



Public Document Pack Standards Agenda

Thursday 11 June 2015 at 7.30 pm

DBC Gade Room - Civic Centre

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.

Membership

Councillor Taylor (Chair)
Councillor Maddern

Councillor Matthews
Councillor Wyatt-Lowe

Substitute Members:
Councillors

Co-Opted Representatives of the Parish and Town Councils:

Independent Co-opted Representative

The Assistant Director (Chief Executive's Unit) and Monitoring Officer
Member Support Officer

For further information, please contact

AGENDA

1. **ELECT A CHAIR**
2. **MINUTES** (Pages 1 - 6)
To confirm the minutes from the previous meeting
3. **APOLOGIES FOR ABSENCE**
To receive any apologies for absence
4. **INTRODUCTION TO THE STANDARDS COMMITTEE** (Pages 7 - 66)

5. DATE OF THE NEXT STANDARDS COMMITTEE MEETING

Monday 17 September 2015

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

05 March 2015

Present -

MEMBERS:

Borough Councillors: Cllr Mrs Green (Chairman) and C Wyatt-Lowe (Substitute Member).

TOWN AND PARISH COUNCIL CO-OPTED REPRESENTATIVES:

Councillor McCarthy (Aldbury Parish Council)
Councillor Collins (Berkhamsted Town Council)

INDEPENDENT CO-OPTED REPRESENTATIVES

None

ALSO IN ATTENDANCE

Rachel Keil (Independent Person)

OFFICERS:

Steven Baker, Assistant Director (Chief Executive's Unit)
Kayley Johnston Members Support Officer

The meeting began at 7.30 pm.

1. MINUTES

The minutes of the meeting held on 4 December 2014 were confirmed by the Members present and were then signed by the Chairman.

2. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Mrs Rance and Councillor Ayling, Councillor C Wyatt-Lowe attended as a substitute on behalf of Councillor Rance

Councillors Flint, Wood and Independent Co-opted Representative Amy Wilcox did not attend.

3. RECRUITMENT OF INDEPENDENT MEMBERS ON THE STANDARDS COMMITTEE

Cllr McCarthy asked if the committee were happy that there was a need to recruit before they went over the report.

Steve replied if the committee felt they don't want to recruit and if they wanted to alter the composition they can make recommendations, but as it stands we are duty bound to follow the process in recruiting two more independent people unless the committee can justify to Cabinet why they are not required.

Cllr McCarthy was worried about the cost for the interview process and the training expenses.

Cllr C Wyatt-Lowe said that that the vacancies have arisen and the terms have expired, this leaves little time to act on due to the Election and possibly new Councillors being elected on 7th May. They have very little time to act before the Election as it has to go through the committee process and would take 2/3 weeks and would fall in the middle, it would be more appropriate for it to be dealt with after the election of Members. She wanted clarification that independent members are appointed for 4 years.

This was confirmed as correct by Steve Baker if they are appointed at the start of term then it's usually for 4 years.

Cllr Green understands Cllr McCarthy's point of view but it would be wrong to say they don't need independent people. She followed on by saying its good practice and that it's still worth looking at the recruitment process and if there are going to be any changes it won't be now it will be after the Election. The next Standards Committee is 11th June 2015 the committee need to decide whether to review the process now or do we leave it for the next Council year. Cllr Green asked for Steve's recommendations bearing in mind the legal position.

Steve replied to Cllr Green saying that it's up to Members to say if they feel independent members are appropriate. If the committee think independent members are a good idea then Steve can get the ball rolling and things put in place. He accepts what Cllr Wyatt-Lowe is saying, that it won't be done before the Election but if nothing happens until June, and then they won't get approval from the committee till after then, whereas if it's agreed now he can get the ball rolling straight after the Election. If the option was left open for the new committee to decide then he won't do anything because there is no point advertising for something that may not be needed.

Cllr Collins asked the question that between now and June the Standards Committee will still be in existence but it won't have two independent members is that what you're saying?

Steve agreed that the committee can still function without these two independent members.

Cllr Collins said that we need to be seen as justice being done and we need to get everyone involved and independent members sounds wonderful as they have a voice and puts the Committee in shape.

Cllr Wyatt-Lowe said she thinks it's very important to have independent members because she doesn't believe you can have a Standards Committee without looking at it truly independent, and for them to have that input even though the two that they have haven't been turning up and that hasn't been helpful. The public for the

Standards Committee look at possible infringements of the Standards that are set. It is very important that we are perceived by the public to be doing this. McCarthy said that due to this new procedure the process never ends up coming to the committee anyway.

Steve said that if it did go to a hearing then the Independent Members would be part of that decision and decide whether that Member is guilty of a breach. They wouldn't be part of the panel but would have an influence.

Cllr Green agreed with the committee to move forward with the agenda.

Steve Baker presented the above report to the committee and asked for any comments or amendments.

Cllr McCarthy said it looks perfectly acceptable to him.

Steve said the criteria is similar to the criteria which was applied to the Independent Person.

Cllr Green moved on to the application form, where it says 'supporting information', do we want to have a question in there saying something 'in your past history that you think the Council should be aware of?'

Rachel Keil said you would struggle to get someone to declare it until someone found out.

Steve said maybe something could be flushed up at interview.

Cllr Collins referred to question 4, how do people know the answer to that, and what is a Partner?

Cllr Wyatt-Lowe thinks that this is an important question. Example if you were appointed to one of the Acute Hospital Trusts they do need to know things like that and they do need to know whether your spouse or partner has any interests that may cause you to be conflicted.

Cllr Collins said when do you draw the line?

Cllr Wyatt-Lowe replied, when you question them and it becomes apparent.

Rachel Keil made reference to the application form and the format needs tidying up. Steve agreed.

Cllr Green asked if a line on the 'Information for Candidates' booklet could be changed page 2, 'play an active role in their local community'. Could it say to demonstrate an active interest?

Steve agreed to change this.

Steve said that he would normally advertise this in the Dacorum Digest but as you are aware we have just missed one, the next Digest will be in the Summer so will go out to advertisement then. Steve will also ask Tenants and Leasehold Consultation Committee if it can be advertised there.

Cllr McCarthy said that if there isn't much for the Standards Committee to do, then they have to look for things to do as this is why the other Independent Members left.

Steve said they do have a way of promoting standards and the ability of the Committee to get involved in training other Members and an independent input that could be helpful. There also is a role in keeping the code under review. Three years on it may be time to review that code and make sure its fit for purpose, there is also a protocol on the back of the code.

Cllr Collins disagreed as they shouldn't have to look for things for them to do as when the Standards Committee are expected to do something they need to be available to spring into action if something does arise and they should be delighted when they don't have much to do.

Cllr Green said we must keep Standards up to date and looking how we would operate if something was to arise.

Cllr Collins agreed.

Steve said that he had spoken with Neil Harden saying that the terms had expired and did anticipate there may be a question as to whether they do need to recruit new Independent Members given the lack of business for the committee. Neil made a comment that that after the Election they will have a new intake of Members and have done well so far, pretty well behaved as a culture and they have followed the code, well trained and after the election issues may arise.

Steve said members will have an induction for standards so they will know what is expected but it's a more powerful message when the Standards Committee are more proactive promoting the committee.

Cllr Collins said we need to be liberal on what we accept into the committee.

Cllr Green said that the committee are happy for this report to be brought forward and there are no other recommendations.

Steve said that in recommendation 2, to adopt what the Appeals Committee do and draw down five Members.

Steve also spotted an error which says three Members; he will change that to four Members.

Cllr Wyatt-Lowe made a point that three Members are standing down and what if any of the others didn't get re-elected. Steve replied, he will then need to get them in and re-train them as soon as possible.

Action: None

Outcome: Report was noted.

Cllr Ayling was not present for the meeting but would like to have an input. He said he would have agreed them if he had been at the meeting and that they appear to reflect previous like documents and cover the essential criteria.

4. DATE OF NEXT STANDARDS COMMITTEE MEETINGS

The committee agreed that the next meeting will take place on Thursday 11 June 2015

5. EXCLUSION OF THE PUBLIC

None

The meeting ended at 20:05 pm.

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AGENDA ITEM: 4

SUMMARY

Report for:	Standards Committee
Date of meeting:	11th June 2015
PART:	I
If Part II, reason:	

Title of report:	INTRODUCTION TO THE STANDARDS COMMITTEE
Contact:	Steve Baker, Assistant Director (Chief Executive's Unit) Directline: 01442 228229, internal extension: 2229 steve.baker@dacorum.gov.uk
Purpose of report:	To advise Members of the role of the Standards Committee and the Independent Person in promoting and maintaining high standards of conduct by Members of the Council.
Recommendation	<ol style="list-style-type: none"> 1. That the Committee note the report on the role of the Standards Committee and the Independent Person. 2. That the Committee appoint a sub-committee consisting of the Chairman and four other members of the Committee to shortlist and interview candidates for independent members and to make recommendations to Council. 3. That the Committee instruct the Monitoring Officer to arrange for appropriate training for the Members of the Committee at the next scheduled meeting on 17 September 2015.
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 (Chief Executive's Unit) in his capacity as Monitoring Officer.
Consultees:	None
Background papers:	Appendix 1: The Code of Conduct For Members Appendix 2: Measures For Standards of Conduct Appendix 3: Complaints Procedure Appendix 4: Complaint Form Appendix 5: Register of Members' Interests Appendix 6: Independent Members – Information For Candidates Appendix 7: Independent Members – Application Form

BACKGROUND REPORT

The Code of Conduct

1. Prior to the Localism Act 2011, all members of local authorities were subject to a national model code of conduct. Local authorities were required to adopt the model code of conduct and all members, upon taking up office, had to sign an undertaking that they would observe the code. Each local authority had to appoint a Standards Committee which had statutory powers to impose sanctions on members who were in breach of the code, including the power to suspend a member for up to six months. Serious breaches of the code could be referred to the Standards Board for England and penalties of up to five years disqualification could be imposed.
2. The Localism Act 2011 (the Act) abolished the Standards Board for England and the model code of conduct. It also removed the

requirement to appoint a standards committee. Under the Act the Council is still under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members. This duty also applies to the Parish and Town Councils.

3. The Act replaced the former model code of conduct with a requirement for each local authority to adopt its own local code governing elected and co-opted members' conduct when acting in an official capacity. The term "official capacity" is defined as meaning when a member is conducting the business of the Council, or when a member is acting, claiming to act or giving the impression that they are acting as a representative of the Council.
4. The Act leaves open for each local authority to decide for itself what provisions its local code should contain, but with two exceptions.
5. The first exception is that the Code must, when viewed as a whole, be consistent with the seven principles of public life. These principles first appeared in a report of the Committee For Standards in Public Life published in 1995 and are also referred to as the 'Nolan Principles' after the then chairman of the Committee, Lord Nolan. The seven principles are -
 - Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Leadership
6. The second exception is that the Code must contain provisions which the Council considers appropriate for the registration and disclosure of: -
 - (a) disclosable pecuniary interests, and
 - (b) interests other than pecuniary interests.

'Disclosable pecuniary interests' (DPIs) are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. There are seven different types of DPIs described in the Regulations and they are set out in full in the Code. In particular, it should be noted that under the Regulations a member only has to register or disclose a DPI which they may have, or which their spouse or civil partner, or a person with whom they live as husband and wife, or as if they were civic partners may have. The Regulations do not therefore require a member to register or disclose DPIs which other members of their family, or close friends or associates may have. A copy of the Code

which was adopted by the Council on 11th July 2012 is included with this report at Appendix 1.

7. Interests other than pecuniary interests are not defined in the Act or Regulations and it is therefore for the Council to decide what these should be. The Council decided that it would replicate the personal interests which were contained in the national model code of conduct which existed before its abolition by the Localism Act 2011. Other personal interests, unlike DPs, also extend to a member's wider family and close friends and associates.

The Standards Committee

8. Although the Act requires the Council to have a Code, as can be seen from above, apart from the rules on the registration and disclosure of DPs, it is largely left to the Council to choose for itself what the Code says. This means that the Code can be changed by agreement of full Council apart from the provisions relating to DPs. However, any amendments to the Code must still be consistent with the Nolan Principles referred to above. One of the functions of the Standards Committee is to keep the operation of the Code under review and to make recommendations to Council if it decides that changes are appropriate.
9. As already explained, prior to the Localism Act 2011, the Council was legally required to appoint a Standards Committee. As well as Borough Council members the Committee also had to include Parish and Town Councillors and at least three 'independent' members, one of whom had to be the chairman. The Standards Committee dealt with all but the most serious complaints about members and it had the power to impose sanctions, including the power to suspend a member for up to six months.
10. The Act removed the requirement to appoint a Standards Committee and it is therefore a matter of choice for the Council as to whether it appoints a Standards Committee. However, as can be seen below, the Act requires the Council to have a process in place to deal with complaints made about members. The Council decided to appoint a Standards Committee to promote and maintain high standards of conduct and to have oversight of the way the Council deals with complaints about its members.
11. The Act removed the power for a Council to suspend a member for a serious breach of the Code of Conduct and therefore the Standards Committee can no longer exercise that power. The Committee can recommend a range of other sanctions against a member who has been found to be in breach of the Code. The full terms of reference for the Standards Committee, including the range of sanctions which can be recommended to Council, are set out in Appendix 2.

12. The Council has decided that the rules of political proportionality should not apply to the Standards Committee and that it will consist of five Borough Councillors, two co-opted Parish and Town Council members and two co-opted independent members. The Parish and Town Council members and the independent members can take part in any discussions but cannot vote. The Chairman is elected by the members of the Committee.
13. The two seats for the independent members are currently vacant. At the last Standards Committee meeting on 5 March 2015 the Monitoring Officer was instructed to advertise the two vacancies and that a Sub-Committee comprising the Chairman and four other members of the Committee be set up to short-list and interview candidates and make a recommendation on appointments to the Council. The Committee also agreed the content of the Information for Candidates and the application form. Both documents are included as Appendices 6 and 7 respectively.
14. The advertisement will appear in the Summer Dacorum Digest and the closing date for applications is 29 June. Interviews will take place between 30 June and 9 July and suitable candidates can be recommended for appointment at the Council meeting on 15 July. The Committee is recommended to appoint the Sub-Committee.

Appointment of Independent Person

15. Under the Localism Act 2011 the Council must have in place “arrangements” under which allegations that a member (including a Parish or Town Council member) has breached the Code of Conduct can be investigated and decisions on those allegations can be made. The Act also states that such arrangements for dealing with complaints must include provision for the appointment of at least one Independent Person.
16. The Independent Person is appointed through a process of public advertisement, application and appointment by the Council. The Independent Person must be independent of the Council to the extent that they must not have been an officer or an elected or co-opted member of the Council or any Parish or Town Council in the Borough within the last five years. The Independent Person cannot also be a relative or close friend of a current member or officer of the Council or any Parish or Town Council in the Borough.
17. The Independent Person is not a member of the Standards Committee but is invited to attend all meetings of the Committee. The Council’s Independent Person is Rachel Keil who was appointed on 21 November 2012 and reappointed for a second term on 19 November 2014.

The Complaints Process

18. The Independent Person plays an active role in the Council's arrangements for dealing with complaints about members. The Independent Person must be consulted by the Monitoring Officer whenever a complaint about a member is received. Under the Council's Complaints Procedure for dealing with complaints about members, the Monitoring Officer, in consultation with the Independent Person, carries out an initial assessment of the complaint and decides whether it should be investigated. When reaching a decision as to whether or not a complaint justifies further investigation the Monitoring Officer must take into account the assessment criteria contained in the Complaints Procedure. The complaints process was approved by Council and a copy of the Complaints Procedure and the Complaint Form are included as Appendices 3 and 4. There is a similar Complaints Form where the complaint is made about a Parish or Town councillor.
19. The process also allows the Monitoring Officer to seek to resolve a complaint informally without the need for a formal investigation. The Monitoring Officer is required to report regularly to the Standards Committee on the number and nature of complaints received and the decisions taken on them. If the decision is to refer a complaint for investigation the Monitoring Officer will arrange for an investigator to be appointed. The investigator will normally be a solicitor from within the Council's Legal Team.
20. If the investigation report concludes that there is no evidence of a breach of the Code of Conduct, the Monitoring Officer must consult with the Independent Person and, if satisfied with the report, can decide that no further action be taken.
21. If the investigation report concludes that there is evidence of a breach of the Code the Monitoring Officer will refer the complaint to the Standards Committee for a hearing. It may still be possible for the Monitoring Officer to seek an informal resolution at this stage but only after consultation with the Independent Person.
22. If after having held a hearing into a complaint the Standards Committee find that a member has failed to comply with the Code, it can consider what sanction, if any, should be recommended. Before coming to its decision the Committee must first consult with the Independent Person.
23. Although the Council or the Standards Committee has no power to suspend a member who has breached the Code, under the Localism Act 2011 it is an offence to fail to register or disclose a disclosable pecuniary interest. The offence carries a fine of up to £5000 and the court can also disqualify a member for up to five years.

Completion of Register of Members' Interests

24. There is a duty under the Act to compile and maintain a register of interests for all members of the Borough Council and the Parish and Town Councils. The register must be available for public inspection and published on the Council's website. A copy of the form for registering members' interests is included as Appendix 5. A similar form is used for Parish and Town councillors.
25. The register is available in paper form for public inspection and is kept in the office of the Member Support Team. The completed forms have been uploaded on to the Council's website and appear in each Member's individual profile. The registers for the Parish and Town Councils have also been uploaded on to the Council's website.

Training for Members of the Standards Committee

26. It is important that the Independent Person and the members of the Standards Committee receive training on the Code of Conduct and, in particular, the complaints handling process. It is therefore recommended that the Monitoring Officer is instructed to arrange appropriate training for the Independent Person and the members of the Standards Committee in consultation with the Chairman of the Committee.

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DACORUM BOROUGH COUNCIL

CODE OF CONDUCT FOR MEMBERS

(Adopted by Council 11th 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 vocation	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.

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APPENDIX 2

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 recommendations 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;
- (l) report, with recommendations, to the Council and/or to the Cabinet at such times and in such manner as the Committee thinks fit.

9.5.1 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) When the Sub-Committee is meeting to deal with a complaint against a Town or Parish Councillor at least one of the 5 members of the Sub-Committee shall be a co-opted Town or Parish Councillor or substitute co-opted Town or Parish Councillor.
- (c) The Independent Person will attend meetings of the Sub-Committee when dealing with hearings into allegations of misconduct.

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

- (a) To conduct a hearing into an allegation that a Member or Co-opted Member has breached their Council's Code of Conduct.
- (b) Following a hearing the Sub-Committee may make one of the following findings:
 - (1) 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
 - (2) 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
 - (3) That the Member has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed.

9.6 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 –

- (a) Publishing its findings in respect of the Member's conduct;
- (b) Reporting its findings to Council *[or to the Parish/Town Council]* for information but recommending that no sanction be applied;
- (c) Recommending to Council *[or to the Parish/Town Council]* that the Member be issued with a formal censure or be reprimanded;
- (d) Recommending to the Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (e) Recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (f) Recommending to Council *[or to the Parish/Town Council]* that the Monitoring Officer be instructed to arrange training for the Member;
- (g) Recommending to Council *[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]*;
- (h) Recommending to Council *[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;
- (i) Recommending to Council *[or recommend to the Parish/Town Council]* that the Member be excluded from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings; or
- (j) Recommend to Council *[or recommend to the Parish/Town Council]* that it prevents the member from having access to a particular officer or officers.
- (k) The Sub-Committee may recommend any action or combination of actions available as above, or impose any informal resolution or combination of informal resolutions as are available to it.

9.7 Dispensations

- (a) 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.
- (b) 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]

9.8 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 or hospitality over the value of £25.00.

APPENDIX 3

DACORUM BOROUGH COUNCIL

CODE OF CONDUCT FOR MEMBERS- COMPLAINTS PROCEDURE

1. Introduction

- 1.1 This Complaints Procedure sets out how you can make a complaint that a Member or Co-opted Member of Dacorum Borough Council has failed to comply with the Borough Council's Code of Conduct For Members, and explains how the complaint will be dealt with. It also sets out how you can make a complaint that a Member or Co-opted Member of a Town or Parish Council within the Borough has failed to comply with their own Council's Code of Conduct For Members.
- 1.2 Under Section 28(6) and (7) of the Localism Act 2011, the Borough Council must have in place "arrangements" under which allegations that a member or co-opted member of the Borough Council, or of a Parish or Town Council within the Council's area, 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 Borough 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 the member or co-opted member against whom an allegation has been made.

2. The Members' Code of Conduct

- 2.1 The Borough Council has adopted a Code of Conduct for 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 has also adopted their own 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 or request the Parish or Town 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 IHH

steve.baker@dacorum.gov.uk

Tel: 01442 228229

- 3.2 The Monitoring Officer is a senior officer of the Borough 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 relevant 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. Please note that there are two separate complaint forms depending on whether the complaint is about a member of the Borough Council or a member of a Town or Parish Council.
- 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. Unless there are exceptional circumstances, the Monitoring Officer will also immediately inform the member concerned that a complaint has been made about them and provide them with a copy of the complaint or a summary.
- 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.
- 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 harm 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.

5.3 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.

5.4 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, after consulting the Independent Person, he/she 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/she is satisfied that no further action is required, and give you both a copy of the Final Investigation Report. Alternatively, the Monitoring Officer may refer the Investigating Officer's report to the Standards Committee if he/she considers it appropriate to do so.

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 Council. 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 representations 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 but recommending that no sanction be applied;
 - 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 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;
 - 8.1.5 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 Recommend to Council (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 Recommend to Council (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 Recommend to Council (or recommend to the Parish/Town Council) that it excludes 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.
 - 8.1.10 Recommend to Council (or recommend to the Parish/Town Council) that it prevents the member from having access to a particular officer or officers.
- 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 of five Members of the Standards Committee. If the Councillor complained about is a member of a Parish or Town Council, one of the five members of the Sub-Committee will be a Parish or Town Councillor member of the Standards 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 Borough), 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 civil partner;

- 11.2.3.2 Living with the other person as husband and wife or as if they were civil 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 civil 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 civil partners.

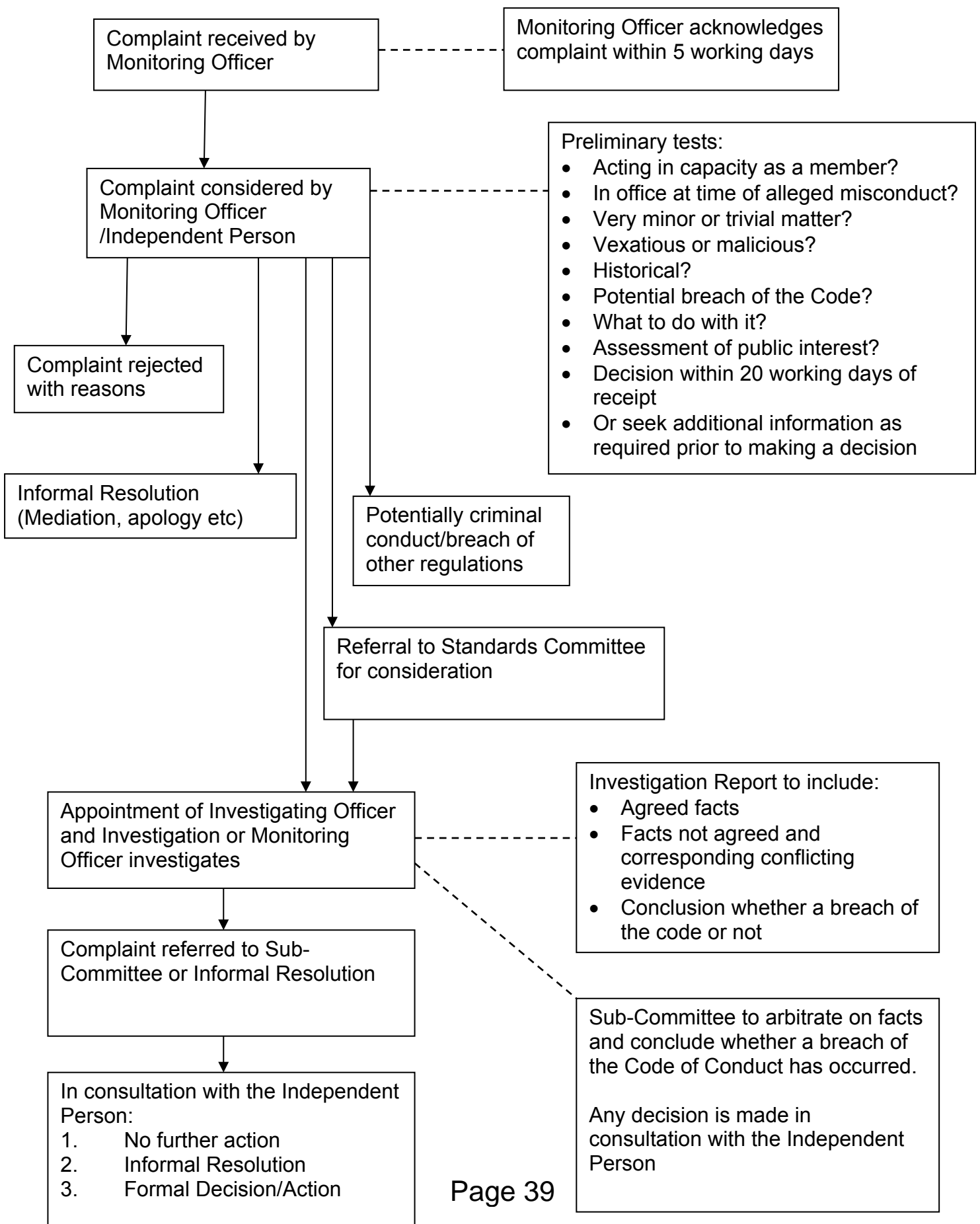
12. Revision of this Complaints Procedure

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 must 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 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
	<p data-bbox="363 309 1401 452">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</p> <p data-bbox="363 492 1401 591">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.</p>



APPENDIX 4

COMPLAINT ABOUT A MEMBER OR CO-OPTED MEMBER OF DACORUM BOROUGH COUNCIL

Important Note

This complaint form should only be used if you wish to make a complaint that a Member or Co-opted Member of Dacorum Borough Council has breached the Council's Code of Conduct for Members. If you wish to make a complaint that a Member or Co-opted Member of a Parish or Town Council has breached their Council's Code of Conduct for Members there is a separate form for that purpose.

1. Your Details

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 Member(s) you are complaining about. 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, particularly if the complaint proceeds to an investigation. If you

have serious concerns about your name and a summary or details of your complaint being released to the Member you are complaining about, please complete section 4 of this form.

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 (*please state*)

2. Equalities Monitoring

Gender	Male	<input type="checkbox"/>	Female	<input type="checkbox"/>	
Ethnicity	White British	<input type="checkbox"/>	White Irish	<input type="checkbox"/>	White Other (<i>please state</i>) <input type="text"/>
Asian British/Asian:	Indian	<input type="checkbox"/>	Pakistani	<input type="checkbox"/>	Bangladeshi <input type="checkbox"/>
Black British/Black:	Caribbean	<input type="checkbox"/>	African	<input type="checkbox"/>	
Mixed Race:	White/Asian	<input type="checkbox"/>	White/Black African	<input type="checkbox"/>	White/Black Caribbean <input type="checkbox"/>
	Other (<i>please state</i>)	<input type="text"/>			
	Chinese	<input type="checkbox"/>			
	Other Ethnic Group: (<i>please state</i>)	<input type="text"/>			

3. Making your complaint

Please provide us with the name of the Member(s) you believe have breached Dacorum Borough Council's Code of Conduct:

Title	First Name	Surname

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.

A copy of the Council's Code of Conduct can be downloaded from the Council's website or you can request the Council's Monitoring Officer to send you a copy. The Monitoring Officer's contact details can be found at the end of this form.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer or the Standards Committee when they decide 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 evidence or 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.

4. Confidentiality

ONLY COMPLETE SECTION 4 IF YOU ARE REQUESTING THAT YOUR IDENTITY IS KEPT CONFIDENTIAL

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:

--

5. Additional Help

You must submit your complaint in writing using this form and sign the declaration at section 6. 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.

6. Declaration

Please consider the complaint I have described above and the evidence or background information attached.

*I understand and accept that my name and a summary of my complaint will be disclosed to the Member(s) I am complaining about.

Signature:

Date:

*If you have serious concerns about your name being disclosed to the Member(s) you are complaining about please complete section 4 of this form.

7. Who to send this form to

When completed this form must be returned to:

Steven Baker
Monitoring Officer
Dacorum Borough Council
Civic Centre
Hemel Hempstead, Herts
HP1 2DQ

or emailed to:

steve.baker@dacorum.gov.uk

or faxed to:

01442 228746

If you require any further assistance in completing this form you can contact the above named by letter or email or by telephoning 01442 228229.

APPENDIX 5

DACORUM BOROUGH COUNCIL

REGISTER OF MEMBERS' INTERESTS

NOTICE OF INTERESTS

I, *(full name)*

a Member of Dacorum Borough Council

GIVE NOTICE that I have the following interests under the headings set out below which I am required to register under the Localism Act 2011 and under the Council's Code of Conduct

(please put "None" where you do not have an interest under a particular heading):

Disclosable Pecuniary Interests

Important note:

Under the Localism Act 2011 you must register not only your own interests under this heading, but also those of your husband or wife, civil partner, or of any person with whom you are living as husband and wife or as civil partners, if you are aware that they have such interests

1. Your employment, office, trade, profession or vocation carried on by you or a person referred to above for profit or gain.
2. Any payment or provision of any other financial benefit (other than from Dacorum Borough Council) made or provided within the last 12 months in respect of expenses you have incurred in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
3. Any contract for goods, services or works which is made between you, or a person referred to above (or a body in which you or they have a

beneficial interest) and Dacorum Borough Council which has not been fully discharged.

(please give sufficient details to identify the contract)

4. Any land in the Borough of Dacorum in which you or a person referred to above has a beneficial interest including your residential address.

(please provide a description sufficient to identify the location)

5. Any land in the Borough of Dacorum for which you or a person referred to above has a licence (alone or jointly with others) to occupy for a month or longer.

(please provide a description sufficient to identify the location)

6. Any tenancy where to your knowledge the landlord is Dacorum Borough Council and the tenant is a body in which you or a person referred to above has a beneficial interest.

7. The name of any body in which you or a person referred to above has a beneficial interest in securities and you are aware has a place of business or land in the Borough of Dacorum; and either-

(a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(b) if the share capital of that body is of more than one class, the total nominal value of the shares of any class in which you or a person referred to above has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Other Personal Interests

You only have to register your own interests under this heading and do not need to include the interests of your husband or wife, or civil partner, or of any person with whom you are living as if husband or wife, or as civil partners.

1. The name of the person who employs or has appointed you, the name of any firm in which you are a partner, and the name of any company for which you are a remunerated director.

2. Your membership of or the fact that you are in a position of general control or management of any body :-
 - (a) to which you have been appointed or nominated by Dacorum Borough Council;

 - (b) exercising functions of a public nature;

 - (c) directed to charitable purposes

 - (d) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

3. The name of any person from whom you have received a gift or hospitality with an estimated value of at least £25.

Signed _____
Member

Date _____

Signed _____
Steven Baker, Assistant Director (Chief Executive's Unit)

Date _____

You must return this form to Dacorum Borough Council's Assistant Director (Chief Executive's Unit). If you need any assistance in completing the form you can contact Steven Baker, tel: 01442 228229 email: steve.baker@dacorum.gov.uk

You must, within 28 days of becoming aware of any change to the disclosable pecuniary interests or other personal interests specified above, provide written notification to the Assistant Director (Chief Executive's Unit).

WARNING: It may be a criminal offence under section 34 of the Localism Act 2011 if, in relation to disclosable pecuniary interests, you -

- (a) omit information that ought to be given in this notice;
- (b) provide information that is materially false or misleading;
- (c) fail to notify the monitoring officer of changes to your registered disclosable interests after your re-election or reappointment, or when otherwise required under the Act; or
- (d) fail to declare at a meeting a disclosable pecuniary interest that has arisen after the date of this notice and which has not been registered or is not in the process of being registered.

APPENDIX 6

DACORUM BOROUGH COUNCIL

**INDEPENDENT MEMBERS OF THE STANDARDS
COMMITTEE**

INFORMATION FOR CANDIDATES

June 2015

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APPOINTMENT OF INDEPENDENT MEMBERS

Dacorum Borough Council is looking to appoint two members of the public to serve as the independent members on the Council's Standards Committee to support the Council's arrangements for dealing with standards matters within the Borough Council and within the 16 Parish and Town Councils in the Borough.

The appointment of the independent members is a decision of full Council and the term of appointment is for a period of four years. Training will be provided on the work of the Standards Committee and the role of the independent members.

The Localism Act 2011 places a duty on all local authorities to promote and maintain high standards of conduct for elected councillors. This includes the requirement to have a Code of Conduct with which councillors must comply.

The Act also requires that authorities should have in place its own arrangements for dealing with complaints on breaches of the Code of Conduct by councillors, including councillors of the town and parish councils. The arrangements that Dacorum Borough Council have put in place include the appointment of a Standards Committee which must include two persons who are local residents but who are not elected councillors. The other members of the Standards Committee are five elected councillors from Dacorum Borough Council and two councillors from the Parish and Town Councils.

The Act also requires authorities to appoint someone as its Independent Person. The role of the Independent Person is different to that of the independent members of the Standards Committee. The Independent Person is not a member of the Standards Committee, but they must be consulted by the Committee when it is dealing with a specific complaint that a councillor has breached the Council's Code of Conduct.

The role of the Standards Committee is to conduct hearings into complaints of misconduct made against councillors which have been referred for investigation. The Standards Committee also has a general role of promoting and maintaining high standards of conduct among all councillors.

Essential Qualities

The essential qualities for the position are that candidates should:

- Be over 18 years of age
- Have a commitment to public service
- Have personal integrity and have a commitment to upholding high standards
- Be independent and impartial
- Be able to critically assess written and oral evidence to reach balanced and objective decisions
- Possess tact, diplomacy and good communication skills

- Demonstrate excellent listening, problem solving and evaluation skills
- Be reliable and committed

Desirable Qualities

It would be desirable if candidates:

- Have a knowledge of how local government operates and an awareness of the role of councillors
- Demonstrate an active interest in their local community

Eligibility Criteria

Candidates must live in the Borough of Dacorum.

It is important that candidates are independent of the Borough Council and the Parish and Town Councils in the area. Candidates, therefore, should not:

- Be or have been within the last five years, an elected or co-opted member or an officer of the Borough Council or of any of the Town and Parish Councils within the Borough.
- Be a relative or close friend of a current elected councillor or co-opted member or officer of the Borough Council or any Town and Parish Council within the Borough.
- Be or have been in the past, actively involved in party politics. This would include holding a position of office, such as membership of the management committee of a political party, or of a committee which selects candidates to contest local government or national or european elections, or acting as a candidate's agent. It would also include activities which are intended to garner public support for a political party, such as canvassing and delivering party political leaflets.

The Council reserves the right to remove an independent member from the Standards Committee if their independence is in anyway compromised, and/or they bring the reputation of the Council into disrepute.

Expenses

Independent members will receive travel expenses.

Time Commitment

The expected time commitment will depend on the number of complaints received . However, the time commitment is not expected to be significant as, historically, the number of complaints received in Dacorum has been low. The Standards Committee meets four times a year. Meetings are held in the evenings and start at 7.30 pm.

Application

You should complete **no more than** the attached application form which will be acknowledged upon receipt. (You are not required to submit a CV).

Applications should be received by no later than Monday 29 June 2015 and be sent by post to:

Steve Baker
Assistant Director (Chief Executive's Unit)
Civic Centre
Hemel Hempstead, HP1 1HH

Or sent by email to steve.baker@dacorum.gov.uk

Selection

Short listing for interview will be based upon an assessment of how candidates meet the essential and desirable qualities referred to above on the basis of the information given in the application form.

It is suggested, therefore, that you include information on how you consider you meet the essential and desirable qualities.

Selection will be through interview conducted by an interview panel and the decision to appoint following recommendation by the interview panel will be made by a full Council meeting.

Role Description

To give his/her views at meetings of the Standards Committee to assist the Committee in carrying out its functions, which include –

- Promoting and maintaining high standards of conduct by councillors.
- Advising the Council on the adoption or revision of the councillor's Code of Conduct.
- Receiving investigation reports into allegations of misconduct made against councillors.
- Assessing the operation and effectiveness of the councillor's Code of Conduct.
- Advising, training or arranging to train councillors on matters relating to the Code of Conduct.

- Hearing and determining complaints of misconduct about councillors.
- Maintaining oversight of the Council's arrangements for dealing with complaints.
- Informing Council of relevant issues arising from the determination of Code of Conduct complaints.
- Report, with recommendations, to the Council and to the Cabinet on issues relating to councillors' standards within the Council.

Further enquiries

If you would like to know more about what is involved being an independent member of the Standards Committee you can contact Steve Baker by email steve.baker@dacorum.gov.uk or by telephone 01442 228229.

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APPENDIX 7

DACORUM BOROUGH COUNCIL

INDEPENDENT MEMBER OF THE STANDARDS COMMITTEE APPLICATION FORM

1. Personal Details

Surname	Forename(s)	Preferred Title eg Mrs/Miss/Ms/Mr	Aged over 18?
			YES/NO
Address		Telephone Number Home: Work: Email:	
Character Reference It would assist the Council in considering your application if your good character could be vouched for by someone who knows you. The Council will contact your referee immediately and any offer of appointment will be conditional upon a satisfactory reference being supplied.			
Name :			
Address :			
Occupation :			
Telephone No :			

2. Occupation/Last Employment

3. Political Affiliations

The Council needs to be satisfied that, politically speaking, independent members of the Standards Committee are just that. You should disclose any membership of, affiliation to, or connection with, any political party established in the United Kingdom within the last five years. Positions of office, such as membership of the management committee of a political party or of a committee which selects candidates to contest local government or national election, or acting as an electoral agent, must be declared. If you do become an independent member and at any time in the future develop political affiliations or decide to stand for local or national election, you would be expected to declare this at the time and

resign as an independent member.

4. Business, Social and Community Affiliations

Your interests or those of your spouse or partner may affect or influence your judgement. This is not necessarily a bar to the role. Indeed active membership in organisations that play a part in the business, social and cultural life of our community may be considered an advantage. However, public confidence in the role of independent members will require open disclosure of the interests and affiliations that you or your spouse/partner have.

Therefore, please give details of all Organisations/Associations/Clubs/Societies and Community Groups, whether private or public or whether charitable or formed for the benefit of the membership, of which you are a member. Please state how long you have been a member and whether you hold a position of responsibility, eg director, management committee member or trustee etc. Continue on a separate sheet if necessary.

Financial Assistance from the Council

To your knowledge, in the last three years, has any Association/Club/Society/Community Group of which you are a member, ever made an application for or received a grant or other financial assistance from the Council?

Yes / Not to my knowledge (delete as appropriate).

5. Criminal Convictions/Cautions

Have you ever been convicted of or received a formal caution in respect of a Criminal Offence?

Yes / No (delete as appropriate)

If the answer is "Yes" unless the conviction or caution relates to a minor traffic offence or is "spent" by virtue of the Rehabilitation of Offenders Act 1978, you must declare it below.

Nature of Offence	Date of Conviction / Formal Caution	Convicting Court/Police Station at which caution was administered	Penalty imposed (including imprisonment or community sentence and/or fine

6. Relationship to a Councillor or Officer of Dacorum Borough Council or of any of the Parish or Town Councils in the Borough

Are you related to or a close personal friend of any Councillor or Officer of Dacorum Borough Council or of any of the 16 Parish and Town Councils in the Borough or the spouse/partner of any such Councillor or Officer?

Yes / No (delete as appropriate)

If 'Yes' please give details below

7. Supporting Information

Please provide any other information which you consider makes you suitable to become an independent member of the Standards Committee. You must be able to demonstrate that you have the essential qualities referred to in the Information For Candidates.

It would be desirable (but not essential) if you also had a knowledge of how the Council works and could demonstrate an active interest in your local community.

We are looking for candidates who have a commitment to maintaining high standards in public life.

Continue on a separate sheet if necessary.

8. Inconvenient Dates

It is likely that you will be interviewed by a small panel of members of the Council's Standards Committee whose job it is to make recommendations to the Council on who should be appointed. Interviews are expected to take place between 30 June and 9 July. Please note that interviews are likely to take place in the early evening.

I will not be available for interview on the following dates:-

9. Canvassing

I understand that canvassing of Councillors of Dacorum Borough Council directly or indirectly will disqualify my application.

10. Declaration

To the best of my knowledge and belief, the information provided above is correct.

Signed: **Dated:**

Data Protection

Dacorum Borough Council complies with the Data Protection Act 1998. The information given in this form will only be used for the purposes for which it was compiled. We will not copy or disclose it to any person outside the Council without your consent unless required by law to do so. If you are unsuccessful in your application, this information and all copies of it will be destroyed. Therefore, if a vacancy arises and you re-apply, you will be required to fill in a fresh application form.

