

Appendix 1 - Code of Conduct for Members

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1	Purpose of the Code
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- 1.1 The Localism Act 2011 requires this Authority to promote and maintain high standards of conduct by its Members. In discharging its duty, the Authority is required to adopt a Code of Conduct, which sets out the conduct expected of its Councillors.
- 1.2 The purpose of this Code of Conduct is to assist all Members in the discharge of their obligations to the Authority, to their constituents and to the public at large by:
 - a. establishing the standards and principles of conduct expected of all Members in undertaking their duties;
 - b. ensuring public confidence in the standards expected of all Members and in the commitment of the Authority to upholding the Code through an open and transparent process.
- 1.3 In the interests of clarity, all references in this Section of Part 5 to the 'Authority' will mean Epsom & Ewell Borough Council as a corporate entity. Any references to 'council' will mean the elected Members of the council and any reference to 'Full Council' will refer to the Members sitting as a decision making body.

To what does the Code apply:

- 1.4 Any reference to "member" in this Code is taken to apply to elected Members of Epsom & Ewell Borough Council. The Authority does not have any co-opted Members, however, if any are appointed, this Code will apply to them.
- 1.5 All elected Members of the Authority must give a written undertaking to abide by the "Code of Conduct for Members" when taking office or on appointment.

To whom does the Code apply:

- 1.6 The Code applies to a Member's conduct, which relates in any way to their membership of the Authority. The Code does not seek to regulate the conduct of Members in their purely private and personal lives or in the conduct of their wider public lives unless such conduct significantly damages the reputation and integrity of the Authority as a whole or of its Members generally.

What are the Principles of Public Life?

- 1.7 The Seven principles of public life, sometimes referred to as the 'Nolan Principles' apply to anyone who works as a public office-holder. This includes people who are elected or appointed to public office, nationally and locally, and all people appointed to work in in the public sector. The principles also apply to all those in other sectors that deliver public services. The application of the Nolan Principles to the Code are further enhanced by the addition of two new principles, to which the Authority also works. These Nine Principles are the Principles of Public Life at Epsom & Ewell Borough Council.

What Interests do Members have to declare?

- 1.8 The Localism Act 2011 requires the Authority to establish and maintain a register of interests of the members of the council. The Register of Members' Interests is published on the council's website and will be maintained by the Monitoring Officer.
- 1.9 In addition to disclosable pecuniary interests, in the interests of transparency, personal interests as specified in the Code, must be notified to the Monitoring Officer and declared at meetings. Any decision-making Member with a prejudicial interest must ensure they comply with the requirements of the Code.

2 Principles of Public Life at Epsom & Ewell Borough Council

- 2.1 Local government impacts the lives of citizens every day. The proximity of local government to local people means the decisions of local authorities can directly affect a citizen's quality of life. As such it is accepted and expected that high standards of conduct are needed to protect the integrity of decision making to maintain public confidence and to safeguard local democracy.
- 2.2 When acting as a Member of the council, Members must observe this Code in such a manner that complies with the Nine Principles of Public Life. These Nine Principles will be taken into account when considering the investigation and determination of any allegations of breaches of the Rules of Conduct. A breach of any of the Nine Principles will be seen as breach of the Code.
- 2.3 The Nine Principles of Public Life are:

Principle	Behaviours
1: Selflessness	Members should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
2: Integrity	Members should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
3: Objectivity	In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, Members should make choices on merit.
4: Accountability	Members are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
5: Openness	Members should be as open as possible about their actions and those of the council, and should be prepared to give reasons for those actions.
6: Honesty	Members should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
7: Leadership	Members should promote and support these principles by Leadership, and by example, and should act in a way that secures or preserves public confidence
8: Duty to uphold the law	Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.
9: Stewardship	In discharging their duties and responsibilities Members must ensure that the council's resources are used both lawfully and prudently.

2.4 It is not the role of the Code to set out prescriptive 'dos' and 'don'ts'. The Nine Principles and the corresponding behaviours set the necessary context and framework for how Members should conduct themselves when the Code applies. However, it can be helpful to provide some examples, by way of illustration, of how the Code operates:

- a. championing the public interest, taking into account the needs of your

constituents, including those that did not vote for you, and the community as a whole;

- b. exercising independent judgement and not compromising your position by allowing individuals or organisations to improperly influence you in the performance of your official duties by means of any financial or other obligations;
- c. listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, and making decisions on merit;
- d. restricting access to information when the wider public interest or the law requires it, and not disclosing confidential information, unless you are entitled to by law. Please refer to the Monitoring Officer if you are unsure;
- e. behaving in accordance with all of the council's legal obligations, alongside any requirements contained within the council's policies, protocols or procedures, including on the use of the council's resources;
- f. ensuring that, when using or authorising the use by others of the resources of the Council, such resources are not used improperly for political purposes (including party political purposes) and having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986;
- g. valuing your colleagues and officers of the council and engaging with them in an appropriate manner and one that underpins the mutual respect that is essential to good local governance;
- h. not bullying, harassing (including sexually harassing), intimidating or attempting to intimidate any person;
- i. not doing anything which could reasonably be regarded as bringing your office or the Authority into disrepute;
- j. registering and declaring any private interests, both pecuniary and non-pecuniary, that relate to your public duties in a manner conforming with the Authority's procedures;
- k. understanding your role as a data controller which includes the use of your council email address for council business or constituents' casework;

2.5 Where a Member is elected, appointed or nominated by the council to serve:

- a. on another Relevant Authority, or any other body, when acting for that other authority or body, the Member must comply with the code of conduct of that other authority or body if required to do so, save so far as any conflict may arise, in which case this Code takes primacy; or
- b. on any other body which does not have a code relating to the conduct of its members, the Member must, when acting for that other body, comply

with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

- 2.6 Members must ensure that all contact with council Officers will comply with the protocol for Managing Member/Officer Relations. A distinction is made between contact with less senior staff as part of day to day enquires and council business and contact by members where contentious or political issues may arise. The table below sets some examples:

Examples of day to day contact with less senior Officers.	Examples of matters which should be addressed at Head of Service or above
Requests for routine information on a case or issue on behalf of a resident, e.g. who is dealing with a case or issue, and when it may be resolved.	Concerns around the application of a threshold or the entitlement to a service.
Requests for information on timescales of applications e.g. planning applications, licensing, housing allocation	Specific complaints about not granting consent or complaints about the application of eligibility criteria.
Requests for information on how processes work.	Suggestions for improving or changing services.

3 **Interests**

General

- 3.1 As a public figure, a Member’s public role may, at times, overlap with their personal and/or professional life and interests, however when performing a public role as a Member, you must:
- a. act solely in terms of the public interest, and
 - b. not act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.
- 3.2 Members shall fulfil conscientiously the requirements in respect of the registration and declaration of interests.
- 3.3 Members shall always be open and frank in drawing attention to any relevant interest in any proceeding of the council or its Committees, and in any communications with Members, public officials or public office holders. Members are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office as Members. Interests must be recorded and be capable of audit.

Notification & Registration of Member's Interests

- 3.4 A Member must, within 28 days of this Code being adopted or applied by the Authority or becoming a Member, notify the Monitoring Officer of any disclosable pecuniary interest (DPI) as defined by regulations made by the Secretary of State, through the completion of the Declaration of Interests Form.
- 3.5 A Member, must within 28 days of becoming aware of any new disclosable pecuniary interest or change to any disclosable pecuniary interest already registered, provide written notification to the Monitoring Officer via an amendment form obtainable from the Monitoring Officer. The Monitoring Officer shall, subject to the provisions on Sensitive Interests, enter any amendments.
- 3.6 A Member must observe the notification provisions relating to interests, which arise at meetings as provided for by this Code.

Disclosable Pecuniary Interests

- 3.7 A Member will have a disclosable pecuniary interest in any matter to be considered or being considered by the council if it is of a description set out at Annexe 2 and either:
- a. it is the Member's interest, or
 - b. it is an interest of
 - (i) the Member's spouse or civil partner;
 - (ii) a person with whom the Member is living as husband and wife, or
 - (iii) a person with whom the Member is living as if they were civil partners and the Member is aware that that other person has the interest.
- 3.8 A Member must comply with the statutory requirements to register, disclose and withdraw from participating and voting in respect of any matter in which a Member has a disclosable pecuniary interest.

Personal Interests

- 3.9 A Member will have a personal interest in any matter to be considered or being considered by the Council where that interest is not a DPI in that matter and, either:
- a. the matter relates to or is likely to affect:
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

- (ii) any body
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- b. a decision in relation to that matter might reasonably be regarded as affecting a Member's well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

3.10 For the purpose of paragraph 3.9(b), a "relevant person" is

- a. a member of the Member's family or any person with whom the Member has a close association; or
- b. any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- c. any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- d. any body of a type described in Paragraph 3.9 a. (i) and (ii) above of which such persons are members or in a position of general control or management.

3.11 For the purpose of paragraph 3.10 a., "Family member" is for the time being defined as a spouse, partner, parent, parent in law, son, daughter, step son, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and partner means a member of a couple who live together.

Prejudicial Interests

3.12 Where a Member has a **personal interest** in any matter to be considered or being considered by the council, that Member will also have a prejudicial interest in that matter where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice a Member's judgment of the public interest and where that matter:

- a. affects a Member's financial position or the financial position of a person or body described in the paragraphs relating to Personal Interests above, or

- b. relates to the determining of any approval, consent, licence, permission, or registration in relation to you or any person or body described in paragraphs relating to Personal Interests above.
- 3.13 A personal interest in any matter to be considered or being considered by the council is not a prejudicial interest where that matter relates to the functions of the council in respect of:
- a. housing, where you are a tenant of the council provided that those functions do not relate particularly to your tenancy or lease;
 - b. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - c. an allowance, payment or indemnity given to Members;
 - d. any ceremonial honour given to Members;
 - e. setting council tax or a precept under the Local Government Finance Act 1992

Sensitive Interests

- 3.14 Where a Member has an interest (whether or not a disclosable pecuniary interest) and the nature of it is such that the Member and the Monitoring Officer consider that disclosure of the details of the interest could lead to the Member or a person connected with that Member being subject to violence and intimidation if the interest is entered on the Declaration of Members Interests Form, then such interest will not be published. Instead it may be recorded the details of the interest are withheld under section 32(2) of the Localism Act 2011.
- 3.15 Where a Member has an interest in any business of the council which would be disclosable but the details of the interest are not registered in the council's published Register of Members Interests because they are classed as Sensitive Interests, a Member need not disclose the nature of the interest to the meeting.
- 3.16 A Member with a Sensitive Interest must, within 28 days of becoming aware of any change of circumstances, which means that information is no longer sensitive information, must notify the Monitoring Officer, asking that the information be included in the Register of Interests.

Disclosure and participation at Meetings

General Principles

- 3.17 At a meeting where a Member is being asked to make a relevant decision, or is speaking, a Member must not compromise any of the Nine Principles when arriving at or making such a decision.
- 3.18 Members should declare any personal and/or professional interests relating to their public duties and must take steps to resolve any conflicts arising in a way that protects the public interest. This includes the declaration of acceptance of any disclosable gift or hospitality at any discussion of, vote on, or discharge of any function relating to the donor.
- 3.19 Members should seek advice in advance of a meeting when a matter is known or should reasonably have been known to involve an interest affecting a Committee Member and complete the Declaration of Interests at Meetings Form.
- 3.20 A declaration of an interest made at any meeting relating specifically to a particular issue under consideration shall be recorded. The declaration shall appear in the minutes of the meeting and will be published on the council's website.

Declaration of Members Interests

- 3.21 All Members are required to disclose as appropriate any personal and personal prejudicial interests in matters that arise at meetings which might influence their judgement or which could be perceived (by a reasonable member of the public) to do so. Members should declare:
- a. relevant personal direct and indirect pecuniary interests;
 - b. relevant direct and indirect pecuniary interests of close family members of which Members could reasonably be expected to be aware; and
 - c. relevant personal non-pecuniary interests, including those which arise from membership of clubs and other organisations;
 - d. any body of which the Member is a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - e. any body for which the Member works (paid or unpaid) exercising a function of a public nature, directed to charitable purposes or whose principal purpose includes the influence of public opinion or policy.
- 3.22 The personal interest becomes **prejudicial**, if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest. A Member's DPIs are always prejudicial.

- 3.23 A Member must observe the restrictions the council places on their involvement in matters where they have a pecuniary or non-pecuniary interest as defined by the council.

Predetermination or Bias

- 3.24 Where a Member has been involved in campaigning in their political role on an issue which does not impact on their personal and/or professional life, they are not prohibited from participating in a decision in their political role as Member. However, Members should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence the Member in the performance of their official duties.
- 3.25 When making a decision, Members must consider all the matters with an open mind and on the facts presented at the meeting at which the decision is to be taken.
- 3.26 Members who sit as committee members need to be aware that when they have an interest in the matter being discussed or being decided, the role as a decision maker is subject to extra scrutiny.
- 3.27 Members who are not committee members, but are attending a committee to speak, also need to be aware that if they have an interest in the matter they are speaking on, their role as an interested member is also subject to extra scrutiny.

Interests arising in relation to Scrutiny Committee

- 3.28 Members have a prejudicial interest in any business before a Scrutiny Committee where:
- a. that business relates to a decision made (whether implemented or not) or action taken by any of the council's policy committees or another committee, sub-committee, joint committee; and
 - b. at the time the decision was made or action was taken, the Member was a member of a policy committee, or other committee, sub-committee, joint committee mentioned in paragraph (a) and they were present when that decision was made or action was agreed or taken.
- 3.29 A Member with a prejudicial interest may only address a meeting of the Scrutiny Committee, to answer any questions once they have declared the nature of the interest they have, which they must do at the earliest opportunity. They must withdraw from the room where the meeting is being held once they have answered any questions.

Action following declaration

- 3.30 If a Member is acting as a decision maker at a meeting where the Member has an Interest in the matter being discussed or that arises during the course of the meeting, the Member needs to consider if the interest is a Disclosable Pecuniary Interest and or a prejudicial interest.
- 3.31 If the interest is either a DPI or a prejudicial interest:
- a. the Member must withdraw from the room where the meeting considering the business, is being held, unless a written Dispensation has been granted;
 - b. the Member is not permitted to participate in any discussion of a matter that relates to the Member's DPI or prejudicial interest at the meeting;
 - c. the Member is not permitted to participate in any vote on the matter where they have a DPI or prejudicial interest.
- 3.32 In the case of any other Pecuniary or Non-Pecuniary Interest, the Member will need to consider whether a member of the public with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice the Member's judgement of the public interest. If a Member believes this to be the case, or is advised that this is the case, they must as soon as possible:
- a. disclose the existence and nature of the interest at the meeting;
 - b. withdraw from the room where the meeting considering the business is being held.
- 3.33 However, provided the public have a right to speak at such a meeting the Member is able to make representations or answer any questions when the nature of the interest has been declared. The Member must, after they have spoken, immediately withdraw from the room where the meeting is being held.

Other decision-making

- 3.34 Certain types of decisions, including those relating to a permission, licence, consent or registration for a Member, their friends, family members, employer or their business interests, are so closely tied to their personal and/or professional life that their ability to make a decision in an impartial manner in their role as a Member may be called into question. In turn this could raise issues about the validity or veracity of the decision of the council. In such situations, Members have the same rights as an ordinary members of the public, which means they cannot take part or have any role in the decision making process.

4 Dispersations

- 4.1 There are some decisions that the Authority will need to make that could affect every Member. A Member with a disclosable pecuniary interest in a matter may submit a written request to the Monitoring Officer for the grant of a dispensation allowing that Member to participate in any discussion and/or vote on that matter at a meeting. Such request must be on the prescribed form. Members may not take part in any matter unless a general or specific dispensation has been granted.
- 4.2 The Council can grant a dispensation to enable Members to participate in certain circumstances and the Monitoring Officer is authorised to determine all such written requests for a dispensation.
- 4.3 The Monitoring Officer may, after having had regard to all relevant circumstances, grant a dispensation to a Member only if they consider that:
- a. without the dispensation the number of persons prohibited from participating in any particular business in relation to the matter would be so great a proportion of the body transacting the business as to impede the transaction of that business, or
 - b. without the dispensation considers that without the dispensation each member of a committee would be prohibited from participating in any particular business to be transacted by that committee in relation to the matter;
 - c. considers that it is otherwise appropriate to grant a dispensation.
- 4.4 Any dispensation granted will specify the period for which it has effect, and the period specified may not exceed four years.

5 Gifts and Hospitality

- 5.1 Members should exercise the utmost care in relation to hospitality or gifts received in their role as a Member as there could be a real or perceived conflict with their membership of the Council. Members should declare any gift or hospitality with a value of £100 or above to the Monitoring Officer using the prescribed form and these declarations will be included in a register maintained by the Monitoring Officer. All entries on the Gifts & Hospitality Register will be retained for 4 years. Gifts from other Authorities over the value of £100 (paragraph 5.2 (e) below), will need to be declared and an assessment will be made as to whether the gift should be retained by the Council.

- 5.2 The following gifts and types of hospitality do not need to be disclosed/registered:
- a. civic hospitality provided by another public authority;
 - b. modest refreshment in connection with any meeting or on the occasion of any accidental social meeting;
 - c. tickets for sporting, cultural and entertainment events which are sponsored by the council;
 - d. Honorary Membership badges for the annual horse racing season at Epsom Downs Racecourse or hospitality at the Derby or Ladies Day race events, provided to Members of the Epsom and Walton Downs Conservators or Members appointed to the Training Grounds Management Board;
 - e. small gifts of intrinsic value below £100, modest souvenir gifts with a value below £100, from another public authority given on the occasion of a visit by or to that Authority.
- 5.3 A Member should never accept any gift or hospitality as an inducement or reward for anything, if acceptance might be open to misinterpretation or which puts the Member under an improper obligation. A Member should never solicit a gift or hospitality.
- 5.4 Where it is impracticable to return any unsolicited gift, or the return would cause offence, the Member must, as soon as practicable after the receipt of the gift notify the Monitoring Officer in writing on the prescribed form, and pass the gift to the Mayor's Office for donation to a charity raffle as appropriate.
- 5.5 Even if the value of an unsolicited gift or hospitality is less than £100, if the Member is concerned that its acceptance might be misinterpreted, the Member may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.
- 5.7 A Member must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to a Member.
- 5.8 A Member's participation in any item of business:
- a. in which the Member has any other interest; or
 - b. that affects a donor from whom the Member has received any gift or hospitality

that is registered, or ought to be registered as set out above, will need to be considered by the Member on a case by case basis. A Member will only be expected to exclude themselves from speaking or voting in exceptional

circumstances, for example where there is a real danger of bias.

6 Complaints Process

Overarching Principles

- 6.1 This Part of the Code sets out how the Authority will deal with allegations of a failure to comply with the council's Code of Conduct for Members.
- 6.2 The Monitoring Officer may investigate a specific matter relating to a Member's adherence to the Nine Principles or a complaint made against a member for breach of the Code. For the avoidance of doubt any decision of the Monitoring Officer on any matter within their remit, will be final.
- 6.3 Members shall cooperate, at all stages, with any investigation into an allegation of adherence or complaint of breach of this Code. No Member shall lobby a member of the Standards Committee in a manner calculated or intended to influence its consideration of an alleged breach of this Code.

Complaints against Members

- 6.4 All complaints against Members must be in writing and on the council's prescribed form. The Council will not normally investigate anonymous complaints, unless there is a clear public interest in doing so.
- 6.5 The Monitoring Officer will use a number of criteria for assessing complaints, and may consult with the Independent Person and if necessary, the appropriate Party Leader or Group Chairman and/or Party Whips/the Chairman of the Strategy & Resources Committee. The decision whether to investigate a complaint will be proportionate to the issues raised and the likely outcomes.
- 6.6 The Monitoring Officer may determine that an allegation does not merit an investigation or further action, where:
- a. the allegation does not demonstrate a breach of the Code of Conduct; for example it relates to a Member's private life to which the Code does not apply or it's about dissatisfaction with a council decision or service, or
 - b. it is about someone who is no longer a Member of the Council, or
 - c. there is insufficient evidence upon which to investigate and/or the person making the allegation has failed to co-operate with the Monitoring Officer to specify the allegations sufficiently, or
 - d. the same or similar allegation has been investigated and determined, or

- e. it is an anonymous allegation which does not include sufficient documentary evidence to indicate a significant breach of the Code of Conduct, or
 - f. the Monitoring Officer facilitates an informal resolution without the need for a formal investigation, or
 - g. the complaint is considered to be vexatious.
- 6.7 The Monitoring Officer will acknowledge receipt of a complaint within 10 working days of receiving it. The Subject Member will be advised that a complaint has been made, a copy of the complaint or a summary as appropriate will be provided, along with details of the complainant.
- 6.8 The Monitoring Officer will determine as to whether the complaint merits formal investigation in accordance with the requirements of this Part of the Code. This decision will normally be taken within 15 working days of receipt of a complaint. Where the Monitoring Officer has taken a decision, the Complainant and the Subject Member will be informed of the decision along with the reasons for such.
- 6.9 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. The Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.
- 6.10 If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

Investigation & Determination of Complaints

- 6.11 If the Monitoring Officer decides that a complaint merits formal investigation, the Monitoring Officer will appoint an Investigating Officer. Such officer does not have to be an employee of the Authority.
- 6.12 The Investigating Officer would normally write to the Subject Member, providing with a copy of the complaint. The Subject Member will be requested to provide any relevant information the Investigating Officer needs to investigate the Complaint.
- 6.13 In exceptional cases, where it is appropriate to keep the identity of the Complainant confidential, or disclosure of details of the complaint to the Subject Member might prejudice the investigation, the Monitoring Officer may withhold the Complainant's details or delay notifying the Subject Member until the investigation has progressed sufficiently.
- 6.14 At the end of their investigation, the Investigating Officer will produce a draft report. This draft will be sent in confidence to the Complainant and the Subject Member, to give them an opportunity to identify any matter in that

draft report which is either factually incorrect or which may require further consideration. Having received and taken account of any comments on the Draft Report, the Investigating Officer will send the Final Report to the Monitoring Officer.

- 6.15 The Monitoring Officer will review the Investigating Officer's report and, if satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer, will write to the Subject Member and the Complainant notifying them of either:
- a. that no further action is required, and provide them both a copy of the Investigating Officer's final report, or
 - b. following review of the Investigating Officer's report, that either the complaint will be:
 - (i) sent for determination before a Standards Hearing Sub Committee, or
 - (ii) after consulting the Independent Person, seek a local resolution.

The Monitoring Officer will not enter into any correspondence with either party which seeks to challenge such a decision.

Local Resolution

- 6.16 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, the Monitoring Officer will consult with the Independent Person and seek to agree fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Subject Member accepting that their conduct was short of the standard expected, offering an apology, and/or other remedial action by the Authority. If the Subject Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee as part of an update report for information, but will take no further action.

Process for the Determination of Complaints

- 6.17 If the Monitoring Officer considers that local resolution is not appropriate, then the Monitoring Officer will convene a Standards Hearing Sub Committee to determine the complaint. The Sub Committee will conduct a hearing to decide whether the Subject Member has failed to comply with the Code of Conduct and if so, whether to take any action in respect of the Subject Member.
- 6.18 The Monitoring Officer will conduct a "pre-hearing process", requiring the Subject Member to give their written 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, and may issue directions as to the manner in which the hearing will be conducted.

Conduct of a Sub Committee Hearing

- 6.19 The Monitoring Officer will present the Investigating Officer's report to the Sub Committee.
- 6.20 The Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Subject Member has failed to comply with the Code of Conduct. The Subject Member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Sub Committee as to why they consider that they did not fail to comply with the Code of Conduct.
- 6.21 If the Sub Committee, with the benefit of any advice from the Independent Person, concludes:
- a. that the Subject Member did not fail to comply with the Code, then they can dismiss the complaint, or
 - b. that the Subject Member did fail to comply with the Code, the Chairman will inform the Subject Member of this finding and the Sub Committee will then consider what action, if any, the Sub Committee should take as a result of the Subject Member's failure to comply with the Code. In doing this, the Sub Committee will give the Subject Member an opportunity to make representations to the Sub Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.
- 6.22 The Council has delegated to the Sub Committee powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly, depending on the seriousness or significance of the matters, the Sub Committee may authorise the Monitoring Officer to:
- a. report the findings to Full Council;
 - b. recommend to the Subject Member's Group Chairman or Leader (or in the case of un-grouped members, recommend to Full Council or to Committees) that they be removed from any or all Committees or Sub-Committees of the Authority;
 - c. arrange training for the Subject Member;
 - d. remove from all outside appointments to which the Subject Member has been appointed or nominated by Full Council;
 - e. withdraw facilities provided to the Member by the Authority, such as a computer, website and/or email and Internet access; or
 - f. exclude the Subject Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Full Council, Committee and Sub-Committee meetings.

- 6.23 The Sub Committee has no power to suspend or disqualify the Subject Member or to withdraw members' or any special responsibility allowances, which may exist.
- 6.24 At the end of the hearing, the Chairman will state the decision of the Sub Committee as to whether the Subject Member failed to comply with the Code and as to any actions which the Sub Committee resolves to take.
- 6.25 The Monitoring Officer will issue a decision notice, in consultation with the Chairman of the Sub Committee. The decision notice will be sent to the Complainant and the Subject Member. The decision notice or a summary of the decision will be available for public inspection and be published and included in Members' Update. The decision will be reported to the next convenient meeting of the Standards Committee for information.

Appeals

- 6.26 There is no right of appeal against a decision of the Monitoring Officer or of the Standards Hearing Sub Committee to the Authority.

Independent Person

- 6.27 The Independent Person will be invited to attend all meetings of the Sub Committee. The views of the Independent Person will be sought and taken into consideration before the Sub Committee takes any decision on whether the Subject 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.

Revision of these arrangements

- 6.28 In the interests of fairness, the Monitoring Officer may vary any of these arrangements as appropriate. The Chairman of the Standards Sub Committee may depart from the arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

Annexe 1

GLOSSARY

In this Code the following words will have the following meanings:—

Term	Meaning
Authority	means Epsom & Ewell Borough Council
Code or Code of Conduct	means the Authority's Code of Conduct for Members
Independent Person	means the a person who complies with the requirements section 28 Localism Act 2011 appointed by the Council to be the Independent Person
Meeting	means any meeting of— (a) the authority; (b) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees; whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members
Member	means an appointed member of Epsom & Ewell Borough Council or any a co-opted member as defined by Section 27(4) Localism Act 2011.
Subject Member	means a Member who is the subject of a complaint or allegation for a breach of the Code
Sensitive Information	means information whose availability for inspection by the public creates, or is likely to create, a serious risk that a Member or a person connected to a Member may be subject to violence or intimidation
Nine Principles	means the general principles of conduct namely: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, Leadership, duty to uphold the law, and Stewardship

Complainant	means the person who has made an allegation that a Member has failed to comply with the Member's Code of Conduct
Investigation Officer	means the person appointed by the Monitoring Officer to under an investigation into a complaint of a breach of the Members' Code of Conduct.
Standards Hearing Sub Committee	means a sub committee of the Standards Committee established to conduct hearings into allegations against a Subject Members/s and to determine such allegations following a hearing.
Relevant Authority	means a county council or other such council formally constituted under local government legislation

Annexe 2

The Schedule to the Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M* in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the

	relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M’s knowledge) (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where (a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and (b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*Note “M” means a member or co-opted member of the Council.