked:
- a) whether any amendments are needed to the Code; and
 - b) whether they consider that there are parts of the Code that are not readily understood and which could be more clearly drafted or set out.
- 3.6 There is one part of the Code in need of updating. This is the section setting out ten principles of public life. These have been replaced by the Committee on Standards in Public Life with seven principles:
- 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 declare 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.

4. PROCEDURE ON COMPLAINTS

4.1 The Council's procedure for considering complaints is set out at Appendix B. The Monitoring Officer's view is that this has worked well and is an improvement on the previous regime, which was bureaucratic and slow.

4.2 The key aspects of the procedure are:

a) When the Monitoring Officer receives a complaint that a member has breached the Code of Conduct, he notifies one or both of the Independent Members appointed under the Localism Act. (See below for more information about the Independent Members.)

b) The Monitoring Officer discusses with the Independent Person(s) how best to respond to the complaint. The decision may be to instigate an investigation or to seek to resolve the complaint by other means; e.g. by correspondence or a meeting. There may also be nothing in a complaint that falls within the Code of Conduct, or a complaint might be trivial.

- c) If a formal investigation finds that a member has breached the Code of Conduct, the Monitoring Officer shall consult the Independent Person as to whether the complaint should be referred to a Standards Sub-Committee for consideration or whether less formal action is appropriate.
- d) If a complaint is referred to a Standards Sub-Committee, it determines how to consider a complaint referred to it. It is entitled either to consider the complaint by way of written representations or it can conduct a formal hearing. It has a limited range of sanctions, the most severe being formal censure.
- 3.2 Since July 2012, the Monitoring Officer has received two complaints that he considered required further investigation. Both related to possible interests of members in planning applications. On both occasions, after consultation with the Independent Person, he concluded that there had no been a breach of the Code. The complainants were notified and informed of their right to refer this decision to a member sub-committee. Neither complainant exercised this right.

DISPENSATIONS

- 4.1 Ordinarily, members with a disclosable pecuniary interest or a personal and prejudicial interest should not participate in a decision that relates to those interests. However, members may seek a dispensation to speak and/or vote. Dispensations maybe granted for a specific period, which may not exceed four years.
- 4.2 A decision whether to grant a dispensation may be delegated to a committee, to a subcommittee or to an officer. The Council delegated this power to the Monitoring Officer, subject to consultation with the Independent Person. Council asked the Civic Affairs Committee to keep this procedure under review.
- 4.3 A member may be granted a dispensation to speak and/or vote if the Monitoring Officer:
- Considers that without a dispensation the number of persons prohibited from participating would be so greater proportion of the decision-making body as to impede the transaction of the business;
 - Considers that without a dispensation the representation of different political groups on the body transacting the business

would be so upset is to alter the likely outcome of any vote relating to the business;

- Considers that granting the dispensation is in the interests of persons living in the authority's area;
- Considers that, without the dispensation, each member of the Executive would be prohibited from participating in the business;
- Considers that it is otherwise appropriate to grant a dispensation.

4.4 One application for a dispensation has been made since July 2012. This was by Councillor Rosenstiel, who has a tenancy of a Council garage. Councillor Rosenstiel has been granted a dispensation to speak and vote on matters that relate to Council functions in respect of garages, provided that those functions do not relate particularly to his tenancy of a Council garage. This dispensation lasts for the period up until 1 May 2014, which is the end of Councillor Rosenstiel's current term of office. The Monitoring Officer recorded the reasons for granting the dispensation as follows:

“I consider that it is in the interests of persons living within Cambridge that councillors are not disbarred from participation in discussion of general policy issues by virtue of an interest of this nature. The proviso to the dispensation will bar you from speaking and voting in respect of matters that relate particularly to your garage.

Councillor Rosenstiel should still disclose the fact of his interest when business relating to Council garages is considered.

INDEPENDENT PERSONS

5.1 The Localism Act placed a requirement on the Council to appoint at least one “independent person” whose views must be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate. Members who have had an allegation made against them may, if they wish, also seek the views of the independent person.

5.2 The Council was fortunate to recruit two independent persons, Sean Brady and Robert Bennett. The Monitoring Officer has found their advice very valuable in deciding how to respond to complaints. It is open to the Council to invite its independent persons to be involved in a wider range of ethical issues. In particular, the Council has a duty

to promote and maintain high standards of conduct, and this is an area in which the help of the independent persons might be particularly valuable.

- 5.3 The independent persons have attended meetings of Civic Affairs. The Localism Act prevents their co-option as members of the Committee. However, as a recognition of the wider ways in which they can contribute to the work of the Committee and the Council, Civic Affairs is recommended to extend a formal invitation to the Independent Persons to attend, and contribute to, its meetings.

6. **CONSULTATION**

The Committee may wish to request a wider consultation with all councillors to inform its final conclusions with regard to this review.

7. **IMPLICATIONS**

- (a) **Financial Implications** - None
- (b) **Staffing Implications** - None
- (c) **Equal Opportunities Implications.** There are no direct equal opportunities implications of this report. However, it will be important to take account of specific equal opportunities issues in respect of individual complaints regarding the Council's standards regime.
- (d) **Environmental Implications** - None
- (e) **Procurement** – This report has nothing to do with procurement.
- (f) **Consultation and communication** – See section 6.
- (g) **Community Safety** - None

BACKGROUND PAPERS: The background papers are annexed to this report.

The author and contact officer for queries on the report is Simon Pugh, Head of Legal Services, tel 01223 457401, email simon.pugh@cambridge.gov.uk

Report file:

Date originated: 12 March 2014
Date of last revision: 12 March 2014

Appendix A

CAMBRIDGE CITY COUNCIL CODE OF CONDUCT

Part 1 - General provisions

Introduction and interpretation

- 1.1 This Code applies to you as a member of an authority.
- 1.2 You should read this Code together with the general principles prescribed by the Secretary of State.
- 1.3 It is your responsibility to comply with the provisions of this Code.
- 1.4 In this Code—
- "meeting" means any meeting of—
- (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;
- "member" includes a co-opted member and an appointed member.

Scope

- 2.1 Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
- (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,
- and references to your official capacity are construed accordingly.
- 2.2 Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 2.3 In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

2.4 Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

2.5 Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3.1 You must treat others with respect.

3.2 You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

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

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. 1 When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

- 7.2 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 - Interests

8. Disclosable Pecuniary Interests in matters considered at meetings

- 8.1. If you attend a meeting and have and are aware that you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at that meeting, –

- (a) you must disclose to the meeting the fact that you have a Disclosable Pecuniary Interest in that matter. If you have not already done so, you must notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and
- (b) whether the interest is registered or not you must not – unless you have obtained a dispensation –
 - (i) participate, or participate further, in any discussion of the matter or vote at the meeting; or
 - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

9 Personal interests which are not disclosable pecuniary interests

- 9.1 You have a personal interest in any business of your authority where your interest is not a disclosable pecuniary interest and either—

- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any person or body who employs or has appointed you;

(iv) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision.

9.2 In paragraph 10.1 (b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests which are not disclosable pecuniary interests

10.1 Subject to sub-paragraphs 10.2 to 10.7, where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

10.2 Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 10.1 (a)(i) or 10.1 (a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

10.3 Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(iv), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

- 10.4 Paragraph 11.1 only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 10.5 Where you have a personal interest but, by virtue of paragraph 16, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- 10.6 Subject to paragraph 13(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- 10.7 In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

- 11.1 Subject to paragraph 11.2, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 11.2 You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 9;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 9; or
 - (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

12. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

13.1 Subject to paragraph 13.2, where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

- 13.2 Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

14. Registration of Disclosable Pecuniary Interests

- 14.1. Subject to paragraph 16 (sensitive interests), you must, within 28 days of:

- (a) this Code being adopted or applied by the Authority; or
- (b) your election or appointment (where that is later),

notify the Authority's Monitoring Officer in writing of any Disclosable Pecuniary Interests you have at that time.

- 14.2. Subject to paragraph 16 (sensitive interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Authority's Monitoring Officer in writing of that new Disclosable Pecuniary Interest or change.

15. Registration of Personal Interests that are not Disclosable Pecuniary Interests

- 15.1 Subject to paragraph 16, you must, within 28 days of—

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

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 9(1)(a), by providing written notification to your authority's monitoring officer.

- 15.2 Subject to paragraph 16, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal

interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

- 16.1 Where you consider that the information relating to any of your personal or disclosable pecuniary interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- 16.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- 16.3 In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

SCHEDULE

THE GENERAL PRINCIPLES

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

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

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

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

Appendix A

Disclosable Pecuniary Interests: Description and Definitions

| <i>Disclosable Pecuniary Interest</i> | <i>description</i> |
|---|--|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| Sponsorship | <p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p> |
| Contracts | <p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p> |
| Land | Any beneficial interest in land, which is within the area of the relevant authority. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer. |
| Corporate tenancies | <p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p> |
| Securities | <p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p> |

These descriptions on interests are subject to the following definitions:

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land, which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“Member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“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.

Offences

It is a criminal offence to

- Fail to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election
- Fail to disclose a Disclosable Pecuniary Interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a Disclosable Pecuniary Interest (without a dispensation)
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a Councillor for up to 5 years.

Appendix B

Procedure for consideration of complaints about breach of the Code Of Conduct For Councillors.

1. Complaints about breach by councillors of the Code of Conduct shall be received by the Monitoring Officer.
2. The Monitoring Officer shall notify the Independent Person promptly of any complaint about a councillor that, on the face of it, alleges breach of the Code of Conduct.
3. The Monitoring Officer shall also, unless the Monitoring Officer and Independent Person agree otherwise, notify the member concerned of the complaint and its nature.
4. The Monitoring Officer shall agree with the Independent Person a strategy for responding to the complaint. This might involve commissioning the Independent Complaints Investigator to conduct a formal investigation but other alternatives would include the Monitoring Officer seeking to resolve the complaint less formally, for instance, by correspondence or a meeting.
5. The Monitoring Officer shall also have discretion, after consulting the Independent Person, to refer a complaint direct to a Complaints Sub-Committee of the Civic Affairs Committee.
6. If a formal investigation finds that a member has breached the Code of Conduct, the Monitoring Officer shall consult the Independent Person as to whether the complaint should be referred to a Complaints Sub-Committee for consideration or whether less formal action is appropriate; e.g. if a member accepts that there has been a breach and other action such as an apology or training is an appropriate remedy.
7. It shall be for a Complaints Sub-Committee to determine how to consider a complaint referred to it. It is entitled either to consider the complaint by way of written representations or it can conduct a formal hearing.
8. At all stages up to referral to a Complaints Sub-Committee, a complainant shall have a right of review by a Complaints Sub-Committee if they are not satisfied with the procedure adopted by the Monitoring Officer or if they are not satisfied with the outcome of their complaint.

