

Public Document Pack



TO THE CHAIRMAN AND MEMBERS OF THE STANDARDS AND AUDIT COMMITTEE

You are hereby summoned to attend a meeting of the Standards and Audit Committee to be held on Thursday, 30 November 2017 at 7.00 pm in the Council Chamber, Civic Offices, Gloucester Square, Woking, Surrey GU21 6YL.

The agenda for the meeting is set out below.

RAY MORGAN
Chief Executive

NOTE: Filming Council Meetings

Please note the meeting will be filmed and will be broadcast live and subsequently as an archive on the Council's website (www.woking.gov.uk). The images and sound recording will also be used for training purposes within the Council. Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed.

AGENDA

PART I - PRESS AND PUBLIC PRESENT

1. Minutes

To approve the minutes of the meeting of the Standards and Audit Committee held on 21 September 2017 as published.

2. Declarations of Interest

To receive declarations of disclosable pecuniary and other interests from Members in respect of any item to be considered at the meeting.

In accordance with the Members' Code of Conduct, Councillor John Kingsbury will declare a non-pecuniary interest in any items under which the Thameswey Group of Companies, Brookwood Cemetery or Victoria Square (Woking) Ltd are discussed, arising from his position as a Director of the subsidiary companies. The interest is such that speaking and voting are permissible.

In accordance with the Officer Procedure Rules, the Head of Democratic and Legal Services, Peter Bryant, will declare an interest in any items under which the Thameswey Group of Companies or Brookwood Cemetery are discussed, arising from his position as a Director of the subsidiary companies. The interest is such that speaking was permissible.

3. Urgent Business

To consider any business that the Chairman rules may be dealt with under Section 100B(4) of the Local Government Act 1972.

Matters for Determination

4. Annual Audit and Inspection Letter (Pages 3 - 10)
Reporting Person – Leigh Clarke
5. Internal Audit Progress Report (Pages 11 - 18)
Reporting Persons – James Graham and Leigh Clarke
6. Review of Arrangements for Dealing with Standards Allegations (Pages 19 - 26)
Reporting Person – Peter Bryant

AGENDA ENDS

Date Published - 22 November 2017

For further information regarding this agenda and arrangements for the meeting, please contact Doug Davern on 01483 743018 or email doug.davern@woking.gov.uk



Mixed Sources

Product group from well-managed
forests and other controlled sources
www.fsc.org Cert no. SA-COC-001794
© 1996 Forest Stewardship Council

STANDARDS AND AUDIT COMMITTEE - 30 NOVEMBER 2017

ANNUAL AUDIT AND INSPECTION LETTER

Executive Summary

The Council's external auditors, KPMG, have completed their work on the 2016/17 audit and have produced the Annual Audit letter which summarises the key findings.

The letter is a summary and update to the ISA260 report received in September. The audit opinions were received by the 30 September deadline.

As well as a summary of their conclusions it provides information on the reports issued and the audit fee.

Although the Annual Audit Letter is addressed to the Members of the Authority, it is also intended to inform key external stakeholders, including members of the public, and will be published on the Council's website.

Recommendations

The Committee is requested to:

RESOLVE That the Annual Audit Letter be received.

The Committee has authority to determine the above recommendation

Background Papers:

None.

Reporting and Contact Person:

Leigh Clarke, Finance Director
Ext. 3277, E Mail: Leigh.Clarke@woking.gov.uk

Date Published:

22 November 2017



Annual Audit Letter 2016/17

Woking Borough Council

October 2017

Contents

Contacts in connection with this report are:

Neil Hewitson

Director, KPMG LLP (UK)

Tel: +44 (0)20 7311 1791

neil.hewitson@kpmg.co.uk

Arran Rose

Senior Manager, KPMG LLP

(UK)

Tel: +44 (0)20 7311 2075

arran.rose@kpmg.co.uk

Page 6

Page

Report sections

Headlines 3

Appendices

1. Summary of reports issued 5

This report is addressed to the Authority and has been prepared for the sole use of the Authority. We take no responsibility to any member of staff acting in their individual capacities, or to third parties. Public Sector Audit Appointments issued a document entitled Statement of Responsibilities of Auditors and Audited Bodies summarising where the responsibilities of auditors begin and end and what is expected from audited bodies. We draw your attention to this document which is available on Public Sector Audit Appointment's website (www.psaa.co.uk).

External auditors do not act as a substitute for the audited body's own responsibility for putting in place proper arrangements to ensure that public business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.

We are committed to providing you with a high quality service. If you have any concerns or are dissatisfied with any part of KPMG's work, in the first instance you should contact Neil Hewitson, the engagement lead to the Authority, who will try to resolve your complaint. If you are dissatisfied with your response please contact the national lead partner for all of KPMG's work under our contract with Public Sector Audit Appointments Limited, Andrew Sayers (andrew.sayers@kpmg.co.uk). After this, if you are still dissatisfied with how your complaint has been handled you can access PSAA's complaints procedure by emailing generalenquiries@psaa.co.uk, by telephoning 020 7072 7445 or by writing to Public Sector Audit Appointments Limited, 3rd Floor, Local Government House, Smith Square, London, SW1P 3HZ.

This Annual Audit Letter summarises the outcome from our audit work at Woking Borough Council in relation to the 2016/17 audit year.

Although it is addressed to Members of the Authority, it is also intended to communicate these key messages to key external stakeholders, including members of the public, and will be placed on the authority's website.

Page 7

VFM conclusion	<p>We issued an unqualified conclusion on the Authority's arrangements to secure value for money (VFM conclusion) for 2016/17 on 29 September 2017. This means we are satisfied that during the year the Authority had appropriate arrangements for securing economy, efficiency and effectiveness in the use of its resources.</p> <p>To arrive at our conclusion we looked at the Authority's arrangements to make informed decision making, sustainable resource deployment and working with partners and third parties.</p>
VFM risk areas	<p>We undertook a risk assessment as part of our VFM audit work to identify the key areas impacting on our VFM conclusion and considered the arrangements you have put in place to mitigate these risks.</p> <p>We assessed whether the Authority has robust systems and processes to effectively manage financial risks and opportunities and to secure a stable financial position that enables it to operate for the foreseeable future. We did this by reviewing the Medium Term Financial Strategy (MTFS) for 2016/17 to 2021/22 and by reviewing relevant minutes from Council meetings to support our understanding of processes followed in setting the MTFS.</p> <p>We reviewed the budget process and assumptions included such as savings estimates. In particular, the MTFS states that the Authority must find £7.5m of savings over the 5 years to 2022. We enquired with the managers of each of the main departments about the assumptions underpinning the MTFS, and they felt the assumptions were reasonable based on past performance. In 2016/17 there was an underspend of £981k, with a forecast underspend in 2017/18 of £296k.</p> <p>We performed an analysis of historic borrowing rates, and comparison with reserves. This included an analysis of where the majority of savings have come from the assumptions underpinning the Medium Term Financial Strategy.</p> <p>We have not identified any significant concerns with the financial resilience of the Authority that would impact on our value for money conclusion.</p>
Audit opinion	<p>We issued an unqualified opinion on the Authority's financial statements on 29 September 2017. This means that we believe the financial statements give a true and fair view of the financial position of the Authority and of its expenditure and income for the year. The financial statements also include those of the Authorities group</p>
Financial statements audit	<p>There was one immaterial audit difference that was adjusted (£1,544k) relating to consolidation adjustments..</p> <p>Our audit identified a number of minor amendments focused on presentational errors or improvements for the Council. These have all been amended. The Finance team is committed to continuous improvement in the quality of the financial statements submitted for audit in future years.</p>

Section one

Headlines (cont)

We have issued our certificate to confirm the completion of our audit responsibilities for the 2016/17 audit year.

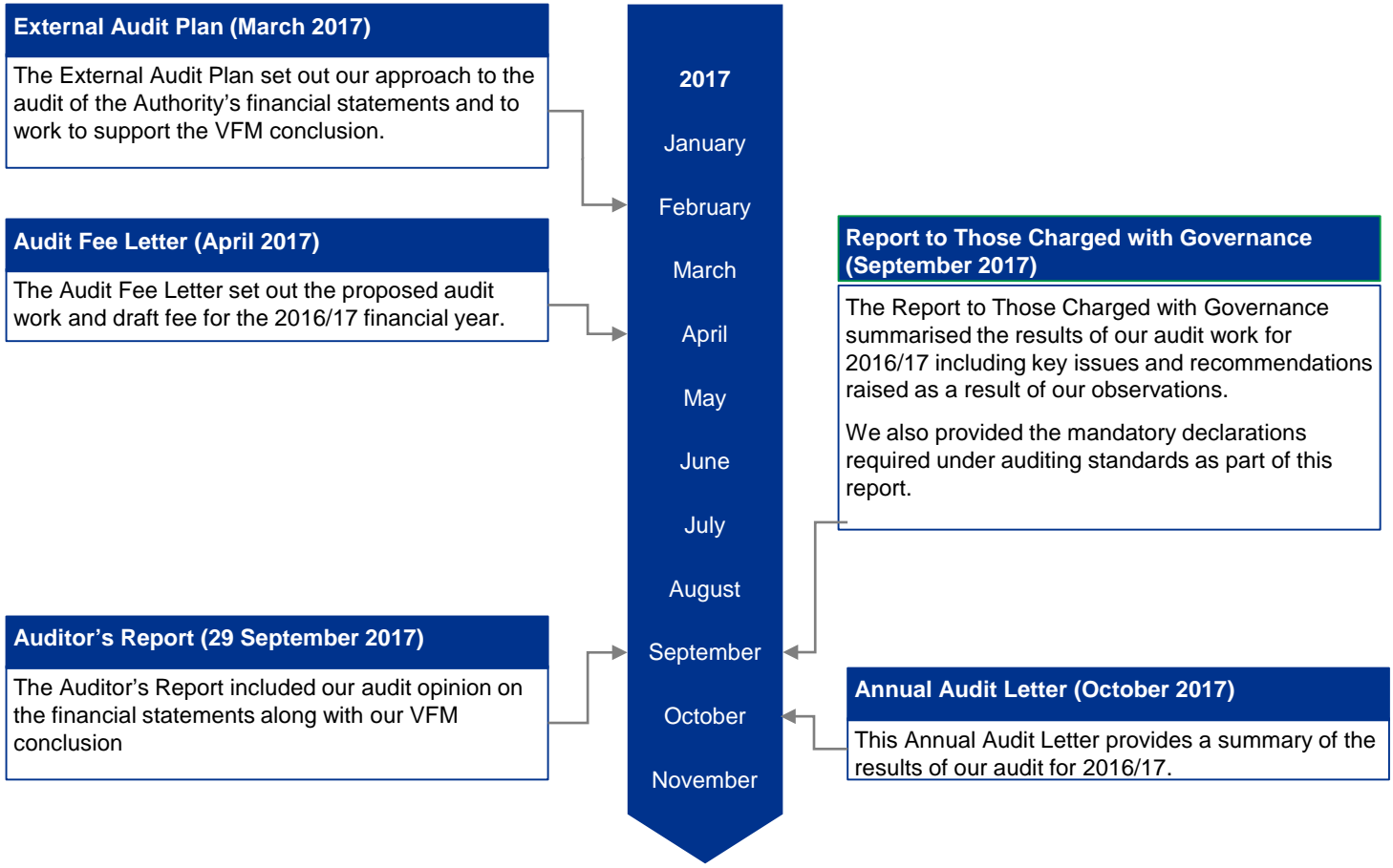
Page 8

Other information accompanying the financial statements	We reviewed your Annual Governance Statement and concluded that it was consistent with our understanding.
Whole of Government Accounts	We reviewed the consolidation pack which the Authority prepared to support the production of Whole of Government Accounts by HM Treasury. We reported that the Authority's pack was consistent with the audited financial statements.
High priority recommendations	We raised no high priority recommendations as a result of our 2016/17 audit work.
Certificate	We issued our certificate on 29 September 2017. The certificate confirms that we have concluded the audit for 2016/17 in accordance with the requirements of the Local Audit & Accountability Act 2014 and the Code of Audit Practice.
Audit fee	Our fee for the audit was £54,702 excluding VAT (£54,702 excluding VAT in 2015/16). This fee was in line with that highlighted in our audit plan approved by the Standards and Audit Committee on 9 March 2017. Our fee for the certification of Housing Benefits is £7,208 excluding VAT (£7,208 excluding VAT in 2015/16).

Appendix 1: Summary of reports issued

Page 9

This appendix summarises the reports we issued since our last Annual Audit Letter.





kpmg.com/socialmedia



kpmg.com/app

The information contained herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavour to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation.

© 2017 KPMG LLP, a UK limited liability partnership and a member firm of the KPMG network of independent member firms affiliated with KPMG International Cooperative (“KPMG International”), a Swiss entity. All rights reserved.

KPMG LLP is multi-disciplinary practice authorised and regulated by the Solicitors Regulation Authority. For full details of our professional regulation please refer to ‘Regulatory Information’ at www.kpmg.com/uk

The KPMG name and logo are registered trademarks or trademarks of KPMG International.

STANDARDS AND AUDIT COMMITTEE – 30 NOVEMBER 2017

INTERNAL AUDIT PROGRESS REPORT

Executive Summary

Financial Regulation 2.8 requires that the Chief Finance Officer shall report regularly to the Standards and Audit Committee on the work undertaken by Internal Audit. This report is accordingly submitted to the Committee for consideration.

This report covers audit activity and performance from 1 April 2017 to 10 November 2017.

Recommendations

The Committee is requested to:

RESOLVE that the report be received and progress against the 2017-18 Internal Audit Plan and implementation of Internal Audit recommendations be noted.

The Committee has authority to determine the above recommendation.

Background Papers:

None

Reporting Person:

James Graham, Head of Internal Audit
Ext. 3236, E Mail: James.Graham@mazars.co.uk

Contact Person:

Leigh Clarke, Finance Director
Ext. 3277, E Mail: Leigh.Clarke@woking.gov.uk

James Graham, Head of Internal Audit
Ext. 3236, E Mail: James.Graham@mazars.co.uk

Date Published:

20 November 2017

1.0 Introduction

- 1.1 Financial Regulation 2.8 requires that the Chief Finance Officer shall report regularly to the Standards and Audit Committee on the work undertaken by Internal Audit. This report covers audit activity and performance from 1 April 2017 to 10 November 2017.
- 1.2 The Standards and Audit Committee approved the 2017/18 Plan on 9 March 2017.
- 1.3 The purpose of this report is to outline the following in respect of Internal Audit Activity during the period 1 April 2017 to 10 November 2017:
 - A description of key audit issues and also of non-audit activity undertaken during the year;
 - details of reports issued during the period;
 - a list of reports in progress as at 10 November 2017.
 - any major (ie. high risk) recommendations made in Internal Audit reports issued between 1 April 2017 and 10 November 2017; and
 - an update on all recommendations that remain outstanding for implementation.

2.0 Internal Audit Activity 1 April 2017 to 10 November 2017

- 2.1 Table 1 below provides a summary of progress in terms of the number of reports at draft or final stage and those in progress, as at 10 November:

Table 1

Audit Status	Number of reviews	Percentage Completion
Finalised	5	22
Draft	1	4
In Progress	5	22
To be undertaken	12	52
Cancelled	0	0
Deferred to 18/19	0	0
Total	23	100

- 2.5 Table 1 above illustrates that 26% of the plan has been delivered to at least draft report stage to date, with a further 22% of the plan being fieldwork in progress.
- 2.6 Table 2 below shows the status of all audits on the 2017/18 plan, including the reviews carried forward from 2016/17:

Table 2

Audit Title	Audit Status	Recommendations by Priority		
		High	Medium	Low
Data Protection Act & Freedom of Information	To be scheduled – Q4 17/18	-	-	-
Gifts, Hospitality & Declarations of Interest	In progress	-	-	-
Information Management	To be scheduled – Q4 17/18	-	-	-

Internal Audit Progress Report

Health & Safety	Final report issued	2	2	0
Project Reviews – Thematic audits	To be scheduled – Q4 17/18	-	-	-
Savings Plans, including MTFs, monitoring of budgets	To be scheduled – Q4 17/18	-	-	-
Contract Management	To be scheduled – Q4 17/18	-	-	-
Critical friend reviews	To be scheduled – Q4 17/18	-	-	-
Key Financial testing, including: - Payroll - Accounts Payable - Accounts receivable - Council tax; - NNDR; - General Ledger	In progress	-	-	-
Safeguarding Adults & Children	In progress	-	-	-
S106/CIL	Final report issued	0	1	1
Affordable Homes	To be scheduled Q4 17/18	-	-	-
Temporary Accommodation	In progress	-	-	-
Parking Services	Final report issued	0	3	0
Planning Services	Draft report issued	-	-	-
Commercial Property Estate	To be scheduled Q4 17/18	-	-	-
Taxi Licensing	In progress	-	-	-
Victoria Square development	To be scheduled Q4 17/18	-	-	-
ICT risk assessment	To be scheduled Q3/4 17/18	-	-	-
Cloud Computing	In progress	-	-	-
Cybersecurity	Final report issued	0	0	0

Deferred from 2016/17

Health and Wellbeing	To be scheduled Q4 17/18	-	-	-
Sharepoint Document & Records Management	Final report issued	0	4	0

2.7 Internal Audit categorise recommendations as high, medium or low risk to differentiate between the types of recommendation made. This gives management an indication on the urgency of implementing the suggested control or cost saving measure.

2.8 Recommendation classifications are:

- **High risk** – fundamental absence/failure of key control procedures (e.g. breach of legislation, council policies or procedures), immediate action required.
- **Medium risk** – inadequate management of key risks. Control procedures are in place but are not working effectively. Action is necessary to avoid exposure to risk.
- **Low risk** – actions merit attention to enhance the control environment, i.e. action is considered desirable.

2.9 There were two high risk recommendations made in final reports issued between 1st April and 10 November 2017, and one Limited assurance final report was issued as detailed in Appendix 1. The Council's improvement tracking tool, Shikari, is used to record all recommendations made in Internal Audit reports and to monitor their implementation status.

3.0 Follow ups

3.1 All recommendations are entered onto an improvement plan in Shikari. The Shikari system automatically reminds managers when recommendation due dates are approaching (note: the target dates are set by managers themselves, not by Internal Audit) and again when the implementation date has been missed. Managers update progress on the system and close down the recommendations on the system once implemented.

3.2 Internal Audit use system generated reports to monitor levels of implementation. This is supplemented by spot checks in the business area concerned to confirm that the recommendation is being implemented in practice. A procedure is in place to escalate recommendations that have not been implemented as agreed to CMG and finally to this committee where necessary.

3.3 As of the 10 November, there are 6 outstanding recommendations (ie. the recommendations are past their agreed implementation dates), of which one is classified as high risk. Details of the outstanding High Risk recommendation is detailed in Appendix 2.

3.4 New recommendations will be agreed as the draft reports detailed in Table 2 are finalised. It is important that these are implemented within the agreed timescales to ensure that the position reported in 3.3 above is maintained.

3.6 Outstanding recommendations are regularly reported to CMG. In addition, recommendations are routinely followed up as part of our audit work.

4.0 Implications

Financial

4.1 There are minimal financial implications around the implementation of internal audit recommendations. Some audit recommendations are designed to improve value for money.

Human Resource/Training and Development

- 4.2 Some audit recommendations need minimal resource to put in place.

Community Safety

- 4.3 There are no implications.

Risk Management

- 4.4 Internal Audit identifies weaknesses in the control environment. Implementation of recommendations therefore improves the control environment and hence the management of risk.

Sustainability

- 4.5 There are no implications.

Equalities

- 4.6 There are no implications.

REPORT ENDS

High Risk recommendations raised as at 10 November 2017**Health and Safety (2017/18) – Limited Assurance**

Recommendation: In order to identify non-compliance with the Council's Health & Safety procedures, legislative requirements and training requirements, the Health and Safety function at the Council should utilise a risk based approach to undertake Health and Safety audits across the Council's various service lines.

Observation: It was established that there have been no Health and Safety audits completed within the past 12 months and that the only audit completed within the last two years was in 2015.

Risk rating: High

Agreed implementation date: 31/12/2017

Recommendation: All Council teams should have a risk assessment in place to ensure that all potential risks have been identified, and controls put in place to mitigate these risks. The risk assessments should be updated annually and a risk based sample of risk assessments should be checked by the Health and Safety function to confirm that these are being completed sufficiently.

Observation: It was established that risk assessments completed by teams are not reviewed by the Health and Safety function at the Council.

Risk rating: High

Agreed implementation date: 31/12/2017

Outstanding High Risk recommendations as at 10 November 2017	
Recommendation	
Business Continuity and Disaster Recovery (2008/09)	
<p>Recommendation: Concurrent with the previous recommendations an IT DR plan should be drafted which is aligned with the Council's Business Continuity priorities. Officer response: There is a great deal of work to be done to create a working DR plan for IT. It will involve investment and resources to achieve. An estimated target for the draft plan is 12 months from the start but implementation and testing timescales will depend upon the outcome of investigations and may involve other business areas e.g. Asset Management. It may be possible to test some areas of the plan in isolation before the complete plan is implemented. Risk rating: High Agreed implementation date: 31/12/10</p> <p>Status: As agreed in the September 2017 Standards and Audit Committee, a high level review of IT Business Continuity and Disaster Recovery is being undertaken to develop a more detailed action plan.</p> <p>Original Due Date: 31/12/2010 Current Due Date: 31/03/2016</p>	

STANDARDS AND AUDIT COMMITTEE - 30 NOVEMBER 2017

REVIEW OF ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT 2011

Executive Summary

This report advises the Committee of a proposed review of the Council's Arrangements for Dealing with Standards Allegations under the Localism Act 2011.

Recommendations

The Committee is requested to:

RESOLVE That

The position regarding the proposed review of the Council's Arrangements for Dealing with Standards Allegations under the Localism Act 2011 be noted.

The Committee has authority to determine the above recommendations.

Background Papers:

The Council's Arrangements for Dealing with Standards Allegations under the Localism Act 2011

Reporting and Contact Person:

Peter Bryant, Head of Democratic and Legal Services/Monitoring Officer
Ext. 3030, E Mail: Peter.Bryant@woking.gov.uk

Date Published:

22 November 2017

1.0 Introduction

- 1.1 Under the Localism Act 2011, the Council must have “arrangements” under which allegations that a Member has failed to comply with the Members’ Code of Conduct can be investigated, and decisions made on such allegations.
- 1.2 The Council adopted “Arrangements for Dealing with Standards Allegations under the Localism Act 2011” (“Arrangements”) on 28 June 2012. These were amended on 24 October 2013. A copy of the Arrangements is appended to this report.

2.0 Review

- 2.1 It would be appropriate to review the Arrangements in the light of experience gained in investigating Standards allegations since 2012.
- 2.2 The Monitoring Officer proposes to consult with Group Leaders and the Council’s Independent Person before reporting to the next meeting of the Standards and Audit Committee (8 March 2018) with appropriate recommendations. Any changes to the Arrangements will need to be approved by Full Council.

3.0 Implications

Financial

- 3.1 None.

Human Resource/Training and Development

- 3.2 None.

Community Safety

- 3.3 None.

Risk Management

- 3.4 None.

Sustainability

- 3.5 None.

Equalities

- 3.6 None.

4.0 Conclusions

- 4.1 Advising the Committee of the proposed review of the Arrangements gives the Committee, and/or individual Committee Members, the opportunity to give its/their view on any points which should be considered as part of the review.

REPORT ENDS

Arrangements for dealing with Standards Allegations under the Localism Act 2011

1 Context

- 1.1 Under Sections 28(6) and (7) of the Localism Act 2011, the Council must have "arrangements" under which allegations that a Member, or co-opted Member, has failed to comply with the Council's Code of Conduct can be investigated, and decisions made on such allegations.
- 1.2 Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated. The Independent Person's views can also 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

- 2.1 The Council has adopted a Code of Conduct for Members. This is available for inspection on the Council's website (www.woking.gov.uk) and on request from the Council's Monitoring Officer (see paragraph 3 below for contact details).

3 Making a complaint

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

The Monitoring Officer,
Woking Borough Council,
Civic Offices,
Gloucester Square,
Woking,
Surrey,
GU21 6YL
legal@woking.gov.uk

- 3.2 The Monitoring Officer is a statutory officer of the Council who has responsibility for maintaining the Register of Members' Interests, and who is responsible for administering the system in respect of complaints of Member misconduct.
- 3.3 Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please say so and 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.
- 3.4 The Monitoring Officer will acknowledge receipt of your complaint within five working days of receiving it, and will keep you informed of the progress of your complaint.
- 3.5 The Monitoring Officer will, within five working days of receipt, normally advise the Member against whom the complaint is made that a complaint has been received (together with brief details of the complaint). The Member shall not make any representations to the Monitoring Officer at this stage of the process. The Monitoring Officer will, within the same timescale, normally advise all Group Leaders of the receipt of the complaint (together with brief details of the complaint). Group Leaders shall not make any representations to the Monitoring

Officer at any stage of the process. The Monitoring Officer may decide not to advise the Member, or Group Leaders, of the receipt of the complaint if this might prejudice a subsequent investigation. The Monitoring Officer shall have the discretion to notify other persons of the receipt of the complaint as he/she considers appropriate.

4 Will your complaint be investigated?

- 4.1 The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. The Monitoring Officer may consult the Independent Person before making this decision. This decision will normally be taken within ten working days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you, the Independent Person, the Chairman of the Standards and Audit Committee, all Group Leaders, the Chief Executive and the Member, of his/her decision and the reasons for that decision. The Monitoring Officer shall have the discretion to notify other persons of his/her decision (and the reasons for that decision) as he/she considers appropriate.
- 4.2 Where the Monitoring Officer requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the Member against whom your complaint is directed.
- 4.3 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the Council. Where the Member, or the Council, makes 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.
- 4.4 If your complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer may refer the complaint to the Police and/or other regulatory authorities. The Monitoring Officer should ensure that nothing is done under these arrangements which could prejudice possible action to be taken by the Police and/or other regulatory authorities.
- 4.5 Vexatious or frivolous complaints will not be formally investigated.

5 How is the investigation conducted?

- 5.1 If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer. The Investigating Officer may be 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.
- 5.2 The Investigating Officer will normally write to the Member against whom you have complained and provide him/her with a copy of your complaint, and ask the Member to provide his/her explanation of events, and to identify what documents he needs to see and who he 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.
- 5.3 At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report to you and to the Member concerned, to give you both an opportunity to identify any matter in the draft report which you disagree with or which you

consider requires more consideration. A copy of the draft report will also be sent to the Monitoring Officer.

5.4 Having received and taken account of any comments that may be made 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?

6.1 The Monitoring Officer will review the Investigating Officer's report and, if satisfied (after consulting the Independent Person) 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. The Monitoring Officer will 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, he/she may ask the Investigating Officer to reconsider his/her report.

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

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

7.2 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 Council. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards and Audit Committee for information, but will otherwise take no further action.

7.3 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, the Monitoring Officer will report the Investigating Officer's report to the Standards Hearings Sub-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.

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. 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 Standards Hearings Sub-Committee. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Hearings Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Standards Hearings Sub-Committee, 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. If the Standards Hearings Sub-Committee concludes that the Member did fail to comply with the Code of Conduct, the Chairman will inform the Member of this finding and the Standards Hearings Sub-Committee will then consider what action, if any, it should take as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Standards Hearings Sub-Committee will give the Member an opportunity to make representations to it and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

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

8.1 The Standards and Audit Committee has delegated to the Standards Hearings Sub-Committee power to take action in respect of individual Members who have breached the Code of Conduct. Accordingly the Standards Hearings Sub-Committee may –

- (a) Publish its findings in respect of the Member's conduct. This might comprise issuing a press release and/or inserting a public notice in the local newspaper(s);
- (b) Report its findings to Council for information;
- (c) Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council for such period as the Sub-Committee considers appropriate;
- (d) Recommend to the Leader of the Council that the Member be removed from the Executive, or removed from particular Portfolio responsibilities for such period as the Sub-Committee considers appropriate;
- (e) Instruct the Monitoring Officer to arrange training for the Member;
- (f) Recommend to the Council that the Member be removed from all outside appointments to which he/she has been appointed or nominated by the Council for such period as the Sub-Committee considers appropriate;
- (g) Withdraw facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access for such period as the Sub-Committee considers appropriate; or
- (h) Exclude the Member from the Council's offices or other premises, with the exception of meeting rooms as are necessary for attending Council, Committee and Sub-Committee meetings for such period as the Sub-Committee considers appropriate.

8.2 The Standards Hearings Sub-Committee has no power to suspend or disqualify the Member or to withdraw Members' allowances.

9 What happens at the end of the hearing?

9.1 At the end of the hearing, the Chairman will state the decision of the Standards Hearings Sub-Committee as to whether the Member failed to comply with the Code of Conduct and as to any actions which it resolves to take.

9.2 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chairman of the Standards Hearings Sub-Committee, and send a copy to the complainant and to the Member. The decision notice shall include reasons for the decision. The Monitoring Officer will also make the decision

notice available for public inspection and report the decision to the next convenient meeting of the Standards and Audit Committee.

10 What is the Standards Hearings Sub-Committee?

- 10.1 The Standards Hearings Sub-Committee is a sub-committee of the Council's Standards and Audit Committee. The Independent Person is invited to attend all meetings of the Standards Hearings Sub-Committee and his/her views are sought and taken into consideration before it takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11 Who is the Independent Person?

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

12 Departure from these arrangements

- 12.1 The Chairman of the Standards Hearings Sub-Committee may depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13 Appeals

- 13.1 There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer or the Standards Hearings Sub-Committee.
- 13.2 If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

14 Annual Report

- 14.1 The Monitoring Officer shall submit an annual report to the Standards and Audit Committee. The report should include appropriate details of all complaints received (including those where no breach was found).

Adopted by Woking Borough Council on 28 June 2012.
Amended by Woking Borough Council on 24 October 2013.

