

Part 7 – Appendices

Appendix 1 – The Armed Forces Community Covenant

Participants

This Armed Forces Community Covenant is made between:

The serving and former members of the Armed Forces and their families working and residing in Woking Borough.

Woking Borough Council the public, business, charitable and voluntary sector organisations in Woking Borough.

The Armed Forces Charities.

Principles of the armed forces community covenant

The Armed Forces Community Covenant is a voluntary statement of mutual support between a civilian community and its local Armed Forces Community. It is intended to complement the Armed Forces Covenant, which outlines the moral obligation between the Nation, the Government and the Armed Forces, at the local level.

The purpose of this Community Covenant is to encourage support for the Armed Forces Community working and residing in Woking Borough and to recognise and remember the sacrifices made by members of this Armed Forces Community, particularly those who have given the most. This includes in-Service and ex-Service personnel their families and widow(er)s in Woking Borough.

For Woking Borough Council and partner organisations, the Community Covenant presents an opportunity to bring their knowledge, experience, and expertise to bear on the provision of help and advice to members of the Armed Forces Community. It also presents an opportunity to build upon existing good work on other initiatives such as the Welfare Pathway.

For the Armed Forces community, the Community Covenant encourages the integration of Service life into civilian life and encourages members of the Armed Forces community to help their local community.

Objectives and general intentions

Aims of the Community Covenant

The Armed Forces Community Covenant complements the principles of the Armed Forces Covenant which defines the enduring, general principles that should govern the relationship between the Nation, the Government and the Armed Forces community. It aims to encourage all parties within a community to offer support to the local Armed Forces community and make it easier for Service personnel, families and veterans to access the help and support available from the MOD, from statutory providers and from the Charitable and Voluntary Sector. These organisations already work together in partnership in Woking.

The scheme is intended to be a two-way arrangement and the Armed Forces community are encouraged to do as much as they can to support their community and promote activity which integrates the Service community into civilian life.

Measures

Woking Borough Council, the public, business, voluntary sectors and Armed Forces Charities shall work with the Army represented by The Army Training Centre at Pirbright in order to achieve the general aims identified at section three above and ensure that Woking Borough remains an inclusive and welcoming home for military personnel and civilians alike.

Woking Borough Council, the public, business, voluntary sectors and Armed Forces Charities shall work with the Army represented by The Army Centre at Pirbright to support projects meeting the aims of the Community Covenant.

Appendix 2 – The Armed Forces Champion

The Armed Forces Champion should be an individual with an interest in the Armed Forces community. Some Armed Forces experience would be an advantage. The position is appointed to by Council (on the recommendation of the Council's Selection Panel), recognising the importance the Council places on the role.

The Role:

Underlying all actions is the objective to raise the profile and needs of the Armed Forces community (serving personnel, both regular and reserve, their families, veterans and Cadets), within the Council and the Borough/District. It shall be essential that the Champion is kept informed of all relevant developments.

Close liaison with the senior member of Borough/District staff, who is appointed by the Borough/District Chief Executive as Armed Forces Covenant Officer, with particular reference to the Council's obligations undertaken through the Armed Forces Covenant and the Community Covenant.

Close liaison with the Mayor on all ceremonial matters in which the Mayor should be involved (such as Armed Forces Day flag raising, attendance at local Armed Forces events, and Freedom of the Borough Marches).

The Champion is encouraged to keep the local Member/s of Parliament apprised of the activity within the Borough/District in relation to the Armed Forces community.

Where local circumstances suggest this is appropriate (e.g. a significant local Armed Forces presence) to establish (if not already established) and if appropriate to chair (but certainly be a member of), an Armed Forces Panel of Members and Officers meeting regularly with an agenda to ensure all areas of Council business take into account the needs of the Armed Forces community.

To liaise as appropriate with local members of the Armed Forces, in particular the appropriate Task Force Commander (appointed by 11 Infantry Brigade) to assist in understanding where help may be most needed and to enable in return a better understanding within the Armed Forces of the limitations and different responsibilities of Local Government and its decision-making processes.

To be the primary focal point for liaison with businesses/local organisations within the Borough/District to promote the Armed Forces Corporate Covenant and encourage engagement with the Armed Forces, in particular Reservists and Cadets. Close liaison with the Council's Business Development Section (or equivalent) on these matters would be required.

To support local Cadet units by acting as the key link with the local authority, and to look to provide local ceremonial, remembrance and volunteering opportunities.

To sponsor an Annual report to the Executive/Executive, or equivalent Committee of the Borough/District, perhaps first reviewed by the relevant Scrutiny Committee, detailing the Council's actions over the past year in respect of the obligations to the Covenants.

Appendix 3 – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix 4 – Registering Interests

Within 28 days of becoming a Councillor or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

“Partner” means a spouse or civil partner, or a person with whom you are living as husband and/or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non-participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as an Executive member in exercise of your Executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which ***directly relates*** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which *affects* –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter *affects* your financial interest or well-being:
 - (i) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision; and
 - (ii) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an Executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

www.legislation.gov.uk/uksi/2012/1464/made

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. Any unpaid directorship.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the Councillor during the previous 12-month period for expenses incurred by them in carrying out their duties as a Councillor, or towards their 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.
Contracts	Any contract made between the Councillor or their spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) 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.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or their spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer
Corporate tenancies	Any tenancy where (to the Councillor's knowledge) (a) the landlord is the Council; and (b) the tenant is a body that the Councillor, or their spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.

Securities	<p>Any beneficial interest in securities* of a body where -</p> <p>(a) that body (to the Councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p style="padding-left: 20px;">(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: 20px;">(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 Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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* 'director' includes a member of the Committee of management of an industrial and provident society.

* '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.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - i) exercising functions of a public nature
 - ii) any body directed to charitable purposes or
 - iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Appendix 5 – Complaint Form – Code of Conduct for Members

**To: The Monitoring Officer
Woking Borough Council**

A. Your details

1. Please provide us with your name and contact details. Anonymous complaints will only be considered if there is independent evidence to substantiate the complaint.

Title:	
First Name:	
Last Name:	
Address:	
Contact Telephone:	
Email:	
Signature:	
Date of Complaint:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people will see this form:

- the Council's Independent Person advising the Standards Panel;
- the Monitoring Officer of the Borough Council;
- the Chair of the Audit and Governance Committee (if the matter proceeds to investigation);
and
- the Standards Panel (if the matter proceeds to a Standards Panel).

A brief summary of your complaint may also be shared, with the Member(s) you are complaining against. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete Section C of this Form and also discuss your reasons or concerns with the Council's Monitoring Officer.

2. Please tell us which complainant type best describes you:

- A member of the public
- An elected or co-opted Member of the Council
- A Member of Parliament
- A Monitoring Officer
- Other Council employee, contractor or agent of the Council
- Other (please state)

B. Making your Complaint

For a brief summary of sanctions available to the Standards Panel, please see information at the end of this Form.

3. Please provide us with the name of the member(s) you believe have breached the Borough Council's Code of Conduct.
4. Please explain in this section (or on separate sheet(s)) what the Member is alleged to have done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done, with dates / witnesses to substantiate the alleged breach.

Title	First Name	Last Name	Summary of alleged breach of Code of Conduct

It is also important that you provide all the evidence you wish to have taken into account by the Monitoring Officer when they decide whether to take any action on your complaint or not. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates, it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).
- If the allegation(s) being made occurred over **28** days from the alleged behaviour or conduct, clearly explain why the complaint was not made during that period of time.

Please provide us with the details of your complaint and the evidence you want the Monitoring Officer to consider. Continue on a separate sheet if there is not enough space on this form.

C. Confidentiality of complainant and the complaint details

(Only complete this next section if you are requesting that your identity is kept confidential.)

5. In the interests of fairness and in compliance with the rules of natural justice, we believe members who are complained about have a right to know who has made the complaint and the substance of the allegation(s) made against them. We are, therefore, unlikely to withhold your personal details or the details of your complaint unless you have good reasons to believe that you have justifiable grounds, for example:
- you believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same); or
 - you feel you may receive less favourable treatment from the Council because of the seniority of the Member against whom you are submitting a written complaint in terms of any existing Council service provision or any tender/contract that you may have or are about to submit to the Council.

Please note that requests for confidentiality or requests for suppression of the personal and complaint details will not automatically be granted. The Monitoring Officer will consider the request with the Independent Person alongside the substance of your complaint and the Monitoring Officer will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the opportunity, if you so wish, of withdrawing your complaint.

However, it is important to understand that - in exceptional circumstances, where the matter complained about is very serious - we may proceed with an investigation (or other action) and may have no choice but to disclose your personal and complaint details, because of the allegation(s) made, even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

D. Additional Information

- 6. Frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.
- 7. Complaints must be submitted in writing. In line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.
- 8. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

E. Process from here

- 9. Once a valid complaint relating to an alleged breach of the Code of Conduct for Members has been received by the Monitoring Officer, it will be considered by the Monitoring Officer with the Independent Person. You and the member against whom the complaint has been made will not be allowed to attend these deliberations, as the matter will be considered in private.
- 10. The Monitoring Officer, in consultation with the Independent Person, may resolve to:

- (a) dismiss your complaint, with reasons;
 - (b) ask you for additional information, with reasons; or
 - (c) refer your complaint for investigation (or other action).
11. You will be notified once the decision is made and given information on any further stage(s) in the process at that time.

Monitoring Officer
Woking Borough Council
Civic Offices
Gloucester Square
Woking
GU21 6YL

monitoring.officer@woking.gov.uk
01483 743038

Appendix 6 – Sanctions Available to the Standards Panel

The Audit and Governance Committee has delegated to the Standards Panel power to take action in respect of individual Members who have breached the Code of Conduct. Accordingly, the Standards Panel may:

- (i) 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);
- (ii) report its findings to Council for information;
- (iii) censure or reprimand the Member;
- (iv) recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that they be removed from any or all Committees or Sub-Committees of the Council for such period as the Standards Panel considers appropriate;
- (v) 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 Standards Panel considers appropriate;
- (vi) instruct the Monitoring Officer to arrange training for the Member;
- (vii) recommend to the Council that the Member be removed from all outside appointments to which they have been appointed or nominated by the Council for such period as the Standards Panel considers appropriate;
- (viii) 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 Standards Panel considers appropriate; or
- (ix) 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 Standards Panel considers appropriate.

The Standards Panel has no power to suspend or disqualify the Member or to withdraw Members' allowances.

Appendix 7 – Assessment of the Complaint – Code of Conduct for Members

The Monitoring Officer will, within 10 working days of the acknowledgement of receipt of a complaint, apply the following questions to determine whether a Complaint falls within the jurisdiction of these arrangements.

The Monitoring Officer shall do so in consultation with the Independent Person.

Stage 1 - Initial Jurisdiction Test

The complaint will be assessed by the Monitoring Officer against an Initial Jurisdiction Test as follows:

- (i) Did the alleged conduct occur before the adoption of the Code of Conduct?
- (ii) Was the Subject Member a member of the Borough Council at the time of the alleged conduct?
- (iii) Was the Subject Member acting in an official capacity as a Councillor at the time of the alleged conduct? (The case law and legislative position is that Code of Conduct matters can only be dealt with when the allegation is about something that a Councillor did in his or her role as a Councillor when acting in an official capacity.)
- (iv) Did the alleged conduct occur when the Subject Member was acting as a member of another authority?
- (v) If the facts, could be established, as a matter of evidence, could or would the alleged conduct be capable of a breach of the Code of Conduct?
- (vi) Is the complaint limited to dissatisfaction with the Borough Council's decisions, policies and priorities, etc.?

If the complaint fails one or more of the initial jurisdiction tests, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons. There is no internal right of appeal against the Monitoring Officer's decision.

If the complaint satisfies the Initial Jurisdiction Test the Monitoring Officer will then proceed to assess the complaint. The Assessment Test aids the Monitoring Officer in reaching a decision on the complaint by enabling the Monitoring Officer to consider the following criteria, whilst taking into account the nature of the complaint and the need to adopt a proportionate response:

Stage 2 - The Assessment Test

General:

1. Has the Complainant submitted enough information as regards the allegation and alleged misconduct to sustain a potential breach of the Code of Conduct?

2. Is an investigation likely to prove on the balance of probability whether or not a breach took place?
3. Does the complaint appear to be too trivial to warrant further action?
4. Is the evidence sufficiently reliable i.e. is the evidence first-hand or hearsay?
5. Is the evidence relevant to the alleged breach?
6. Could any further evidence be revealed by an investigation?
7. Would an investigation serve any useful purpose?
8. Is the allegation serious enough to warrant further action?

Mitigating factors (tending to make further action less likely)

9. the substance of the complaint has already been the subject of an investigation or other action relating to the Code of Conduct;
10. the allegation took place more than 28 days prior to receipt of the complaint and there would be little benefit in taking action now;
11. the Subject Member took appropriate advice on the matter and followed that advice;
12. the complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter, e.g. where there is no firm evidence on the matter;
13. it is likely that an investigation will prove only a technical or inadvertent breach;
14. the complaint appears to be malicious, vexatious, politically motivated or tit-for-tat;
15. the Complainant has involved the press in relation to the alleged complaint;
16. the member has already provided (or tried to provide) a suitable remedy (such as apologising);
17. the breach occurred in all innocence i.e. without knowledge;
18. there was unreasonable provocation;
19. the complaint involves a Subject Member who is seriously ill and it would not be in the public interest to pursue;
20. the complaint is about a deceased person; and/or
21. the complaint is about a person who is no longer a borough Councillor.

Aggravating factors (tending to make further action more likely)

22. the complaint involves allegations of bullying or intimidation of a Complainant;

23. the allegation, if proven, could have a serious effect upon the reputation of the Council, upon staff relations or upon public trust and confidence;
24. the Subject Member holds a position of seniority and/or a position of influence;
25. there is a pattern of individual acts of minor misconduct which appear to be part of a continuing pattern of behaviour that is unreasonably disruptive to the business of the Council;
26. the Subject Member took appropriate advice on the matter but did not follow that advice; and/or
27. the complaint involves an allegation that the behaviour may cause the Council to breach an equality enactment.

The criteria set out in the Assessment Test is not an exhaustive or prescriptive list and the Monitoring Officer can take into account other criteria dependent on the circumstance of the complaint. The existence of such criteria does not fetter the discretion of the Monitoring Officer. A written record of the assessment decision will be provided aiding robust and transparent decision-making.

Appendix 8 – Standards Panel Guidance

The need for a Standards Panel

The Standards Panel will seek to hold a Standards Panel in relation to an allegation within 28 working days of receiving the Investigation Report.

Before the Standards Panel

The Standards Panel process

The Panel will use a written Standards Panel process in order to allow the Standards Panel to proceed fairly and efficiently.

The Subject Member will be asked to provide the following information to the Monitoring Officer within 5 working days from the notification of the Standards Panel:

- (i) to identify those paragraphs in the Investigating Officer's Report which the Subject Member agrees with and those paragraphs in the Report that the Subject Member disagrees with and the reasons for such disagreement;
- (ii) to identify any further documentary evidence which the Subject Member would like to rely upon at the Standards Panel;
- (iii) to ascertain if they are going to attend the Standards Panel and if they are going to represent themselves or whether they are going to employ someone to represent them in which case they should provide the details of their representative prior to the Standards Panel; and
- (iv) to give reasons whether the whole or any part of the Panel should be held in private and whether any of the documentation supplied to the Standards Panel should be withheld from the public.

The Investigating Officer will also be asked to comment on the Subject Member's response within a set time to say whether or not they:

- (i) want to call witnesses to give evidence to the Standards Panel;
- (ii) want any part of the Panel conducted in private and why; and/or
- (iii) want any part of the Investigating Officer's report or other relevant documents to be withheld from the public and why.

The Monitoring Officer will endeavour to accommodate the availability of the parties attending the Standards Panel before notifying the parties of the date, time and place for the Standards Panel.

The Complainant will be asked to provide the following information to the Monitoring Officer:

- (i) the Investigator's report forms basis of the case that the Code of Conduct has been breached to identify those paragraphs in the Investigating Officer's Report which the

Complainant agrees with and those paragraphs in the Report that the Complainant disagrees with and the reasons for such disagreement.

- (ii) to ascertain if they wish to attend the Standards Panel and whether or not they wish to make representations to the Standards Panel. It should be noted that the Investigating Officer shall advocate that the Code of Conduct has been breached.
- (iii) the Complainant, at the discretion of the Chair of the Standards Panel, may request the opportunity to rebut any matters raised within the Standards Panel to which they disagree.
- (iv) to give reasons whether the whole or any part of the Standards Panel should be held in private and whether any of the documentation supplied to the Standards Panel should be withheld from the public.

The Standards Panel

The Order of Business

The order of business will be as follows, subject to the Chair exercising discretion and amending the order of business where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter:

- (i) appointment of a Chair/Vice Chair;
- (ii) apologies for absence;
- (iii) declarations of interests;
- (iv) the Chair shall confirm that the Standards Panel is quorate;
- (v) in the absence of the Subject Member, consideration as to whether to adjourn or to proceed with the Standards Panel;
- (vi) introduction by the Chair, of Members of the Standards Panel, the Independent Person, the Monitoring Officer or Legal Advisor to the Standards Panel, Investigating Officer, Complainant(s) and the Subject Member and their representative (if appointed);
- (vii) to determine whether the public/press are to be excluded from any part of the meeting and/or whether any documents (or parts thereof) should be withheld from the public/press; and
- (viii) conduct of the Standards Panel. The Standards Panel may adjourn the Standards Panel at any time.

Presentation of the Complaint

The Investigating Officer presents their report including any documentary evidence or other material and calls any complainant witnesses.

The Standards Panel will give the Subject Member the opportunity to ask any questions regarding the evidence presented through the Chair.

The Standards Panel may question the Investigating Officer upon the content of their report and any complainant witnesses.

Presentation of the Subject Member's case

The Subject Member or their representative presents their case and calls their witnesses.

The Standards Panel will give the Investigating Officer the opportunity to ask any questions regarding the evidence presented through the Chair.

The Standards Panel may question the Subject Member upon the contents of their case and any Subject Member witnesses.

Summing up

The Investigating Officer sums up the complaint.

The Complainant to have the opportunity to rebut any matters raised within the Panel to which they disagree.

The Subject Member or their representative sums up their case.

Views/Submissions of the Independent Person

The Chair will invite the Independent Person to express their view on whether they consider that, on the facts presented to the Standards Panel, there has been a breach of the Code of Conduct or no breach as the case may be.

Deliberations of the Standards Panel

The Chair will adjourn the meeting of the Standards Panel and deliberate in private (assisted on matters of law by a legal advisor) to consider whether, on the facts found, the Subject Member has failed to comply with the Code of Conduct.

The Standards Panel may, at any time, come out of private session and reconvene the meeting of the Standards Panel in public, in order to seek additional evidence from the Investigating Officer, the Subject Member or the witnesses. If further information to assist the Standards Panel cannot be presented, then the Standards Panel may adjourn the Standards Panel and issue directions as to the additional evidence required and by whom.

The Standards Panel will make its decision on the balance of probability, based on the evidence before it during the Standards Panel.

Where the complaint has a number of aspects, the meeting of the Standards Panel may reach a finding, apply a sanction and /or make a recommendation on each aspect separately.

Having deliberated on its decision the Standards Panel will reconvene the Standards Panel in public and the Chair will announce that, on the facts presented, the Standards Panel considers that there has been a breach of the Code of Conduct, or no breach, as the case may be.

If the Standards Panel considers that there has been **no breach of the Code of Conduct** the Standards Panel will set out the principal reasons for the decision. The Chair will also

announce that the Sub- Committee's full decision and reasons will be issued by the Monitoring Officer, in writing, within approximately 10 working days following the close of the Standards Panel.

If the Standards Panel decides that there has been a **breach of the Code of Conduct**, the Chair will announce the principal reasons for the decision.

The Chair will then invite the Investigating Officer and the Subject Member, to make their representations as to whether any sanction(s) or recommendations should be applied and what form any sanction(s) or recommendation(s) should take.

In reaching its decision the Standards Panel may make any recommendations it considers may facilitate and enhance ethical standards within the relevant authority. The Independent Person will then be invited to express their view on any sanction(s) or recommendation(s).

Having heard the representation/views, the Standards Panel will adjourn and deliberate in private.

Having deliberated on the application of any sanctions(s), and having taken into account the Independent Person's views the Standards Panel will reconvene the Standards Panel in public and the Chair will announce:

- (i) whether any sanctions are to be applied;
- (ii) whether any recommendations will be made to the Council or the Monitoring Officer;
- (iii) that the Standards Panel's full decision and reasons will be issued by the Monitoring Officer, in writing within approximately 10 working days following the close of the Standards Panel;
- (iv) that the decision will be published on the Borough Council's website; and
- (v) that there is no internal right of appeal against the Standards Panel decision(s) and/or recommendations(s).

Range of Possible Sanctions

The Standards Panel may:

- (i) publish and report its findings in respect of the Subject Member's conduct to a meeting of the Full Council
- (ii) recommend to Council that the Subject Member be requested to apologise;
- (iii) recommend to the Subject Member's political group leader (or in the case of an ungrouped Subject Member, recommend to Council or to Committees) that they be removed from any or all Committees or Standards Panels of the Council for a specified period;
- (iv) recommend to the Leader of the Council, in the case of an Executive Subject Member, that the Subject Member be removed from the Executive, or removed from particular portfolio responsibilities;

- (v) recommend to Council that the Subject Member be requested to participate in appropriate training or participation in conciliation or mediation;
- (vi) recommend to Council that the Subject Member be removed from all outside appointments to which they have been appointed or nominated by the Council for a specified period;
- (vii) withdraw facilities provided to the Subject Member by the Council, such as a computer, website and/or e-mail and internet access for a specified period;
- (viii) exclude the Subject Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Subcommittee meetings;
- (ix) issue a formal letter to the Subject Member; or
- (x) issue a formal reprimand to the Subject Member.

The Standards Panel cannot suspend a Subject Member, withdraw a Subject Member's allowance, impose financial penalties, award compensation or make an award of costs.

Matters to Consider when Applying a Sanction

When deciding whether to apply one or more sanctions referred to above the Standards Panel will ensure that the application of any sanction is reasonable and proportionate to the Subject Member's behaviour and that any sanction does not unduly restrict the Subject Member's ability to perform the functions of a Councillor. The Panel will consider the following questions along with any other relevant circumstances raised at the Standards Panel:

- (i) What was the Subject Member's intention, and did they know that they were failing to follow the Council's Code of Conduct?
- (ii) Did the Subject Member receive relevant advice from Officers before the incident and was that advice acted on in good faith?
- (iii) Has there been a relevant breach of trust?
- (iv) Has there been financial impropriety, e.g. improper expense claims or procedural irregularities?
- (v) What was the result/impact of failing to follow the Council's Code of Conduct?
- (vi) How serious was the incident?
- (vii) Does the Subject Member accept that they were at fault?
- (viii) Did the Subject Member apologise to the relevant persons?
- (ix) Has the Subject Member previously been warned or reprimanded for similar misconduct?
- (x) Has there been a relevant previous breach by the Subject Member of the Council's Code of Conduct?

- (xi) Is there likely to be a repetition of the incident?
- (xii) Was it a deliberate breach of the code or was it inadvertent (i.e. the Member thought that they were acting in a private capacity)? If capacity is an issue the Standards Panel must give reasons for its decision that the Subject Member was or was not acting publicly.

The written decision

The Chair will announce its decision on the day. The Panel will issue a full written decision approximately 10 working days after the end of the Standards Panel to:

- The Subject Member; and
- The Complainant.

Making the findings public

A summary of the decision and reasons for that decision to be published on the Council's website.

If the Standards Panel finds that a Subject Member did not fail to follow the Council's Code of Conduct, the public summary must say this, and give reasons for this finding.

If the Standards Panel finds that a Subject Member failed to follow the Code of Conduct, but that no action is needed, the public summary must say that the Subject Member failed to follow the Code of Conduct, outline what happened and give reasons for the Standards Panels decision not to take any action.

If the Standards Panel finds that a Subject Member failed to follow the Code of Conduct and it sets a sanction, the public summary must say that the Member failed to follow the Code of Conduct, outline what happened, explain what sanction has been set and give reasons for the decision made by the Sub- Committee.

Costs

Subject Members are responsible for meeting the cost of any representation at a Standards Panel meeting. The Standards Panel cannot make orders as to costs. The Council cannot contribute to the Subject Member's costs or the Complainant's costs or indemnify a Subject Member or Complainant against costs which they may incur.

Appeals

There is no internal right of appeal for a Member against a finding by the Standards Panel following a Standards Panel.

Variation

The Monitoring Officer or the Chair of the Standards Panel may vary this procedure in any particular instance where they are of the opinion that such a variation is desirable and does not conflict with statutory requirements.

Appendix 9 – CIPFA Code of Practice for Treasury Management in Local Authorities

1. This Council adopts CIPFA's code of practice for treasury management in local authorities.
2. A treasury management policy statement setting out the matters detailed in CIPFA's code of practice for treasury management in local authorities shall be adopted by the Council and thereafter its implementation and monitoring be delegated to the Executive.
3. All money in the hands of the Council shall be under the control of the Chief Finance Officer.
4. At or before the start of each financial year the Chief Finance Officer shall report to the Executive on the strategy for treasury management it is proposed to adopt for the coming financial year.
5. All Executive decisions on borrowing, investment or financing shall be delegated to the Chief Finance Officer who shall be required to act in accordance with CIPFA's code of practice for treasury management in local authorities.
6. The Chief Finance Officer shall report to each meeting of the Executive on the activities of the treasury management operation and on the delegated exercise of treasury management powers. One such report shall comprise an annual report on treasury management presented as soon as practicable after the end of the financial year.
7. Should the Chief Finance Officer wish to depart in any material respect from the main principles of the code, the reasons should be disclosed in a report to the Executive.

Appendix 10 – Summary of Main Monitoring Officer Functions

1	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
2	Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
3	Appointment of Deputy(ies)	Section 5 Local Government and Housing Act 1989
4	Report on resources	Section 5 Local Government and Housing Act 1989
5	Investigate allegations of misconduct of Councillors under the Council's Councillor Code of Conduct in compliance with the Council's adopted arrangements	Localism Act 2011 Section 28 and associated regulations and guidance
6	Establish and maintain registers of members interests and gifts and hospitality	Section 29 of the Localism Act 2011 and Code of Conduct for Members
7	Advising on appropriateness of compensation for maladministration	Section 92 Local Government Act 2000
8	Act as the qualified person	S36 Freedom of Information Act 2000 and Information Commissioner's Office Awareness Guidance No. 25
9	Key role in promoting and maintaining high standards of conduct through support to the Audit and Governance Committee. Advice to members on interpretation of Code of Conduct Members' Code of Conduct.	Constitution/Code of Conduct

Appendix 11 – Committee Site Visits

General

1. The purpose of a site visit is to ascertain facts and to ask questions of the planning Officers, not to debate the merits of the planning application. Members, at the site visit, must not indicate which way they intend to vote at the Planning Committee meeting.
2. The applicant will be notified in advance in writing of the time and date of the visit and of any requirements in respect of the site visit (such as the pegging out of the development proposal). If applicants, or their agents, attend for site access purposes they will be advised at the start of the site visit that the purpose of the visit is to gather information and that they may not address the meeting or individual Councillors.
3. The public does not have a right of attendance at the site, other than from public vantage points, and cannot address the meeting or individual Councillors.
4. A Planning Officer will accompany Councillors to explain the development proposal and to answer any questions. Councillors should only allow themselves to be addressed by Officers or by fellow Councillors. Where a Councillor is approached by any other person, they should inform the Planning Officer present.
5. The Chair of the Committee, or his representative, must maintain control over the conduct of each site visit which, whilst not part of a formal meeting of the Committee, will be conducted as a single meeting and in an orderly fashion.
6. Councillors must not normally enter planning application sites except on the formal Committee Site Visit. If a Councillor considers that a personal site visit is essential, they should contact the Head of Planning, who may, in exceptional circumstances, make appropriate arrangements. Councillors must at all times remember that to enter any land without the consent of the landowner is a trespass. This does not preclude the Councillor from viewing the application site from any public vantage point.

Site Visits Prior to Consideration of an Application by the Planning Committee

1. Members of the Planning Committee and local ward members may make a request for a site visit upon receipt of the agenda. Requests must be made in writing, explaining the reason for the request, to the Development Manager with a copy forwarded to the Head of Planning and the Democratic Services Officer by 4 pm four clear working days before the Planning Committee meeting.

Applications Deferred by the Planning Committee for a Site Visit

1. Only in exceptional circumstances will a request for a Committee Site Visit made at the Planning Committee meeting, outside the above procedure, be entertained by the Committee.
2. Where the Planning Committee has commenced the consideration of an item but decides to defer an application because it considers that a site visit is necessary in order for it to determine the application.

Shareholder Executive Committee

Terms of Reference

Overview

The purpose of the Shareholder Executive Committee (SEC) is to act as the Shareholder and take decisions in respect of companies in which the Council has an interest. The responsibility to represent the Council as Shareholder of the company falls to be an Executive Function under the Local Authority (Functions and Responsibilities) England Regulations 2000.

Decision making

The Committee will have functions relating to the Council's companies and joint ventures. It will act as the decision-making body in relation to the functions delegated to it. Support and advice will be provided to the Shareholder Executive Committee by the Strategic Director of Corporate Resources with the Shareholder Liaison Service (SLS), the Service Director for Finance (s151 Officer) and the Service Director for Legal and Democratic Services (Monitoring Officer). Decisions made by the SEC will be subject to the same Call-in procedures as for the Executive.

Membership and Arrangements

The SEC will comprise of the Leader, all Members of the Executive and an Independent Co-opted Member. The Leader (or appointee) will chair the Committee meetings and a Vice Chair will be selected from the elected members of the Executive.

The Service Director for Finance (s151 Officer) and the Service Director for Legal and Democratic Services (Monitoring Officer), or their deputies, and the Strategic Director of Corporate Resources with the SLS will be advisors to the Committee to provide open and strong advice. Representatives of the subsidiary companies will be invited to attend the meetings as required.

Restrictions on Membership

As the SEC is to advise and discharge Executive functions in relation to company matters, only Executive members can be members of the Committee with voting rights, although non-Executive members may attend the public meetings without voting rights.

Meetings

The SEC shall normally meet up to nine times per annum, not normally more often than meetings of the Executive, and be bound by the existing rules at meetings of the Executive. Whilst many of the items discussed may be subject to Part Two requirements (where certain matters can be heard in private), the meetings shall be open to the public and the meetings' schedule will be published along with agendas and subsequent minutes on the Council's website, subject to Part Two requirements.

The quorum shall be one-third of the number of members of the Executive (with such rounding-up as may be necessary to achieve whole numbers) or two (whichever is the greater).

Sub-Groups

To assist it in its functions, the Shareholder Executive Committee:

1. may establish sub-groups for advisory purposes such as:
 - (i) Audit and Risk;
 - (ii) Ethical practices; or
 - (iii) Nominations and Remuneration
2. an ad-hoc or task and finish sub-groups in respect of any matter; and
3. stakeholder groups on any particular aspect or the generality of the objects of the trading companies.

A sub-group or stakeholder group may contain such co-opted members, advisors or observers and set the terms of reference as the SEC sees fit. The SEC cannot delegate any of its functions to the sub-groups.

Functions

1. Hold the companies to account for delivery of the Business Plan and, in particular, the company's performance:
 - (i) in financial matters
 - (ii) against the social goals of the company as set out in the company's Objects, Business Case or Business Plan; and
 - (iii) against the values of the Council.
2. Evaluate and monitor:
 - (i) the financial and social returns on investment (be that shareholding, loans, or direct investment); and
 - (ii) risks and opportunities including those arising from joint ventures or new opportunities.
3. Consider matters reserved to the Council for shareholder approval, such as:
 - (i) Varying Articles of Association
 - (ii) Varying ownership and structure
 - (iii) Variations to shares (number of, rights, etc.)
 - (iv) Entering contracts that: are outside of the business plan or do not relate to the business

- (v) Material legal proceedings outside of ordinary business
- (vi) Adopting and amending business plans each year and strategic plans (3 years)
- (vii) Appointment, removal, and the remuneration of directors (members of the company board)
- (viii) Selection of the chair of the board
- (ix) Appointment of auditors
- (x) Payment of dividends

as more particularly set out in a company's Articles of Association or Shareholder Agreement and the Companies' Governance Framework.

Relationship

The Shareholder Executive Committee as it considers appropriate in accordance with its functions described above, may:

1. make reports and consult with Full Council, or
2. make reports to and consult Scrutiny Committees or
3. make reports to and consult the Audit and Governance Committee, in relation to that Committee's particular functions.

Communication with the Shareholder Representative and Shareholder Executive Committee

1. The Board of each Company attaches great importance to maintaining good relationships with all shareholders, who are kept informed of significant company developments.
2. the Companies shall work closely with the SLS and the SEC. The Companies shall report to the SEC when requested and in accordance with the agreed work programme and on matters set out in the Companies' Governance Framework.