

Sandwell Metropolitan Borough Council

19 July 2016

Annual Report of the Standards Committee 2015/16

1. Summary Statement

- 1.1 The Council has established a Standards Committee to promote and maintain high standards of conduct and ethical governance by members and co-opted members of the Council.
- 1.2 The Committee is required to submit an annual report to Council detailing the work undertaken throughout the year.

2. Recommendation

- 2.1 That the Standards Committee Annual Report for 2015/16 be received.

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Assistant Chief Executive

Contact Officer

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3. Strategic Resource Implications

- 3.1 There are no strategic resource implications arising from this report.

4. Legal and Statutory Implications

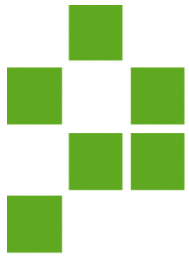
- 4.1 The Localism Act 2011 removed the requirement for a national code of conduct and statutory standards committees. The Act places a general obligation on the Council to promote and maintain high standards of member conduct.

5. Implications for Council's Scorecard Priorities

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

6. Background Details

- 6.1 The Standards Committee Annual Report 2015/16 is attached.



Sandwell
Metropolitan Borough Council

Annual Report of the Standards Committee [2015-16]

Foreword – Chair of the Standards Committee

I am pleased to present the Annual Report of the Standards Committee.

This year the Committee has ensured the consolidation of the work which was commenced last year following the review of the Member Code of Conduct. The Committee also responded to the CIPFA/SOLACE Consultation on Delivering Good Governance in Local Government. The purpose of this consultation was to see how the Framework and guidance had been working in practice and to see where further clarification or guidance was required. The aim of CIPFA/SOLACE was to publish an updated Framework and guidance in late 2015.

Code of Conduct training for members has been undertaken on several occasions this year and, to assist members with completing their declaration of interest forms, the guidance accompanying the form has also been simplified and all members were offered specific individual sessions with the Monitoring Officer or senior legal staff to assist them in filling in their declaration of interest forms.

I would take this opportunity to emphasise to all members the importance of attending the standards training that is offered every year. These sessions are essential to your understanding of the Code of Conduct and are also a useful discussion forum for members about ethical issues. We have recommended, and it was agreed by Council, that this training is mandatory for all members every two years. In particular members must pay attention to their disclosable pecuniary interests.

I am pleased to say that we have continued the general trend of high standards of member conduct in Sandwell which means that we have not had the need to impose sanctions on any member. We have, however, noted throughout the year serious cases in other authorities where the sanctions available to the Standards Committee under the legislation are not, in our view, sufficient to match the seriousness of the misconduct.

I would like to thank members of the Standards Committee for their attendance and contributions during the past year. I would also like to thank our Independent Persons who have been continued to be supportive and challenging in their role in advising the Monitoring Officer and the Committee. The Monitoring Officer and her officers have provided good support throughout the year.



Councillor Geoff Lewis
Chair of the Standards Committee

1 The Standards Committee

- 1.1 The Localism Act 2011 removed the requirement for a national code of conduct and statutory standards committees, and set out a light touch framework for a new ethical regime. The Act places a general obligation on the Council to promote and maintain high standards of member conduct.
- 1.2 Whilst there is no requirement to have a Standards Committee, standards issues and casework need to be dealt with due to the statutory obligation for a council to promote high ethical standards. The Council decided to retain a Standards Committee in 2015/16.
- 1.3 The main functions of the Standards Committee are to: -
- (a) promote and maintain high standards of conduct and ethical governance by members and co-opted members of the Council;
 - (b) assist members and co-opted members of the Council to observe the Council's Code of Conduct;
 - (c) advise the Council on the adoption or revision of a Code of Conduct for members and co-opted members;
 - (d) monitor the operation of the Council's Code of Conduct for members and co-opted members;
 - (e) advise, train or arrange for training for members and co-opted members of the Council on matters relating to the Council's Code of Conduct.
- 1.4 The Committee also has a number of sub-committees which form part of the arrangements for dealing with complaints about breaches of the Member Code of Conduct. These sub-committees may consider investigation reports referred to them by the Monitoring Officer; conduct hearings; at the request of the complainant, review decisions of the Monitoring Officer to take no action on a complaint; and at the request of a member who is the subject of a complaint, review findings of failure to comply with the Code of Conduct and action taken in respect thereof.

These sub-committees operate according to the principles of natural justice and human rights legislation and ensure that both the complainant and the subject member receive a fair hearing. It should be noted that there has not been the need to call any meetings of the sub-committees in this Municipal Year.

2. Members

2.1 The membership of the Standards Committee in 2015/16 was as follows:-

Chair

Councillor Lewis (Labour)

Vice Chair

Councillor S Crumpton (Labour)

Elected Members

Councillor Ahmed (Labour)

Councillor Y Davies (Labour)

Councillor Dhallu (Labour)

Councillor L Horton (Labour)

Councillor Sandars (Labour)

Councillor J Underhill (Labour)

2.2 The inclusion of experience from all areas of the decision making process gives the Committee a broad base of experience from which to make rounded decisions on ethical matters.

2.3 The Council's Constitution also includes role descriptions for the Chair of the Standards Committee and for its members, which are attached to this report as Appendix 1. The role descriptions emphasise the impartial and non-political nature of the conduct of the Standards Committee.

Independent Person(s)

2.4 Section 28(7) of the Localism Act 2011 requires local authorities to appoint at least one Independent Person to advise the Council before it makes a decision on an allegation. The Independent Person also advises a Member facing an allegation who has sought the views of that person. There are restrictions on who can be appointed as the Independent Person, in general the Independent Person cannot be a councillor, officer or their relative or close friend.

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

2.6 A recruitment exercise is being conducted for the appointment of independent persons for a two year term of office to expire in July, 2018. The current independent members have been asked if they wish to be included in this exercise.

- 2.7 The remit of independent persons has been extended by The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 in relation to changes to statutory dismissal procedures for heads of paid service, monitoring officers and chief finance officers. In the case of a proposed disciplinary action against one of the statutory officers, the council is required to invite independent persons who have been appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011 to form an independent panel.
- 2.9 The Independent Persons are invited to attend all meetings of the Standards Committee as observers.

Officer Support to the Committee

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

The Monitoring Officer is also the principal adviser to the Standards Committee and its sub-committees and is assisted by the Deputy Monitoring Officer. More information about the role of the Monitoring Officer can be found in Article 12 of the Council's Constitution.

3. Business

3.1 During 2015/16, the Standards Committee met on three occasions and considered the following matters:

- Appointment of Standards Sub-Committees for 2015/16
- Annual review of the Register of Member Interests and review of guidance to members
- Updates on complaints received in respect of member conduct
- Case reports
- Consultation on CIPFA/SOLACE – Delivering Good Governance in Local Government.
- Allegations Update.
- Review of Member Code of Conduct.

4. The Ethical Framework

Members' Code of Conduct

- 4.1 The Council's current Code of Conduct was adopted with effect from 24 May 2016. It will assist Members and Co-opted Members to meet the provisions of the Localism Act 2011 and is available on the Council's web site.
- 4.2 All candidates for election are issued with a copy of the Code of Conduct and on appointment and are required to sign an undertaking to comply with the Code. A similar process takes place when the Code of Conduct is revised. Members also receive induction training and subsequent refresher training on the provisions of the Code and how to carry out their duties in line with the Code. This training is delivered by the Monitoring Officer, her Deputy and a senior legal officer. The Monitoring Officer also issues guidance to councillors appointed to outside bodies by the Council to assist them in understanding the impact of the Members' Code of Conduct.
- 4.3 Part 2 of the Members' Code of Conduct requires elected and co-opted members to give written notification to the Monitoring Officer of any disclosable pecuniary interests and other registerable interests to be included in the Council's statutory Register of Interests within 28 days of election or appointment, and to update their declarations as appropriate by notifying any amendments or new interests within 28 days of becoming aware of them.

- 4.4 This register of interest is available for public inspection, and individual members' declarations of interest can be inspected at any time on the Council's web site by accessing the Committee Management Information System. The Register of Interests and Declarations of Interest are periodically reviewed by the Monitoring Officer and are made available for inspection by the Standards Committee on a regular basis.
- 4.5 Members are also obliged to disclose any interests at meetings where those matters are to be discussed. These declarations are recorded in a register open for public inspection and are also noted on the Committee Management Information System.
- 4.6 The Council has a protocol for members on gifts and hospitality giving additional guidance on the requirement of the Members' Code of Conduct for members to declare gifts and hospitality received with an estimated value of at least £100. These declarations are recorded in a register which is open for public inspection and are also recorded in their individual entries on the Committee Management Information System. The Register of Gifts and Hospitality is periodically reviewed by the Monitoring Officer and is made available for inspection to the Standards Committee on a regular basis.

Arrangements for Dealing with Standards Allegations

- 4.7 The Localism Act 2011 required authorities to adopt arrangements for dealing with complaints about breaches of the Member Code of Conduct. The Council on 3 July, 2012, approved arrangements for Sandwell Council, which include provision for sub-committees of the Standards Committee to consider investigation reports referred to it by the Monitoring Officer; to conduct hearings; at the request of the complainant, to review decisions of the Monitoring Officer to take no action on a complaint; and at the request of the subject member, to review findings of failure to comply with the Code of Conduct and the action taken.
- 4.8 The arrangements for dealing with standards allegations were revised by the Council on 7 January, 2014. An outline of the process is set out in Appendix 2.
- 4.9 The section below gives information on individual complaints dealt with in 2015/16.

Allegations of Misconduct by Members

- 4.10 Under the new ethical framework, all complaints of misconduct come direct to the Monitoring Officer. The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. Where the Monitoring Officer is unable to resolve the complaint informally and feels it merits formal investigation after consultation with the Independent Person(s), she will appoint an Investigating Officer who will prepare a report concluding whether or not there is evidence of a failure to comply with the Code of Conduct. If the Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct, she will either send the matter for local hearing before a sub-committee or, after consulting the Independent Person, seek local resolution. No matters were referred by the Monitoring Officer for investigation after consultation with the Independent Persons.
- 4.11 Four complaints were received in 2015/16 compared with ten complaints in the previous year. The allegations involved a late response to a service request by a member, a matter which was not in the Council's jurisdiction, a member's possible conflict of interest in planning applications and content on a phone. The outcomes of these complaints are set out in Appendix 3.

Training and Development

- 4.12 The Standards Committee is responsible for advising, training or arranging for training for members and co-opted members of the Council on matters relating to the Council's Code of Conduct. The Monitoring Officer, her deputy and a senior legal officer deliver relevant training to all members and co-opted members on behalf of the Committee. Training on the Code of Conduct is offered each year to members. Three sessions were offered in 2015/16, in addition to new member induction. Every member either attended these sessions or received one to one guidance from the Monitoring Officer.
- 4.13 The first two sessions had an external facilitator whilst the third was undertaken by the Deputy Monitoring Officer. Feedback from members via the evaluation forms indicates that the training is well received by the majority of members. Comments include:
- A preference was expressed for more "bite-size" sessions
 - More interaction through scenarios and question and answer sessions made effective learning more conducive
 - Members were happy that they could contribute constructively

- Smaller group working or workshops were preferred
- It was important that all members attend such training
- Perhaps a shorter “top-up” session should be offered to more experienced members

4.14 The Committee considers summaries of cases of national interest to ensure that it is up to date with how complaints about member misconduct are being dealt with in other authorities around the country, so that members can bring this knowledge to any cases in Sandwell. These national cases have covered the judgements made against two members:-

- one where a member had been present at a meeting where he had a disclosable pecuniary interest and, without reasonable excuse, had participated in the vote taken;
- another where a former Member was given a suspended sentence for pretending to be a qualified barrister during the course of her employment and through the term of her office as a Councillor.

An allegation about a member breaching the Code of Conduct for failing to disclose a conflict of interest at board meetings was also covered.

The first case highlighted the importance of members understanding the Code of Conduct and being able to recognise when a disclosable pecuniary interest arose. It also stressed the significance of members updating their register of interest and seeking the guidance of the Monitoring Officer if they were in doubt about any aspect of the Code of Conduct.

4.15 The Standards Committee continues to develop its own skills and expertise, for instance, by looking at case summaries and appropriate refresher training.

5. The Committee’s Main Achievements

5.1 The Committee’s main achievement this year was to ensure that all members have updated their interests in accordance with the revised Code of Conduct and register of interests and received a one to one session with the Monitoring Officer or her officers.

6. Contribution to Scorecard Priorities

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

7. Conclusion

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

Role Description - Chair of the Standards Committee

1. To lead the relevant standards function of the Council, ensuring the overall co-ordination and management of the process.
2. To chair meetings of the Standards Committee.
3. To ensure the efficient carrying out of the standards process and keep under review the standards process.
4. To promote high standards of conduct by all elected members.
5. To assist elected members observe the Council's Code of Conduct.
6. To monitor and review the Code of Conduct and arrangement of appropriate training for all elected members to ensure its proper application.
7. To keep yourself and the Committee fully up to date with all relevant legislation and good practice relating to the Standards Committee.
8. To comply with the Council's Code of Conduct or such other code of conduct as the Council may from time to time adopt.
9. To comply with the Member/Officer protocol as set out in the Constitution.
10. To ensure members of the committee abide by the Member/Officer protocol.
11. To ensure that the principles of equality and fairness are integral to all actions and policies of the Council.
12. To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.

Role Description - Member of the Standards Committee

1. To assist the Chairman of the Committee in the discharge of the key duties of that position as set out above.
2. To participate actively and effectively as a member of the Committee and its Sub-Committees.
3. To comply with the Council's Code of Conduct or such other code of conduct as the Council may from time to time adopt.
4. To comply with the Member/Officer protocol as set out in the Constitution.
5. To ensure that the principles of equality and fairness are integral to all actions and policies of the Council.
6. To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.
7. Members need to be mindful that decisions made by the Committee and its Sub Committees should be impartial and without regard to party loyalty. Elected members should not be subject to the party whip.

Arrangements for dealing with standards allegations under the Localism Act 2011

1 Context

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

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

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

2 The Code of Conduct

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

3 Making a complaint

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

The Monitoring Officer
Sandwell Council House
Oldbury
B69 3DE

Or –

Neeraj_sharma@sandwell.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

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

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

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

4 Will your complaint be investigated?

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

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

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

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

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

5 How is the investigation conducted?

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

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

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the Monitoring Officer, you and to the member concerned. At this stage you can identify any matter in that draft report which you disagree with or which you consider requires more consideration. You will be given a period of 14 days to comment on the draft report.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

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

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

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

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

7.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority.

If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will refer the matter for a local hearing before a Sub Committee of the Standards Committee.

7.2 Local Hearing

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

Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Sub-Committee of the Standards Committee may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Sub Committee. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

If the Sub-Committee, with the benefit of any advice from the Independent Person, conclude that the member did not fail to comply with the Code of Conduct, they may dismiss the complaint. If the Sub-Committee concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Sub-Committee will then consider what action, if any, the Sub-Committee should take as a result of the member's failure to comply with the Code of Conduct.

In doing this, the Sub-Committee will give the member an opportunity to make representations to the Sub-Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8 What action can the Sub Committee of the Standards Committee take where a member has failed to comply with the Code of Conduct?

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

- 8.1 Publish its findings in respect of the member's conduct;
- 8.2 Report its findings to Council for information;
- 8.3 Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 8.4 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 8.5 Instruct the Monitoring Officer to arrange training for the member;
- 8.6 Recommend to Council to remove from all outside appointments to which he/she has been appointed or nominated by the authority;
- 8.7 Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 8.8 Exclude the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

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

9 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Sub-Committee resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Sub-Committee, and send a copy to you, to the member, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

10 Who are the Standards Committee?

The Standards Committee is appointed each year by the Council.

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

11 Who is the Independent Person?

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

A person cannot be "independent" if he/she –

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

11.2 Is a relative, or close friend, of a person within paragraph 11.1 above. For this purpose, "relative" means –

11.2.1 Spouse or civil partner;

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

11.2.3 Grandparent of the other person;

- 11.2.4 A lineal descendent of a grandparent of the other person;
- 11.2.5 A parent, sibling or child of a person within paragraphs 11.2.1 or 11.2.2;
- 11.2.6 A spouse or civil partner of a person within paragraphs 11.2.3, 11.2.4 or 11.2.5; or
- 11.2.7 Living with a person within paragraphs 11.2.3, 11.2.4 or 11.2.5 as husband and wife or as if they were civil partners.

12 Revision of these arrangements

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

13 Appeals

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

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

Appendix 3

2015/16					
Ref	Date	Complainant	Assessment Decision	Review Decision	Sanction following hearing
MC/01/0815	August 15	Member of the Public	Decision to take no action.	Complainant does not seek a review.	N/A
MC/02/1015	October 15	Member of the Public	Not within jurisdiction.	N/A	N/A
MC/03/1015	October 15	Member of the Public	Decision to take no action.	Complainant does not seek a review.	N/A
MC/04/0316	March 16	Member	No further action.	Complainant does not seek a review.	N/A