

## WEST NORTHAMPTONSHIRE SHADOW COUNCIL MEMBERS' CODE OF CONDUCT

The Members' Code of Conduct is intended to promote high standards of behaviour amongst Councillors of the West Northamptonshire Shadow Council.

The Code is underpinned by the following seven Nolan principles of public life, which should be borne in mind when interpreting the meaning of the Code. Councillors should behave with:

- i. **Selflessness** – and act solely in terms of the public interest. They should not act in order to gain financial or other benefits for themselves, their family or their friends.
- ii. **Integrity** – and should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- iii. **Objectivity** – in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits; choices should be made on merit.
- iv. **Accountability** – and are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- v. **Openness** – and should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- vi. **Honesty** – and declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- vii. **Leadership** – and should promote and support these principles by leadership and example.

### PART 1 GENERAL PROVISIONS

#### 1. Introduction and Interpretation

- 1.1. This Code applies to all Councillors of West Northamptonshire Shadow Council.
- 1.2. The term “**the Council**” used in this Code refers to West Northamptonshire Shadow Council.
- 1.3. “**Councillor**” means any person being a Member of the West Northamptonshire Shadow Council.
- 1.4. It is **your** responsibility to comply with the provisions of this Code.
- 1.5. In this Code:  
“**Meeting**” means any meeting of:
  - (a) the Council

- (b) the executive of the Council
- (c) any of the Council's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees
- (d) any of the Council's advisory groups and executive boards, working parties and panels

1.6. "Relevant Authority" includes a County Council, a District Council or Parish Council. (It has the meaning given to it by Section 27(6) of the Localism Act 2011.)

**Comment [CT1]:** This term does not appear elsewhere in the document so it can probably be omitted.

## 2. Scope

2.1. This Code applies to you whenever you are acting in the capacity as a Member of the Council, not only when attending meetings. For example, it will also include but is not limited to Members' dealings with officers, Members' dealings with the public, when Members represent the Council on outside bodies, any statements made by a Member on behalf of the Council.

**Comment [CT2]:** In light of the comments below re: 2.2 would it assist to expand this provision to make clear the Code does not apply only to meetings? If so we can try to add further examples of the situations which may be covered.

## 3. General Obligations

3.1. **You must treat others with respect.**

3.2. **You must not:**

- (a) do anything which may cause the Council to fall foul of UK equalities legislation
- (b) bully or intimidate any person or do anything which compromises the independence of those who work for the Council
- (c) intimidate or attempt to intimidate any person who is or may be:
  - (i) a complainant
  - (ii) a witness; or
  - (iii) involved in the administration of this Code
- (d) do anything which compromises or may compromise the impartiality of those who work for, or on behalf of, the Council
- (e) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute

**Comment [SB3]:** So, in all other cases e.g. advice at planning committee or any other meeting, compromise is allowed!!? I suggest deleting the highlighted section.

**Comment [s4R3]:** Agreed

**Comment [CT5]:** Similarly, do we only want to prevent a compromise of impartiality at a time when there is an allegation of a breach of the Code.

4. **You must not:**

4.1. Pass on 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, unless:

- (a) you have the consent of a person authorised to give it

- (b) you are required by law to do so
  - (c) the disclosure is made to a third party for the purpose of obtaining professional advice, provided that they agree not to pass on the information to any other person; or
  - (d) the disclosure is:
    - (i) reasonable and in the public interest; and
    - (ii) made in good faith and in compliance with the reasonable requirements of the Council; or
- 4.2. Prevent another person from gaining access to information to which that person is entitled by law.

**5. You must not:**

- 5.1. Use or attempt to use your position as a Councillor improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage; and

**6. You must:**

- 6.1. When using, or authorising the use by others of, the resources of the Council:
  - (a) act in accordance with the Council's reasonable requirements
  - (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- 6.2. Have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.

**7.**

- 7.1 When reaching decisions on any matter you must have regard to any relevant advice provided to you by:
  - (a) the Council's Section 151 Officer; or
  - (b) the Council's Monitoring Officerwhere that officer is acting in that role.
- 7.2 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

## **PART 2**

## INTERESTS

### **8. Registration of Interests**

**8.1** Within 28 days of this Code being adopted by your Council or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Appendix A (Disclosable Pecuniary Interests) and Appendix B (Other Registerable Interests).

**8.2** You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Appendix A or B, or of any change to a registered interest, notify the Monitoring Officer.

### **9. Disclosable Pecuniary Interests**

Where a matter arises at a meeting in which you have an interest in Appendix A, you must declare the interest (unless it is sensitive), not participate, or participate further, in any discussion or vote further on the matter and must not remain in the room unless granted a dispensation.

**Comment [CT6]:** I agree with Simon's view that the precise wording should be followed, particularly given the potential for criminal liability under section 34.

### **10. Other registerable interests**

Where a matter arises at a meeting in which you have an interest in Appendix B, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but must not take part in any vote on the matter unless you have been granted a dispensation.

**Comment [SB7]:** Further to the above, this is OK in this interests category as it is not so caught by the Act. That said, I think the presence of councillors in the meeting with such interests will be perceived by the public as questionable – I expect a member of the public to say that the Member should not be treated the same as a member of the public as, if they have an interest stopping them voting, then their presence is still potentially impressionable/influential e.g. scenario of the Leader or Chief Whip being allowed to remain (and watch over their colleagues). Either they are in or they are out, would be normal expectation.

### **11. Non-registerable interests**

**11.1** Where a matter arises at a meeting which relates to your own financial interest (and is not a Disclosable Pecuniary Interest) or your own wellbeing or is otherwise to your advantage or relates to a financial interest or wellbeing or is otherwise to the advantage of a relative, friend or close associate, you must disclose the interest and not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

**11.2** a) Where a matter arises at a meeting which **affects** your own financial interest or a financial interest of a relative, friend, close associate or body covered by Appendix B you must disclose the interest;

and

b) where the matter referred to in paragraph 11.2a) affects the financial interest to a greater extent than if affects the financial interests of the majority of inhabitants of the [ward] affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you must not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

**Comment [s8R7]:** I support the removal of the ability to speak, but would not go so far as to require removal from the chamber.

### **12. Sensitive Interests**

Where you consider (and the Council's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary Interest, or other interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or

violence, it is a “sensitive interest” for the purposes of the Code. The details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed.

### 13. **Single Member Action**

If you are empowered to discharge functions of the Council acting alone (for example, through being a Shadow Executive Committee Member), and:

- a) have and are aware that you have a Disclosable Pecuniary Interest in any matter to be dealt with by you in that role, you must not take any action, or further action, on the matter (except for the purposes of enabling the matter to be dealt with by other means);
- b) have and are aware that you have an interest in any matter dealt with by you in that role, which relates to an interest in Appendix B (‘Other Registerable Interest’), you must not take any action, or further action, on the matter (except for the purposes of enabling the matter to be dealt with by other means);
- c) the matter to be dealt with by you in that role relates to your own financial interest (and is not a Disclosable Pecuniary Interest) or your own wellbeing or is otherwise to your advantage or relates to a financial interest or wellbeing or is otherwise to the advantage of a relative, friend or close associate, you must not take any action or further action on the matter (except for the purposes of enabling the matter to be dealt with by other means) and you must notify the Monitoring Officer;
- d) the matter to be dealt with by you in that role **affects** your own financial interest or a financial interest of a relative, friend close associate or body covered by Appendix B, you must notify the Monitoring Officer before taking any action or further action, and if the Monitoring Officer determines that the matter affects the financial interest to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you must not take any action or further action.

## **APPENDIX A – DISCLOSABLE PECUNIARY INTERESTS**

1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.
2. You have a Disclosable Pecuniary Interest if it is of a description specified in regulations made by the Secretary of State and either:
  - (a) it is an interest of yours, or
  - (b) it is an interest of:
    - (i) your spouse or civil partner
    - (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 that other person has the interest.
3. Disclosable Pecuniary Interests are:

<b><u>INTEREST</u></b>	<b><u>DESCRIPTION</u></b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on by you for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a Member, or towards your election expenses.  This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract which is made between you (or a body in which you have a beneficial interest) and the Council  (a) under which goods or services are to be provided or works are to be executed; and  (b) which has not been fully discharged.
<b>Land</b>	Any beneficial interest in land which is within the area of the Council.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
<b>Corporate tenancies</b>	Any tenancy where (to your knowledge)

	<p>(a) the landlord is the Council; and</p> <p>(b) the tenant is a body in which you have a beneficial interest.</p>
<b>Securities</b>	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to your knowledge) has a place of business or land in the area of the Council; and</p> <p>(b) either</p> <p style="padding-left: 40px;">(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p style="padding-left: 40px;">(ii) where 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 you have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

*“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 a registered society within the meaning given by section 1(1) of the co-operative and community benefit Societies Act 2014, other than a society registered as a credit union.*

*“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;*

*“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.*

## **APPENDIX B**

1. Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Council;
2. Any body-
  - (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management;

3. Any gifts or hospitality worth more than an estimated value of £10 which you have received by virtue of your office, or a series of gifts or hospitality, from the same source within any 12 month period which together are worth more than an estimated value of £10.

### **PART 3**

#### **RELATED DOCUMENTS**

#### **Arrangements for dealing with alleged breaches of the West Northamptonshire Shadow Council's Members' Code of Conduct.**

## **West Northamptonshire Shadow Council**

### **Arrangements for dealing with allegations of breaches of the West Northamptonshire Shadow Council Members' Code of Conduct**

#### **1. Context**

These “Arrangements” set out how you may make a complaint that a Member of this Shadow Council has failed to comply with the Shadow Council’s Members’ Code of Conduct, and sets out how the Council will deal with it.

These Arrangements include the appointment of at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided warrants investigation, and whose views can be sought by the Council at any other stage, or by a Member against whom an allegation has been made.

#### **2. The Code of Conduct**

The Shadow Council has adopted a Code of Conduct for Members, which is attached as Appendix A to these arrangements and is available for inspection on request and is on the Shadow Council’s website.

#### **3. Making a complaint**

If you wish to make a complaint, please write to:

The Monitoring Officer  
[XXXX]

or e-mail the Monitoring Officer at:

[xxxx@xxxx](mailto:xxxx@xxxx)

The Monitoring Officer is a senior officer of the Shadow Council who has statutory responsibility for maintaining the Register of Members’ Interests and who is responsible for administering the process in respect of complaints of alleged Member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please use the complaint form, which is available on request and can be downloaded from the Shadow Council’s website, next to the Code of Conduct.

You are required to 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

Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint as soon as possible after receiving it and will keep you informed of the progress of your complaint.

#### **4. Initial Assessment of Complaints Received**

The Monitoring Officer will review all complaints received by the Council and must consult with the Independent Person (see section 13 below) at this stage. If a complaint has been made but does not fall within the scope or intent of these arrangements, the Monitoring Officer may still decide to take informal action in order to resolve the matter. In assessing the complaint the Monitoring Officer will determine whether the complaint is admissible and, if so, decide whether:

- a) it warrants investigation or,
- b) it may be suitable for alternative resolution without investigation or,
- c) it doesn't warrant any further action.

For the complaint to be admissible it must be in a legible format and relate to an existing Member of the Shadow Council.

In determining whether or not the complaint should be referred for investigation or to seek alternative resolution the Monitoring Officer and Independent Person will have regard to a range of factors including the following:-

- i) Whether there is sufficient information upon which to base a decision;
- ii) How serious is the alleged complaint;
- iii) Is the complaint politically motivated, vexatious or tit for tat;
- iv) Did the action complained about occur recently or not;
- v) Do the allegations relate to actions occurring whilst the Member was acting in their official capacity or do they relate to their private life;
- vi) Whether the matter is considered suitable for alternative resolution and whether either the Member concerned or the complainant is not prepared to accept this as a solution.

The initial assessment of the complaint will be held as soon as possible after receipt of your complaint and you will be informed, in writing, of the outcome by the Monitoring Officer. You will be informed on progress throughout the process.

Unless exceptional circumstances exist that indicate otherwise, the Monitoring Officer will inform the Member concerned of the receipt and nature of the complaint and invite their comments.

Where the Monitoring Officer requires additional information in order to come to a decision, they may come back to you for such information, and may request information from the Member against whom your complaint is directed.

#### **Alternative Resolution**

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. The Monitoring Officer must consult with the Independent Person about this course of action. Such informal resolution may involve the Member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the Council. Where the Member or the Council makes a reasonable offer of informal resolution, but you are not willing to accept that offer, the Monitoring Officer (and Independent Person) will take account of this in deciding whether the complaint warrants a 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.

#### **5. If the Complaint is referred for Investigation how is the investigation conducted?**

If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer, who may be another senior officer of the Shadow Council, an officer of another Council or an external investigator. The Monitoring Officer will agree an investigation plan with the Investigating Officer. The Investigating Officer will decide whether they need to meet or speak to you to understand the nature of your complaint. If so, then 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 Monitoring Officer will consult with the Independent Person about the need for a formal investigation.

The Investigating Officer would normally write to the Member against whom you have complained and provide them with a copy of your complaint. The Member would be asked to provide their explanation of events. The Investigating Officer will identify what documents they need to see and who they 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 their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires further consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send it 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, in consultation with the Independent Person, review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Member concerned, notifying you that no further action is required.

#### **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, in consultation with the Independent Person, review the Investigating Officer's report and will then either send the matter for local hearing before

the Hearings Panel made up of Councillors from the Council's Standards Committee or seek an alternative resolution.

### 7.1 Local Resolution

The Monitoring Officer and Independent Person may consider that the matter can be resolved without the need for a hearing. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action.

### 7.2 Local Hearing

If the Monitoring Officer and Independent Person consider that local resolution is not appropriate or it isn't possible to achieve, the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing to decide 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.

In summary, the Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give their response to the Investigating Officer's report. This is in order to identify what is likely to be agreed and what is likely to be contentious at the hearing. The Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their 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 Hearings Panel.

The Member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Hearings Panel as to why they consider that they did not fail to comply with the Code of Conduct.

The Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct and so dismiss the complaint. Alternatively, if the Hearings Panel finds that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the Member an opportunity to make representations to the Panel and will consult the Independent Person.

If the Member wishes to make representations to the Panel and/or consult with the Independent Person the Hearing will adjourn, normally for one week, and reconvene to hear any representation or statement from the Member before either confirming or amending their decision. If the Member does not wish to make representations to the Panel, or consult with the Independent Person, the decision of the Panel will stand as announced.

## **8. What action can the Hearings Panel take where a Member has failed to comply with the Code of Conduct?**

The Hearings Panel may:

- 8.1 Publish its findings in respect of the Member's conduct;

- 8.2 Report its findings to the Council for information;
- 8.3 Recommend that Council remove the Member from any or all Committees or Sub-Committees of the Shadow Council for a specified period of time;
- 8.4 Recommend to the [Council that nominated the Member to the Shadow Executive Committee] [Leader of the Council] that the Member be removed from the Shadow Executive Committee, or recommend to the Leader of the Council that the Member be removed from particular portfolio responsibilities for a specified period of time;
- 8.5 Instruct the Monitoring Officer to arrange training for the Member;
- 8.6 Instruct the Monitoring Officer to mediate between the complainant and the Member;
- 8.7 Recommend to Full Council that the Member be removed from any or all outside appointments to which they have been appointed or nominated by the Council where the complaint relates to that appointment and for a specified period of time;
- 8.8 Recommend to Full Council the withdrawal of any facilities provided to the Member by the Council that may have been abused or improperly used; or
- 8.9 Recommend to Full Council the exclusion of the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 8.10 Recommend that the member concerned makes a formal written or verbal or written and verbal apology to the Full Council.

There are no powers that allow Council or the Standards Committee to suspend or disqualify the Member or to withdraw Members' basic allowances. (Although, removing a Member from the Shadow Executive Committee or other Committee would lead to a loss of any Special Responsibility Allowance that position was entitled to for the period of the suspension.)

## **9. What happens at the end of the hearing?**

At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter and subject to any adjournment as set out in 7.2 above, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel and send a copy to you and to the Member. The decision notice will be made available for public inspection after 20 working days have elapsed from the date the decision notice was issued (provided there has not been a request for a review under paragraph 10 of these Arrangements) and the decision reported to the next convenient meetings of the Standards Committee and of the Council.

## **10. Appeals and Reviews**

There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer.

However, a review of the decision of the Hearings Panel may be sought by you or the Member concerned in the following circumstances:

- a) where you or the Member concerned consider that the Local Hearing was not conducted in accordance with the process set out in these Arrangements or the principles of natural justice (see paragraph 15 below); or
- b) where significant new evidence is available which has not been considered by the Hearings Panel.

Any such request for a review should be made to the Monitoring Officer in writing (by letter or e-mail) within 20 working days from the date the decision notice was issued to the parties and:

- if made pursuant to paragraph a) above, must set out specifically how it is considered the Local Hearing was not conducted in accordance with the process set out in these Arrangements or the principles of natural justice; or
- if made pursuant to paragraph b) above, must include copies of the new evidence or explain what the evidence is.

The Monitoring Officer may reject the request for a review if after consultation with the Independent Person they conclude that substantive reasons have not been provided to support the request or the further evidence provided is insufficient to support a request for a review. Simply expressing disagreement with the Hearings Panel's decision or repeating the original complaint will result in the request for review being rejected. If the request for review is rejected you and the Member will be advised in writing of the reasons for rejection.

If a request for a review is received (provided it is not rejected), the Monitoring Officer will notify the complainant and Member concerned and convene a meeting of the Review Panel.

The Review Panel will review the Hearings Panel's decision. The Review Panel will have the documentation considered by the Hearings Panel and the decision notice of the Hearings Panel before it. It will not conduct a re-hearing. It will only consider the request for the review, (including any new evidence presented with the request for review) together with the complainant or subject Member's response to the request for the review and response to any new evidence. The Review Panel will also have the discretion to re-hear any of the original evidence if it considers this necessary.

The Review Panel will either:

- confirm the original decision of the Hearings Panel; or
- disagree with the original decision of the Hearings Panel and substitute its own decision (which may only be a decision that was open to the Hearings Panel).

At the end of the review, the Chair of the Review Panel will explain the Review Panel's reasons for its decision. Within 5 working days of the decision of the Review Panel, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Review Panel and send a copy to you and to the Member. The decision notice will be made available for public inspection and will be reported to the next convenient meeting of the Standards Committee and the Council.

Unless in the opinion of the Monitoring Officer in consultation with the Independent Person exceptional circumstances exist, the Review Panel must make a decision within two calendar months of the receipt of the request for a review.

There is no right of appeal of the decision of the Review Panel which is final.

If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman or take your own legal advice as to options that might be open to you.

### **11. Who are the Hearings Panel?**

The Hearings Panel is a panel of the Council's Standards Committee. It will comprise three Members of the Standards Committee.

The Independent Person is invited to attend all meetings of the Hearings Panel and their views are sought and taken into consideration before the Hearings Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

### **12. Who are the Review Panel?**

The Review Panel is a panel of the Council's Standards Committee. It will comprise three Members of the Standards Committee who did not sit on the Hearings Panel, have not previously been involved in the matter concerned and who do not otherwise have any conflict of interest.

The Independent Person is invited to attend all meetings of the Review Panel and their views are sought and taken into consideration before the Review Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

### **13. Who is the Independent Person?**

The Shadow Council has 2 Independent Persons.

A person cannot be "independent" if they:

- 13.1 are, or have been within the past five years, a Member, co-opted Member or officer of the Council or of a parish council within the Council's area; or
- 13.2 are a relative or close friend, of a person within paragraph 13.1. For this purpose, "relative" means:
  - (a) the other person's spouse or civil partner;
  - (b) living with the other person as husband and wife or as if they were civil partners;
  - (c) a grandparent of the other person;
  - (d) a lineal descendant of a grandparent of the other person;
  - (e) a parent, sibling or child of a person within paragraphs (a) or (b);

- (f) the spouse or civil partner of a person within paragraph (c), (d) or (e); or
- (g) living with a person within paragraph (c), (d) or (e) as husband and wife or as if they were civil partners.

#### **14. Being accompanied at a Local Hearing or Review Panel meeting**

Both you and the Member you complained about may choose to bring another person with you to the Local Hearing and any Review Panel meeting (if one takes place) to support you. It shall be a matter for the Chair of the Hearings Panel and the Chair of the Review Panel to issue directions as to the manner in which the supporting person may participate in the Local Hearing/Review Panel meeting, to ensure there is a balance between a party's need to be supported and the need for the Hearings Panel and/Review Panel to conduct its business fairly and efficiently.

#### **15. Principles of Natural Justice**

For the avoidance of doubt, it is expressly stated that the procedures in these Arrangements must be conducted in accordance with the principles of natural justice. In summary, in the context of these Arrangements, the principles of natural justice mean that each party has the right to a fair hearing, the right to make their case to an impartial person/group of people, and that the decision makers in this process act without bias or apparent bias, act impartially and do not create any procedural irregularities.

- 16.** Where it is necessary for any documentation to be sent to a member against whom an allegation of breach of the Code has been made, those documents may be sent by recorded delivery post to that members usual address and/or by e-mail to the e-mail address notified to the Council. Any documents sent by such a method are deemed to be served for the purpose of these arrangements.

#### **17. Revision of these arrangements**

The Council may by resolution agree to amend these arrangements and has delegated to the Chair of the Hearings Panel (and the Chair of the Review Panel in cases where there is a review), the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

### **Appendix A**                      The Shadow Council's Members' Code of Conduct