

STANDARDS COMMITTEE

THURSDAY 20 SEPTEMBER 2012 AT 7.30 PM

DACORUM ROOM, CIVIC CENTRE, HEMEL HEMPSTEAD

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Cllr Flint
Councillor Mrs Green
Cllr Lloyd

Cllr Rance
Cllr Wood

Co-opted Representatives of the Parish and Town Councils:

Cllr Allan (Tring Town Council Member), Cllr Steer (Bovingdon Parish Council Member)

Independent Co-opted Representative

Amy Willcox

Also requested to attend:

The Assistant Director (Legal, Democratic and Regulatory) and a Member Support Officer

For further information, please contact Pauline Bowles, Member Support Officer, on Tel: 01442 228221, Fax: 01442 228264, E-mail: pauline.bowles@dacorum.gov.uk or visit our web-site: www.dacorum.gov.uk

PART I

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1. APPOINT A CHAIRMAN

2. MINUTES

To confirm the minutes of the meeting held on 7 June 2012 (Appendix A).

3. APOLOGIES FOR ABSENCE

To receive any apologies for absence

AGENDA ITEM: 4

SUMMARY



Report for:	Standards Committee
Date of meeting:	20th September 2012
PART:	1
If Part II, reason:	

Title of report:	<u>THE LOCALISM ACT 2011 – THE AMENDED STANDARDS REGIME</u>
Contact:	Steven Baker, Assistant Director (Legal, Democratic & Regulatory) Direct line: 01442 228229, internal extension: 2229 steve.baker@dacorum.gov.uk
Purpose of report:	To update Members of the changes to the standards regime brought about by the Localism Act 2011.
Recommendations	That Members consider the draft Complaints Procedure and Complaint Form attached to this report and provide any comments that they may wish to make.
Corporate objectives:	The promotion and maintenance of high standards of conduct by Members of the Council will assist the Council in achieving its priorities of performance excellence and reputation and profile delivery.
Implications: 'Value For Money Implications'	There are financial and efficiency costs to the Council in having to deal with complaints made under the Code of Conduct. There are, therefore, value for money benefits to the Council in striving to ensure that complaints against Members are minimised as far as possible and any complaints that are received are dealt with as cost effectively as possible.
Risk Implications	The risk to the Council in not having in place a robust local standards regime could damage its reputation for good governance and undermine public confidence in the Council as a whole.
Monitoring Officer	This is a report prepared by the Assistant Director (Legal,

	Democratic & Regulatory) in his capacity as Monitoring Officer.
Consultees:	None
Background papers:	The relevant background papers are attached to this report.

BACKGROUND REPORT

1. Since the last meeting of the Standards Committee on 7th June 2012, the Government published the long awaited regulations which brought into effect on the 1st July the new standards regime and provided more details concerning the definition of “disclosable pecuniary interests”. The Council, at its meeting on 11th July duly re-adopted the final version of the Members’ Code of Conduct incorporating the rules on disclosable pecuniary interests. This means that the legislative framework is now in place and the new arrangements have gone ‘live’.
2. The Monitoring Officer has compiled a set of five documents which are key to the operation of the standards regime within the Council. The Monitoring Officer will present the following documents at the meeting:

Document 1: The Terms of Reference of the Standards Committee

Document 2: The Members’ Code of Conduct

Document 3: The Arrangements for Dealing with Complaints

Document 4: The Council’s Complaints Procedure

Document 5: Complaint Form

Documents 1 – 3 are final versions having been agreed by Cabinet and Council. However, Documents 4 and 5 (the complaints procedure and the complaint form) are presented in draft form for further consideration and approval by the Standards Committee. The Monitoring Officer will be seeking Members’ views on these documents at the meeting.

DOCUMENT 1

ARTICLE 9 – MEASURES FOR STANDARDS OF CONDUCT

9.1 Standards Committee

In order to ensure that Members of the Council (including co-opted Members) observe the Council's Code of Conduct for Members, the Council will establish a Standards Committee.

9.2 The appointment and composition of the Standards Committee will be in compliance with the provisions of sections 101 and 102 of the Local Government Act 1972 and Regulations made thereunder. The Council by resolution made on 16th May 2012 resolved that the rules of political proportionality in Section 15 of the Local Government and Housing Act 1989 should not apply in respect of the Standards Committee.

9.3 The Standards Committee shall comprise of 9 members who shall consist of:

- (a) five elected Members of the Borough Council;
- (b) two co-opted Town or Parish Councillors with no voting rights;
- (c) two co-opted Independent Members with no voting rights;
- (d) the Chairman of the Standards Committee shall be appointed by the Committee at its first meeting in each municipal year;
- (e) the two co-opted Town or Parish Councillors cannot be Members of the Borough Council;
- (f) The Independent Person appointed in accordance with section 28 of the Localism Act 2011 shall be invited to attend meetings of the Standards Committee.

9.4 The Terms of Reference of the Standards Committee will be to:

- (a) promote and maintain high standards of conduct by the Members and co-opted Members of the Council;
- (b) advise and assist Parish and Town Council(s) and Councillors to maintain high standards of conduct and to make recommendation to Parish and Town Councils on improving standards or actions following a finding of a failure by a Parish or Town Councillor to comply with the Code of Conduct;
- (c) advise the Council on the adoption or revision of the Members' Code of Conduct;
- (d) receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the Council's assessment criteria;
- (e) receive reports from the Monitoring Officer and assess the operation and effectiveness of the Members' Code of Conduct;

- (f) advise, train or arrange to train Members and Co-Opted Members on matters relating to the Members' Code of Conduct;
- (g) assist Councillors and co-opted Members to observe the Members' Code of Conduct;
- (h) conduct hearings and determine complaints about Members and Co-Opted Members referred to it by the Monitoring Officer;
- (i) advise the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council:
- (j) maintain oversight of the Council's arrangements for dealing with complaints;
- (k) inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints;
- (g) report, with recommendations, to the Council and to the Cabinet at such times and in such manner as the Committee thinks fit.

9.5 Appointment of Sub-Committee

- (a) The Standards Committee has appointed a Sub-Committee consisting of 5 Members appointed from Members of the Standards Committee. The rules of political proportionality do not apply to the Sub-Committee.
- (b) A co-opted Town or Parish Councillor shall be invited to attend as a non-voting member when the Sub-Committee is dealing with a complaint against a Town or Parish Councillor.
- (c) The Independent Person will attend meetings of the Sub-Committee when dealing with hearings into allegations of misconduct.

The Terms of Reference of the Sub-Committee will be:

- (d) To conduct a hearing into an allegation that a Member or Co-opted Member has breached their Council's Code of Conduct.
- (e) Following a hearing the Sub-Committee may make one of the following findings:
 - (f) That the member has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the complaint, or
 - (g) That the Member has failed to comply with the Code of Conduct but that no further action needs to be taken in respect of the complaint, or
 - (h) That the Member has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed.
- (i) Sanctions

The Council has delegated to the Standards Committee (or a Hearings Sub-Committee) such of its powers as can be delegated to take action in respect of a Member who is found following a hearing to have failed to comply with the Code of Conduct, such actions to include –

- Publishing its findings in respect of the Member's conduct;
- Reporting its findings to Council [*or to the Parish/Town Council*] for information;
- Recommend to Council [*or to the Parish/Town Council*] that the Member be issued with a formal censure or be reprimanded;
- Recommending 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;
- Recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- Instructing the Monitoring Officer to [*or recommend that the Parish/Town Council*] arrange training for the Member;
- Removing the Member [*or recommend to the Parish/Town Council that the member be removed*] from all outside appointments to which he/she has been appointed or nominated by the Council [*or by the Parish/Town Council*];
- Withdrawing [*or recommend to the Parish/Town Council that it withdraws*] facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- Excluding [*or recommend that the Parish/Town Council exclude*] the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- The Sub-Committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions as are available to it.

Dispensations

- (j) To grant dispensations to a Member or Co-opted Member after consultation with the Independent Person pursuant to section 33(2)(b) and (c) of the Localism Act 2011.
- (k) To hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to section 33(2)(a), (d) and (e) of the Localism Act 2011.

[note: any dispensation granted shall cease to have effect four years after the date on which it is granted]

9.6 Register of Members' Interests

- (a) The Monitoring Officer shall establish and maintain a register of interests of the Members and Co-Opted Members of the Borough Council and the Parish and Town Councils pursuant to section 29 of the Localism Act 2011 and ensure that the register is available for public inspection and published on the Borough Council's website.
- (b) The Monitoring Officer shall provide to each Member and Co-Opted Member a registration of interests form which shall be completed by the Member or Co-Opted Member and returned to the Monitoring Officer who shall then ensure that it is placed on the register. At the end of each municipal year the Monitoring Officer shall send to each Member and Co-Opted Member a copy of their completed registration of interests form with a request that the Member and the Co-Opted Member notifies the Monitoring Officer of any changes to their interests.
- (c) The Monitoring Officer shall provide to each Member and Co-Opted Member a form to be used for the purposes of giving notification of any change to their interests.
- (d) The Monitoring Officer shall provide to each Member and Co-Opted Member a form to be used for the purposes of giving notification of the receipt of any gifts of hospitality over the value of £25.00.

DOCUMENT 2
DACORUM BOROUGH COUNCIL
CODE OF CONDUCT FOR MEMBERS

(Adopted by Council 10th July 2012)

Part 1

General Provisions

1. Introduction and interpretation

- (1) As a member you are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority. This Code deals with the conduct that is expected of you as a member of this authority when you are acting in that capacity.

The Code has been drawn up in accordance with Section 28 of the Localism Act 2011 (the Act). The provisions of this Code are consistent with the seven principles contained in Section 28(1) of the Act (the so-called “Nolan Principles”) and these are set out in Appendix 1.

- (2) 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;
- (d) any Task and Finish Group or similar internal body;
- (e) one or more members with an officer or officers of the authority, including any briefings by officers and site visits organised by the authority; or
- (f) any other meeting (except party group meetings) where one or more members are attending in an official capacity (or might reasonably be regarded by a member of the public as attending in an official capacity);

2. Who does the Code apply to?

- (1) This Code applies to all members of Dacorum Borough Council, including co-opted members.
- (2) It is your responsibility to comply with the provisions of this Code.

3. What does the Code apply to?

- (1) This Code applies to your conduct when you are acting in the capacity of an elected member or co-opted member of the Council or its Committees and Sub-Committees.
- (2) You must comply with this Code whenever you-
 - (a) conduct the business of the 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 the authority,and references to your official capacity are construed accordingly.
- (3) This Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (4) Where you act as a representative of the authority-
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. General Obligations

- (1) You must treat others with respect.
- (2) You must not
 - (a) do anything which may cause your authority to breach any of the equality enactments ;
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) a witness, or

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

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

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

5. Confidential Information

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.

6. Not bringing the authority into disrepute

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

7. Conferring an advantage or disadvantage

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 the authority-

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

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

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

8. Decision-making

(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by-

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

(b) the authority's monitoring officer;

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

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

Part 2

Members' Interests

9. Disclosable Pecuniary Interests

You have a disclosable pecuniary interest in any business of the authority if it is of a description set out in Appendix 2 and is either-

(a) an interest of yours, or

(b) an interest of-

(i) your spouse or civil partner,

(ii) a person with whom you are living with as husband and wife, or

(iii) a person with whom you are living with as if you were civil partners,

and you are aware that that other person has the interest.

10. Other Personal Interests

(1) You have a personal interest in any business of the authority where 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 the 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) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

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

(2) In sub-paragraph (1)(b), a relevant person is a member of your family or any person with whom you have a close association.

11. Disclosure of Personal Interests

(1) Where you have a **personal interest** under paragraph 10 in any business of the authority and you attend a meeting of the authority at which the business is to be considered, you must disclose to that meeting the existence and nature of that interest before the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business which relates to or is likely to affect a body described in paragraph 10(1)(a)(i) – i.e. a body to which you have been appointed as the authority’s nominee – or 10(1)(a)(ii)(aa) – i.e. a body exercising functions of a public nature of which you are a member or in a position of general control or management - you need only disclose to the meeting the existence and nature of that interest if and when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 10(1)(a)(iii) – i.e. where you have received a gift or hospitality from a person worth at least £25 – you need not disclose the nature and existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 17, sensitive information relating to it is not registered in the 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.

(6) Subject to paragraph 14(c), where you have a personal interest in any business of the 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.

(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.

12. Prejudicial Interests Generally

(1) Subject to sub-paragraph (2), where you have a **personal interest** under paragraph 10 in any business of the 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.

(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 10;

(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 10; or

(c) relates to the functions of the 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) 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.

13. Prejudicial interests arising in relation to overview and scrutiny committees

You also have a prejudicial interest in any business before an overview and scrutiny committee of the 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 the authority's executive or another of the 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.

14. Effect of prejudicial interests on participation

Where you have a prejudicial interest in any business of the authority under paragraph 12 which is to be considered at a meeting (including a meeting of an overview and scrutiny committee) at which you are present--

- (a) you must, unless paragraph 11(5) applies (sensitive information) disclose the existence and nature of the interest in accordance with paragraph 11(1)

and, unless the meeting is a Council meeting, you must move to the public seating area until that business has been concluded;
- (b) you must not, unless you have obtained dispensation from the monitoring officer, participate in any discussion or voting on the matter, except that you may still make representations, answer questions or give evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose;
- (c) you must not exercise executive functions in relation to that business; and
- (d) you must not seek improperly to influence a decision about that business.

15. Effect of Disclosable Pecuniary Interests on Participation

- (1) If present at a meeting and you are aware that you have a **disclosable pecuniary interest** under paragraph 9 in any matter to be considered, or being considered at the meeting, you must not, unless you have obtained dispensation from the monitoring officer-
 - (a) participate, or participate further, in any discussion of the matter at the meeting, or
 - (b) participate in any vote, or further vote, taken on the matter at the meeting,

and, unless the meeting is a Council meeting, you must move to the public seating area until that business has been concluded,

- (c) you must not exercise executive functions in relation to that business; and
 - (d) you must not seek improperly to influence a decision about that business
- (2) If a function of the authority may be discharged by a member acting alone and you have a disclosable pecuniary interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by yourself)

Part 3

Registration of Members' Interests

16. Registration of members' interests

(1) Subject to paragraph 17, you must, within 28 days of -

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

register in the authority's Register of Members' Interests (maintained by the monitoring officer under Section 29(1)) of the Act details of any-

- (i) **disclosable pecuniary interests** as referred to in paragraph 9 that you may have, or your spouse, civil partner or person with whom you live as if they were your spouse or civil partner may have in so far as you are aware of their interests at that time
- (ii) other **personal interests** that you may have where they fall within a category mentioned in paragraph 10(1)(a)

by providing written notification to the authority's monitoring officer.

(2) Subject to paragraph 17, you must, within 28 days of becoming aware of any new disclosable pecuniary interest or other personal interest or change to any existing disclosable pecuniary interest or other personal interest registered under paragraph (1), register details of that new interest or change by providing written notification to the authority's monitoring officer.

17. Sensitive information

(1) Where you and the authority's monitoring officer both consider that the information relating to any of your interests (whether or not a disclosable pecuniary interest) is sensitive information then copies of the register that are made available for inspection, and any published version should not include

details of the interest but may state that you have an interest details of which are withheld under Section 32(2) of the Act and/or this paragraph.

- (2) You must, within 28 days of becoming aware of any change of circumstances which means that details excluded under paragraph (1) are no longer sensitive information, notify the authority's monitoring officer asking that the details be included in the authority's Register of Members' Interests.
- (3) In this Code, "sensitive information" means information which if disclosed or made available for inspection by the public could lead you, or a person connected with you, to being subject to violence or intimidation.

CODE OF CONDUCT

APPENDIX 1

THE NOLAN PRINCIPLES AND SECTION 28(1) OF THE LOCALISM ACT 2011

SELFLESSNESS

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

INTEGRITY

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

OBJECTIVITY

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

ACCOUNTABILITY

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

Members should be as open as possible about their actions and those of the Council and should be prepared to give reasons for those actions.

HONESTY

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

LEADERSHIP

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 2

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	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. 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 which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (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	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	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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

(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.

For this purpose –

“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 to the monitoring officer of their disclosable pecuniary interests, either–

following their election or co-option for the purposes of section 30(1) of the Act, or

following a disclosure of a disclosable pecuniary interest which has not already been registered, or is not in the process of being registered, for the purposes of section 31(7) of the Act;

“relevant person” means M, or

M's spouse or civil partner, or
a person with whom M is living as husband and wife, or as if they were civil partners;

“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.

DOCUMENT 3

ARRANGEMENTS FOR DEALING WITH STANDARDS COMPLAINTS

(Approved by Council on 29 February 2012)

1. That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;
2. That the Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation. He/she be instructed to seek resolution of complaints without formal investigation wherever practicable, and that he/she be given discretion to refer decisions on investigation to the Standards Committee where he/she feels that it would not be appropriate for him/her to take the decision, and to report to Standards Committee on the discharge of this function;
- 3.. Where the investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the member concerned, and to the Independent Person, and reporting the findings to the Standards Committee for information;
4. Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to the Standards Committee. Where such local resolution is not appropriate or not possible, he/she is to report the investigation findings to the Standards Committee (or a Hearings Sub-Committee) for local hearing;

DELEGATED SANCTIONS

- 5.. That Council delegate to the Standards Committee (or a Hearings Sub-Committee) such of its powers as can be delegated to take action in respect of a member who is found following a hearing to have failed to comply with the Code of Conduct, such actions to include –
 - Issuing a reprimand;
 - Reporting its findings to Council [*or to the Parish/Town Council*] for information;
 - Recommending 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;
 - Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;

- Instructing the Monitoring Officer to *[or recommend that the Parish/Town Council]* arrange training for the member;
- Removing *[or recommend to the Parish/Town Council that the member be removed]* from all outside appointments to which he/she has been appointed or nominated by the authority *[or by the Parish/Town Council]*;
- Withdrawing *[or recommend to the Parish/Town Council that it withdraws]* facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
or
- Excluding *[or recommend that the Parish/Town Council exclude]* the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

DOCUMENT 4

DACORUM BOROUGH COUNCIL

MEMBERS' CODE OF CONDUCT - COMPLAINTS PROCEDURE

1. Context

- 1.1 This Complaints Procedure sets out how you can make a complaint that a Member or Co-opted Member of Dacorum Borough Council (or a Member of a Parish or Town Council within its area) has failed to comply with the Members' Code of Conduct, and sets out how the Council will deal with the complaint.
- 1.2 Under 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 Parish or Town Council within the Council's area), or of a Committee or Sub-Committee of the Council, has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations.
- 1.3 Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a member or co-opted member of the Council (or a member or co-opted member of a Parish or Town Council) against whom an allegation has been made.

2. The Members' Code of Conduct

- 2.1 The Council has adopted a Code of Conduct for Members and Co-opted Members, which is available for inspection on the Council's website and on request from the Council's Monitoring Officer (see below)..
- 2.2 Each Parish and Town Council is also required to adopt a Code of Conduct. If you wish to inspect a Parish or Town Council's Code of Conduct, you should inspect any website operated by the Parish or Town Council and request the Parish Clerk to allow you to inspect their Code of Conduct.

3. Making a Complaint

- 3.1 If you wish to make a complaint, please write or email to:

Steven Baker
Monitoring Officer
Dacorum Borough Council
Civic Centre, Marlowes
Hemel Hempstead, HP1 1HH

steve.baker@dacorum.gov.uk

Tel: 01442 228229

- 3.2 The Monitoring Officer is a senior officer of the Council 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.
- 3.3 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 Council's website, next to the Code of Conduct, or is available on request from the Monitoring Officer.
- 3.4 Please 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. The Monitoring Officer will consider your request and if granted, we will not disclose your name and address to the member against whom you make the complaint, without your prior consent.
- 3.5 The Council will not normally investigate anonymous complaints, unless there is a clear public interest in doing so.
- 3.6 The Monitoring Officer will acknowledge receipt of your complaint within five working days of receiving it, and will keep you informed of the progress of your complaint.
- 3.6 The Complaints Procedure Flowchart is annexed at Appendix 1 for your assistance.

4. Will your Complaint be Investigated?

- 4.1 The Monitoring Officer will review every complaint received and, will consult with the Independent Person before taking a decision as to whether it:
 - 4.1.1 Merits no further investigation
 - 4.1.2 Merits further investigation
 - 4.1.3 Should be referred to the Standards Committee

The decision will normally be taken within 20 working days of receipt of your complaint. Your complaint will be considered in accordance with the Assessment Criteria at Appendix 2. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

- 4.2 Where the Monitoring Officer 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. (Where your complaint relates to a Parish or Town Councillor, the Monitoring Officer will also inform the Clerk of the Parish or Town Council of your complaint and seek the views of the

Parish or Town Council before deciding whether the complaint merits formal investigation).

- 4.3 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 Council. Where the member or the Council make a reasonable offer of informal resolution, but you are not willing to accept the offer, the Monitoring Officer will take account of this in deciding whether the complaint merits further investigation.
- 4.4 If your complaint identifies potential criminal conduct or breach of other regulations by any person, the Monitoring Officer has the power to call in the Police or other regulatory agencies.

5. How is the Investigation Conducted?

- 5.1 If the Monitoring Officer decides that a complaint merits further investigation, he/she may appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another authority or an external investigator. The Investigating Officer or Monitoring 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 need to be seen and who needs to be interviewed.
- 5.2 The Investigating Officer or Monitoring Officer will 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.
- 5.4 At the end of his/her investigation, the Investigating Officer or Monitoring Officer will produce a Draft Investigation Report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.
- 5.5 Having received and taken account of any comments which you may make on the draft report, where an Investigating Officer has been appointed, the Investigating Officer will send his/her Final Investigation Report to the Monitoring Officer.

6. What happens if the investigating officer or monitoring officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

- 6.1 If an Investigating Officer has been appointed, the Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that

the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned (and to the Parish or Town Council, where your complaint relates to a Parish or Town Councillor), notifying you that he is satisfied that no further action is required, and give you both a copy of the Final Investigation Report.

- 6.2 If an Investigation Officer has been appointed and if the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

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

- 7.1 If an Investigating Officer has been appointed, the Monitoring Officer will review the Investigating Officer's Final Investigation Report and will then either send the matter for a hearing before the Standards Sub-Committee or, in consultation with the Independent Person, seek an informal resolution.

7.1.1 Informal 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 (and the Parish or Town Council where appropriate) for information, but will take no further action.

7.1.2 Hearing

If the Monitoring Officer considers that informal resolution is not appropriate, or the councillor concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will refer the Final Investigation Report to the Standards Sub-Committee which will conduct a hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Council has agreed a procedure for hearing complaints, which is attached as Appendix 3 to this Complaints Procedure.

At the hearing, the Investigating Officer or the Monitoring 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 or Monitoring 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.

The Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct and 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 Standards Sub-Committee take where a member has failed to comply with the Code of Conduct?

8.1 The Council has delegated to the Sub-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 Sub-Committee may:-

- 8.1.1 Publish its findings in respect of the member's conduct;
- 8.1.2 Report its findings to Council (or to the Parish/Town Council) for information;
- 8.1.3 Recommend to Council (or to the Parish/Town Council) that he/she be issued with a formal censure or be reprimanded;
- 8.1.4 Recommend to the member's Group Leader (or in the case on 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;
- 8.1.5 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 8.1.6 Instruct the Monitoring Officer to (or recommend that the Parish/Town Council) arrange training for the member;
- 8.1.7 Remove (or recommend to the Parish/Town Council that the member be removed) from all outside appointments to which he/she has been appointed or nominated by the Council (or by the Parish/Town Council)
- 8.1.8 Withdraw (or recommend to the Parish/Town Council that it withdraws) facilities provided to the member by the Council,

such as a computer, website and/or email and internet access;
or

8.1.9 Exclude (or recommend that the Parish/Town Council exclude) the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

8.2 The Sub-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?

9.1 At the end of the hearing, the Chair will state the decision of the Standards 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.

9.2 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 (to the Clerk of the Parish/Town Council if applicable), 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 Sub-Committee?

10.1 It is a Sub-Committee comprising of Members sitting on the Council's Standards Committee.

10.2 The Standards Committee has decided that it will comprise a maximum of five Members of the Standards Committee. If the Councillor complained about is a member of a Parish or Town Council, a Parish or Councillor who is a member of the Standards Committee will also be invited to attend the Sub-Committee.

10.3 The Independent Person will attend all meetings of the Sub-Committee and their views are sought and taken into consideration before the Sub-Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11. Who is the Independent Person?

11.1 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 the Council.

11.2 A person cannot be "independent" if he/she:

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

11.2.2 (is or has been within the past 5 years, a member, co-opted member or officer of a Parish or Town council within the Council's area), or

11.2.3 Is a relative or close friend of a person within paragraph 11.2.1 or 11.2.2 above. For this purpose a "relative" means:

11.2.3.1 Spouse or civic partner;

11.2.3.2 Living with the other person as husband and wife or as if they were civic partners;

11.2.3.3 Grandparent of the other person;

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

11.2.3.5 A parent, sibling or child of a person within paragraphs 11.2.3.1 or 11.2.3.2; or

11.2.3.6 A spouse or civic partner of a person within paragraphs 11.2.3.3, 11.2.3.4 or 11.2.3.5; or

11.2.3.7 Living with a person within paragraphs 11.2.3.3, 11.2.3.4 or 11.2.3.5 as husband and wife or as if they were civic partners.

12. Revision of this Complaints Procedure

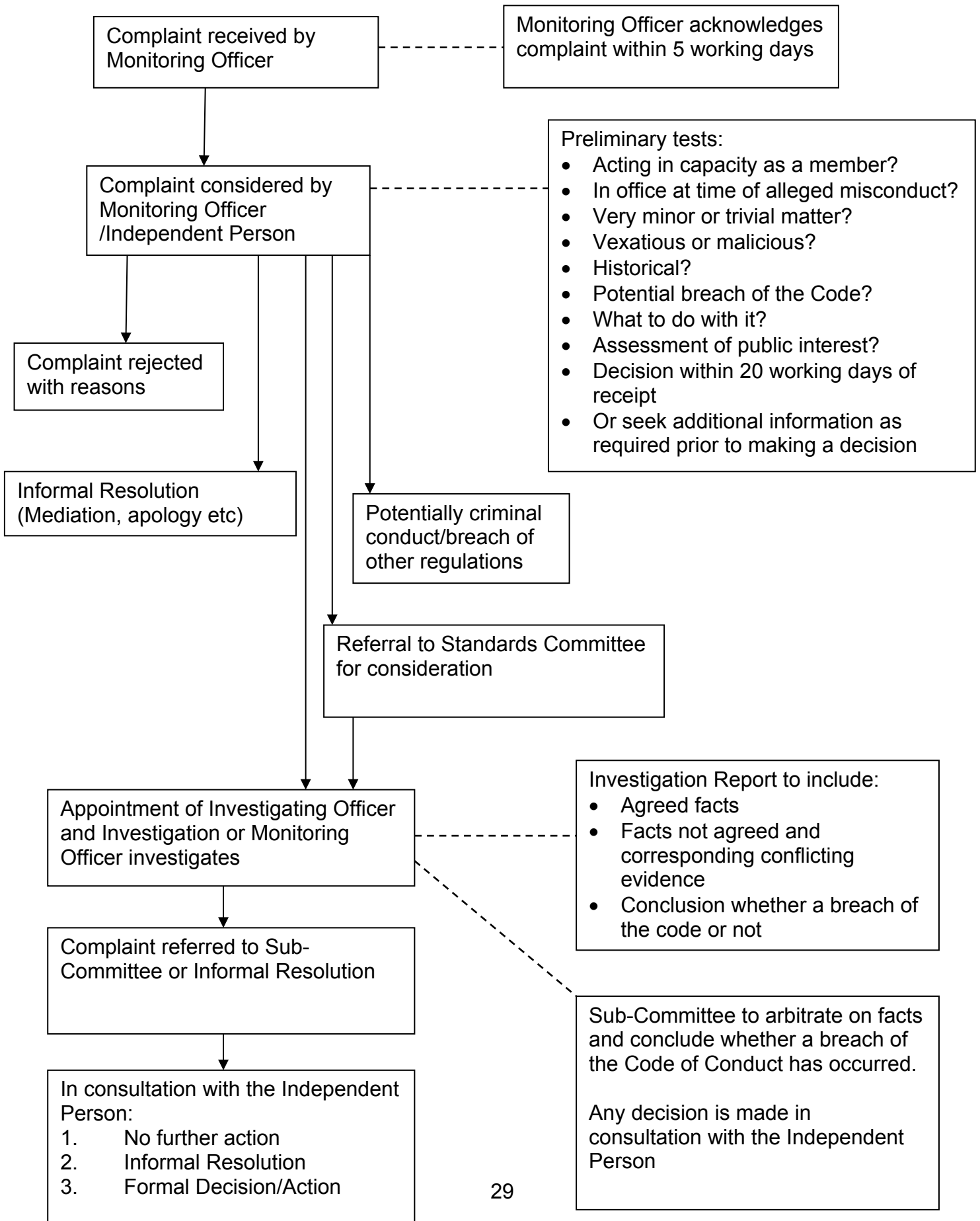
The Standards Committee may agree to amend this Complaints Procedure and has delegated to the Chair of the Sub-Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13. Appeals

13.1 There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Sub-Committee.

13.2 If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

**Appendix 1
Complaints Procedure Flowchart**



APPENDIX 2

STANDARDS COMPLAINTS ASSESSMENT CRITERIA

Complaints which would not normally be referred for investigation

1. The complaint is not considered sufficiently serious to warrant investigation or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat” or,
3. The complaint appears to be politically motivated, or
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor’s private life or is about dissatisfaction with a Council decision; or
5. It is about someone who is no longer a Councillor
6. There is insufficient information available for a referral for investigation; or
7. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances eg, allegation of bullying, harassment etc
8. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
9. The same, or similar complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Standards Committee; or
10. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct
11. Where the member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction

Complaints which may be referred for investigation

1. It is serious enough, if proven, to justify the range of actions available to the Standards Committee; or
2. There are individual acts of minor misconduct which appear to be part of a continuing pattern of behaviour that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation

Complaints which may be referred to the Standards Committee for a decision on whether it should be investigated

1. The complaint is about a high profile Member, such as the Leader of the Council, and it would be difficult for the Monitoring Officer to make a decision as to whether or not it should be investigated.
2. Such other complaints as the Monitoring Officer considers it would not be appropriate for him/her to make a decision as to whether or not it should be investigated.

Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and members' time. This is an important consideration where the complaint is relatively minor. The complaint must be serious enough to justify the public expense and Council resources in investigating it.

APPENDIX 3

STANDARDS SUB COMMITTEE HEARING PROCEDURE

Item No	Procedure
1.	Quorum 1.1 Three Members must be present throughout the hearing to form a quorum. 1.2 Where the complaint refers to a Parish/Town Councillor, a non voting Parish/Town member of the Standards Committee may be present 1.3 The Sub-Committee shall nominate a Chairman for the meeting
2.	Opening 2.1 The Chairman explains the procedure for the hearing and reminds all parties to turn off mobile phones, audible alarms and pagers etc 2.2 The Chairman asks all present to introduce themselves 2.3 The Councillor will be asked whether they wish to briefly outline their position
3.	The Complaint 3.1 The Investigating Officer shall be invited to present their report including any documentary evidence or other material (and to call witnesses as required by the Investigating Officer). This report and documentary evidence must be based on the complaint made to the Council – no new points will be allowed. 3.2 The Councillor against whom the complaint has been made (or their representative) may question the Investigating Officer upon the content of their report and any witnesses called by the Investigating Officer. (This is the Councillor's opportunity to ask questions rising from the Investigator's report and not to make a statement) 3.3 Members of the Sub-Committee may question the Investigating Officer upon the content of their report and/or any witnesses called by the Investigating Officer.

Item No	Procedure
<p>4.</p>	<p>The Councillor's Case</p> <p>4.1 The Councillor against whom the complaint has been made (or their representative) may present their case (and call any witnesses as required by the Councillor or their representative)</p> <p>4.2 The Investigating Officer may question the Councillor and/or any witnesses</p> <p>4.3 Members of the Sub-Committee may question the Member and/or any witnesses</p>
<p>5.</p>	<p>Summing Up</p> <p>5.1 The Investigating Officer may sum up the Complaint</p> <p>5.2 The Member (or their representative) may sum up their case.</p>
<p>6.</p>	<p>Decision</p> <p>6.1 Members of the Sub-Committee will deliberate in private to consider the complaint in consultation with the Independent Person prior to reaching a decision</p> <p>6.2 Upon the Sub-Committee's return the Chairman will announce the Sub-Committee's decision in the following terms:-</p> <p>6.2.1 The Sub-Committee decides that the Member has not failed to follow the Code of Conduct or</p> <p>6.2.2 The Sub-Committee decides that the Member has not failed to follow the Code of Conduct</p> <p>6.2.3 The Sub-Committee will give reasons for their decision</p> <p>6.3 If the Sub-Committee decides that the Member has failed to follow the Code of Conduct it will consider any representations from the Investigator and/or the Member as to:</p> <p>6.3.1 Whether any action should be taken, and</p> <p>6.3.2 What form any action should take</p> <p>6.4 The Sub-Committee will then deliberate in private to consider what action if any should be taken in consultation with the Independent Person</p> <p>6.5 On the Sub-Committee's return the Chairman will announce the Sub-Committee's decision (in relation to a Parish/Town Councillor a recommendation to the Parish/Town Council)</p>

Item No	Procedure
6.6	The Sub-Committee will consider whether it should make any recommendations to the Council or in relation to a Parish/Town Councillor to the Parish/Town Council with a view to promoting high standards of conduct among Members
6.7	The Chairman will confirm that a full written decision shall be issued within 7 working days following the hearing and that the Sub-Committee's findings to be published.

DOCUMENT 5

DACORUM BOROUGH COUNCIL

MEMBERS' CODE OF CONDUCT - COMPLAINT FORM

Your Details

1. Please provide us with your name and contact details:

Title:	
First Name:	
Surname:	
Address:	
Daytime telephone	
Evening telephone	
Mobile telephone	
Email address	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- The member(s) you are complaining about
- The Parish or Town Clerk (if applicable)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details or your complaint being released, please complete section 6 of this form.

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other ()

3. Equality Monitoring Questions
To be inserted

Making your complaint

4. Please provide us with the name of the Member(s) you believe have breached the Code of Conduct and the name of their Council:

Title	First Name	Surname	Council or authority name

5. Please explain in this section (or on separate sheets) what the Member has done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer or the Sub-Committee when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates, it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

ONLY COMPLETE THIS NEXT SECTION IF YOU ARE REQUESTING THAT YOUR IDENTIFY IS KEPT CONFIDENTIAL

6. In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that disclosure at this stage would harm the prospects of your complaint being investigated properly.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances, where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

If your complaint is dealt with by the Standards Committee at a hearing after an investigation, you may be asked to attend as a witness.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Additional Help

7. Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

5. DATE OF NEXT MEETING

To inform Members of the dates for the next Standards Committee:

Thursday 19 December 2012.

6. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during that item there would be disclosure to them of exempt information relating to:

DACORUM BOROUGH COUNCIL

STANDARDS COMMITTEE

7 JUNE 2012

Present -

MEMBERS:

Borough Councillor, Lloyd; Julie Steer (Bovingdon Parish Council) and Independent Members Eileen Heylin and Shelley Savage (Chairman)

OFFICERS:

Steven Baker Assistant Director (Legal, Democratic & Regulatory) and Monitoring Officer and Pauline Bowles (Member Support Officer).

The meeting began at 7.30 pm.

1. MINUTES

The minutes of the meeting held on 19 January 2012 were confirmed by the Members present and were then signed by the Chairman.

2. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf Borough Councillors Flint, Rance and Wood; Town and Parish Councillors John Allan, (Tring Town Council) and Daniel Burfot (Nettleden with Potten End Parish Council); Independent Member, Joanna Brown.

3. THE LOCALISM ACT 2011 - CHANGES TO THE STANDARDS REGIME

The Monitoring Officer summarised his report giving an update on the changes to the Standards Regime in Local Government brought about by the Localism Act 2011.

The Monitoring Officer highlighted the following points.

- The report explains the provisions agreed by Cabinet and Full Council who followed the recommendation of the Standards Committee to put in place a Code that replicates the current Code as far as possible.
- The adopted Code refers to the new category of 'Disposable Pecuniary Interests' but these will not be defined until the regulations are received.
- The Code will not come into force until the Government issue the Commencement Order. The target date is 1 July 2012. In the meantime the existing Code will apply.
- At the Annual Council Meeting it was agreed to appoint a new Standards Committee which will come into effect once the new Code comes into force.
- Cabinet felt that the Standards Committee recommendation to appoint a Standards Committee comprising of 9 elected members was too large and it was agreed to appoint 9 members made up of 5 elected members from the

Borough Council and to disapply political proportionality to allow representation from all three political parties and to also have two places reserved for Independent members and two places for Town/Parish Councils. The Independent members and the Town /Parish representatives can take part in discussions at meetings of the Standards Committee, but they will not be able to vote. However, conduct hearings will be conducted by a panel or sub-committee with the full Standards Committee retaining the final decision making power. This means that, because the sub-committee will only be making recommendations to the full Standards Committee, the independent members and the Town /Parish representatives on the sub-committee will be able to vote.

- The Independent Person will not be a member of the Standards Committee but the advice given, is to invite them to meetings where they are permitted to join in any discussions as an independent voice.
- The requirement is that the Independent Person must be consulted by the Standards Committee when an investigation has been carried out by the Standards Committee and found that there has been a breach of the Code. There is however discretion for the Independent Person to be consulted at any stage of the process. The person being complained about can also consult the Independent Person if they wish to. The role of the Independent Person will be seen as more of an arbitrator.
- Assessments will be carried out by the Monitoring Officer in consultation with the Independent Person.
- The new system will allow for more discretion and scope to apply a practical solution.
- The Standards Committee approved a process for dealing with complaints which was approved by full Council in January.
- The recruitment for the Independent Person will need to go ahead. Mr Baker reported that he had drafted an advertisement and person specification. He suggested that once the position had been advertised, he would meet with the chairman of the current Standards Committee to look at the candidates and draw up a short-list for interview. A sub-committee of the current Standards Committee would convene to carry out the interviews and make recommendations to Full Council for the appointment.
- The three existing Town/Parish Council representatives are permitted to put themselves forward for co-option to the two places (one town and one parish) on the new Standards Committee. Councillors Julie Steer and John Allan had indicated a willingness to continue serving on the Standards Committee. It was agreed that the Standards Committee would recommend Council that Councillors Steer and Allan should be re-appointed for one year only in order to preserve continuity during the transition phase.
- It was suggested by the Monitoring Officer that the first appointments of the Independent Members and Town/Parish Council representatives could be for one year and then reviewed with the expectation of four year appointments.
- Town/Parish Councils have been sent a copy of the Code, adapted for use by the Town/Parish Councils. It seems likely that the majority of them will opt for the Borough Council Code.
- Herts County Council has adopted the Code as adapted by the National Association of Local Councils.

Resolved:

1. That the Monitoring Officer will start the recruitment process to find an Independent Person.

2. That the Monitoring Officer will contact the existing Independent Members to see if they wish to be co-opted to the new Standards Committee for an initial period of one year.
3. That the re-appointment of Councillors Julie Steer and John Allan to the Standards Committee as the representatives of the Parish and Town Councils be recommended to Council.
4. That following the introduction of the new regime (1July) the next meeting of the Standards Committee on 20 September will take place with the new Committee as appointed at Annual Council on 16 May 2012.

4. DATE OF NEXT STANDARDS COMMITTEE MEETING

Thursday 20 September 2012

The meeting ended at 8.05 pm.