

NORTH LINCOLNSHIRE COUNCIL

COUNCIL

THE LOCALISM ACT 2011- REVISED STANDARDS ARRANGEMENTS

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To seek Council's approval to the adoption of its revised Standards arrangements following the enactment of the Localism Act 2011 ('Act').
- 1.2 The key points in this report are as follows:
- (i) Council received a detailed report on the key changes to the current standards regime imposed by the Act at its meeting on the 21 February 2012.
 - (ii) To oversee the preparation of its revised arrangements Council established the, cross party, Localism Act 2011 (Standards Arrangements) Committee.
 - (iii) The recommendations sought in this report have been considered by this Committee and Council is invited to adopt the same so that it has in place the necessary arrangements in readiness for implementation from the 1 July 2012.

2. BACKGROUND INFORMATION

2.1 At the meeting of the Council held on 21 February 2012, consideration was given to a report which informed the Council of the key changes to the standards regime arising from the Localism Act 2011. In addition to imposing a duty on the Council to 'promote and maintain high standards of conduct by its members' the Act abolishes the current standards arrangements, including the constitution of the current Standards Committee, and introduces a new regime with a number of key features as follows -

- A requirement that all councils, including Town and Parish councils, adopt their own Code of Conduct, the content of which is at their discretion except that it must be consistent with the following seven principles: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- A requirement that the Monitoring Officer establishes a register of members' interests, including those of Town and Parish council members, which is kept at the Council's offices and is available for inspection on its website.

- A requirement for members to disclose "Disclosable Pecuniary Interests" (yet to be defined in regulations) with a criminal sanction for not doing so.
 - A responsibility on the Council to adopt its own 'Arrangements' for dealing with complaints that its members and those of Town and Parish councils have failed to comply with the relevant Code of Conduct.
 - A requirement that an independent person(s) be appointed to primarily comment on any investigations for breach of the Code.
 - Revised grounds for the granting of dispensations.
- 2.2 The report also sought approval, which was received, to the establishment of a cross party Localism Act 2011 (Standards Arrangements) Committee ('Committee') to oversee the Council's preparation of its revised arrangements which need to be in place by the 1 July 2012.
- 2.3 Under the direction of the Committee detailed below is an account of the progress made on the key issues that the Council is required to address as part of its revised arrangements, and which form the basis on which the recommendations in this report are made.

Code of Conduct

- 2.4 The Council, along with the Town and Parish Councils in its area, is required to adopt a Code of Conduct pursuant to section 28 of the Act. The Council has discretion as to what it includes in its Code providing it is consistent with the seven principles set out in paragraph 2.1. After considering a number of alternative models including that issued by the Local Government Association, the Committee has carefully developed its own Code at Appendix 1.
- 2.5 At the date of this report the regulations defining 'Disclosable Pecuniary Interests' have not yet been issued and as such it has not been possible to complete that part of the Code that deals with the declaration of interests provisions. Accordingly the Committee recommends that the Council adopts those parts of the Code as currently drafted at Appendix 1 and also recommends that the Monitoring Officer be authorised, in consultation with the Chair of the (new) Standards Committee, to add to the Code provisions concerning the registration and disclosure of 'Disclosable Pecuniary Interests' and other appropriate interests following issue of the relevant regulations.
- 2.6 It is hoped that the Town and Parish Councils in the area will, in the interests of consistency and uniformity, adopt the Council's Code of Conduct but ultimately this is a matter for each Town and Parish Council to determine.

Register of Interests

- 2.7 The Council's Monitoring Officer is required under section 29 of the Act to establish a register of members' interests for the Council and the Town and Parish Councils in its area. The Monitoring Officer is responsible for ensuring that a copy of each register is available for public inspection at the Council's offices and is on the Council's website. It is proposed that such register is modelled on the existing format subject to appropriate amendments arising from the regulations concerning 'Disclosable Pecuniary Interests' once issued. Again it is recommended that the Monitoring Officer be authorised to settle the form of register, in consultation with the Chair of the (new) Standards Committee, once the relevant regulations are issued.

'Disclosable Pecuniary Interests'

- 2.8 Under the Act, a member with a 'Disclosable Pecuniary Interest' (yet to be defined) in a matter must not participate in any discussion, or vote, on the matter but there is no statutory requirement on that member, unlike under the existing regime, to withdraw from the room or chamber where the decision is being taken, although the Council by making appropriate provision in its standing orders can preserve this requirement. The Committee considers that it should be for each member to decide whether they should withdraw from the chamber in such circumstances rather than prescribe withdrawal.

'Arrangements'

- 2.9 Under section 28 of the Act the Council must adopt its own 'Arrangements' for the investigation and determination of allegations that members have breached its Code of Conduct and that of Town and Parish Councils in the area. The Committee has considered the 'Arrangements', including possible sanctions for breach of the Code, at Appendix 2 and recommends that Council adopt these as the Council's 'Arrangements' under the Act.

Independent Person's

- 2.10 Pursuant to its obligation to adopt 'Arrangements' is the requirement to appoint an Independent Person under section 28 of the Act whose views must be sought, and taken into account, before a decision is taken on an allegation that has been investigated and whose views maybe sought on any other complaints as specified in the Council's 'Arrangements'. The Committee was authorised by Council to advertise, shortlist and interview for recommendation to Council for appointment of an Independent Person plus two reserve Independent Persons. The Committee undertook interviews on the 26 April 2012 and recommends to Council the appointment of Mr Jonathan Goolden as its Independent Person and Mr Richard Lewis Johnson as its first reserve Independent Person. The Committee, at this juncture, is not in a position to recommend the appointment of a second reserve Independent Person. This position will be kept under review.

Standards Committee

- 2.11 The Committee has carefully considered a number of governance models through which the Council could discharge its revised Standards regime and accordingly recommends to Council that it establishes a Standards Committee (politically balanced) comprising elected members and two co-opted, non-voting, members to discharge the Terms of Reference at Appendix 3 with delegated authority to impose, or recommend the imposition of, the sanctions as detailed in the 'Arrangements'.
- 2.12 In recognising that such revised 'Arrangements' will not become operative until the 1 July 2012 and the existing regime will not end until the 30 June 2012, the Committee recommends that the current Standards Committee be re-established until the 30 June 2012 to discharge the existing regime. Thereafter any outstanding complaints will fall to be concluded by the Council under its new 'Arrangements' from the 1 July 2012.

Dispensations

- 2.13 Section 33 of the Act revises the current provisions concerning the granting of dispensations and relaxes the current requirement that decisions on such matters can only be taken by the Standards Committee. Recognising the operational flexibility that the delegation of some of the grounds for granting dispensations may bring by way of delegation to an officer, the Committee recommends to Council that responsibility for the granting of dispensations be allocated to the Standards Committee and the Monitoring Officer respectively as set out in Appendix 4 and that appropriate provision be made in the Council's Scheme of delegations to reflect the same.

3. OPTIONS FOR CONSIDERATION

- 3.1 The Act received Royal Assent on the 15 November 2011. The Council is required under the Act to revise its current Standards regime and framework and ensure that any revised 'Arrangements' are compliant with the Act.

4. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 4.1 The only direct resource implication at this stage arises from the remuneration of the Independent Person and two reserves who each, in addition to travel expenses, will receive the current co-optees allowance for each formal meeting attended.
- 4.2 Should additional cost implications arise, the Act makes no provision for the Council to seek a contribution from Town and Parish Councils towards such costs.
- 4.3 It is recognised that members of the Council and, in particular, the Clerks of the Town and Parish Councils in the area will require training on the Council's revised Standards regime and a programme of training is currently being prepared for implementation once Council

has considered this report and outstanding regulations have been issued.

5. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

- 5.1 The Department for Communities and Local Government undertook and published an Impact Assessment on the proposals to abolish the Standards Board and the requirement to register and declare interests. An Integrated Impact Assessment ('IIA') has been undertaken on the proposals for local implementation of the revised standards regime and potential adverse impacts have been considered and action taken to mitigate them where appropriate. The Council will continue to undertake further IIA's as further guidance becomes available and the requirements are implemented.
- 5.2 It is considered that the various measures recommended in this report are consistent with the requirements of the Act and the Council's duties under both the Human Rights Act 1998 and the Equality Act 2010 and will supplement the Council's corporate governance arrangements.
- 5.3 Once the Council has adopted its Code of Conduct there is a statutory requirement to publicise its adoption so as to bring it to the attention of the inhabitants of the area. It is intended that such publication take place in accordance with the Council's usual processes.

6. OUTCOMES OF CONSULTATION

- 6.1 The existing Standards Committee, incorporating Town and Parish Council representatives, has received regular written reports and verbal updates including a detailed analysis of the key issues at its meeting on the 2 February 2012.
- 6.2 All Town and Parish Councils in the area have received copies of the reports presented to the existing Standards Committee and Council and have been written to on several occasions detailing the key issues and informing on the progress made by the Council in addressing such matters.
- 6.3 Constructive meetings have taken place with the East Riding and Northern Lincolnshire Local Councils Association ('ERNLLCA') and the Monitoring Officers of neighbouring authorities to share information and establish common working practices across the sub-region. Discussions have also been held with Humberside Police regarding the arrangements they are proposing to put in place in readiness for the criminal sanctions provided under the Act.
- 6.4 In settling its recommended model Code of Conduct, the Committee has considered a number of models and received regular updates from various 'stakeholder' groups including the Association of County Secretaries and Solicitors ('ACSeS') of which the Council is a member.
- 6.5 All the recommendations in this report have been the subject of consideration and approval by the Committee established by Council at its meeting on the 21 February 2012.

7. RECOMMENDATIONS

It is recommended that Council:

- 7.1 Adopts the model Code of Conduct at Appendix 1;
- 7.2 Adopts as its 'Arrangements' those at Appendix 2 and appoints the Monitoring Officer as the Council's Proper Officer for such matters under the Act;
- 7.3 Appoints Mr Jonathan Goolden as its Independent Person and Mr Richard Lewis Johnson as its reserve Independent Person for the municipal year;
- 7.4 Establishes a Standards Committee (politically balanced) comprising elected members and two co-opted, non-voting, members to discharge the Terms of Reference at Appendix 3, with delegated authority to impose, or recommend the imposition of, the sanctions as detailed in the 'Arrangements' from the 1 July 2012;
- 7.5 Re-establishes the current Standards Committee to discharge the existing regime until the 30 June 2012;
- 7.6 Approves the delegation of decisions concerning the granting of dispensations in accordance with Appendix 4; and
- 7.7 Authorises the Monitoring Officer to settle the outstanding matters detailed at paragraphs 2.5 and 2.7 and to make such other consequential and incidental provisions as are considered necessary to enable the Council to properly discharge its obligations under the Act.

DIRECTOR OF CORPORATE & COMMUNITY SERVICES

Civic Centre
Ashby Road
SCUNTHORPE
North Lincolnshire
DN16 1AB
Author: Will Bell, Monitoring Officer
Date: 30th April 2012

Background Papers used in the preparation of this report:

LGA and CLG Code of Conduct

NORTH LINCOLNSHIRE COUNCIL

CODE OF CONDUCT

1. Introduction

1.1 This Code of Conduct (“the Code”) has been adopted by the Council as required by section 28 of the Localism Act 2011 (“the Act”).

1.2 The Council has a statutory duty under the Act to promote and maintain high standards of conduct by its Members.

1.3 This Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply from time to time. Members should also comply with the following “Nolan” principles.

Selflessness

Integrity

Objectivity

Accountability

Openness

Honesty

Leadership

2. Who does this Code apply to and when does it apply?

2.1 This Code applies to all Members of the Council and to all co-opted members of any committee, sub-committee or joint committee, or sub committee of the Council.

2.2 This Code applies whenever a person is acting in his/her official capacity as a Member of the Council or co-opted Member in the conduct of the Council’s business, or acting as a representative of the Council.

2.3 Any allegation received by the Council that a Member has failed to comply with this Code will be dealt with under the Arrangements which the Council has adopted for such purposes.

3. What standards of Conduct are Members expected to observe?

3.1 You must treat others with respect and courtesy.

3.2 You must not bully or intimidate any person.

3.3 You must not do anything which may cause the Council to breach any equality laws.

3.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a Member of the Council, into disrepute.

3.5 You must not knowingly prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.

- 3.6 You must act solely in the public interest and not use or attempt to use your position as a Member improperly to confer or secure for yourself or any other person an advantage or disadvantage.
- 3.7 You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- 3.8 You must only use, or authorise the use of the Council's resources for proper purposes (regard being had to any applicable Local Authority Code of Publicity) and in accordance with the Council's procedural and policy requirements.
- 3.9 You must not disclose information which is given to you in confidence, or information which you believe, or ought to be aware, is of a confidential nature, except where:
 - a) You have the consent of the person authorised to give it;
 - b) You are required to do so by law;
 - c) The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that third party agrees not to disclose the information to any other person;
 - d) The disclosure is reasonable in the public interest, made in good faith, and that you have consulted the Monitoring Officer

4. Interests

- 4.1 You must, within 28 days of taking office as a Member or co-opted Member, notify the Council's Monitoring Officer of any Disclosable Pecuniary Interest as defined in Regulations made by the Secretary of State as "XXXXXXXXXXXXXXXX", where the pecuniary interest is yours, the pecuniary interest of your spouse or civil partner, or the pecuniary interest of someone with whom you are living with as husband, wife, or civil partner. Members must notify the Monitoring Officer of any changes as and when they arise.
- 4.2 In addition, you must within 28 days of taking office as a Member or co-opted Member, notify the Council's Monitoring Officer of any Disclosable Pecuniary Interest or non-pecuniary interest which your Council has decided should be included in the register.
- 4.3 If an interest has not been entered into the Council's register, then the Member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered, and where the matter is not a "sensitive interest" as defined in the Localism Act 2011.
- 4.4 Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a Disclosable Pecuniary Interest, as defined above.

This section on interests will be further revised and considered, (and in particular "Disclosable pecuniary interests") once the Regulations have been published.

North Lincolnshire Council's 'Arrangements'
for dealing with standards allegations under the Localism Act 2011

1 Context

These "Arrangements" set out how to make a complaint that an elected or co-opted Member of this Council or of a Parish or Town Council in the area has failed to comply with the Code of Conduct, and sets out how the Council will deal with allegations of a failure to comply with the Code of Conduct.

Under Sections 28(6) and (7) of the Localism Act 2011, the Council must have in place "arrangements" under which allegations that a Member or co-opted Member of the Council or of a Parish or Town Council in the area has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations.

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, and whose views can be sought by the Council at any other stage, or by a Member or co-opted Member of a Parish or Town Council in the area against whom an allegation has been made.

2 The Code of Conduct

The Council has adopted a Code of Conduct for its Members, which is attached at Appendix 2 to these arrangements and is available for inspection on the Council's Website and on request from Reception at the Civic Offices.

Each Parish and Town Council is also required to adopt a Code of Conduct. (*The Parish and Town Councils within North Lincolnshire have all adopted the Council's Code of Conduct as at Appendix 2: to be determined*).

3 Making a complaint

If you wish to make a complaint, please complete the Model Complaint Form at Appendix 1. At this stage, please do not submit any additional documents. If further information is thought necessary to enable your complaint to be processed, you will be asked to produce it. Please send your completed form to:

"The Monitoring Officer"
North Lincolnshire Council
The Civic Centre
Ashby Road
SCUNTHORPE
DN16 1AB

Or -

monitoringofficer@northlincs.gov.uk

The Monitoring Officer is a Senior Officer of the Council who has statutory responsibility for maintaining the Register of Members' Interests and is responsible for administering the system in respect of complaints of Member misconduct and is the Council's Proper Officer for such matters.

In order to ensure that we have all the relevant information which we need to be able to process your complaint, please complete the Model Complaint Form at Appendix 1, which can be downloaded from the Council's Website, next to the Code of Conduct, and is available on request from Reception at the Civic Offices. At this stage, we would ask that you confine your comments to the Model Complaint Form and do not submit any additional documents. If, on consideration of your complaint, further information/documentation is thought necessary, you will be asked to provide it and, if your complaint is the subject of investigation, the Investigating Officer will afford you the opportunity to provide further information/documentation in support of your complaint.

Please provide us with your name and a contact address or email address so we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this and the reason why, in the space provided on the Model Complaint Form.

As a matter of fairness and natural justice, a Member should usually be told who has complained about them. However, there may be exceptional circumstances where a complainant's identity should be withheld from disclosure such as where the complainant has reasonable grounds for believing they will be at risk of physical harm if their identity is disclosed or their employment may be placed at risk or there is a risk that any investigation may be impeded or interfered with. In such cases, the Monitoring Officer will refer the issue of disclosure to the Assessment Panel who, in reaching a decision on the issue, will carefully balance the public interest in ensuring that the Member complained of is aware of who has complained against them against the complainant's wish that their identity be withheld. The Council does not normally investigate anonymous complaints save where it considers the provisions in the Assessment Criteria at Appendix 3 on such complaints are met.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it. A full copy of your complaint will, subject to any ruling on disclosure, ordinarily be sent to the Member complained of inviting their written comments within 10 working days. Thereafter, arrangements will be made for your complaint to be assessed as soon as practicable in accordance with the procedures detailed in paragraph 4.

It should be noted that complaints which allege that Members may have committed a criminal offence in breaching the 'disclosable pecuniary interest' provisions under Section 34 of the Localism Act 2011, will be referred by the Monitoring Officer to Humberside Police for consideration.

4 Will your complaint be investigated?

For complaints concerning Members of Parish and Town Councils, where those Members are not also Members of North Lincolnshire Council, ordinarily the

Monitoring Officer will assess such complaints against the Assessment Criteria at Appendix 3 and, after consultation with the Independent Person, take a decision as to whether a formal investigation is merited.

The Monitoring Officer may, however, in his discretion refer complaints to an Assessment Panel to assess where he feels it reasonable and appropriate to do so such as where the Monitoring Officer has had prior involvement in the complaint.

For complaints concerning Members of North Lincolnshire Council (or where the Monitoring Officer has exercised his discretion to refer a Parish and Town Council related complaint) either in their capacity as Parish or Town Council Members or as Members of the Council, an Assessment Panel will be convened to assess whether the complaint should be investigated. In considering the matter, the Assessment Panel shall consult and consider the views of the Independent Person and apply the Assessment Criteria.

Decisions on whether a complaint will be investigated will normally be taken within 28 days of receipt of the complaint. A formal notice of decision will be issued in each case. The decision of the Monitoring Officer or Assessment Panel is final and is not subject to a right of appeal.

Where the Monitoring Officer or the Assessment Panel requires additional information in order to come to a decision, you may be contacted to provide such further information, as may the Member against whom your complaint is directed.

Where your complaint relates to a Member of a Parish or Town Council, the Monitoring Officer may also inform the Clerk of the Parish or Town Council concerned of your complaint and seek the views of the Parish or Town Council before deciding whether the complaint merits formal investigation

In appropriate cases, the Monitoring Officer or Assessment Panel 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 concerned makes a reasonable offer of local resolution but you are not willing to accept that offer, the Monitoring Officer or the Assessment Panel will take this into account in deciding whether the complaint merits formal investigation.

5 How is the investigation conducted?

The Council has adopted a procedure for the investigation of complaints, which is attached at Appendix 4 to these arrangements.

If the Monitoring Officer or Assessment Panel decides that a complaint merits formal investigation, the Monitoring Officer will appoint an Investigating Officer, who may be another Senior Officer of the Council, an Officer of another Council or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain

your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally, subject to any ruling on disclosure, write to the Member against whom you have complained and provide him/her with a full copy of your complaint, and ask the Member to provide his/her explanation of events, and to identify what documents the Investigating Officer needs to see and who he/she needs to interview.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

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

It should be noted that at any time during an investigation, the Investigating Officer may, following consultation with the Independent Person, refer the matter back to an Assessment Panel for re-consideration as to whether the investigation should proceed if the Investigating Officer considers that the Re-consideration Criteria in Appendix 3 are satisfied.

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

The Monitoring Officer will review the Investigating Officer's report and consult with the Independent Person thereon. If having done so the Monitoring Officer is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Member concerned and to the Parish or Town Council on which the Member serves, notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to re-consider 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?

The Monitoring Officer will review the Investigating Officer's report and after consulting the Independent Person will consider whether Local Resolution should be attempted or the matter proceed direct to hearing before the Hearings Panel.

7.1 Local Resolution

The Monitoring Officer 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 Committee and the Member's Council for information but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate or the Member concerned does not accept that the matter should be resolved in such a manner, the Monitoring Officer will refer the matter for a hearing before the Hearings Panel.

7.2 Hearings Panel

If the Monitoring Officer considers that Local Resolution is not appropriate or you are not satisfied by the proposed resolution, or the Member concerned does not accept that the matter should be resolved in such a manner, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a 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 failure.

In readiness for the convening of the Hearings Panel, the Monitoring Officer will conduct a written "pre-hearing process", requiring the Member concerned to give their 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.

If, through the "pre-hearing process", the Member concerned accepts the Investigating Officer's report, they will be given the opportunity to provide a statement of mitigation which they may invite the Hearings Panel to consider in their absence. Alternatively, they may elect to attend a Hearings Panel to present their mitigation. In either case, the 'uncontested' hearing procedure will be followed as set out at Appendix 5.

Where, following the "pre-hearing process", the Investigating Officer's report remains in contention, the matter will be set down for a 'contested' hearing before the Hearings Panel. The 'contested' hearing procedure will be followed as set out at Appendix 6. In essence, 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 Hearings Panel. Unless called to do so by the Investigating Officer, you do not have the right to address the Hearings Panel of your own volition. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct. The Member may be represented legally or otherwise at the Hearings Panel.

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

make representations to the Panel and will consult the Independent Person but will then decide what action, if any, to take in respect of the matter.

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

The Council has delegated to the Hearings Panel such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly, the Hearings Panel may -

- 8.1 Write to the Member over their conduct;
- 8.2 Publish its findings in the local media in respect of the Member's conduct;
- 8.3 Report its findings to the Council or to the Parish or Town Council concerned;
- 8.4 Recommend to the Member's Group Leader (or in the case of ungrouped Members, recommend to the Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 8.5 Recommend to the Leader of the Council that the Member be removed from the Cabinet or removed from particular Portfolio responsibilities;
- 8.6 Instruct the Monitoring Officer to, or recommend to the Parish or Town Council concerned that it, arrange training for the Member;
- 8.7 Recommend removal, or recommend to the Parish or Town Council concerned removal, of the Member from all outside appointments to which he/she has been appointed or nominated by the Council or the Parish or Town Council;
- 8.8 Withdraw, or recommend to the Parish or Town Council concerned that it withdraws, facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- 8.9 Exclude, or recommend to the Parish or Town Council concerned that it excludes, the Member from the Council's Offices or other premises with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee Meetings.

The Hearings Panel has no power to suspend or disqualify the Member or to withdraw a Member's basic allowance or any special responsibility allowances.

9 What happens at the end of the Hearing?

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

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel and send a copy to you, to the Member and to any Parish and Town Council concerned and make such decision notice available for public inspection and report the decision to the next convenient Meeting of the Standards Committee.

The decision of the Hearings Panel is final and is not subject to a right of appeal.

10 Who are the Assessment and Hearings Panel?

The Assessment Panel and the Hearings Panel are Sub-Committees of the Council's Standards Committee. The Standards Committee has decided that each of those Panels will comprise a maximum of 3 elected Members of the Council's Standards Committee drawn from at least 2 different political Parties. Subject to those requirements, they are appointed on the nomination of Party Group Leaders in proportion to the strengths of each Party Group on the Council. Co-opted, non-voting Members of the Standards Committee may be asked to sit on such Panels.

The Independent Person is invited to attend all Meetings of the Assessment Panel and the Hearings Panel and his/her views are sought and taken into consideration before the Monitoring Officer or Assessment Panel takes any decision on whether a complaint should be investigated. The Hearings Panel will seek the Independent Person's views on whether a Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11 Who is the Independent Person?

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

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

- 11.1 Is, or has been within the past 5 years, a Member, co-opted Member or Officer of the Council;
- 11.2 Is, or has been within the past 5 years, a Member, co-opted Member or Officer of a Parish or Town Council within the Council's area; or
- 11.3 Is a relative or close friend of a person defined at paragraph 11.1 or 11.2 above. For this purpose, "relative" means –
 - 11.1.1 Spouse or civil partner;
 - 11.1.2 Living with the other person as husband and wife or as if they were civil partners;

- 11.1.3 Grandparent of the other person;
- 11.1.4 A lineal descendent of a grandparent of the other person;
- 11.1.5 A parent, sibling or child of a person defined at paragraphs 11.3.1 or 11.3.2;
- 11.1.6 A spouse or civil partner of a person defined at paragraphs 11.3.3, 11.3.4 or 11.3.5; or
- 11.1.7 Living with a person defined at paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

12 Revision of these arrangements

The Standards Committee may amend these arrangements.

The Chair of any Assessment Panel or Hearings Panel may, following consultation with the Independent Person, depart from the procedures detailed herein where he/she considers it is expedient to do so in order to secure the effective and fair consideration of any matter, including the convention of an external panel where Members are conflicted.

For the avoidance of doubt, Members who have sat on an Assessment Panel are not precluded from sitting on a subsequent Hearings Panel called to determine the same complaint as considered by the Assessment Panel.

If the Monitoring Officer considers that he may be conflicted in the discharge of these arrangements, he may delegate such matters to a Deputy Monitoring Officer to discharge.

13 Appeals

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

If you feel that the Council has failed to deal with your complaint in accordance with these arrangements, you may make a complaint to the Local Government Ombudsman.

Appendix 1	Model Complaint Form
Appendix 2	The Council's Code of Conduct
Appendix 3	Assessment Criteria
Appendix 4	Procedure for Investigations
Appendix 5	'Uncontested' hearing procedure
Appendix 6	'Contested' hearing procedure
Appendix 7	Overview of process

Will Bell
Monitoring Officer
April 2012



COMPLAINT FORM MEMBER(S) CONDUCT

Your details

1. Please provide us with your name and contact details

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

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

However, we will tell the following people that you have made this complaint:

- the member(s) you are complaining about
- the monitoring officer of the authority
- the parish or town clerk (if applicable)
- the council's Independent Person (if required)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 5 of this form.

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

- Member of the public
- An elected or co-opted member of an authority
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other ()

Making your complaint

Once your complaint has been received a decision will be taken in accordance with the council's published arrangements as to what action, if any, should be taken on it. (Link) You will not have the opportunity to attend a meeting at this stage. It is important that you provide information that you want taken into account as part of your complaint.

Please refer to the council's published arrangements (link) under the heading "Making a complaint" which explains how your complaint will be dealt with.

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name

4. Please explain in this section (or on separate sheets) what the member has 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 that you believe breaches the Code of Conduct.

It is important that you provide a summary of the information you wish to have taken into account (within the space provided below) so a decision can be made, in accordance with the published arrangements, whether to take any action on your complaint. 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.
- 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.

Please indicate which paragraphs of the Code of Conduct you consider the member(s) to have breached by ticking the appropriate box(es)..

- 4.0 “ You must treat others with respect and courtesy”
- 4.1 “You must not bully or intimidate any person”.
- 4.2 “You must not do anything which may cause the Council to breach any equality laws.”
- 4.3 “You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a Member of the Council, into disrepute. “
- 4.4 “You must not knowingly prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law”.
- 4.5 “You must act solely in the public interest and not use or attempt to use your position as a Member improperly to confer or secure for yourself or any other person an advantage or disadvantage”.
- 4.6 “You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council”.
- 4.7 “You must only use, or authorise the use of the Council’s resources for proper purposes (regard being had to any applicable Local Authority Code of Publicity) and in accordance with the Council’s procedural and policy requirements”.
- 4.8 “You must not disclose information which is given to you in confidence, or information which you believe, or ought to be aware, is of a confidential nature, except where:

- a) You have the consent of the person authorised to give it;
- b) You are required to do so by law;
- c) The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that third party agrees not to disclose the information to any other person;
- d) The disclosure is reasonable in the public interest, made in good faith, and that you have consulted the Monitoring Officer.”

4.9 (Requirements re interests)

Please provide us with details of your complaint (within the space provided)

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

- 5.** In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reasons.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name 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::

6. Additional Help

Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

The council has an interpretation service for people who don't speak English. Just call the hotline number for your language. This connects you to an interpreter who will speak to the council for you and tell you what they say

No English?

For information please call:

08000 193530 للحصول على المزيد من المعلومات اتصل به: (Arabic)

তথ্যগুলি বাংলায় জানতে হলে এই নম্বরে ফোন করুন: 08000 193531 (Bengali)

欲知粵語版的信息, 請致電: 08000 193532 (Cantonese)

हिन्दी में जानकारी के लिये 08000 193533 पर फोन करें (Hindi)

08000 193537 به زانبارى به كوردى سۆزانی تهلهفون به ژماره (Kurdish Sorani)

Para mais informação em português contacte-nos através do telefone 08000 193538 (Portuguese)

ਪੰਜਾਬੀ ਵਿਚ ਜਾਣਕਾਰੀ ਲਈ 08000 193539 'ਤੇ ਫੋਨ ਕਰੋ (Punjabi)

"Warbixinta oo af Soomaali ah wac 08000 193540" (Somali)

08000 193541 اردو میں انفارمیشن کے لیے اس ٹیلیفون نمبر پر رابطہ کریں۔ (Urdu)

For information in large print, audio, Braille or to request a signer to speak to us please contact 01724 296296

If you call in person at Local Links, libraries and leisure venues, staff can also contact a network of interpreters available 24 hours a day, seven days a week. They will also be able to arrange for translation of documents, publications and other information.

If you need any support in completing this form, please let us know as soon as possible.

North Lincolnshire Council is committed to treating everyone equally irrespective of gender, age, responsibility for dependants, creed, race, religion or ethnic origins, sexuality or disability.

NORTH LINCOLNSHIRE COUNCIL

CODE OF CONDUCT

1. Introduction

1.1 This Code of Conduct (“the Code”) has been adopted by the Council as required by section 28 of the Localism Act 2011 (“the Act”).

1.2 The Council has a statutory duty under the Act to promote and maintain high standards of conduct by its Members.

1.3 This Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply from time to time. Members should also comply with the following “Nolan” principles.

Selflessness

Integrity

Objectivity

Accountability

Openness

Honesty

Leadership

2. Who does this Code apply to and when does it apply?

2.1 This Code applies to all Members of the Council and to all co-opted members of any committee, sub-committee or joint committee, or sub committee of the Council.

2.2 This Code applies whenever a person is acting in his/her official capacity as a Member of the Council or co-opted Member in the conduct of the Council’s business, or acting as a representative of the Council.

2.3 Any allegation received by the Council that a Member has failed to comply with this Code will be dealt with under the Arrangements which the Council has adopted for such purposes.

3. What standards of Conduct are Members expected to observe?

- 3.1 You must treat others with respect and courtesy.
- 3.2 You must not bully or intimidate any person.
- 3.3 You must not do anything which may cause the Council to breach any equality laws.
- 3.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a Member of the Council, into disrepute.
- 3.5 You must not knowingly prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
- 3.6 You must act solely in the public interest and not use or attempt to use your position as a Member improperly to confer or secure for yourself or any other person an advantage or disadvantage.
- 3.7 You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- 3.8 You must only use, or authorise the use of the Council's resources for proper purposes (regard being had to any applicable Local Authority Code of Publicity) and in accordance with the Council's procedural and policy requirements.
- 3.9 You must not disclose information which is given to you in confidence, or information which you believe, or ought to be aware, is of a confidential nature, except where:
 - e) You have the consent of the person authorised to give it;
 - f) You are required to do so by law;
 - g) The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that third party agrees not to disclose the information to any other person;
 - h) The disclosure is reasonable in the public interest, made in good faith, and that you have consulted the Monitoring Officer

4. Interests

- 4.1 You must, within 28 days of taking office as a Member or co-opted Member, notify the Council's Monitoring Officer of any Disclosable Pecuniary Interest as defined in Regulations made by the Secretary of State as "XXXXXXXXXXXXXXXX", where the pecuniary interest is yours, the pecuniary interest of your spouse or civil partner, or the pecuniary interest of someone with whom you are living with as husband, wife, or civil partner. Members must notify the Monitoring Officer of any changes as and when they arise.
- 4.2 In addition, you must within 28 days of taking office as a Member or co-opted Member, notify the Council's Monitoring Officer of any Disclosable Pecuniary Interest or non-pecuniary interest which your Council has decided should be included in the register.
- 4.3 If an interest has not been entered into the Council's register, then the Member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered, and where the matter is not a "sensitive interest" as defined in the Localism Act 2011.
- 4.4 Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a Disclosable Pecuniary Interest, as defined above.

This section on interests will be further revised and considered, (and in particular "Disclosable pecuniary interests") once the Regulations have been published.

ASSESSMENT CRITERIA

Stage 1 Criteria

Before the assessment of a complaint begins, the Monitoring Officer or Assessment Panel must be satisfied that the complaint meets the following requirements:

- (i) It is a complaint against one or more named Members of the Council or a Parish or Town Council within the area;
- (ii) The named Member or Members were in Office at the time of the alleged conduct and acting in their official capacity; and
- (iii) The complaint, if proven, would be a breach of the Council's Code of Conduct in force at the relevant time.

If the complaint fails any one of these tests, it cannot be investigated as a breach of the Council's Code of Conduct and the complainant must be informed that no further action can be taken in relation to the complaint. If it passes all three tests then it can be assessed according to the criteria set out below.

Stage 2 Criteria

The Monitoring Officer or Assessment Panel is/are unlikely to refer a complaint for investigation where it falls into any of the following categories:-

- The complaint appears to be vexatious, malicious, politically motivated, relatively minor, insufficiently serious, tit-for-tat, or there are other reasons why an investigation may not be in the public interest.
- The same, or substantially similar, complaint has already been the subject of an investigation and there is nothing more to be gained by further action being taken.
- It appears that the complaint concerns or is really about dissatisfaction with a Council decision or policy rather than a breach of the Code of Conduct.

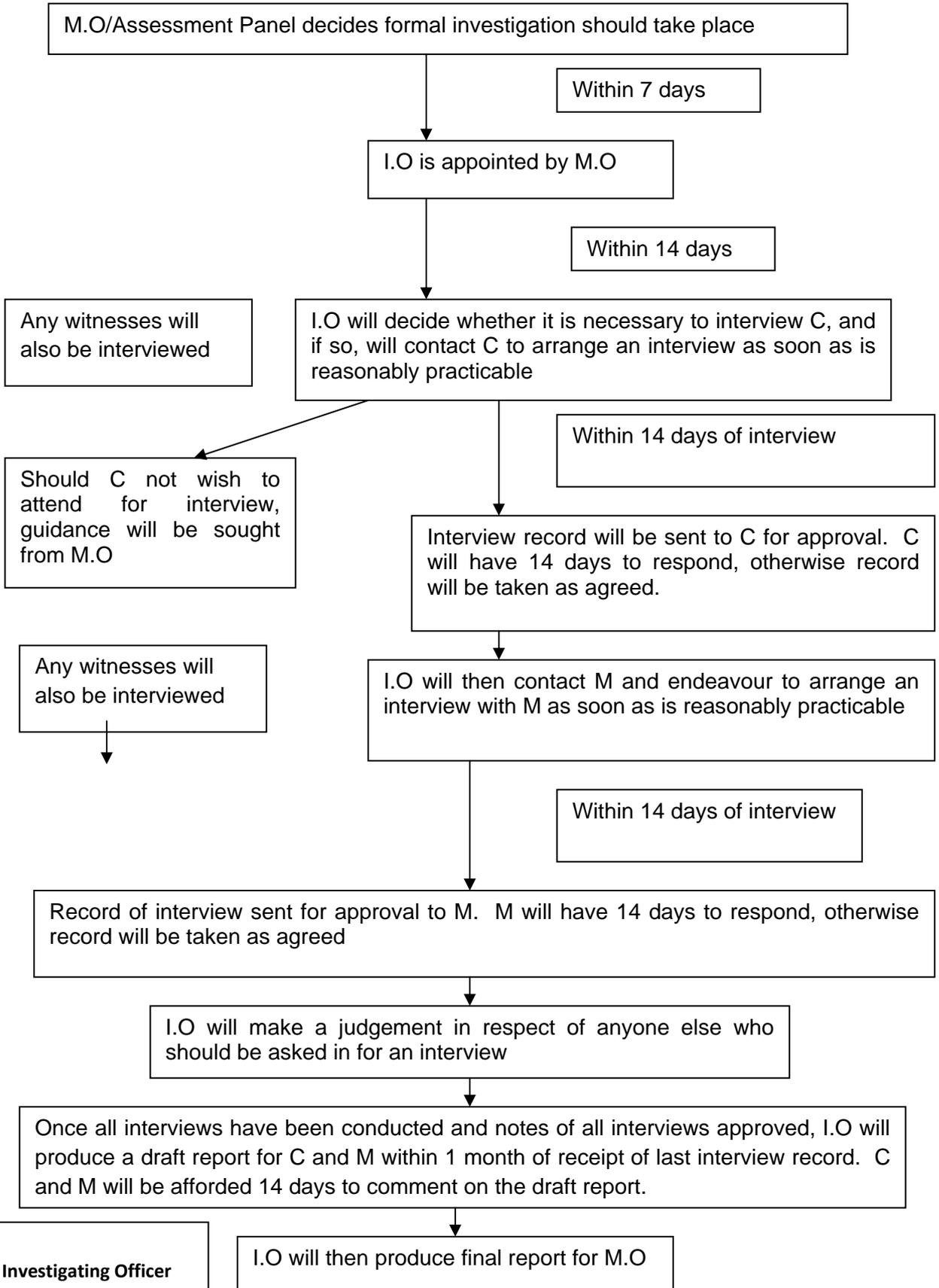
- There is not enough information currently available to justify a decision to refer the matter for investigation.
- The complaint is about someone who has died, resigned, is seriously ill or is no longer a Member of the Council concerned and therefore it is not in the public interest to pursue.
- Where the allegation is anonymous, unless it includes documentary or photographic evidence indicating an exceptionally serious or significant matter and it is considered in the public interest that it be investigated.
- Where the event/s or incident/s took place more than 6 months prior to the date of complaint being received or where those involved are unlikely to remember the event/s or incident/s clearly enough to provide credible evidence.
- The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter and where independent evidence is likely to be difficult or impossible to obtain.
- If it is considered that the subject Member has provided a satisfactory remedy to the complainant (for example by apologising) or the complaint is capable of other informal resolution and the Member complained of is amenable to such approach.
- If it is satisfied that having regard to the nature of the complaint and the level of its potential seriousness, the public interest in conducting an investigation does not justify the cost of such an investigation.
- Where the allegation discloses a potential breach of the Code of Conduct but it is considered that the complaint is not serious enough to warrant any further action and:
 - the Member and Officer resource needed to investigate and determine the complaint is wholly disproportionate to the matter complained about; or
 - **in all the circumstances there is no overriding public benefit or interest in carrying out an investigation.**

RE-CONSIDERATION CRITERIA

The Investigating Officer may, following consultation with the Independent Person, refer an investigation to an Assessment Panel for re-consideration as to whether the investigation should proceed where:

- As a result of new evidence or information, the Investigating Officer is of the opinion that the matter is materially less serious than may have seemed apparent to the Monitoring Officer or Assessment Panel when the decision was made to refer the complaint for investigation, and a different decision may have been made had either the Monitoring Officer or Assessment Panel been aware of the new evidence or information;
- The Member who is the subject of the allegation has died, is seriously ill or has resigned from the Council concerned and in the circumstances the Investigating Officer is of the opinion that it is no longer appropriate to proceed with the investigation; or
- Other circumstances arise, which in the reasonable opinion of the Investigating Officer, render it appropriate for the investigation to be referred to an Assessment Panel for re-consideration.

PROCEDURE FOR INVESTIGATIONS



KEY
I.O - Investigating Officer
M.O - Monitoring Officer
C - Complainant
M - Member

I.O will then produce final report for M.O

**STANDARDS COMMITTEE
OUTLINE PROCEDURE FOR HEARINGS PANEL (UNCONTESTED)**

Preliminary Procedural Issues

1. Introductions
2. Declarations of Interest (if any)
3. To consider any request for the exclusion of Press and Public

Findings

4. Monitoring Officer (or his/her representative) to present summary report and refer to outcome of pre-hearing process
5. Views of the Independent Person sought.
6. The panel will retire, along with the Monitoring Officer, to determine whether there has been a breach of the Code of Conduct. The panel's decision will be reported back to the meeting by the Head of Democratic Services

Action to be taken

7. Monitoring Officer (or his/her representative) to outline possible sanctions
8. Member(s) or (his/her/their representative) to respond and present statement of, or provide oral mitigation.
9. Views of the Independent Person sought.
10. Members of the panel to raise and clarify issues.
11. The panel will retire, along with the Monitoring Officer, to consider what sanction, if any, should be imposed. The panel's decision will be reported back to the meeting by the Head of Democratic Services

**STANDARDS COMMITTEE
OUTLINE PROCEDURE FOR HEARINGS PANEL (CONTESTED)**

Preliminary Procedural Issues

1. Introductions
2. Declarations of Interest (if any)
3. To consider any request for the exclusion of Press and Public

Findings

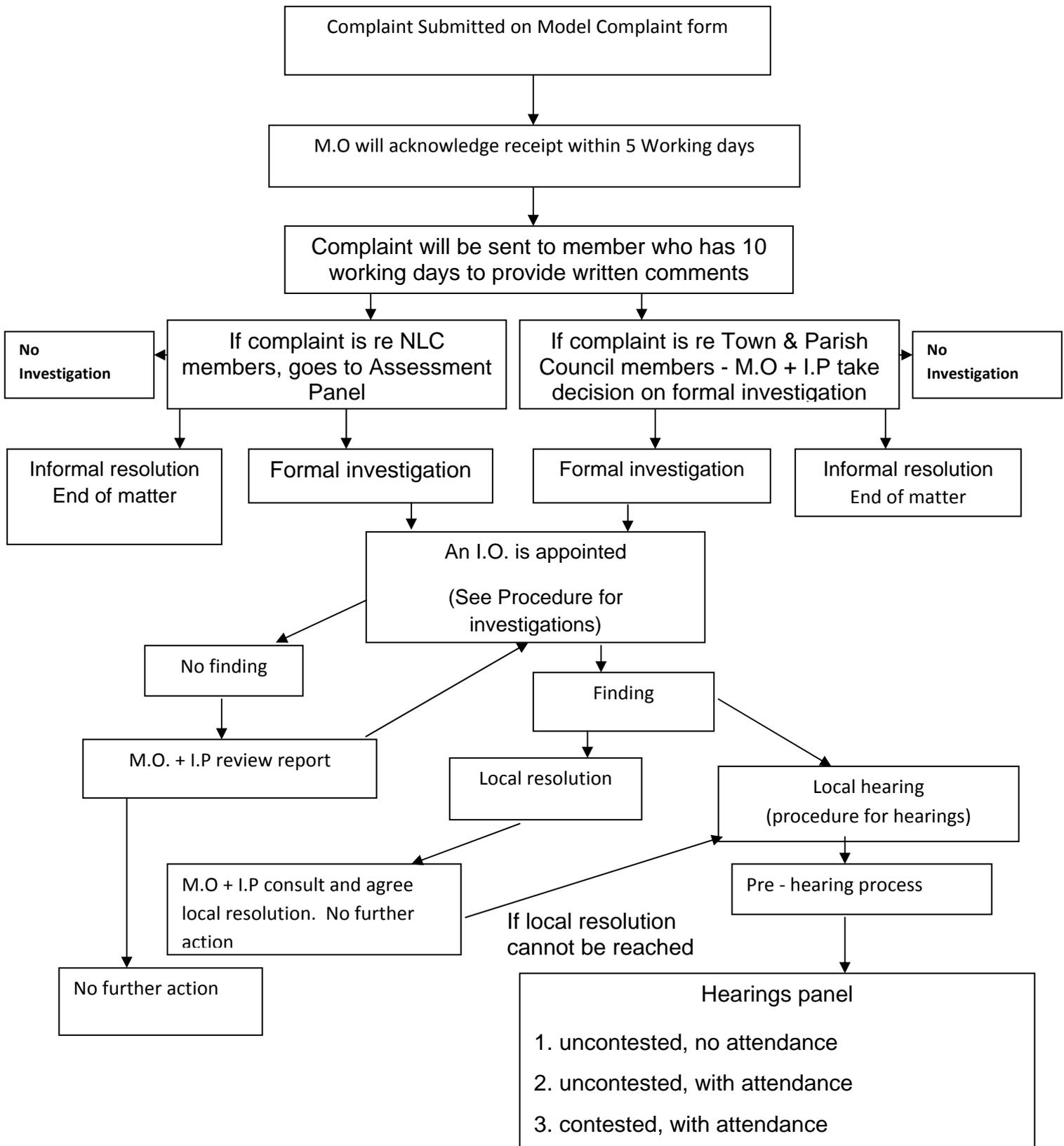
4. Monitoring Officer (or his/her representative) to present summary report and refer to outcome of pre-hearing process
5. Investigating Officer to present report and call such witnesses (including the complainant) as he/she considers necessary, and make representations to substantiate his/her conclusion(s) within the report
6. Member(s) (or his/her/their representative) to raise issues with Investigating Officers report, witnesses called and related representations made to substantiate the Investigating Officer's conclusions
7. Issues to be raised by members of the panel, on the Investigating Officer's report, witnesses called and related representations made to substantiate his/her conclusions within the report, and also any issues raised by the Member(s) (or his/her/their representative)
8. Member(s) (or his/her/their representative) to respond to Investigating Officer's report, and call such witnesses as he/she considers necessary, and make representations against the Investigating Officer's conclusions
9. Investigating Officer to raise issues with Member(s) response to his/her report, witnesses called and related representations made against his/her conclusions within the report
10. Issues to be raised by members of the panel, on the Member's(s') (or his/her/their representative's) response, witnesses called and related representations made against the Investigating Officer's conclusions
11. Views of the Independent Person sought.
12. Members of the Panel to raise and clarify issues.
13. The panel will retire, along with the Monitoring Officer, to determine whether there has been a breach of the Code of Conduct. The Panel's decision will be reported back to the meeting by the Head of Democratic Services

(If the panel determine that there has been no breach of the Code of Conduct, the complaint will be dismissed. If, however, the panel determine that there has been a breach of the Code of Conduct, the procedure at paragraph 14 will apply)

Action to be taken

14. Monitoring Officer (or his/her representative) to outline possible sanctions
15. Member(s) (or his/her/their representative) to respond and present statement of, or provide oral mitigation.
16. Views of the Independent Person sought.
17. Members of the panel to raise and clarify issues.
18. The panel will retire, along with the Monitoring Officer, to consider what sanction, if any, should be imposed. The panel's decision will be reported back to the meeting by the Head of Democratic Services.

OVERVIEW OF NLC PROCESS



STANDARDS COMMITTEE - TERMS OF REFERENCE

- (a) Promoting and maintaining high standards of conduct by members and co-opted members as defined under section 27 of the Localism Act 2011 ('Act').
- (b) Assisting members and co-opted members to observe the Code of Conduct adopted by the Council pursuant to section 28 of the Act.
- (c) Advising the Council on the amendment or revision of the Code of Conduct and the appointment or removal of the Independent Person/s.
- (d) Monitoring the operation of the Code of Conduct and the 'Arrangements' and making appropriate revisions to the 'Arrangements' as considered necessary.
- (e) Advising, training or arranging to train members, co-opted members and Independent Person/s on matters relating to the Code of Conduct and the Arrangements.
- (f) Granting dispensations to members and co-opted members pursuant to the provisions of section 33 (b), (c) and (e) of the Act and on such other grounds as referred by the Monitoring Officer.
- (g) Dealing with any referrals as considered appropriate by the Monitoring Officer and to receive regular reports from the Monitoring Officer on the discharge of any delegations afforded to that position.
- (h) To consider any complaints relating to an alleged breach of the Code of Conduct in accordance with the 'Arrangements' and to convene, as appropriate, sub-committees ('Assessment Panels') to consider such matters.
- (i) To make determinations in respect of complaints that members and co-opted members of the Council and Parish and Town Councils in the area may have breached the Code of Conduct and to convene, as appropriate, sub-committees ('Hearings Panels') to consider such matters and to impose, or recommend the imposition of, the sanctions detailed in the 'Arrangements'.
- (j) To deal with the grant of exemptions from political restriction in respect of any post holder and give directions on any post to be included in the list of politically restricted posts maintained by the authority.

Membership

7 members of the Council (politically balanced)
2 Co-opted non-voting members

All members, save for the 2 co-opted members, are voting members of the committee.

Delegations

All the above with the exception of paragraph (c).

Section 33 (2) of the Localism Act 2011 provides as follows:-

A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority -

- (a) considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
- (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
- (c) considers that granting the dispensation is in the interests of persons living in the authority's area,
- (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or
- (e) considers that it is otherwise appropriate to grant a dispensation.

Council delegates to:

The Standards Committee decisions concerning the granting of dispensations on the grounds in sub-sections (b), (c) and (e) and on such other grounds referred to by the Monitoring Officer, and

The Monitoring Officer decisions concerning the granting of dispensations on the grounds in sub-sections (a) and (d).