



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Nottinghamshire and City of Nottingham
Fire and Rescue Authority

Amended Standards Regime – Update

Report of the Clerk and Monitoring Officer

Agenda No:

Date: 29 June 2012

Purpose of Report:

To consider interim arrangements for dealing with standards issues following changes to the ethical framework made by the Localism Act 2011 and to make recommendations to the Authority.

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1. BACKGROUND

The Localism Act 2011 has made fundamental changes to the system of regulation of standards of conduct for Members. The date for implementation of these changes is 1 July 2012; however Regulations under the Act covering Disclosable Pecuniary Interests have only recently been published. Therefore the arrangements recommended to the Authority as part of this report are in order to meet statutory requirements at the current time, with a view to a review of best practice being undertaken by the Policy and Strategy Committee prior to a further report to the full Fire Authority.

2. REPORT

2.1 The changes brought into effect by the Localism Act and the Regulations issues thereunder are highlighted below for Members perusal and consideration.

2.2 **Duty to promote and maintain high standards of conduct**

The Authority remains under a statutory duty to promote and maintain high standards of conduct for its members.

2.3 **Standards Committee**

The Act repeals Section 55 of the Local Government Act 2000, which provides for the current statutory Standards Committee. Consequently there will be no requirement to have an actual Standards Committee. There is however, a need to deal with standards issues and case work. With this in mind, it is proposed, pending further review, that the statutory duties be subsumed within the terms of reference of the Policy and Strategy Committee as an interim measure. The new regime allows for this work to be undertaken by a normal Committee, without the unique features which were conferred by the previous legislation.

As a result:

2.4 The current co-opted independent members will cease to hold office. The Act establishes a new category of Independent Persons who must be consulted at various stages. Transitional provisions provide that, up to 1 July 2013, the previous co-opted independent members can be appointed as Independent Persons for such terms as the Authority considers appropriate. However when Independent Persons come to be appointed after 1 July 2013, the former Independent Members will not be eligible for re-appointment. The new Independent Persons may be invited to attend meetings when standards issues are being considered by the Committee, but cannot be voting members of the Committee.

2.5 It is proposed that in the interim the existing Independent Members on the current Standards Committee, Mr Alan Street and Ms Beverley Denby be appointed as a non-voting Independent Person on the Committee until 30 June 2013, or until such time as a new Independent Person has been recruited. This will provide continuity in the transition from the old to the new regime. The need for, and recruitment process for an Independent Person will need to be

reviewed by the Policy and Strategy Committee as part of the interim arrangements.

2.6 Code of Conduct

With effect from 1 July 2012 the current ten General Principles and Model Code of Conduct will be repealed and members will no longer have to give an undertaking to comply with the Code of Conduct. However, the Authority is required to adopt a new Code of Conduct governing member's conduct when acting in that capacity. The Authority's new Code of Conduct must, viewed as a whole, be consistent with the following seven principles:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership.

2.7 The Authority has discretion as to what it includes within its new Code of Conduct, provided that it is consistent with the seven principles. Regulations under the Act have only recently been published and these require the registration and disclosure of 'Disclosable Pecuniary Interests' (DPIs), broadly equating to the current prejudicial interests. The provisions of the Act also require an authority's code to contain appropriate requirements for the registration (and disclosure) of other pecuniary interests and non-pecuniary interests.

2.8 In addition, there are a number of draft options/models now existing for a Code of Conduct which include:

- (i) continuing with the present Model Code of Conduct with amendments;
- (ii) Association of Council Secretaries and Solicitors (ACSeS) Code of Conduct;
- (iii) Local Government Association (LGA) Code of Conduct;
- (iv) Communities and Local Government (CLG) Code of Conduct;
- (v) Start afresh or build on one of the above.

2.9 A desk top survey of other Authorities has revealed a very broad approach to the implementation of the new regime with no obvious favoured draft model. For those Authorities that have adopted a revised Code, they must now re-visit it to ensure its compliance with the recently published Regulations. For this reason, it is considered that the interim arrangement should be continuation of the existing Code of Conduct, subject to a few amendments, (Appendix 1) to bring it in line with Localism Act requirements until such time as the Policy and Strategy Committee has reviewed all available options. This can be used together with the Procedure for considering complaints (section 2.10 below).

2.10 Procedure for considering complaints

A draft procedure for considering complaints against Members under the new Standards regime is attached at Appendix 2. The procedure is recommended again as an interim arrangement based upon the ACSeS model until its review by the Policy and Strategy Committee.

2.11 Register of Members' Interests

The Localism Act 2011 abolishes the concepts of personal and prejudicial interests and replaces them with 'Disclosable Pecuniary Interests (DPIs)'. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 specify what DPIs are – these are broadly equivalent to the current prejudicial interests. The provisions of the Act in respect of the Code of Conduct require an authority's code to contain appropriate requirements for the registration (and disclosure) of other pecuniary interests and non-pecuniary interests. It is recommended that the Monitoring Officer prepares and maintains a new register of Members' interests to comply with the requirements of the Act and the Authority's Code of Conduct once adopted, and ensure that it is available for inspection as required by the Act.

2.12 Disclosure of Interests and Withdrawal from Meetings

As set out above, DPIs are broadly equivalent to prejudicial interests, but with important differences. So:

- (i) the duty to disclose and withdraw arises whenever a member attends any meeting of the Authority, a committee or sub-committee and is aware that he/she has a DPI in any matter being considered at the meeting. So it applies even if the member would be absent from that part of the meeting where the matter in question is under consideration.
- (ii) Where these conditions are met, the member must disclose the interest to the meeting (i.e. declare the existence and nature of the interest). However, in a change from current requirements, the member does not have to make such a disclosure if he/she has already registered the DPI, or at least sent off a request to the Monitoring Officer to register it (a "pending notification"). So, members of the public attending the meeting will in future need to read the register of members' interests, as registered interests will no longer be disclosed at the meeting.
- (iii) Where the member does make a disclosure of a DPI, he/she must then notify it to the Monitoring Officer within the next 28 days, so that it can go on the register of interests.
- (iv) If a member has a DPI in any matter, he/she must not:
 - (a) participate in any discussion of the matter at the meeting. The Act does not define 'discussion' but this would appear to preclude making representations as currently permitted under paragraph 12(2) of the model Code of Conduct; or
 - (b) participate in any vote on the matter,unless he/she has obtained a dispensation allowing him/her to speak and/or vote.

- (v) Failure to comply with the requirements (paragraphs 2.12 (ii), (iii) and (iv) becomes a criminal offence, rather than leading to sanctions.
- (vi) The Authority's Code of Conduct must make 'appropriate' provisions for disclosure and withdrawal for interests other than DPIs, but failure to comply with these requirements would be breach of the Code of Conduct but not a criminal offence.
- (vii) The requirement to withdraw from the meeting room can be covered by Standing Orders, so that failure to comply would be neither a criminal offence nor a breach of the Code of Conduct, although the meeting could vote to exclude the member.

2.13 It is recommended that the Monitoring Officer be instructed to recommend to the Authority a Standing Order which equates to the current Code of Conduct requirement that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a DPI, except where they are permitted to remain as a result of the grant of a dispensation.

2.14 **Sensitive Interests**

The Act effectively re-enacts the existing Code of Conduct provisions on Sensitive Interests. So, where a member is concerned that disclosure of the detail of an interest (either DPI or any other interest which he/she would be required to disclose) at a meeting or on the register of members' interests would lead to the member or a person connected with him/her being subject to violence or intimidation, he/she may request the Monitoring Officer to agree that the interest is a "sensitive interest". If the Monitoring Officer agrees, the member then merely has to disclose the existence of an interest, rather than the detail of it, at a meeting, and the Monitoring Officer can exclude the detail of the interest from the published version of the register of members' interests.

2.15 **Dispensations**

The provisions on dispensations are significantly changed by the Localism Act 2011. At present, a member who has a prejudicial interest may apply to the Standards Committee for a dispensation on two grounds:

- (i) that at least half of the members of a decision-making body have prejudicial interests (this ground is of little use as it normally only at the meeting that it is realised how many members have prejudicial interests in the matter, by which time it is too late to convene a meeting of Standards Committee); and
- (ii) that so many members of one political party have prejudicial interests in the matter that it would upset the result of the vote on the matter (this ground would require that the members concerned were entirely predetermined, in which case the grant of a dispensation to allow them to vote would be inappropriate).

2.16 In future, a dispensation will be able to be granted in the following circumstances:

- (i) that so many members of the decision-making body have DPs in a matter that it would “impede the transaction of the business”. In practice this means that the decision-making body would be inquorate as a result;
- (ii) that, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter. This assumes that members are predetermined to vote on party lines on the matter, in which case, it would be inappropriate to grant a dispensation to enable them to participate;
- (iii) that the authority considers that the dispensation is in the interests of persons living in the authority’s area;
- (iv) that the authority considers that it is otherwise appropriate to grant a dispensation.

2.17 Any grant of a dispensation must specify how long it lasts for, up to a maximum of 4 years.

2.18 The next significant change is that where the Local Government Act 2000 required that dispensations be granted by Standards Committee, the Localism Act gives discretion for this power to be delegated to the Standards Committee or body exercising the statutory responsibilities or to the Monitoring Officer. The Grounds detailed in paragraph 2.16 (i) above are fairly objective, so it is therefore recommended that dispensations on these grounds be delegated to the Monitoring Officer, with an appeal to the Policy and Strategy Committee, thereby enabling dispensations to be granted “at the door of the meeting”. Grounds 2.16 (ii), (iii) and (iv) are more objective and so it may be appropriate that the discretion to grant dispensations on these grounds remains with the Policy and Strategy Committee, after consultation with the Independent Person.

2.19 It is recommended that the Authority delegates the power to grant dispensations:

- (a) on the grounds set out in paragraph 2.16(i) of this report to the Monitoring Officer with an appeal to the Policy and Strategy Committee, and
- (b) on grounds set out in paragraphs 2.16 (ii), (iii) and (iv) of this report to the Policy and Strategy Committee, after consultation with the Independent Person.

3. FINANCIAL IMPLICATIONS

There will be cost implications going forwards relating to the recruitment and retention of Independent Persons.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

It is likely that Members will require updating on the new Standards Regime as matters progress especially in relation to DPIs. A combination of development through the constituent authorities and the Fire Authority should meet this obligation.

5. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment has not been undertaken because the decision does not relate to new or changing policies, services or functions.

6. CRIME AND DISORDER IMPLICATIONS

There are no crime and disorder implications arising from this report.

7. LEGAL IMPLICATIONS

The legal issues that arise as a result of the legislative changes are referred to in the body of the report.

8. RISK MANAGEMENT IMPLICATIONS

Failure to address the legislative changes brought about by the Localism Act 2011 in respect of the Standards Regime will affect the Authority's ability to deliver strong and robust governance arrangements and will leave the Authority in breach of statutory requirements.

9. RECOMMENDATIONS

It is recommended that:-

- 9.1 the Authority dissolves the existing Standards Committee and, as an interim measure pending further review, delegates to the Policy and Strategy Committee the statutory responsibilities for the new ethical standards regime with immediate effect;
- 9.2 the Policy and Strategy Committee be requested to review the interim arrangements against draft models available and best practice taking place across other Authorities;
- 9.3 the Authority continues to use the Model Code of Conduct, with the amendments shown in Appendix 1 to this report, pending review by the Policy and Strategy Committee;

- 9.4 Mr Alan Street and Ms Beverley Denby be appointed as the Independent Person(s) until 30 June 2013 or until such time as a recruitment process for new Person(s) has been agreed by the Policy and Strategy Committee and completed;
- 9.5 the procedure for considering complaints against Members under the new Standards regime attached at Appendix 2 be adopted as an interim arrangement until its review by the Policy and Strategy Committee;
- 9.6 the Monitoring Officer:
- (i) prepare and maintain a new register of members interests to comply with the requirements of the Act and the Authority's interim Code of Conduct, once adopted, and ensure that it is available for inspection as required by the Act;
 - (ii) Ensures that all members are informed of their duty to register interests;
- 9.7 the Monitoring Officer be instructed to recommend to the Authority a Standing Order which equates to the current Code of Conduct requirement that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a DPI, except where he is permitted to remain as a result of the grant of a dispensation;
- 9.8 the Authority delegates the power to grant dispensations:
- (a) on grounds set out in paragraphs 2.16(i) of this report to the Monitoring Officer with an appeal to the Policy and Strategy Committee, and
 - (b) on grounds set out in paragraphs 2.16 (ii), (iii) and (iv) of this report to the Policy and Strategy Committee, after consultation with the Independent Person.

9. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)

Local Authorities Model Code of Conduct
ACSeS Draft Code of Conduct
LGA Template Code of Conduct

Malcolm R Townroe
CLERK AND MONITORING OFFICER TO THE AUTHORITY

NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM

FIRE AND RESCUE AUTHORITY

CODE OF CONDUCT

General provisions

Introduction and interpretation

1. —(1) This Code applies to **you** as a member of an authority.

(1) It is your responsibility to comply with the provisions of this Code.

(2) In this Code—

"meeting" means any meeting of—

(a) the authority;

(c) any of the authority's committees, sub-committees, joint committees, joint sub-committees;

"member" includes a co-opted member and an appointed member.

Scope

2. —(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your 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 your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence

for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your 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 your 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.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in the Equality Act 2010);

(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 compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your 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; or

(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 your authority—

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

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

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

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

(b) your 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 your authority.

8. **Disclosable Pecuniary Interests**

You must -

- (1) comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest
- (2) ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- (3) make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is

under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent

- (4) "Meeting" means any meeting organised by or on behalf of the authority, including –
- (i) any meeting of the Authority, or a Committee or Sub-Committee of the Authority
 - (ii) at any briefing by officers; and
 - (iii) at any site visit to do with business of the authority.

9 Other Interests

- (1) In addition to the requirements of Paragraph 8, if you attend a meeting at which any item of business is to be considered and you are aware that you have a "non-disclosable pecuniary interest or non-pecuniary interest" in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent
- (2) You have a "non-disclosable pecuniary interest or non-pecuniary interest" in an item of business of your authority where –
 - (i) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
 - (ii) it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a "relevant person") or a person with whom you have a close association and that interest is not a disclosable pecuniary interest.

10 Gifts and Hospitality

- (1) You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a member from any person or body other than the authority.
- (2) The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- (3) This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

11 Sensitive information

- (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 8.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 11(1) is no longer sensitive information, notify your authority's monitoring

officer asking that the information be included in your authority's register of members' interests.

- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Appendix to the Code

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 27 of the Localism Act 2011.

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

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p>
Contracts	<p>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—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
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	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p>

(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 for the purposes of section 30(1) or 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 and other securities of any description, other than money deposited with a building society.

PROCEDURE FOR CONSIDERING COMPLAINTS THAT MEMBERS HAVE BREACHED THE CODE OF CONDUCT

1. The Monitoring Officer acknowledges receipt of the complaint within 5 working days of receipt.
2. Within 5 working days of receipt of the complaint, the Monitoring Officer informs the subject member of:
 - (a) The complaint, giving a summary of it and the name of the complainant;
 - (b) His/her right to consult one of the Independent Person(s) appointed by the Authority through the Monitoring Officer.
3. The Monitoring Officer, in consultation with an Independent Person (other than one consulted by the subject member under paragraph 2 (b)), decides, within 20 working days of receipt of the complaint, that:
 - (a) The complaint does not come within the remit of the Code of Conduct;
 - (b) The complaint is not sufficiently serious to warrant an investigation;
 - (c) He/she should seek to resolve the complaint without the need for an investigation (e.g. by an apology or training by the subject member);
 - (d) An investigation should take place;
 - (e) The complaint should not be investigated because it is vexatious, malicious or obsessive;
 - (f) The complaint should not be investigated because it is broadly similar to a complaint against the same member about the same alleged incident;
 - (g) The complaint should not be investigated because there is a clear ulterior/political motive for it or it is just tit for tat complaint;
4. Before coming to his/her decision under paragraph 3 the Monitoring Officer may request further information and/or clarification from the complainant and/or the subject member. The time period may be extended accordingly and parties notified of this.
5. If the Monitoring Officer decides that the complaint should be investigated, or his/her attempts to resolve the complaint without an investigation do not succeed, then he/she will carry out an investigation or appoint an investigator to carry out an investigation on his/her behalf. The Monitoring Officer will notify the parties of the time period for the investigation to take place and for a report to be prepared.
6. The Investigator appointed under paragraph 5 by the Monitoring Officer may be:
 - (a) A senior officer of the Authority;
 - (b) A senior officer of another Council or Fire and Rescue Authority;
 - (c) An external investigator with relevant experience.
7. A report into an investigation shall include the Investigator's findings on whether the Code has been breached.

8. Before finalising his/her report the Investigator shall send a copy of it to both the complainant and subject member and give them at least 5 working days to comment on it.
9. If the Investigator's final report finds there has not been a breach of the Code the Monitoring Officer can, in consultation with the Independent Person, decide to:
 - (a) Take no action;
 - (b) Refer the report to the Policy and Strategy Committee;
10. If the Investigator's report finds there has been a breach of the Code then the Monitoring Officer must refer the matter to the Policy and Strategy Committee.
11. When the matter has been referred to the Policy and Strategy Committee by the Monitoring Officer, it will;
 - (a) Allow the Investigator to present his/her report and call witnesses, including the complainant;
 - (b) Allow the subject member to make representations and call witnesses;
 - (c) Decide if the subject member has breached the Code of Conduct;
 - (d) Decide what sanction should be imposed if they decide the Code has been breached.
12. The sanctions the Policy and Strategy Committee can impose if they find a breach of the Code are;
 - (a) Censuring the member
 - (b) Reporting its findings to the Authority for information;
 - (c) Recommending to the member's Group Leader (or in the case of ungrouped members, recommending to the Authority or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Authority;
 - (d) Recommending to the Authority that the member be replaced as a member of the Authority;
 - (e) Recommending to the Chair of the Authority that the member be removed from the Authority;
 - (f) Recommending the Monitoring Officer arrange training for the member;
 - (g) Recommending to the Authority that the member be moved from all outside appointments to which he/she has been appointed or nominated by the Authority.
13. In reaching a decision as to whether there has been a breach of the Code and if so what sanction should be imposed by the Policy and Strategy Committee they will consult and take into account the views of the Independent Person who will attend such hearings.
14. Following any final decision by the Monitoring Officer or the Policy and Strategy Committee at whatever stage the Monitoring Officer shall inform the complainant and the subject member of the decision and the reasons for it within 10 working days.

15. Wherever there has been a decision that the subject member has breached the Code of Conduct that decision and the reasons for it shall be put on the Authority's website in a prominent position.
16. Wherever there is a decision that the subject member has not breached the Code of Conduct that decision shall be put on the Authority's website, in a prominent position if the subject member wishes it to be.
17. Any decision of the Monitoring Officer or Policy and Strategy Committee shall be final and binding.
18. The Monitoring Officer will every 6 months take a report to the Policy and Strategy Committee giving;
 - (a) The number of complaints received and brief details;
 - (b) How they are progressing;
 - (c) What decisions have been made;
 - (d) What action has, where appropriate, been taken.
19. The Monitoring Officer has delegated power, in consultation with the Independent Person and the Chair of the Policy and Strategy Committee, to approve a departure from these arrangements when he/she considers it is expedient to do so to secure the effective and fair consideration of any matter.
20. In all cases where the Monitoring Officer is unable to perform his/her role he/she may appoint a deputy to do so.