Annual Report of the Standards Committee [2013-14]
I am pleased to present the Annual Report of the Standards Committee.

This has been a relatively quiet year for the Standards Committee, and we have taken the opportunity to review and strengthen our processes for dealing with complaints about member misconduct.

I am also pleased to say that we have continued the trend of high standards of member conduct in Sandwell.

I would like to thank members of the Standards Committee, who have given their time freely and have made a useful and valuable contribution. I would also like to thank our Independent Persons who have been supportive and challenging in their role in advising the Monitoring Officer and the Committee. The Monitoring Officer and her officers have continued to provide consistent support throughout the year.
1 The Standards Committee

1.1 The Localism Act 2011 removed the requirement for a national code of conduct and statutory standards committees, and set out a light touch framework for a new ethical regime. The Act places a general obligation on the Council to promote and maintain high standards of member conduct.

1.2 Whilst there is no requirement to have a Standards Committee, standards issues and casework need to be dealt with. The Council decided to retain a Standards Committee in 2013/14.

1.3 The main functions of the Standards Committee are to:

(a) promote and maintain high standards of conduct and ethical governance by members and co-opted members of the Council;

(b) assist members and co-opted members of the Council to observe the Council’s Code of Conduct;

(c) advise the Council on the adoption or revision of a Code of Conduct for members and co-opted members;

(d) monitor the operation of the Council’s Code of Conduct for members and co-opted members;

(e) advise, train or arrange for training for members and co-opted members of the Council on matters relating to the Council’s Code of Conduct.

1.4 The full terms of reference of the Committee for 2013/14 are set out in Appendix 1 to this report.

1.5 The Committee also has a number of sub-committees which form part of the arrangements for dealing with complaints about breaches of the Member Code of Conduct. These sub-committees may consider investigation reports referred to them by the Monitoring Officer; conduct hearings; at the request of the complainant, review decisions of the Monitoring Officer to take no action on a complaint; and at the request of a member who is the subject of a complaint, review findings of failure to comply with the Code of Conduct and action taken in respect of thereof. These sub committees operate according to the principles of natural
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justice and human rights legislation and ensure that both the complainant and the subject member receive a fair hearing.

2. Members

2.1 The membership of the Standards Committee in 2013/14 was as follows:

Chair
Councillor Lewis (Labour)

Vice Chair
Councillor S Crumpton (Labour)

Elected Members
Councillor Ahmed (Labour)
Councillor Dhallu (Labour)
Councillor M Hughes (Conservative)
Councillor I Jones (Labour)
Councillor Sandars (Labour)
Councillor J Underhill (Labour)

2.2 The Standards Committee includes a Cabinet Member [Cllr I Jones] and two Chairs of Scrutiny Boards [Cllrs P Sandars and J Underhill]. Proportionality on the Committee has been waived by the Council to allow an opposition member to be included in the membership. The inclusion of experience from all areas of the decision making process gives the Committee a broad base of experience from which to make rounded decisions on ethical matters.

2.3 The Council’s Constitution also includes role descriptions for the Chair of the Standards Committee and for its members, which are attached to this report as Appendix 2. The role descriptions emphasise the impartial and non-political nature of the conduct of the Standards Committee.

Independent Person(s)

2.4 The Localism Act 2011 requires the Council to appoint an Independent Person or persons who must be consulted by the Council before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint/on any finding of breach and on any decision on action as a result of that finding). The
Independent Person/s may be consulted by the Council in respect of a standards complaint at any other stage; and they may be consulted by a member or co-opted member of the Council against whom a complaint has been made.

2.5 The Act gives discretion to appoint one or more Independent Persons, but provides that each Independent Person must be consulted before any decision is taken on a complaint which has been investigated.

2.6 The Council on 3 July, 2012 appointed Mr F Bell to act as an independent person in pursuance of Section 28(7) of the Localism Act 2011 for a two year term of office to expire on 30 June 2014. The Council on 21 May 2013 appointed Mrs Y Akande to serve as an Independent Person for a one year term of office, also to expire on 30 June 2014.

2.7 A recruitment exercise has been conducted for a third Independent Person, and the Council at its meeting on 4 March 2014 approved the appointment of Mr Geoffrey Elliot for a two year term of office expiring on 30 June 2016.

2.8 The Independent Persons are invited to attend all meetings of the Standards Committee as observers. Retiring Independent Persons and former independent members of the Standards Committee have also attended meetings of the Committee, if they so wish, as observers with no voting rights, which has been a useful resource to elected members as we have retained their expertise.

2.9 The new statutory regime offered very little clarity on the role of Independent Persons. The Committee at the end of 2012/13 approved a protocol to make clear the relationship between the Independent Person and the Monitoring Officer; the subject member; and the Standards Committee.

Officer Support to the Committee

2.9 The Monitoring Officer is one of the Council’s statutory officers, appointed under Section 5(1) of the Local Government and Housing Act, 1989. The Council's Director - Legal and Governance Services, Neeraj Sharma, is designated as the Monitoring Officer. The Monitoring Officer is responsible for ensuring that the Council and its members act lawfully; do not cause maladministration; and comply with the Code of Conduct for Members. She is the primary source of advice for members on the requirements of the Code of Conduct and also has specific statutory
duties such as securing the investigation of complaints of member misconduct.

2.10 The Monitoring Officer is the principal adviser to the Standards Committee and its Sub-Committees and is assisted in this role by two Deputy Monitoring Officers, Pardip Sharma and Stewart Wright. More information about the role of the Monitoring Officer can be found in Article 12 of the Council’s Constitution. Georgina Wythes, Governance Services Manager, acts as clerk to the Standards Committee.

3. Business

3.1 During 2013/14, the Standards Committee met on three occasions and considered the following matters:

- Appointment of Standards Sub-Committees for 2013/14
- Role of Independent Persons at Hearings
- Adoption of assessment criteria for dealing with requests for a review
- Annual review of Register of Members Interests
- Updates on complaints received in respect of member conduct
- Approval and review of a Work Programme for the Committee
- Arrangements for recruitment of Independent Persons
- Review of arrangements for dealing with standards allegations under the Localism Act 2011
- Case reports.

4. Commentary on the work of the Committee

4.1 It has been a relatively quiet year for the Committee. However, incoming complaints have provided a test-bed for the new ethical framework. As a result, the Committee has spent some time reviewing elements of the arrangements in the light of the experience of the complaints process.

4.2 For instance, there is little national guidance available on the role of the Independent Persons and a local protocol on their role was developed in 2012/13. Further feedback was received from the Sandwell Independent Persons that it would be helpful to observe hearings conducted by the Standards Sub-Committees to gain a better understanding of the matter under investigation and to provide a meaningful view to the Sub-Committee. This experience would also assist the independent persons in their role in advising the Monitoring Officer and subject members at the earliest stage of the process.
4.3 The Committee agreed to this request, and also agreed that if the Independent Person could not attend the hearing, that they should receive a copy of the investigation report in advance of the hearing so that they could submit their views in writing.

4.4 The Committee has also looked at the review process in its arrangements for dealing with complaints, whereby at the request of the complainant, a Sub-Committee will review decisions of the Monitoring Officer to take no action on a complaint; or at the request of a member who is the subject of a complaint, will review findings of failure to comply with the Code of Conduct and action taken in respect of thereof. There have been a number of requests for a review by complainants. The Monitoring Officer, in making an initial decision on these cases, uses the assessment framework that had been adopted by the Council as part of the former Standards Board for England process. The assessment framework sets a series of questions to ask in looking at the complaint. The Committee, mindful of the need to ensure that the rules of natural justice are complied with and that complaints are dealt with in a transparent way, decided to adopt this assessment framework for the review process carried out by the Standards Sub-Committees.

4.5 Working through complaints often highlights areas for potential improvement in the arrangements, or areas that require clarity. The arrangements approved by the Council in July 2012 state that the Council will not normally investigate anonymous complaints unless there is a clear public interest in doing so. The previous regime set out clearly what considerations would be taken into account in deciding how to handle an anonymous complaint and the Monitoring Officer has used this rationale in dealing with such complaints. In the interests of transparency, the Committee decided to recommend that the Council make it clear in the arrangements how decisions will be made on the handling of anonymous complaints. The Committee also recommended that a time limit of fourteen days be set for parties to comment on the draft investigation report, to avoid delay in the process. These recommendations were approved by the Council.

An internal officer review of the Member Code was carried out in February 2014. The outcome of the review was that the Code strikes the right balance between being simple and easily understood as well as covering the circumstances the Council has agreed to capture in the code. No amendments to the Code were therefore proposed.
5. **The Ethical Framework**

**Members’ Code of Conduct**

5.1 The Council in July 2012 adopted a revised Code of Conduct for Members and Co-opted Members to meet the provisions of the Localism Act 2011. The Code of Conduct was given appropriate publicity at the time of its adoption and is available on the Council’s web site.

5.2 All members are issued with a copy of the Code of Conduct on election/appointment and are required to sign an undertaking to comply with the Code. Members also receive induction training and subsequent refresher training on the provisions of the Code and how to carry out their duties in line with the Code. This training is delivered by the Monitoring Officer and her Deputies. The Monitoring Officer has also issued guidance to councillors and employees appointed to outside bodies by the Council to assist them in understanding the impact of the Members’ Code of Conduct.

5.3 Part 2 of the Members’ Code of Conduct requires elected and co-opted members to give written notification to the Monitoring Officer of any pecuniary or non pecuniary interests to be included in the Council’s statutory Register of Interests within 28 days of election or appointment, and to update their declarations as appropriate by notifying any amendments or new interests within 28 days of becoming aware of them.

5.4 This register of interest is available for public inspection, and individual members’ declarations of interest can be inspected at any time on the Council’s web site by accessing the Committee Management Information System. The Register of Interests and Declarations of Interest are monitored by the Monitoring Officer and are made available for inspection by the Standards Committee on a regular basis.

5.5 Members are also obliged to disclose any pecuniary or non pecuniary interests at meetings where those matters are to be discussed. These declarations are recorded in a register open for public inspection and are also noted on the Committee Management Information System.

5.6 The Council has a protocol for members on gifts and hospitality giving additional guidance on the requirement of the Members’ Code of Conduct for members to declare gifts and hospitality received with an estimated value of at least £100. These declarations are recorded in a register which is open for public inspection and are also recorded in their individual entries on the Committee Management Information System.
The Register of Gifts and Hospitality is monitored by the Monitoring Officer and is made available for inspection to the Standards Committee on a regular basis.

Arrangements for Dealing with Standards Allegations

5.7 The Localism Act 2011 required authorities to adopt arrangements for dealing with complaints about breaches of the Member Code of Conduct. The Council at its meeting on 3 July, 2012, approved such arrangements, which include provision for sub-committees of the Standards Committee to consider investigation reports referred to it by the Monitoring Officer; to conduct hearings; at the request of the complainant, to review decisions of the Monitoring officer to take no action on a complaint; and at the request of the subject member, to review findings of failure to comply with the Code of Conduct and action taken in respect thereof.

5.8 The arrangements for dealing with standards allegations were approved by the Council on 3 July, 2012 and revised by the Council on 7 January 2014. An outline of the process is set out in Appendix 3.

5.9 The section below gives information on individual complaints dealt with in 2013/14.

5.10 The Committee used to receive case summaries from the Adjudication Panel which were a training aid and a useful barometer as to the types of cases being referred up to national level and the decisions they generated. The new regime generates very few cases of national interest and there have been few prosecutions nationally for criminal offences in relation to standards matters. National professional associations and some major firms of solicitors are now the best sources of comparative information about best practice in standards matters, and reports are brought to the Committee from time to time. The latest case to be reported related to a member of Ealing Council and centred on comments posted by the Councillor about residents of Southall on a blog. The case engaged various provisions of the Code and provided some useful learning points.

Allegations of Misconduct by Members

5.11 Under the new ethical framework, all complaints of misconduct come direct to the Monitoring Officer. The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. Where the Monitoring Officer is unable to resolve the complaint informally and feels it merits formal investigation after
consultation with the Independent Person(s), she will appoint an Investigating Officer who will prepare a report concluding whether there is/is not evidence of a failure to comply with the Code of Conduct. If the Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct, she will either send the matter for local hearing before a Sub Committee or, after consulting the Independent Person, seek local resolution. One matter was referred by the Monitoring Officer for investigation after consultation with the Independent Persons.

5.12 Eight complaints were received in 2013/14 compared with ten complaints in the previous year. Most of the cases alleged lack of respect and bringing the Office of Councillor into disrepute. The majority of complaints were made by members of the public and have been minor in nature. The outcomes of these complaints are set out in Appendix 4.

Training and Development

5.13 The Standards Committee is responsible for advising, training or arranging for training for members and co-opted members of the Council on matters relating to the Council’s Code of Conduct. The Monitoring Officer and her deputies deliver relevant training to all members and co-opted members on behalf of the Committee. 2013 was a fallow year with no elections and no induction or standards training has been delivered this year. Standards training was however delivered to all members in 2012/13 as a mandatory element of their development. It is proposed to deliver refresher training to all members this year which will include new members.

5.14 The Standards Committee continues to develop its own skills and expertise, for instance, by looking at case summaries and appropriate refresher training. All members of the Committee received training in June 2013 on the investigation hearing process in preparation for consideration of a forthcoming case.

6. The Committee’s Main Achievements

6.1 The Committee believes its key achievement during the year is to have kept abreast of the progress of the new standards arrangements and made any necessary adjustments to keep them fit for purpose. Since the adoption of the Code the complaints received has allowed the Committee to test the Code by real circumstances and consider whether it is proving to be adequate and easily understood. Changes have included the adoption of a protocol for Independent Persons which has enabled clarity
to be added to this role. The Committee also approved minor changes to the Arrangements following the investigation into a complaint.

7. Contribution to Scorecard Priorities

7.1 Through its work in promoting high standards of conduct, the Committee makes a positive contribution to the quality of governance of the authority, which supports the Council’s scorecard priority of ‘Great Performance’.

8. Conclusion

8.1 The Localism Act 2011 has significantly changed the role of the Standards Committee, which is no longer statutory. However, the Council’s decision to continue with a Standards Committee has meant there is a clear focus for the responsibility to promote and maintain high standards of conduct to good practice standards. Its work has helped to shape the new ethical framework and assist the Council in meeting the statutory requirements under the Act.
Standards Committee Terms of Reference

Within approved Council policy and in accordance with the overall aims and objectives of the Council, the Committee shall:-

1. Promote and maintain high standards of conduct and ethical governance by Members and co-opted Members of the Council.

2. Assist Members and co-opted Members of the Council to observe the Council’s Code of Conduct for Members and Co-opted Members.

3. Advise the Council on the adoption or revision of a Code of Conduct for Members and Co-opted Members.


5. Advise, train or arrange for training for Members and co-opted Members of the Council on matters relating to the Council’s Code of Conduct for Members and Co-opted Members.

6. Determine, monitor and review the arrangements for the local ethical standards regime and carry out any functions reserved to the Standards Committee under those arrangements.

7. Appoint Sub-Committees with delegated power to consider investigation reports; to conduct hearings (including the imposition of sanctions); at the request of the complainant, to review decisions of the Monitoring Officer to take no action on a complaint; and at the request of the subject member, to review findings of failure to comply with the Code of Conduct and action taken in respect thereof.

8. Grant dispensations to Members and co-opted Members from requirements relating to interests set out in the Code of Conduct for Members and co-opted Members.

9. Exercise any functions which the Council may consider appropriate from time to time.

10. Meet at least annually and as and when appropriate.


12. Submit its minutes to the Council.
Role Description - Chair of the Standards Committee

1. To lead the relevant standards function of the Council, ensuring the overall co-ordination and management of the process.

2. To chair meetings of the Standards Committee.

3. To ensure the efficient carrying out of the standards process and keep under review the standards process.

4. To promote high standards of conduct by all elected members.

5. To assist elected members observe the Council’s Code of Conduct.

6. To monitor and review the Code of Conduct and arrangement of appropriate training for all elected members to ensure its proper application.

7. To keep yourself and the Committee fully up to date with all relevant legislation and good practice relating to the Standards Committee.

8. To comply with the Council’s Code of Conduct or such other code of conduct as the Council may from time to time adopt.

9. To comply with the Member/Officer protocol as set out in the Constitution.

10. To ensure members of the committee abide by the Member/Officer protocol.

11. To ensure that the principles of equality and fairness are integral to all actions and policies of the Council.

12. To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.

[IL0: UNCLASSIFIED]
Role Description - Member of the Standards Committee

1. To assist the Chairman of the Committee in the discharge of the key duties of that position as set out above.

2. To participate actively and effectively as a member of the Committee and its Sub-Committees.

3. To comply with the Council’s Code of Conduct or such other code of conduct as the Council may from time to time adopt.

4. To comply with the Member/Officer protocol as set out in the Constitution.

5. To ensure that the principles of equality and fairness are integral to all actions and policies of the Council.

6. To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.

7. Members need to be mindful that decisions made by the Committee and its Sub Committees should be impartial and without regard to party loyalty. Elected members should not be subject to the party whip.

[IL0: UNCLASSIFIED]
Arrangements for dealing with standards allegations under the Localism Act 2011

1 Context

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this authority has failed to comply with the authority’s Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct.

Under the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority, or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member against whom an allegation as been made.

2 The Code of Conduct

The Council has adopted a Code of Conduct for members, which is attached as Appendix 1 to these arrangements, and available for inspection on the authority’s website and on request from the Council House, Oldbury.

3 Making a complaint

If you wish to make a complaint, please write or email to –

The Monitoring Officer
Sandwell Council House
Oldbury
B69 3DE

Or –

Neeraj_sharma@sandwell.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 we have all the information which we need to be able to process your complaint, please complete and send us the complaint form, which can be downloaded from the authority’s website, next to the Code of Conduct, and is available on request from the Council House, Oldbury.

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so. The process for deciding how to deal with anonymous complaints is set out in the attached charts.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

4 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision. The Monitoring Officer may consult with the Independent Person before deciding whether a formal investigation should be undertaken.

Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed.

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

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

If the Monitoring Officer has decided to take no action in relation to your complaint you may request a review of the Monitoring Officer’s decision by a Sub-Committee of the Standards Committee.

5 How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events, and to identify what documents he/she needs to see and who he/she needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

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 Monitoring Officer, you and to the member concerned. At this stage you can identify any matter in that draft report which you disagree with or which you consider requires more consideration. You will be given a period of 14 days to comment on the draft report.
Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

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

The Monitoring Officer will review the Investigating Officer’s report and, if he/she is satisfied that the Investigating Officer’s report is sufficient, the Monitoring Officer will write to you and to the member concerned, notifying you that he/she is satisfied that no further action is required, and give you both a copy of the Investigating Officer’s final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly or has other concerns relating to the complaint or the investigation report, he may ask the Investigating Officer to reconsider his/her report. The Monitoring Officer may consult the Independent Person about this.

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

The Monitoring Officer will review the Investigating Officer’s report and will then either send the matter for local hearing before a Sub-Committee of the Standards Committee or, after consulting the Independent Person, seek local resolution.

7.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will refer the matter for a local hearing before a Sub Committee of the Standards Committee.
7.2 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer’s report to a Sub-Committee of the Standards Committee which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

Essentially, the Monitoring Officer will conduct a “pre-hearing process”, requiring the 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 Chair of the Sub-Committee of the Standards Committee may issue directions as to the manner in which the hearing will be conducted. At the hearing, 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 member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Sub Committee. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

If the Sub-Committee, with the benefit of any advice from the Independent Person, conclude that the member did not fail to comply with the Code of Conduct, they may dismiss the complaint. If the Sub-Committee concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Sub-Committee will then consider what action, if any, the Sub-Committee should take as a result of the member’s failure to comply with the Code of Conduct. In doing this, the Sub-Committee will give the member an opportunity to make representations to the Sub-Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.
8 What action can the Sub Committee of the Standards Committee take where a member has failed to comply with the Code of Conduct?

The Council has delegated to the Standards Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly a Sub-Committee, on behalf of the Standards Committee, may –

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

8.2 Report its findings to Council for information;

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

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

8.5 Instruct the Monitoring Officer to arrange training for the member;

8.6 Recommend to Council to remove from all outside appointments to which he/she has been appointed or nominated by the authority;

8.7 Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or

8.8 Exclude the member from the Council’s offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

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

9 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Sub-Committee resolves to take.
As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Sub-Committee, and send a copy to you, to the member, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

10 Who are the Standards Committee?

The Standards Committee is appointed each year by the Council. In 2012/13 the members of the Standards Committee will be as follows:

Councillors Bridges, Crompton, Y Davies, Dhallu, M Hughes, I Jones, Lewis and J Underhill.

The Independent Person(s) is/are invited to attend all meetings of the Standards Committee and his/her/their views are sought and taken into consideration before a Sub Committee of the Standards Committee takes any decision on consideration of an investigation report on whether the member’s conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be “independent” if he/she –

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

Former independent members of the Standards Committee may be eligible to be appointed as the ‘independent person’ if they are not a member or co-opted member of the Standards Committee on 1 July 2012 but have held such a post at any time during the 5 years ending on 30 June 2012. The transitional arrangements only apply to appointments made in the period up to 1 July 2013.

[UNCLASSIFIED]
11.2 Is a relative, or close friend, of a person within paragraph 11.1 above. For this purpose, “relative” means –

11.2.1 Spouse or civil partner;

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

11.2.3 Grandparent of the other person;

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

11.2.5 A parent, sibling or child of a person within paragraphs 11.2.1 or 11.2.2;

11.2.6 A spouse or civil partner of a person within paragraphs 11.2.3, 11.2.4 or 11.2.5; or

11.2.7 Living with a person within paragraphs 11.2.3, 11.2.4 or 11.2.5 as husband and wife or as if they were civil partners.

12 Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Standards Committee in consultation with the Monitoring Officer and/or Independent Person as appropriate the right to depart from these arrangements (as far as they relate to the business of a Sub Committee of the Standards Committee where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13 Appeals

There is no right of appeal for you as complainant against a decision of a Sub Committee of the Standards Committee. Any member found to have failed to comply with the Code of Conduct and against whom action has been taken by a Sub Committee of the Standards Committee may ask for a review of the decision/s.

If you feel that the authority has failed to deal with your complaint properly, you may seek independent legal advice or contact the Local Government Ombudsman.
ANONYMOUS COMPLAINT

Is the matter so serious that it is in the public interest to consider the complaint?

No

Take no further action

Yes

Is it possible to investigate the matter without further contact with the complainant?

No

Take no further action

Yes

The Monitoring Officer will deal with the complaint on an anonymous basis

[IL0: UNCLASSIFIED]
REQUEST FOR CONFIDENTIALITY

Has the complainant asked that their identity is kept confidential from the subject member?

Yes

Does the complainant believe that in being identified they will be at risk of physical harm; at medical risk because of a health condition; or if an employee, concerned about their future employment?

No

The Monitoring Officer will deal with the complaint according to the usual process.

Is it possible to investigate the matter without the complainant’s identity being revealed?

Yes

The Monitoring Officer will deal with the complaint and grant the request for confidentiality.

No

The Monitoring Officer will deal with the complaint and refuse the request for confidentiality.

Is the matter so serious that the public interest in proceeding with an investigation outweighs the complainant’s wish to have their identity withheld from the member?

No

The Monitoring Officer will offer the complainant the option to withdraw the complaint.

Yes

The Monitoring Officer will deal with the complaint and refuse the request for confidentiality.

[IL0: UNCLASSIFIED]
## Complaints received 2013/14

<table>
<thead>
<tr>
<th>Ref</th>
<th>Date</th>
<th>Complainant</th>
<th>Assessment Decision</th>
<th>Review Decision</th>
<th>Sanction</th>
</tr>
</thead>
<tbody>
<tr>
<td>MC/01/0413</td>
<td>April 2013</td>
<td>Member of the Public</td>
<td>Decision to take no action. No complaint form requested.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>MC/02/0413</td>
<td>April 2013</td>
<td>Member of the Public</td>
<td>Decision to take no action. No complaint form requested.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>MC/03/0413</td>
<td>April 2013</td>
<td>Members</td>
<td>No complaint forms received. Decision to take no further action.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>MC/04/0413</td>
<td>April 2013</td>
<td>Member of the Public</td>
<td>Decision to take no action.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>MC/05/0513</td>
<td>May 13</td>
<td>Anonymous</td>
<td>Decision to take no action.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>MC/06/0913</td>
<td>Sept 13</td>
<td>Member of the Public</td>
<td>Decision to take no action</td>
<td>Review Hearing 12 November 2013 concluded no breach of Code.</td>
<td>N/A</td>
</tr>
<tr>
<td>MC/07/0913</td>
<td>Sept 13</td>
<td>2 Members of the Public</td>
<td>No complaint form requested. Decision to take no action.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>MC/08/0913</td>
<td>Sept 13</td>
<td>Member of the Public</td>
<td>No complaint form requested. Decision to take no action.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>