

## Constitution Roadmap

### How the roadmap of the constitution works

The roadmap for the constitution has been designed to display the existing constitution, its issues and the proposed solution. The columns

- Column 1      URN - the Unique Reference Number given to each row of the roadmap so that they all have a unique number whichever section of the constitution you are looking at. This number will however change as additions and deletions are made to the document which is why it is the last column to be populated.
- Column 2      Section – the section of the current constitution that is being considered.
- Column 3      Para No. – the current paragraph number of the constitution – this becomes less helpful through the constitution if divorced from the section number given that the numbering reverts to 1 at the beginning of each later section of the constitution.
- Column 4      What it says – this is where the current constitution is set out.
- Column 5      Issue – the first part of this section sets out what the issues or concerns are about the EXISTING section of the constitution set out at paragraph 4. If no changes are required, that will be confirmed here. Alternatively, it may say there are minor changes for style / readability / consistency. If the changes proposed are more fundamental, the reasons why will be set out in more detail here, and may include potential options for resolution and confirm what the URN of the new constitution is where the existing provision now sits.

The second part of this column deals with the next sequential paragraph of the NEW constitution as set out in column 6. When changes are being made to harmonise and simplify the constitution, there is no way to keep the existing constitution and the new constitution paragraphs married up, particularly given that the Council has asked

that the constitution only contain provisions once, to assist with amendment of the document. There is therefore substantial cross referencing in the proposed constitution to reduce duplication.

The second section is not required in Section 1 of the constitution due to the minimal nature of the amendments required to it.

Column 6 Proposed Solution – this is the column which contains the proposed revised constitution. The rationale for this paragraph is set out in the second section of column 5.

The “track change” Word version of the constitution, showing the actual changes (deletions, additions, moved sections etc.) is available upon request however the CMDWG has requested that all future meetings focus on the Roadmap document so everyone is working on the same document, making it easier to manage the meetings and comments.

URN	Section	Para no.	What it says	Issue	Proposed solution
188.	8 - Standards		<b>8 STANDARDS</b> This section explains the functions of the Standards Committee and how Councillors are held to account through the Members’ Code of Conduct.	Expanded to specifically include Mayor and Co-opted Members in the term “Members” and reference the Standards Regime rather than standards committee	This section explains the Standards regime all Councillors, the Mayor and Co-opted Members (collectively referred to as Members for the purpose of this section of the Constitution) are required to comply with and how they are held to account in respect of their conduct and behaviour.
189.		8.1	<b>8.1 What is Standards?</b> The Council has adopted a Members’ Code of Conduct to which all Councillors are required to adhere. The Standards Committee is	Includes cross referencing to the Code of Conduct and the Standards Committee, but removes the	8.1 What is the Standards regime? The Council has adopted a Members’ Code of Conduct to which all Members are required to adhere – see further paragraph 8.9. The development of, and compliance with,

			responsible for deciding on alleged breaches of the Members' Code of Conduct and any applicable sanctions, as well as advising on standards issues more generally.	responsibilities of the Standards Committee to reduce duplication	the Standards regime is monitored by the Standards Committee.
190.		8.2	<p><b>8.2 Who sits on the Standards Committee?</b> 8.2.1 There are nine (9) Councillors on the Standards Committee. The makeup of the Standards Committee must be politically balanced (i.e. a proportional number of members representing each political group in the Council). The Mayor may not be a member of the Standards Committee.</p> <p>8.2.2 Where the Standards Committee is considering a complaint against a member of a Parish Council, and/or an agenda item concerns or may affect a Parish Council, a member of each Parish Council will be entitled to sit on the Standards Committee.</p> <p>8.2.3 The chair of the Standards Committee is elected each year at the Annual Meeting of Full</p>	<p>Existing 8.2 largely becomes new 8.2 with some harmonisation of language.</p> <p>New 8.2.1 reflects existing 8.6 (URN 195, column 4)</p> <p>New 8.2.2 provides Parish Council members on the Standards Committee are co-opted members</p>	<p>8.2 Who sits on the Standards Committee?</p> <p>8.2.1 The Standards Committee comprises nine councillors and is politically balanced. The Mayor may not be a member of the Standards Committee.</p> <p>8.2.2 Where the Standards Committee is considering a complaint against a member of a Parish Council, and / or an agenda item concerning or affecting a Parish Council, one member of each of the three Parish Councils in the Borough will be entitled to sit on the Standards Committee as Co-opted Members.</p> <p>8.2.3 The chair of the Standards Committee is appointed at the Annual Meeting of Full Council and may not be an Executive Member. If the position of chair of the Standards Committee is vacant, a new chair will be elected at the next Council meeting.</p>

			<p>Council. The Standards Committee chair may not be an Executive Member.                  8.2.4 If the position of chair of the Standards Committee is vacant, a new chair will be elected at the next Council meeting.</p>	<p>New 8.2.4 reflects the requirement to have an independent person – legislation quoted as a footnote</p>	<p>8.2.4 The Council is also required to appoint an Independent Person who must be consulted in relation to complaints that the Member Code of Conduct has been breached (see further paragraph 8.8). The Independent Person has no voting rights.</p>
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191.		8.3	<p><b>8.3 What is the role of the Standards Committee?</b> 8.3.1 The Standards Committee is responsible for ensuring individual oversight of key issues that relate to ethics in Local Government.</p> <p>8.3.2 The Standards Committee is also responsible for:</p> <ul style="list-style-type: none"> <li>(a) promoting and maintaining high standards of conduct by Members and the Mayor;</li> <li>(b) assisting Members and the Mayor to observe the Members' Code of Conduct;</li> <li>(c) advising the Council on the adoption or revision of the Members' Code of Conduct;</li> <li>(d) monitoring the operation of, and compliance with, the Members' Code of Conduct;</li> <li>(e) advising Members and the Mayor on matters relating to the Members' Code of Conduct;</li> <li>(f) arranging to train Members and the Mayor on matters relating to the Members' Code of Conduct;</li> <li>(g) considering reports relating to the conduct of Members</li> </ul>	<p>The functions of the Standards Committee are set out in the Responsibility for Functions section of the constitution and not repeated here to remove duplication.</p> <p>New 8.3 does however introduce the rule of the Standards Committee.</p>	<p>8.3 What is the role and function of the Standards Committee?</p> <p>8.3.1 The Standards Committee oversees key issues that relate to ethics in Local Government.</p> <p>8.3.2 The functions of the Standards Committee are set out in Section 9 of this constitution – Responsibility for Functions.</p>
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			<p>which may be referred to it by the Council or Chief Officers, including issues relating to Members' interests and the maintenance and management of any relevant registers of interests;</p> <p>(h) receiving information from the Monitoring Officer on live complaints and the likely timelines for their investigation to be completed;</p> <p>(i) considering relevant reports referred by the Monitoring Officer and the Chief Finance Officer and making recommendations thereon to the Council as necessary;</p> <p>(j) granting dispensations to Members, Co-opted members and Parish Councillors and the Mayor from the requirements relating to declarations of interest. The Monitoring Officer may grant a dispensation where the matter is urgent and report it to the next available Standards Committee;</p> <p>(k) determining, after due investigation, allegations of breaches of the Members' Code of Conduct and the</p>		
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			<p>imposing of any relevant sanctions; (l) receiving references from the Corporate Affairs Committee regarding issues of attendance by Members at training on the Code of Conduct; and (m) discharging the above functions in relation to Parish Councils.</p>		
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192.		8.4	<p><b>8.4 When does the Standards Committee meet?</b>              8.4.1 The Standards Committee meets every three months to monitor and carry out assurance in relation to the handling of, complaints. For the avoidance of doubt, the provisions of section 4 as they relate to Committees shall apply to Standards Committee meetings.              8.4.2 The Standards Committee will also meet to conduct hearings, as set out in the Standards Hearings Procedure Rules below.</p>	Existing 8.4 is reflected in new 8.5 (see URN 193, column 6)	<p>8.4 What is the role of the Standards Committee in relation to Parish Councils?              8.4.1 The Council is the principal council for the Borough . Its arrangements for the investigation and hearing of a complaint that a Member has breached the Code of Conduct also apply when a member of a Parish Council in the Borough is alleged to have breached the Parish Council’s Code of Conduct.              8.4.2 The Code of Conduct for councillors adopted by each Parish Council in the Borough may be the same as the Council’s, or otherwise compliant with the statutory provisions.</p>
193.	8 – Standards Hearing Procedure Rules		<p><b>STANDARDS HEARING PROCEDURE RULES</b> In these Standards Hearing Procedure Rules, capitalised terms not otherwise defined in this Constitution shall have the meanings set out below:              “Complainant” the person making a complaint about a Subject Member to the Standards Committee;              “Communications Plan” the plan setting out the way in</p>	The definitions have been transferred to the glossary where necessary therefore the commentary is deleted.	<p>8.5 When does the Standards Committee meet?              8.5.1 The Standards Committee meets every three months to consider issues of ethics and to monitor the handling of complaints against Members.              8.5.2 Additional meetings of the Standards Committee will be convened to conduct standards hearings.              8.5.3 All meetings of the Standards Committee (including Hearings) are</p>
New 8.5 reflects existing 8.4 (see URN192, column 4) with simplified presentation and cross referencing to the Council Procedure					



			<p>which a Member must communicate with Members and Officers;</p> <p>“Independent Person” the independent person appointed by the Council to provide their views on any Standards complaint;</p> <p>“Investigating Officer” the person responsible for investigating a complaint and producing a report;</p> <p>“Subject Member” a Member who is the subject of a complaint to the Standards Committee.</p>	<p>rules and hearing timescales</p>	<p>subject to the Access to Information Procedure Rules set out at Section XX of this constitution.</p> <p>8.5.4 Standards Hearings will be held no earlier than 14 working days and no later than 28 working days after the Monitoring Officer has provided the Investigating Officer’s final report to the Complainant and the subject Member.</p>
194.	8 – Standards Hearing Procedure Rules	8.5	<p><b>8.5 What are the rules of procedure for Standards Committee hearings?</b> These procedure rules shall apply to the Standards Committee when considering the Investigating Officer’s report under these arrangements.</p>	<p>Existing 8.5 becomes 8.6, but removes the hearing procedures from the constitution</p> <p>New 8.6 reflects that the Standards Committee is subject to the Council procedure rules but also has its own procedure / arrangements for hearings, which need</p>	<p>8.6 What are the rules of procedure for the Standards Committee?</p> <p>8.6.1 The Standard Committee is subject to the Council Procedure Rules set out at paragraph 4.8. of this Constitution, as they relate to Committees.</p> <p>8.6.2 Complaints that a Member has breached the Code of Conduct will be addressed as set out in the Procedure for Member Code of</p>

				not form part of the constitution.  Legislative footnote included	Conduct Complaints, as required by the Localism Act 2011 .
195.	8 – Standards Hearing Procedure Rules	8.6	<b>8.6 What is the composition of the Standards Committee?</b> The Standards Committee comprises nine (9) Members and, if required, two (2) Parish Councillors.	8.6 is reflected in existing 8.2 and new 8.2 – see URN 190, columns 4 and 6  New 8.7 reflects the sanctions set out at existing paragraph 8.12 (see URN 201, column 4) with minor changes to harmonise language	8.7 What are the possible sanctions the Standards Committee can determine following a Standards Hearing?  8.7.1 Where the Standards Committee determines that a Member has failed to comply with the relevant Members’ Code of Conduct, any one or more of the sanctions below, or any further sanctions deemed appropriate by the Standards Committee, may be applied / recommended, within the powers of the Committee (this list is not exhaustive): (a) a recommendation to the Council or Parish Council (as appropriate) that the subject Member be issued with a formal censure (i.e., the issue of an unfavourable opinion or judgement or reprimand) by motion; (b) the issue of an instruction that the subject Member is removed from specified Committee(s) of the Council; (c) a recommendation to the Mayor that the subject Member be removed

					<p>from the Executive or removed from particular Executive Portfolio responsibilities;</p> <p>(d) an instruction to the Monitoring Officer, or the Parish Council (as appropriate), to arrange training for the subject Member;</p> <p>(e) a recommendation to the Council, or Parish Council (as appropriate), that the subject Member is removed from outside appointments to which they have been appointed or nominated by the Council, Executive or Parish Council;</p> <p>(f) an instruction to the Monitoring Officer, or Parish Council (as appropriate), to withdraw facilities provided to the subject Member by the Council, or Parish Council, such as a computer, website and / or email and internet access;</p> <p>(g) an instruction to the Monitoring Officer or Parish Council (as appropriate), to prepare and implement a communication plan for the subject Member;</p> <p>(h) an instruction to the Monitoring Officer, or Parish Council (as appropriate), to exclude the Subject Member from the Council or Parish Council's offices or other premises, except for meeting rooms as</p>
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					<p>necessary for Council or Parish Council Committee meetings;</p> <p>(i) an instruction to the Monitoring Officer, or Parish Council (as appropriate), to apply the informal resolution process;</p> <p>(j) an instruction to the Monitoring Officer, or Parish Council (as appropriate), to issue a press release or other form of publicity; or</p> <p>(k) an instruction to the Monitoring Officer, or Parish Council (as appropriate), to restrict the Subject Member's access to confidential or exempt information.</p> <p>8.7.2 The Standards Committee has no power to suspend or disqualify the subject Member or to withdraw basic allowances. The subject Member will however lose the entitlement to a Special Responsibility Allowance if removed from a role that attracts such a payment.</p>
196.	8 – Standards Hearing Procedure Rules	8.7	<p><b>8.7 What is the purpose of a Standards Committee hearing</b> 8.7.1 The purpose of the hearing is for the Standards Committee to consider, on the evidence provided, whether the Subject Member has breached the Members' Code of Conduct.</p>	Existing 8.7 is reflected within 8.5.2 (URN 193, column 6) re hearings, new 8.6.2 (URN 194, column 6) re procedures and new 8.2.4 (URN190, column 6) and 8.8 re independent person	<p>8.8 What is the role of the independent person?</p> <p>8.8.1 The Council must appoint at least one independent person whose views must be sought, and taken into account, by the Council before it makes a decision on an allegation that it has investigated.</p>

			<p>The conduct of others, for example Officers, is dealt with through another process.</p> <p>8.7.2 The Independent Person will be invited to attend and participate in the Standards Committee meeting but will not have voting rights.</p>		<p>8.8.2 Members who have had an allegation made against them may, if they wish, also seek the views of the independent person.</p>
				<p>8.8 sets out the statutory provisions regarding the independent person</p>	
197.	8 – Standards Hearing Procedure Rules	8.8	<p><b>8.8 How and when are Standards Committee hearings convened?</b> 8.8.1 The legal requirements for publishing agendas, minutes and calling meetings, will apply to the Standards Committee. The hearing will be held in public no earlier than 14 working days and no later than 28 working days after the Monitoring Officer has copied the Investigating Officer’s final report to the Complainant and the Subject Member. Members</p>	<p>Given the niche nature of the standards hearing process, the arrangements required under the Localism Act have been moved to a separate Procedure outside of the constitution, as referenced at new 8.6.2 (URN 194, column 6).</p>	<p>8.9 What is the Member Code of Conduct?</p> <p>Introduction</p> <p>8.9.1 The role of elected member across all tiers of local government is a vital part democracy. It is important that Members can be held accountable and all adopt the behaviours and responsibilities associated with the role. The conduct of individual Members affects the reputation of all Members. The role of councillor should be one that people from a range of backgrounds and circumstances aspire to.</p>

			<p>of the public and press will be excluded from meetings of the Standards Committee where it is likely that confidential or exempt information will be disclosed.</p> <p>8.8.2 The Monitoring Officer, in consultation with the chair of the Standards Committee, will convene a meeting of the Standards Committee.</p> <p>8.8.3 If the Subject Member is unavailable for the proposed date of the meeting, the Monitoring Officer, in consultation with the chair of the Standards Committee, will determine whether the meeting can be arranged outside of the prescribed timescale. If a meeting cannot be arranged within the prescribed timescale, the Subject Member may be requested to provide a reasonable explanation to the chair of the Standards Committee, along with any appropriate evidence of their unavailability.</p> <p>8.8.4 Where the Subject Member fails to attend the</p>	<p>New 8.9 is the Member Code of Conduct formerly included in the constitution at Section 24. New 8.9.1 – 8.9.5 reflect the current Code of Conduct.</p> <p>Including the Member Code of Conduct in Part 8 makes it easier to locate and read in conjunction with the Standards information.</p> <p>Given that the Code has been adopted by</p>	<p>8.9.2 Members represent local residents, work to develop better services and deliver local change. The public have high expectations of Members, entrusting them to represent their local area, taking decisions fairly, openly, and transparently. Members have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.</p> <p>8.9.3 Importantly, Members should be able to undertake their role without being intimidated, abused, bullied, or threatened by anyone, including the general public.</p> <p>8.9.4 The Code of Conduct has been designed to protect the democratic role, encourage good conduct and safeguard the public's trust in local government. All councils are required to have a local Member Code of Conduct.</p> <p>8.9.5 The purpose of the Code of Conduct is to assist Members to model the behaviour expected of them, to provide a personal check and balance, and to set out the type of conduct that could lead to action</p>
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		<p>Standards Committee meeting and where the Standards Committee is not satisfied with their explanation for their absence from the hearing, the Standards Committee may, having regard to any written representations submitted by the Subject Member, and/or the Investigating Officer's report resolve to proceed with the hearing in the Subject Member's absence and make a determination. Alternatively, if the Standards Committee is satisfied with the Subject Member's reasons for not attending the hearing, it may adjourn the hearing to another date. The Standards Committee may resolve, in exceptional circumstances, that it will proceed with the hearing on the basis that it is in the public interest to hear the allegations expeditiously. Standards Committee hearings shall only be adjourned once, if the Subject Member fails to attend a second scheduled meeting</p>	<p>the Council in the first person, the obligations of the same have been retained in first person but highlighted in bold to distinguish them from the guidance, which has been transferred to third person and the language harmonised with the rest of the constitution as far as possible.</p>	<p>being taken against them. It is also to protect Members, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Members and specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of Members and local government.</p>
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			without exceptional circumstances, the meeting shall proceed in the Subject Member's absence.		
198.	8 – Standards Hearing Procedure Rules	8.9	<b>8.9 How are matters decided at a Standards Committee hearing?</b> All matters/issues before the Standards Committee will be decided by a simple majority of votes cast,	Existing 8.9 is redundant given the committee is subject to the CPRs at Part 4 of the constitution, which provides for voting	General principles of Member conduct 8.9.6 Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors



			<p>with the Chair having a second or casting vote.</p>	<p>New 8.9.6 and 8.9.7 reflect the current code of conduct, including the requirement to observe the Nolan Principles and setting out the general principles identified for members.</p>	<p>and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles, as set out at Appendix A.</p> <p>8.9.7 Building on these principles, the following general principles have been developed specifically for the role of a Member:</p> <p>In accordance with the public trust placed in me, on all occasions:</p> <ul style="list-style-type: none"> <li>(a) I act with integrity and honesty;</li> <li>(b) I act lawfully;</li> <li>(c) I treat all persons fairly and with respect; and</li> <li>(d) I lead by example and act in a way that secures public confidence in the role of councillor.</li> </ul> <p>In undertaking my role:</p> <ul style="list-style-type: none"> <li>(e) I impartially exercise my responsibilities in the interests of the local community;</li> <li>(f) I do not improperly seek to confer an advantage, or disadvantage, on any person;</li> <li>(g) I avoid conflicts of interest;</li> <li>(h) I exercise reasonable care and diligence; and</li> <li>(i) I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.</li> </ul>
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199.	8 – Standards Hearing Procedure Rules	8.10	<p><b>8.10 Who may accompany/represent a Subject Member at a Standards Committee hearing?</b> The Subject Member may choose to be accompanied by and/or represented at a Standards Committee meeting by a fellow Councillor, friend or colleague. The Subject Member will not be entitled to be represented by a solicitor or other legal representative, or by any Officer.</p>	<p>The arrangements required under the Localism Act have been moved to a separate Procedure outside of the constitution, as referenced at new 8.6.2 (URN 194, column 6). Existing 8.10 is therefore deleted from the constitution</p> <p>New 8.9.8 to 8.9.12 reflects the current content of the Member Code of Conduct, dealing with when the code applies (8.9.9), the types of interactions it applies to (8.9.10),</p> <p>the expectations of members (8.9.11)</p>	<p>Application of the Code of Conduct</p> <p>8.9.8 The Code of Conduct applies to Members as soon as they sign the declaration of acceptance of the office of councillor or Mayor, or attend their first meeting as a Co-opted Member. It continues to apply until the Member’s term of office, or Co-opted Member role, ends.</p> <p>8.9.9 The Code of Conduct applies when Members act in their capacity as a Member. This may include when Members:</p> <ul style="list-style-type: none"> <li>(a) misuse their position as a Member; or</li> <li>(b) their actions would give the impression to a reasonable member of the public, with knowledge of all the facts, that they are acting as a Member or Co-opted Member.</li> </ul> <p>8.9.10 The Code applies to all forms of communication and interaction, including:</p> <ul style="list-style-type: none"> <li>(a) at face-to-face meetings;</li> <li>(b) at online or telephone meetings;</li> <li>(c) in written communication;</li> <li>(d) in verbal communication;</li> <li>(e) in non-verbal communication;</li> </ul> <p>and</p>
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				<p>the role of the Monitoring Officer in relation to Standards (8.9.12).</p> <p>8.9.13 encourages parish councillors to seek advice from their clerk.</p>	<p>(f) in electronic and social media communication, posts, statements and comments.</p> <p>8.9.11 Members are also expected to uphold high standards of conduct and show leadership at all times when acting as a Member.</p> <p>8.9.12 The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and Members of the Council are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.</p> <p>8.9.13 Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.</p>
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200.	8 – Standards Hearing Procedure Rules	8.11	<p><b>8.11 What is the order of business for a Standards Committee hearing?</b> 8.11.1 Subject to section 8.11.2 below, the order of business of a Standards Committee hearing will be as follows:</p> <ul style="list-style-type: none"> <li>(a) apologies for absence;</li> <li>(b) declarations of interests;</li> <li>(c) approval of minutes of the previous meeting;</li> <li>(d) if the Subject Member is absent, consideration of whether to adjourn or to proceed with the hearing (refer to section 8.8.4 above);</li> <li>(e) introduction by the chair, of members of the Standards Committee, the Independent Person, Monitoring Officer or Deputy, Investigating Officer, Democratic Services Officer, the Committee’s legal adviser,</li> </ul>	<p>The arrangements required under the Localism Act have been moved to a separate Procedure outside of the constitution, as referenced at new 8.6.2 (URN 194, column 6). Existing 8.10 is therefore deleted from the constitution</p>	<p>Standards of Member conduct</p> <p>8.9.14 This section sets out the obligations and minimum standards of conduct required of Members. Conduct falling short of these standards may result in a complaint of a breach of the Code of Conduct. Complaints found proved may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.</p> <p>Respect</p> <p>8.9.15 As a Member:</p> <ul style="list-style-type: none"> <li>(a) I treat other Members and members of the public with respect.</li> <li>(b) I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.</li> </ul> <p>8.9.16 Respect means politeness and courtesy in behaviour, speech, and in</p>
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		<p>the Subject Member and their representative;                  (f) receipt of representations from the Monitoring Officer and/or Subject Member as to whether any part of the hearing should be held in private and/or whether any documents (or parts thereof) should be withheld from the public / press;                  (g) determination of whether the public / press are to be excluded from any part of the meeting and/or whether any documents (or parts thereof) should be withheld from the public / press. When the public / press are excluded from any part of the meeting, filming, photography and/or audio recordings of the meeting will be prohibited in accordance with the Protocol on Filming Council Meetings section 24 of this Constitution; and                  (h) consideration of the report of the Investigating Officer and determination of the matter.                  8.11.2 The chair may exercise their discretion and amend the order of business, where they</p>	<p>New 8.9.14 to 8.9.36 continues the Member Code of Conduct</p> <p>8.9.14 reflects the standards and expectations of Members</p> <p>8.9.15 reflects the requirement for respect, while 8.9.16 and 8.9.17 provide more context</p> <p>8.9.18 relates to bullying, harassment and discrimination, supported by 8.9.19 – 8.9.22</p>	<p>the written word. Debate and having different views are all part of a healthy democracy. Members can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. Members should not, however, subject individuals, groups of people or organisations to personal attack. The public should be treated politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Members.</p> <p>8.9.17 In return, Members have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening Members are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow Members, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the Protocol for Member / Officer Relations at section xx of this Constitution.</p>
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		<p>consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.</p> <p>8.11.3 The Standards Committee may adjourn the hearing at any time.</p> <p>8.11.4 Witnesses (a) The process of the hearing is inquisitorial, and not adversarial. Witnesses should not be made to feel uncomfortable or that their integrity is being questioned. The purpose of the hearing is to establish the facts. (b) All questions to witnesses should be made through the chair.</p> <p>8.11.5 Presentation of the complaint (a) The Investigating Officer will present their report to the hearing, including any documentary evidence or other material, and call their witnesses. No new points will be permitted. (b) The Subject Member or their representative may question the Investigating Officer, and any witnesses</p>	<p>Bullying, harassment and discrimination</p> <p>8.9.18 As a Member: (a) I do not bully any person. (b) I do not harass any person. (c) I promote equalities and do not discriminate unlawfully against any person.</p> <p>8.9.19 The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.</p> <p>8.9.20 The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a</p>
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		<p>called by the Investigating Officer.</p> <p>(c) The Standards Committee may question the Investigating Officer, the Independent Person, and any witnesses called by the Investigating Officer, upon the contents of the Investigating Officer's report.</p> <p>8.11.6 Presentation of the Subject Member's response</p> <p>(a) The Subject Member, or their representative, will present their response to the Investigating Officer's report and call their witnesses.</p> <p>(b) The Investigating Officer may question the Subject Member and any witnesses called by the Subject Member.</p> <p>(c) The Standards Committee may question the Subject Member, the Independent Person, the Advisory Officer, and any witnesses called by the Subject Member.</p> <p>8.11.7 Summing up</p> <p>(a) The Investigating Officer will sum up their report.</p> <p>(b) The Subject Member or their representative will sum</p>	<p>8.9.23 reflects the impartiality of officers, with supporting information in 8.9.24.</p> <p>8.9.25 reflects the provisions in relation to confidential information, supported by 8.9.26</p>	<p>person in a manner that could be expected to cause distress or fear in any reasonable person.</p> <p>8.9.21 Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.</p> <p>8.9.22 The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.</p> <p>Impartiality of officers of the council</p> <p>8.9.23 As a Member: I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.</p> <p>8.9.24 Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not</p>
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		<p>up their response to the Investigating Officer's report.</p> <p>8.11.8 Deliberations and decisions of the Standards Committee</p> <p>(a) Having heard the representations / views of all parties, the Standards Committee will adjourn the hearing and deliberate in private (assisted on matters of law by a legal adviser) to consider whether, on the facts found, the Subject Member has failed to comply with the Members' Code of Conduct, and if so, what sanctions should be applied.</p> <p>(b) Before reaching a decision, the Standards Committee will consider the views expressed by the Independent Person, including any views on sanctions to be applied and/or recommendations to the Council, a Parish Council, or the Monitoring Officer.</p> <p>(c) Where the complaint has a number of aspects, the Standards Committee may reach a finding, apply a sanction and/or make a</p>		<p>be coerced or persuaded to act in a way that would undermine their neutrality. Members can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, Members must not try and force officers to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.</p> <p>Confidentiality and access to information</p> <p>8.9.25 As a Member:</p> <p>(a) I do not disclose information:</p> <p>(i) given to me in confidence by anyone;</p> <p>(ii) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:</p> <ol style="list-style-type: none"> <li>1. I have received the consent of a person authorised to give it;</li> <li>2. I am required by law to do so;</li> <li>3. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or</li> </ol>
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		<p>referred to the Monitoring Officer as a new complaint.                  (g) Having deliberated on its decision and/or recommendations and the application of any sanctions, the Standards Committee will reconvene the hearing in public and the chair will announce:                  (i) the Standards Committee decision as to whether or not the Subject Member has failed to comply with the relevant Members' Code of Conduct, detailing the breaches, and the principal reasons for the decision;                  (ii) the sanctions (if any) to be applied;                  (iii) the recommendations (if any) to be made to the Council or Parish Council (as appropriate) and/or Monitoring Officer; and                  (iv) that there is no right of appeal against the Standards Committee decision and/or recommendations.</p>	<p>8.9.32 sets expectations in respect of use of Council resources, supported by 8.9.33 and 8.9.34</p>	<p>individuals or information relating to ongoing negotiations.                  Disrepute                  8.9.27 As a Member:                  I do not bring my role or local authority into disrepute.                  8.9.28 Members are trusted to make decisions on behalf of their community. Members actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Members should be aware that their actions might have an adverse impact on them, other Members and / or the Council and may lower the public's confidence in them or the Council's ability to discharge functions. For example, behaviour that is considered dishonest and / or deceitful can bring the Council into disrepute.                  8.9.29 Members are able to hold the local authority and fellow Members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.                  Use of position                  8.9.30 As a Member:</p>
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				<p>8.9.35 sets out the commitment to undertake training while 8.9.35 repeats the requirement to have high standards</p>	<p>I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.</p> <p>8.9.31 A Member of the Council has certain opportunities, responsibilities, and privileges, and Members make choices all the time that will impact others. However, Members should not take advantage of these opportunities to further their own or others' private interests or to disadvantage anyone unfairly. Use of local authority resources and facilities</p> <p>8.9.32 As a Member:</p> <p>(a) I do not misuse council resources.</p> <p>(b) I will, when using the resources of the local authority or authorising their use by others:</p> <p>(i) act in accordance with the local authority's requirements; and</p> <p>(ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.</p>
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					<p>8.9.33 Members may be provided with resources and facilities by the Council to assist in carrying out their duties as a councillor. Examples include:</p> <ul style="list-style-type: none"><li>(a) office support;</li><li>(b) stationery;</li><li>(c) equipment such as phones, and computers;</li><li>(d) transport; and</li><li>(e) access and use of local authority buildings and rooms.</li></ul> <p>8.9.34 These are provided to help Members carry out their role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Council's policies regarding their use.</p> <p>Complying with the Code of Conduct</p> <p>8.9.35 As a Member:</p> <ul style="list-style-type: none"><li>(a) I undertake Code of Conduct training provided by my local authority.</li><li>(b) I cooperate with any Code of Conduct investigation and/or determination.</li><li>(c) I do not intimidate or attempt to intimidate any person who is likely to</li></ul>
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					<p>be involved with the administration of any investigation or proceedings.</p> <p>(d) I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.</p> <p>8.9.36 It is extremely important for Members to demonstrate high standards, have their actions scrutinised and not undermine public trust in the Council or its governance. Members who do not understand or are concerned about the Council's processes in handling a complaint should raise this with the Monitoring Officer.</p>
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<p>201.</p>	<p>8 – Standards Hearing Procedure Rules</p>	<p>8.12</p>	<p><b>8.12 What are the possible sanctions the Standards Committee can determine?</b> 8.12.1 Subject to section 8.12.4 below, where the Standards Committee determines that the Subject Member has failed to comply with the relevant Members' Code of Conduct, any one or more of the sanctions below, or any further sanctions deemed appropriate by the Standards Committee, may be applied / recommended, within the powers of the Committee (this list is not exhaustive): (a) a recommendation to the Council or Parish Council (as appropriate) that the Subject Member be issued with a formal censure (i.e., the issue of an unfavourable opinion or judgement or reprimand) by motion; (b) the issue of an instruction that the Subject Member is removed from specified Committee(s) of the Council; (c) a recommendation to the Mayor that the Subject Member be removed from the</p>	<p>Current 8.12 is reflected in new 8.9.7 (see URN 195, column 6) with minor amendment.</p>	<p>Interests 8.9.37 As a Member: I register and disclose my interests. 8.9.38 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority. 8.9.39 Members need to register their interests so that the public, Council employees and fellow Members know which interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects Members by allowing them to demonstrate openness and a willingness to be held accountable. Members are personally responsible for deciding whether or not to disclose an interest in a meeting, but it can be helpful for them to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by Members when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the</p>
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			<p>Executive or removed from particular Executive Portfolio responsibilities;</p> <p>(d) an instruction to the Monitoring Officer, or the Parish Council (as appropriate), to arrange training for the Subject Member;</p> <p>(e) a recommendation to the Council, or Parish Council (as appropriate), that the Subject Member is removed from all outside appointments to which they have been appointed or nominated by the Council, Executive or Parish Council;</p> <p>(f) an instruction to the Monitoring Officer, or Parish Council (as appropriate), to withdraw facilities provided to the Subject Member by the Council, or Parish Council, such as a computer, website and/or email and internet access;</p> <p>(g) an instruction to the Monitoring Officer or Parish Council (as appropriate), to implement a Communications Plan for the Subject Member;</p>	<p>New 8.9.37 reflects the code of conduct in respect of interests.</p> <p>8.9.38 confirms the Monitoring Officer must maintain a register of member interests, supported by 8.9.39.</p> <p>8.9.40 confirms it is a criminal offence to fail to register or disclose a pecuniary interest, with detail being provided in 8.9.41.</p> <p>8.9.42 refers to gifts and hospitality, supported by 8.9.43.</p>	<p>integrity of local governance is maintained.</p> <p>8.9.40 Failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.</p> <p>8.9.41 Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, Members should always seek advice from the Monitoring Officer.</p> <p>Gifts and hospitality</p> <p>8.9.42 As a Member:</p> <p>(a) I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.</p> <p>(b) I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.</p> <p>(c) I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.</p>
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		<p>(h) an instruction to the Monitoring Officer, or Parish Council (as appropriate), to exclude the Subject Member from the Council or Parish Council's offices or other premises, except for meeting rooms as necessary for Council or Parish Council Committee meetings;</p> <p>(i) an instruction to the Monitoring Officer, or Parish Council (as appropriate), to apply the informal resolution process;</p> <p>(j) an instruction to the Monitoring Officer, or Parish Council (as appropriate), to issue a press release or other form of publicity; or</p> <p>(k) an instruction to the Monitoring Officer, or Parish Council (as appropriate), to restrict the Subject Member's access to confidential or exempt information.</p> <p>8.12.2 The Standards Committee has no power to suspend or disqualify the Subject Member or to withdraw basic or special responsibility allowances.</p>		<p>8.9.43 In order to protect their position and the reputation of the Council, Members should exercise caution in accepting any gifts or hospitality which are (or are reasonably believed to be) offered to them because they are a Member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case it could be accepted and publicly registered. However, Members do not need to register gifts and hospitality which are not related to their role as a Member, such as Christmas gifts from friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with the duties of a Member. The Monitoring Officer's guidance should be sought in the event of any uncertainty.</p>
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			<p>8.12.3 The Standards Committee may specify that any sanction takes effect immediately or takes effect at a later date and/or that the sanction be time limited. If the sanctions are not complied with within the timescale directed by the Standards Committee, the Monitoring Officer will report the fact to the chair of the Standards Committee, wherein further sanctions may be considered by the Standards Committee.</p> <p>8.12.4 When deciding whether to apply one or more sanctions referred to in section 8.12.1 above, the Standards Committee will ensure that the application of any sanction is reasonable and proportionate to the Subject Member's behaviour. In determining reasonableness, the Standards Committee will consider the following questions along with any other relevant circumstances or other factors specific to the local environment:</p>		
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		<p>(a) What was the Subject Member's intention, and did they know that they were failing to follow the Council's or Parish Council's Members' Code of Conduct?</p> <p>(b) Did the Subject Member receive advice from Officers before the incident and was that advice acted on in good faith?</p> <p>(c) Has there been a breach of trust?</p> <p>(d) Has there been financial impropriety, for example, improper expense claims or procedural irregularities?</p> <p>(e) What was the result / impact of failing to follow the Council's or Parish Council's Members' Code of Conduct?</p> <p>(f) Was there an impact on others?</p> <p>(g) How serious was the incident?</p> <p>(h) Does the Subject Member accept that they were at fault?</p> <p>(i) Did the Subject Member apologise to the relevant persons?</p> <p>(j) Has the Subject Member previously been reprimanded</p>		
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			<p>or warned for similar misconduct? (k) Has the Subject Member previously breached the Council's or Parish Council's Members' Code of Conduct? (l) Is there likely to be a repetition of the incident</p>		
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202.	8 – Standards Hearing Procedure Rules	8.13	<p><b>8.13 How and when are Standards Committee decisions and recommendations published?</b> 8.13.1 Within five (5) working days of the Standard Committee’s announcement of its decision and recommendations, the Monitoring Officer will publish the name of the Subject Member and a summary of the Standards Committee’s decision and recommendations, and the reasons for the decision and recommendations, on the Council’s website.</p> <p>8.13.2 Within five (5) working days of the announcement of the Standards Committee’s decision, the Monitoring Officer will provide a full written decision and the reasons for the decision, including any recommendations, to:</p> <p>(a) the Subject Member;                  (b) the Complainant; and                  (c) the clerk to the Parish Council (if appropriate).</p>	<p>The arrangements required under the Localism Act have been moved to a separate Procedure outside of the constitution, as referenced at new 8.6.2 (URN 194, column 6). Existing 8.10 is therefore deleted from the constitution</p>	<p>New Appendix A sets out the Nolan Principles</p>	<p>Appendix A – The Seven Principles Of Public Life                  The principles are:</p> <ol style="list-style-type: none"> <li>1. Selflessness                      Holders of public office should act solely in terms of the public interest.</li> <li>2. Integrity                      Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.</li> <li>3. Objectivity                      Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.</li> <li>4. Accountability                      Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.</li> <li>5. Openness                      Holders of public office should act and take decisions in an open and</li> </ol>
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					<p>transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.</p> <p>6. Honesty Holders of public office should be truthful.</p> <p>7. Leadership Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.</p>
203.				<p>New Appendix B reflects additional information in the Code of Conduct in relation to registering interests and the difference between disclosable pecuniary interest and other registerable interests</p>	<p>APPENDIX B – REGISTERING INTERESTS</p> <p>1. Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) which are as described in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 .</p> <p>2. You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).</p>

					<p>“Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below. “Partner” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.</p> <p>3. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.</p> <p>4. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.</p> <p>5. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.</p> <p>Non participation in case of disclosable pecuniary interest</p> <p>6. Where a matter arises at a meeting which directly relates to one</p>
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					<p>of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.</p> <p>7. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it</p> <p>Disclosure of Other Registerable Interests</p> <p>8. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), you must</p>
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					<p>disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.</p> <p>Disclosure of Non-Registerable Interests</p> <p>9. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.</p> <p>10. Where a matter arises at a meeting which affects –</p>
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					<p>a. your own financial interest or well-being;</p> <p>b. a financial interest or well-being of a relative or close associate; or</p> <p>c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2,</p> <p>you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied</p> <p>11. Where a matter (referred to in paragraph 10 above) affects the financial interest or well-being:</p> <p>a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision; and</p> <p>b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest,</p> <p>you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.</p>
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					<p>12. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.</p> <p>13. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.</p>
204.				<p>Table 1 and Table 2 at the end of the Code of Conduct are unchanged and not replicated within this document</p>	<p>Table 1 and Table 2 unchanged</p>

