

6. Changes to the Standards Regime

Purpose of report

1. To propose various changes to the standards regime which are necessary in light of the introduction of the Localism Act 2011 and regulations made thereunder.
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Recommendations

The Standards Committee recommends to the Authority that:

- i) the draft Code of Conduct as attached at Appendix 1 be adopted;***
- ii) the proposed pool of independent persons including independent persons from Herefordshire and Worcestershire be utilised in relation to any breaches of the Code of Conduct;***
- iii) a new Standards Committee be established to replace the existing Standards Committee;***
- iv) the terms of reference for the Standards Committee as set out at Appendix 2 be adopted;***
- v) the framework for addressing Code of Conduct complaints and any necessary investigations attached at Appendix 3 be adopted; and***
- vi) the sanctions for any breaches by a Member of the Code of Conduct as set out at Appendix 4 be agreed.***

The Clerk recommends that:

- vii) the Authority appoints the Chairman and Vice-Chairman of the Standards Committee and agrees the members allowance of £1354.68 per annum for the office of Chairman ;***
- viii) the current independent members of the Standards Committee who have expressed a desire to become independent persons (i.e. Mr Richard Gething, Mr Murray Mylechreest and Mr David Stevens MBE) are appointed as independent persons pending the formation of the Worcestershire Independent Persons Poll.***
- ix) training for Members on the new Code be mandatory;***

- x) The Head of Legal Services be asked to source two independent members for recommendation to the new Standards Committee for their appointment.***

Introduction and Background

2. Members will already be aware of the main substance of this report from their constituent authorities. The Localism Act 2011 has significantly changed the way that standards and ethics are to be dealt with by local authorities. Regulations published in June brought these changes into effect from 1 July 2012.
3. The main changes are as follows:
 - The Authority has a legal duty to promote and maintain high standards of conduct by their members and must have a Code of Conduct. There is no longer a national mandatory model and the local authorities now have discretion to adopt their own local Code. However, the Code must be consistent with the Nolan principles i.e. selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
 - The Authority is no longer required to have a Standards Committee but can establish one as an ordinary Committee of the Authority. There is no longer a requirement to have independent members on a Standards Committee, but they can be co-opted as non-voting members. Co-opted members cannot be the Chairman or Vice-Chairman of a Standards Committee.
 - The Authority is required to decide if and how to investigate any alleged breaches of the Code.
 - The Authority is required to appoint at least one Independent Person who must be consulted by the authority in respect of any complaint regarding a potential breach of the Code. The Independent Person may also be consulted by a member or co-opted member of the Authority against whom a complaint has been made. Under transitional provisions independent members of the Standards Committee can be appointed as Independent Persons provided their appointment is made before 1 July 2013. After that period persons who have in the last 5 years been independent Standards Committee members are disqualified from being Independent Persons.
 - The Monitoring Officer must establish and maintain a register of interests for Members and co-opted Members. Registers must be made publicly available and published on the Authority's website.
 - Members must register their disclosable pecuniary interests (DPIs) and any DPIs that may be held by their spouse or civil partner. These must be declared at meetings and a Member must withdraw from a meeting for the agenda item if the subject matter relates to a DPI. It will be a criminal

offence if a Member fails to register or be involved in agenda items in which they have a DPI.

- The Authority is required to draw up sanctions for any breach of the Code of Conduct (though these will be limited compared to those previously available).
4. The Clerk was authorised by the Authority to approach Monitoring Officers in Herefordshire and Worcestershire with the aim of identifying a common Code of Conduct that could be adopted by them all. The proposed Code for the Authority is attached at Appendix 1.
 5. It is proposed that training for Members on the new Code, once adopted, is mandatory. However, it is accepted that FRA Members will attend sessions provided by their constituent authorities and therefore will not need additional training with regards to this Authority.

Interests

6. As mentioned above, new arrangements under the Localism Act 2011 include requirements about the registration and disclosure of pecuniary interests. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 specify DPIs as covering the members' employment, office, trade, profession or vocation, any sponsorship of the member, including contributions towards election expenses, any contracts between the member and the authority, any land the member has an interest in which lies within the area of the authority, any licences the member holds to occupy land in the area, any corporate tenancies and certain securities the member may hold.
7. This requirement is extended to those of their spouse or civil partner (or someone living with the member in a similar capacity), if known. The Monitoring Officer must ensure that all Members' Registers are available for public inspection and published on the Authority's website.
8. Failure to comply with the arrangements on DPIs without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to five years.

Appointment of Independent Persons

9. Monitoring Officers in Worcestershire have discussed the benefit of establishing a pool of Independent Persons to support all Districts and the County in this regard and is to advertise for that pool in the very near future. The Clerk has included the FRA in the pool and it has been agreed that the pool will be extended to include a limited number of Herefordshire citizens to enable a balance to be struck. A place has been reserved on the appointment process for the new Head of Legal Services should he so wish.

10. Under transitional provisions, previous independent standards committee members can be appointed as Independent Persons provided an appointment was made prior to the 1st July 2013. It was agreed at the previous Authority meeting on 20 June that three Independent Persons would be appointed either from the current independent members of the Standards Committee or from the Worcestershire Independent Persons Panel.
11. Currently, Mr Richard Gething (previous Standards Committee Chairman), Mr Murray Mylechreest (previous Standards Committee Vice-Chairman) and Mr David Stevens MBE have agreed to stand as Independent Persons on a temporary basis until permanent arrangements are made and it is recommended that they are appointed as such..

New Standards Committee

12. The Standards Committee has recommended that the Authority follow Worcestershire Councils model and create a committee of the FRA with proportional representation that would include 2 independent members with non-voting rights. The Authority is asked to appoint a Chairman and Vice-Chairman from amongst its Elected Members. As a Chairman of a standing committee, the Standards Committee Chairman would be entitled to a Special Responsibility Allowance in line with the Members' Allowances Scheme, which would equate to £1354.68 per annum.
13. At its meeting on 23 May 2012, the Standards Committee agreed to recommend to the Authority the attached terms of reference for a new Standards Committee, as set out at Appendix 2. In addition, the Committee has proposed that the Authority approve the framework for addressing Code of Conduct complaints and any necessary investigations, as set out in Appendix 3. The proposed framework incorporates a simplified process for filtering complaints, investigations and hearings.

Sanctions

14. The Localism Act does not give the Fire and Rescue Authority or its Standards Committee any powers to impose sanctions on Members such as suspension or requirements for training or any apology. Therefore when a failure to comply with the Code of Conduct is found, the range of actions which the Authority can take in respect of the Member is limited and must be directed to securing the continuing ability of the authority to continue to discharge its functions effectively rather than 'punishing' the Member concerned.
15. The Committee has considered a range of sanctions and recommend those set out at Appendix 4 for approval by the Authority.

Conclusion/Summary

16. Considerable work has taken place to ensure that all Councils in Herefordshire and Worcestershire work in harmony with each other by adopting the same Code of Conduct. Whilst Standards for England and the old ethical framework

have been abolished it is still a statutory duty for Hereford & Worcester Fire and Rescue Authority to maintain high standards for its Members. It is considered that the proposed new arrangements as outlined in this report will achieve this and the Authority is recommended to approve the new regime.

Financial Considerations

Consideration	Yes/No	Reference in Report i.e paragraph no.
There are financial issues that require consideration.	Yes	Paragraph 10 – additional SRA for Standards Committee Chairman

Legal Considerations

Consideration	Yes/No	Reference in Report i.e paragraph no.
There are legal issues e.g. contractual and procurement, reputational issues that require consideration	Yes	Paragraphs 3 and 7

Additional Considerations

17. The table below sets out any additional issues arising from the proposals contained in this report and identifies the relevant paragraphs in the report where such issues are addressed.

Consideration	Yes/No	Reference in Report i.e paragraph no.
Resources (e.g. Assets, ICT, Human Resources, Training & Development, Sustainability).	Yes	Training will need to be undertaken by Members on the new Code of Conduct.
Strategic Policy Links (e.g. IRMP, Authority Plan, Equality & Diversity, Partnerships, Environmental Impact).	No	
Risk Management / Health & Safety (e.g. risk management and control measures, risk register score).	No	
Consultation with Representative Bodies	Yes	Constituent authorities and local District Councils.

Supporting Information

Appendix 1 – Proposed new Code of Conduct

Appendix 2 –New Terms of Reference for Standards Panel

Appendix 3 – Process for Managing Standards Complaints under the Localism Act 2011

Appendix 4 – Sanctions for Breaches of the Code of Conduct

Background papers

- Localism Act 2011
- Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Agenda, reports and minutes from Standards Committee – 8 February 2012
- Agenda, reports and minutes Standards Committee – 23 May 2012
- Agenda, reports and minutes of the Fire and Rescue Authority – 20 June 2012

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Hereford and Worcester Fire and Rescue Authority

CODE OF CONDUCT

- 1.1 This code applies to you as a Member or co-opted Member of Hereford and Worcester Fire and Rescue Authority.
- 1.2 You should read this Code together with the Ten Principles of Public Life (also known as the Nolan Principles) which are set out in Appendix A below.
- 1.3 It is your responsibility to comply with the provisions of this Code.
- 1.4 In this Code-

“meeting” means any meeting of:

- (a) the Authority;
- (b) any of the Authority’s sub-committees; and
- (c) its committees.

‘Monitoring Officer’ means Monitoring Officer for Hereford and Worcester Fire and Rescue Authority

Scope

- 2.1 This Code applies to you as a member of this Authority when you act in your role as Member or as a representative of the Authority in circumstances described in paragraph 2(b) below.
- 2.2 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 the authority’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General Obligations

- 3.1 You must treat others with respect.
- 3.2 You must not:
 - (a) do anything which may cause your authority to breach any of the equality enactments;
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who 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 the Authority's Code of Conduct.
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.
- 4. You must not:
 - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority;
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
- 5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.
- 6. You:
 - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of, or under the control 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.
- 7. You must:
 - (a) when reaching decisions on any matter have regard to any relevant advice provided to you by the Authority's officers and in particular by the Authority's Monitoring Officer and Section 151 Officer; and

- (b) give reasons for all decisions in accordance with any statutory requirement and any reasonable additional requirements imposed by the Authority.
8. You must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

Part 2

Interests

Disclosable Pecuniary Interests (“DPI”)

9. (1) You will have a Disclosable Pecuniary Interest (“DPI”) under this Code if:-
- (a) such interest meets the definition prescribed by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as amended from time to time and set out in Appendix 2 to this Code; and
- (b) It is either an interest of yourself; or it is an interest of:-
- (i) Your spouse or civil partner; or
 - (ii) A person with whom you are living as husband and wife; or
 - (iii) A person with whom you are living as if you were civil partners;
- and you are aware that the other person has the interest.

Registration of DPI's

10. (1) You must within 28 days of becoming a Member of the Authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given.
- (2) You must within 28 days of becoming aware of any new DPI, or changes to existing DPIs notify the Monitoring Officer in writing.

Other Disclosable Interests

11. (1) You will have a Disclosable interest in any matter if you are aware that you or a member of your family or person or organisation with whom you are associated have a:-
- (a) pecuniary interest in the matter under discussion which is not de minimus; or
- (b) a close connection with the matter under discussion.
- (2) If you are a member of another local authority, or public body, or you have been appointed as the Council's representative on an outside body, you do not have a Disclosable Interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice your judgement of what is in the public interest.

Disclosure of Interests

12 (1) DPIs: formal meetings

If you are present at a meeting of the Council and you have a DPI then you must:

- (i) disclose the nature and existence of the interest; and
- (ii) leave the meeting (including the meeting room and public gallery) and take no part in the discussion; and
- (iii) if the interest has not already been recorded, notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.

(2) DPIs: Informal meetings

If you have a DPI you must not participate in informal meetings or briefings and site visits and must disclose the DPI in any correspondence with the Council.

(3) Single Member Decisions

If when participating in single member decision making you have a DPI affecting the matter being decided then you may take no steps other than asking for the matter to be decided under alternative arrangements.

(4) Other Disclosable Interests

If you are present at a meeting of the Council and you have an Other Disclosable Interest then you must:

- (a) disclose the nature and existence of the interest; and
- (b) if the interest:
 - (i) affects your pecuniary interests or relates to the determination of a planning or regulatory matter; and
 - (ii) is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgement of what is in the public interest

then you must leave the meeting (including the meeting room and public gallery) and take no part in the discussion.

The only exception to paragraph 12(1) is that you may take part in the discussion and vote regarding a matter in which you have a disclosable pecuniary interest provided that you have been granted a dispensation by your authority in accordance with section 33 of the Localism Act 2011.

(5) Dispensations

You may take part in the discussion of and vote on a matter in which you have been granted a dispensation.

Sensitive Information

13(1) An interest will be a sensitive interest if the two following conditions apply:

- (a) that you have an interest (whether or not a DPI); and
- (b) the nature of the interest is such that you and the Monitoring Officer consider the disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.

(2) Where it is decided that an interest is a “sensitive interest” it will be excluded from published versions of the register. The Monitoring Officer may state on the register that the member has an interest the details of which are excluded under this section.

(3) Where the sensitive interest is a DPI the usual rules relating to disclosure will apply save that the member will only be required to disclose that they hold a DPI in the matter concerned.

Appendix A

The Ten principles of Public Life

Appendix B

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

APPENDIX A

The Ten General Principles of Public Life

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

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

Objectivity – 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 their Authority and should be prepared to give reasons for those actions.

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

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

Duty to Uphold the Law - Members should uphold the law and on all occasions act in accordance with the trust that the public is entitled to place in them.

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

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

2012 No. 1464

LOCAL GOVERNMENT, ENGLAND

**The Relevant Authorities (Disclosable Pecuniary Interests)
Regulations 2012**

<i>Made</i>	- - - -	<i>6th June 2012</i>
<i>Laid before Parliament</i>		<i>8th June 2012</i>
<i>Coming into force</i>	- -	<i>1st July 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 30(3) and 235(2) of the Localism Act 2011⁽¹⁾, makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and shall come into force on 1st July 2012.

(2) In these regulations—

“the Act” means the Localism Act 2011;

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

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

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

“M” means a member of a relevant authority;

“member” includes a co-opted member;

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

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

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

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000⁽²⁾ and other securities of any description, other than money deposited with a building society.

(1) 2011 c.20.

(2) 2000 c. 8.

Specified pecuniary interests

2. The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Act are the interests specified in the second column of the Schedule to these Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

Grant Shapps
Minister of State

6th June 2012

Department for Communities and Local Government

SCHEDULE

Regulation 2

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 ⁽³⁾ .
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

⁽³⁾ 1992 c. 52.

(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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 30 of the Localism Act 2011 provides that a member or co-opted member of a relevant authority as defined in section 27(6) of the Localism Act 2011, on taking office and in the circumstances set out in section 31, must notify the authority's monitoring officer of any disclosable pecuniary interest which that person has at the time of notification. These Regulations specify what is a pecuniary interest. Section 30(3) of the Act sets out the circumstances in which such an interest is a disclosable interest.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

**Terms of Reference
Standards Committee**

Role

1. The role of the Standards Committee is:
 - (a) Promoting and maintaining high standards of conduct and ethical governance by members and co-opted Members of the Authority.
 - (b) Assisting Members and where appropriate, co-opted Members to observe the Member Code of Conduct.
 - (c) Advising the Authority on the re-adoption or revision of the Member Code of Conduct.
 - (d) Advising the Authority on the adoption or revision of the Code for Member-Officer relations.
 - (e) Monitoring the operation of the Member Code of Conduct.
 - (f) Advising, training or arranging to train the members and co-opted members of the Authority on matters relating to the Member Code of Conduct.
 - (g) Granting dispensations to Members, from requirements relating to interests set out in the Member Code of Conduct.
 - (h) To receive reports and comment on complaints procedures and/or reports from the Local Government Ombudsman or external auditors, which are relevant to the Standards Panel's responsibilities.
 - (i) To consider the compliance of the Constitution with the ethical framework.
 - (j) To co-opt independent members on to the Committee.

The Standards Committee will establish a Hearings Sub-Committee to consider investigation reports and to conduct hearings on its behalf.

Hearings Sub-Committee

The Hearings Sub-Committee will hold a hearing in relation to a matter referred to it by the Monitoring Officer and will make one of the following findings:

- a. That the Member who was the subject of the hearing had not failed to comply with the Code of Conduct of the Authority.
- b. That the Member who was the subject of the hearing had failed to comply with the Code of Conduct of the Authority but that no action needs to be taken in respect of the matters which were considered at the hearing; or
- c. That the Member who was the subject of the hearing had failed to comply with the Code of Conduct of the Authority and that the suggested sanction should be imposed.

Constitution

1. The Standards Committee shall comprise 7 Members, which will include to independent co-opted non-voting members.
2. In accordance with the requirements of the Local Government and Housing Act 1989, political balance will apply.
3. Group Leaders, the Chairman and Vice-Chairman of the Authority are not eligible to serve on the Standards Committee.
4. The quorum of the Committee will be 3 Members.
5. The Hearings Sub-Committee will comprise 3 Members and at least one independent member

Substitution

Each Authority representative on the Committee shall have a named substitute appointed by the Authority.

Rules and Procedures

The Chair and Vice-Chair will be elected by the Authority

The Committee will meet at least once a year.

The Committee will submit an annual report to the Authority each June.

The Committee Chair will report proceedings of the Panel to the Authority.

The minutes and reports of the Committee will be available for public inspection, except those documents classified as exempt.

The Committee will be advised by the Monitoring Officer and other officers and advisors as necessary.

When assessing complaints alleging breaches of the Code of Conduct the Panel shall have regard to the Process for Managing Standards Complaints under the Localism Act 2011.

Hearings Sub Committee meetings will normally be held in public with the right of attendance for all Members, public and press, except during consideration of exempt business.

An agenda, together with reports will be made available at least 5 clear working days before each formal meeting.

Process for Managing Standards Complaints under the Localism Act 2011

Key:

C	Complainant
IO	Investigating Officer
IP	Independent Person
MO	Monitoring Officer
SM	Subject Member

Note: The Monitoring Officer reserves the right, at any stage in the process, to seek to consult with 'relevant parties' on any aspect of a complaint, or on any proposed course of action in relation to a complaint. For this purpose relevant parties may include amongst others:

- The Leaders of the Political Groups
- A representative of the Police or other relevant regulatory body

Stages in the Process

1. Written complaint received by the MO.
2. The MO will send a written acknowledgement of the complaint to the C and the SM, which will explain the process involved and confirm any relevant timeframes.
3. The MO will review the complaint, in consultation with the IP, to determine whether it can be dealt with (in the first instance at least) via local resolution, or whether a formal investigation is required.

(Note: If any criminal conduct or breach of other regulation is identified the MO may refer the matter to the Police or other regulatory agency. The MO will, at the same time, continue to undertake any separate course of action on behalf of the Authority in relation to the complaint, as deemed appropriate and where necessary in consultation with the IP, with a view to maintaining high standards of Member conduct).

4. Once having reviewed the complaint the MO will notify the C and SM in writing of how he/she intends to proceed with the complaint and the reasons for the decision.

Local Resolution

5. If the MO attempts to deal with the complaint under local resolution he/she will liaise with the relevant parties to seek to agree a way forward.
6. If the SM accepts that his/her conduct was unacceptable and offers an apology, and/or if other remedial action is offered/undertaken by either the SM or the Authority, the MO will notify the C of any reasonable terms offered by either the SM and/or the Authority.
7. If the C accepts the terms offered the MO will write to all parties detailing the outcome and the matter will be closed.
8. If the C does not accept the terms offered the MO will determine, in consultation with the IP, whether the complaint merits a formal investigation.
9. The MO will write to the relevant parties detailing his/her decision and the reasons for the decision and the matter will either be closed or a formal investigation will take place.

Formal Investigation

10. If (at stages 3 or 8) the MO determines that a formal investigation is necessary the MO will appoint an IO.
11. The IO will conduct the investigation and in doing so will liaise with any relevant parties, as appropriate.
12. The IO will produce a draft report detailing his/her findings and will send a copy of the report to the C and SM for comment.
13. Following comments from the C and/or the SM the IO will finalise his/her report and will send a copy of the final report to the MO.
14. The MO will review the IO's report and, depending on the IO's findings and the reasons for those findings, will determine the next course of action.

Available Options following Formal Investigation

15. If the IO finds that there is no evidence of any failure by the SM to comply with the Code of Conduct and the MO is satisfied with the IO's findings, the MO will, following consultation with the IP, write to the C and SM enclosing a copy of the final report and confirming that he/she is satisfied that no further action is required. The matter will then be closed.
16. If the IO finds that there is evidence of failure by the SM to comply with the Code of Conduct and the MO is satisfied with the IO's findings, the MO will determine, in consultation with the IP and depending on the seriousness of the failure in question, whether to send the matter for a local hearing or to seek to resolve the matter via local resolution.
17. If the MO attempts to conclude the matter via local resolution he/she will liaise with the relevant parties to seek to agree a fair resolution, with a view to ensuring higher standards of conduct by the SM in the future.
18. If a fair resolution is agreed and the SM complies with the suggested resolution. No further action will be taken and the matter will then be closed.
19. If (at stage 17) the C tells the MO that any suggested resolution is not adequate, or if the SM is not prepared to undertake any proposed remedial action, the MO will refer the matter for a local hearing.

Local Hearing

20. The hearing will take place in accordance with the published procedure and a formal written decision of the Hearing Panel will follow as soon as reasonably practicable after the hearing.

Additional Notes

21. The Authority can, by resolution, amend these arrangements and can delegate to the Chairman of the Hearings Panel the right to depart from these arrangements where the Chairman considers it is expedient to do so in order to secure effective and fair consideration of a matter.
22. There is no right of appeal for either the C or SM against a decision of either the Monitoring Officer or of the Hearings Panel.

SANCTIONS FOR BREACHES OF THE CODE OF CONDUCT

It is recommended that the following sanctions be considered for adoption:

- Reporting findings to the Authority for information;
- Censure by the Authority
- Agreement by the Member to apologise or a recommendation to the Member's Group Leader that he/she facilitates an apology from the member;
- Recommending to the Member's Group Leader (or in the case of ungrouped Members to the Authority or Committees) that the Member be removed from any or all of the Council's Committees or Sub-Committees.
- Instructing the Monitoring Officer to arrange training for the Member;
- Withdrawing facilities provided to the Member by the Authority such as computer, website and/or email facilities and internet access;
- Excluding the Member from the Authority's offices or other premises with the exception of meeting rooms as necessary for attending FRA meetings, Committee and Sub-Committee meetings.

There may be criminal sanctions if a Member:

- Fails to register a Pecuniary Interest within 28 days of taking office;
- Fails to declare a Pecuniary Interest at meetings;
- Fails to register Pecuniary Interests within 28 days of disclosure;
- Participates in any discussion or votes on a matter in which the Member has a Pecuniary Interest.