

## NOTICE OF MEETING

MEETING	<b>PARISH COUNCIL LIAISON MEETING</b>
DATE:	<b>THURSDAY 30 AUGUST 2012</b>
TIME:	<b>6.30 pm</b>
VENUE:	<b>COUNCIL CHAMBER - TOWN HALL</b>
CONTACT:	Mark Emson <b>Telephone: 01733 452282</b> <b>e-mail address <a href="mailto:mark.emson@peterborough.gov.uk">mark.emson@peterborough.gov.uk</a></b>
<i>Despatch date:</i>	<i>22 August 2012</i>

### AGENDA

	PAGE NO
1. Apologies for Absence	
2. Minutes of the Meeting Held on 26/10/2011	1 - 4
3. Standards and Members Complaints	5 - 38
4. Parish Council Conference	
5. Terms of reference and Work Plan for the year	
6. Priorities & Areas of Concern	
7. Action Plan	

#### Emergency Evacuation Procedure – Outside Normal Office Hours

*In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.*



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Mark Emson on 01733 452282.

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Minutes of a meeting of the Parish Council Liaison Committee held on  
26 October 2011 at the  
Town Hall, Peterborough

**MEMBERS PRESENT:**

Cllr John Holdich (Chairman)  
Robert Randall, Glinton Parish Council  
Gerald Kirt, Glinton Parish Council  
Denis Batty, Glinton Parish Council  
Jayne Mann, Castor Parish Council  
David Hedges, Werrington Neighbourhood Council  
Martin Greaves, Werrington Neighbourhood Council  
Brenda Fearon, Orton Waterville Parish Council  
David Ellis, Glinton Parish Council  
Kate Day, Hampton Parish Council  
David Buddle, Thorney Parish Council  
Pat Murphy, Thorney Parish Council  
Colin Brown, Ailsworth Parish Council  
Marion Sharpe, Hampton Parish Council  
Andrew Kenedler, Hampton Parish Council  
Andrew Totten, Bainton & Ashton Parish Council  
Richard Clarke, Wansford Parish Council  
David Robinson, Newborough Parish Council  
John Dadge, Northborough Parish Council  
Martin Witherington, Thornhaugh Parish Council  
Patricia Stuart-Mogg, Sutton Parish Council

**OTHER ATTENDEES:**

Cllr Diane Lamb, Glinton & Wittering Ward Councillor

**OFFICERS PRESENT:**

Nick Harding, Group Manager – Development Management Planning Services  
Darren Sharpe, Natural & Historic Environment Manager  
Julie Rivett, Neighbourhood Manager – North & West

**1. Apologies for Absence**

Cllr David Over, Barnack Ward Councillor  
Leonie McCarthy, Neighbourhoods Manager – Citywide  
Joe Dobson, Helpston Parish Council  
Geoff Smith, Werrington Neighbourhood Council  
Andy Goodsell, Eye Parish Council  
Brenda Stanojevic, Eye Parish Council  
Cllr Darren Fower, Werrington South Ward Councillor  
Michael Chambers, Orton Waterville Parish Council  
Paul Bianchi, Orton Longueville Parish Council

**2. Minutes of the Previous Meetings held on 2 February 2011**

The minutes were not put forward for approval by the Chair and will be put forward at the next meeting.

### **3. Summary of the Government's Draft National Planning Policy Guidance & Neighbourhood Plans proposed by the Localism Bill**

The Group Manager of Development management Planning Services presented to the PCL the draft national planning policy framework proposed by the localism bill. The presentation looked at the governments proposals to condense existing national Planning Policy Guidance into a single policy document with a presumption in favour of sustainable development. The presentation also took into account the Neighbourhood plans being introduced through the localism bill which give communities power to develop policies for the area in which they live.

Following the presentation the following issues were addressed:

PCC is generally supportive of the changes but more detail needed on certain points.

Any plan that is put forward must conform to PCC plan.

Neighbourhood Plans must be the subject of a referendum.

It was put to the Group Manager of Development management Planning Services that the document was unclear in a lot of its points. He responded by saying he hoped for more clarity when the government had published its final document early next year.

### **4. Management of Parish Council owned trees – best practice**

The Natural & Historic Environment Manager from Planning Services presented to the PCL a best practice report for the management of Parish Council owned trees. The presentation looked at the benefits of trees such as their release of oxygen into the atmosphere, absorption of carbon dioxide and that they provide a habitat for local wildlife.

It was noted that in the past ten years tree failure has accounted for sixty four fatalities in the UK.

It was recommended during the presentation that trees should be assessed on a regular basis by someone who has received LANTRA accredited training.

Following the presentation the following issues were addressed:

The landowner is responsible for the upkeep of trees on his or her land even if the victim of a tree failure was trespassing.

Rural footpaths typically run through private land but if the tree is growing through the right of way then the council will take responsibility.

LANTRA offer a one day training course to gain a tree inspection qualification which costs approximately £60.00.

### **5. Parish Question Time**

No questions were raised.

### **6. Parish Council Liaison Work Programme**

It was agreed to look at the work programme at a future meeting.

CHAIRMAN  
Closed at 8.30pm

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<b>PARISH COUNCIL LIAISON COMMITTEE</b>	<b>AGENDA ITEM No. 3</b>
<b>30 AUGUST 2012</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Councillor David Seaton, Cabinet Member for Resources	
Contact Officer(s):	Helen Edwards Solicitor to the Council & Monitoring Officer Kim Sawyer Head of Legal Services	Tel. 452361

## MEMBER COMPLAINTS PROCESS

<b>R E C O M M E N D A T I O N S</b>
Parishes are requested to:
<ol style="list-style-type: none"> <li>1. Adopt a code and notify the Monitoring Officer of the Code and the date of adoption</li> <li>2. Review the standard form for registration of interests making amendments for any additional interests as required by the parish Code and send a copy to the Monitoring Officer</li> <li>3. Request members to complete the register of interests form as soon as possible after the adoption of a code and within a maximum period of 28 days from the adoption</li> <li>4. Ensure that parish clerks have checked that the completed forms have been signed and dated and forward them to the Monitoring Officer</li> <li>5. Advise the Monitoring Officer of any parish council website address</li> <li>6. Arrange for a link to appear on the parish council website once the register has been published by the Monitoring Officer</li> <li>7. Consider if the parish councils wish to nominate a member(s) to be considered as a parish council representative on the hearings panel of the Audit Committee (co-opted, non-voting) and submit any nominations to the Monitoring Officer for consideration by the City Council</li> </ol>

### 1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee by the Monitoring Officer to explain the impact of the Localism Act 2011 upon the process for dealing with complaints against members of parish councils

### 2. PURPOSE AND REASON FOR REPORT

- 2.1 The national Standards regime introduced by the Local Government Act 2000 ended on 30 June as a result of regulations made under the Localism Act 2011. The national body, Standards for England, had ceased taking new work on 31 January and had been formally abolished on 31 March.
- 2.2 The model code of conduct also ceased to have effect on 30 June. Until the transitional regulations were made on 6 June it had been understood that the model code would continue to apply until councils had adopted a new one. This formed part of the NALC advice. However, that is not the case and no code of conduct will be in force for a parish council until it has adopted one.
- 2.3 The Localism Act still requires parish councils to adopt a code of conduct for members and co-opted members.

### **3. The new regime**

#### *The Code*

- 3.1 There is no prescribed form of code, although it should be based on the seven principles of standards in public life (a slight variation on the original Nolan principles). The Local Government Association circulated a template for a “light touch” code, as did the Department for Communities and Local Government. NALC considered that parish councils would find a more detailed code more helpful and have issued one accordingly. It is also open to parish councils to consider adopting the code of conduct of the principal council i.e. that of Peterborough City Council (PCC), attached at appendix 1.
- 3.2 Principal authorities i.e. PCC, must put arrangements in place to deal with complaints that members have failed to comply with the relevant code of conduct. This may include establishing a committee. Responsibility for hearing member complaints was given to the Audit Committee at a meeting of the Council in July 2012. As with the former regime, PCC will handle complaints, although any sanction for a breach will be a matter for the parish council.
- 3.3 Delays in the making of regulations defining “disclosable pecuniary interests” and dealing with transitional matters allowed little time for rigorous examination of the terms of the Code if it was to be in place as soon as possible after 1 July. The Council therefore agreed that the Code will be the subject of further consideration within the next 12 months and a further report to the Council.
- 3.4 The Act provides that the code shall apply to members only when they are acting in their official capacity, including as a representative of the Council. The provision in the old code which extended this to cover situations where a member was giving the impression of acting as a councillor no longer applies.
- 3.5 The substantive terms of the PCC Code regarding behaviour broadly retain the types of conduct covered by the old code.

#### *Interests*

- 3.6 The major change of substance brought about by the legislation relates to the registration and disclosure of interests. The concepts of personal and prejudicial interests have been replaced by the new term of disclosable pecuniary interests (DPI). DPI’s are defined by regulation rather than being a matter of local discretion. The important difference now is that where a member has a DPI it is a criminal offence to fail to register it, or to fail to disclose it at a meeting (unless it is already registered), or to participate in relevant business (unless a dispensation has been granted). The maximum fine at present is £5,000.
- 3.7 DPIs differ from prejudicial interests in that they apply to the interests of both the member and those of his/her spouse or partner (or person whom they live with as a spouse or civil partner) of which the member is aware. All these interests must be registered although no distinction has to be made between those of the member and the spouse or civil partner, PCC remain the registration authority and therefore all members must register their interests with the Monitoring Officer.
- 3.8 DPIs are broader than prejudicial interests because a member has a DPI even if there is no likelihood that it might prejudice the member’s perception of the public interest. So a decision which has only a minimal impact on a member’s property or employer can trigger a criminal offence if the rules are not observed.
- 3.9 DPIs are narrower in that they apply only to very defined categories of interest and omit reference to matters likely to affect the wellbeing or financial standing of the member or his/her family and friends.



- 3.10 The NALC code differs quite substantially from the PCC code in that PCC has not chosen to adopt any of the additional interests set out in appendix B of the NALC model code
- 3.11 One provision in the NALC code which is also not in the PCC Code is paragraph 13, which requires the disclosure of an interest when an item of business affects family or friends.
- 3.12 Similarly to the old regime, a member may seek to class an interest as being sensitive and therefore withhold publication of that part of the Register. This applies to an interest which could lead to the member, or a person connected with the member, being subjected to violence or intimidation. If the Monitoring Officer agrees that this is the case, the interest still has to be registered, but the public version will not reveal the details. Disclosure at a meeting need state merely that the member has a DPI or other interest in the matter.

#### *Arrangements for dealing with complaints*

- 3.13 The arrangements for dealing with complaints are attached as appendix 2. The intention is that this process be less bureaucratic than the old regime. The Monitoring Officer has more flexibility in dealing with matters in the first instance. Members who are the subject of a complaint will be advised at an early stage. Advice and support for members who are the subject of complaints will be available from an Independent Person to be appointed by PCC. Unresolved existing complaints will be concluded under the new arrangements, although the sanctions of suspension and disqualification are no longer available.
- 3.14 The Audit Committee will hear any complaints where an investigation resolves that there may have been breach of the code. One main change to the Audit Committee is that there are no longer any parish council representatives on the hearing panel. Parish members are asked to indicate if they would wish to appoint any parish council representatives to the hearings panel (a sub-committee of Audit Committee). Parish Council members can only be non-voting co-optees to the panel as the Localism Act does not permit parish council representatives with a right to vote.
- 3.15 One of the issues currently being considered in consultation with CPALC is whether parish councils ought to meet the cost of any investigation resulting from a complaint made to the Monitoring Officer. Parish councils are invited to give their views regarding this proposal which will be considered by the City Council at its review meeting of these arrangements

#### *Register of interests*

- 3.16 The Monitoring Officer is required to establish and maintain a register of interests for PCC members and those of parish councils. A copy the registers must be available for public inspection, as was the case previously. It should be noted that the register of interests now has to be published on the RCC website and on a parish council website if it has one. Members' signatures should be redacted from the web version.
- 3.17 A pro forma for the registration of interests is attached as appendix 3 although this may have to be amended if an alternative Code to the PCC code is adopted by the parish i.e. if additional interests are required by the code this will have to be reflected in the registration form. Parish councils will need to take advice from their clerks regarding the adoption of the code and the registration form. A newly-elected member will have 28 days in which to return the completed form, but it would be helpful if existing councillors were urged to complete them on a shorter timescale.

#### *Dispensations*

- 3.18 In certain circumstances members may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because they have a DPI. Provided Councillors act within the terms of their dispensation there is no breach of the Code of Conduct or the law.
- 3.19 Any Councillor who wishes to apply for a dispensation must make an application in writing and submit it to the proper officer of the parish council (ie. the parish clerk) as soon as possible before the meeting which the dispensation is required. Applications may also be

made at the parish council meeting itself (if parish councils have a standing item on the agenda to deal with dispensation requests) and the nature of the interest has only become apparent to a councillor at the meeting itself. A suggested form for requesting a dispensation is attached at appendix 4

#### **4. CONSULTATION**

4.1 This report has been sent to each of the parish councils within Peterborough.

#### **5. REASONS FOR RECOMMENDATIONS**

These recommendations are made to accord with statutory requirements of the Localism Act 2011

#### **6. ALTERNATIVE OPTIONS CONSIDERED**

There are no alternative options to be considered although parish council do have discretion regarding the form of code they adopt

#### **7. IMPLICATIONS**

Any legal implications or financial implications have been dealt with in this report

#### **8. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

*Localism Act 2011*

*NALC template code of conduct*

*Reports to Peterborough City Council on the member complaints system (April & July 2012)*

#### **9. Appendices**

Appendix 1 – PCC Code of Conduct

Appendix 2 – Arrangements for dealing with complaints

Appendix 3 – Proforma register of interests form

Appendix 4 – Proforma for requesting dispensation



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## **Code of Conduct**

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Peterborough City Council

Legal Services

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.

The Code is underpinned by the following principles of public life, which should be borne in mind, when interpreting the meaning of the Code:

- i. **Selflessness**  
Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- ii. **Integrity**  
Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- iii. **Objectivity**  
In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- iv. **Accountability**  
Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- v. **Openness**  
Holders of public office 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.
- vi. **Honesty**  
Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- vii. **Leadership**  
Holders of public office should promote and support these principles by leadership and example.

## PART 1 GENERAL PROVISIONS

### 1. Introduction and Interpretation

1.1. This Code applies to **you** as a member of Peterborough City Council (“PCC”). It is **your** responsibility to comply with the provisions of this Code.

1.2. In this code –

**“Member”**

means any person being an elected or co-opted member of the PCC and any independent person appointed by PCC to assist with the discharge of the ethical standards functions.

**“Meeting”**

means any meeting of

- a) PCC;
- b) The executive of PCC (including the making of decisions by cabinet members);
- c) Any of PCC’s committees, executive committees, sub-committees, joint committees, joint sub-committees, or area committees;
- d) Any of PCC’s advisory groups and executive boards

**“Pending Notification”**

means the interest has been notified to the Council’s Monitoring Officer, but has not been entered in the Register;

**“Register”**

means the register of Member’s and co-opted Member’s interests, maintained by the Monitoring Officer

**“Relevant Authority”**

includes any county council in England, a district council, a London borough council, a parish council and the Greater London Authority.

## 2. **Scope**

- 2.1. **You must** comply with this Code whenever you act, claim to act or give the impression you are acting as a Member of PCC.
- 2.2. Where you act as a representative of PCC:
  - (a) on another Relevant Authority, **you must**, when acting for that other authority, comply with that other authority's code of conduct or;
  - (b) on any other body, **you must**, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## 3. **General Obligations**

- 3.1. **You must** treat others with respect.
- 3.2. **You must not:**
  - (a) do anything which may cause PCC to breach the Equality Act 2010
  - (b) bully any person
  - (c) intimidate or attempt to intimidate any person who is or is likely to be:
    - (i) a complainant;
    - (ii) a witness; or
    - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with this code of conduct
  - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, PCC



**4. You must not:**

- 4.1. disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
- (a) you have the consent of a person authorised to give it;
  - (b) you are required by law to do so;
  - (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (d) the disclosure is:
    - (i) reasonable and in the public interest; and
    - (ii) made in good faith and in compliance with the reasonable requirements of PCC; or
- 4.2. prevent another person from gaining access to information to which that person is entitled by law.
5. **You must** not conduct yourself in a manner which could reasonably be regarded as bringing your office or PCC into disrepute.

**6. You must:**

- 6.1. not use or attempt to use your position as a member improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage; and
- 6.2. when using or authorising the use by others of the resources of PCC:
  - (a) act in accordance with PCC's reasonable requirements;
  - (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- 6.3. have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.

**7. You must:**

- 7.1 when reaching decisions on any matter, have regard to any relevant advice provided by:
  - (a) PCC's chief finance officer; or
  - (b) PCC's monitoring officer,where that officer is acting pursuant to their statutory duties.
- 7.2 give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by PCC.

**PART 2  
INTERESTS**

**8. Disclosable Pecuniary Interests**

8.1. Disclosable pecuniary interests are specified in the table below:

<b><i>Subject</i></b>	<b><i>Prescribed description</i></b>
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 PCC) for any expenses incurred by you in carrying out your duties as a member, or towards your election expenses.</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 with PCC:</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> <p>This includes a contract between PCC and any body in which you, or a person specified in paragraph 8.2(b) below, has a beneficial interest</p>
Land	Any beneficial interest in land which is within PCC's area
Licences	Any licence (alone or jointly with others) to occupy land in the PCC's area for a month or longer.
Corporate Tenancies	<p>Any tenancy where (to your knowledge):</p> <p>(a) the landlord is PCC; and</p> <p>(b) the tenant is a body in which you, or a person listed in paragraph 8.2(b) below, has a beneficial interest</p>

Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to your knowledge) has a place of business or land in PCC's area; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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 person in paragraph 8.2 (below) has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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8.2 You must declare an interest if:

- (a) it is your interest, or
- (b) it is an interest of:
  - (i) your spouse or civil partner;
  - (ii) a person with whom you are living as husband and wife, or
  - (iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

## 9. Other Disclosable Interests

You must declare the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £100.

## 10. Registration of Disclosable Pecuniary Interests and Other Interests

10.1. Subject to paragraph 12 below (sensitive interests), you must, within 28 days of:

- (a) this Code being adopted or applied by PCC; or
- (b) your election or appointment (where that is later)

notify the Monitoring Officer in writing of any disclosable pecuniary interests and other interests you have at that time.

10.2. Subject to paragraph 12 below (sensitive interests) you must, within 28 days of becoming aware of any new disclosable pecuniary or other interest or any change to any such interest, notify the Monitoring Officer in writing of that new pecuniary interest or change.

## **11. Disclosable Pecuniary Interests in Matters Considered at Meetings or by a Single Member**

11.1. If you attend a meeting and are aware that you have a disclosable pecuniary interest in any matter to be considered at that meeting:

- (a) if the interest is not entered in the register of members' interests you must disclose to the meeting the fact that you have a disclosable pecuniary or other interest in that matter
- (b) if you have not already done so, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and
- (c) whether the interest is registered or not you must not unless you have obtained a dispensation from the Monitoring Officer to participate, or participate further, in any discussion of the matter at the meeting
- (d) whether the interest is registered or not you must not, unless you have obtained a dispensation from the Audit Committee participate in any vote, or further vote, taken on the matter at the meeting.

### **11.2 Single Member Action**

If you are empowered to discharge functions acting alone, and are aware that you have a disclosable pecuniary interest or other interest in any matter being dealt with, you must not take any steps, or any further steps, in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by you).

If the Disclosable Pecuniary Interest is not entered in the Register and is not subject to a Pending Notification, you must notify the Monitoring Officer of the Disclosable Pecuniary Interest before the end of 28 days, beginning with the date of when you became aware of the matter

## **12. Sensitive Interests**

12.1. Where you consider (and the Monitoring Officer agrees) that the nature of a disclosable pecuniary or other interest is such that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code and the details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed.

### **PART 3 RELATED DOCUMENTS**

The following documents also provide guidance on the Standards of Conduct expected of members and can assist in the interpretation of this Code of Conduct. These documents can be found in the Council's Constitution.

13. The Audit Committee Rules of Procedure set out the arrangements for dealing with an alleged breach of this Code
14. PCC's Planning Code of Conduct deals specifically with the Code of Conduct within the remit of the Planning and Environmental Protection Committee
15. PCC's Social Media Code for members and officers sets out appropriate behaviour when undertaking Council business through social media
16. PCC's Member/Officer Protocol sets out how members and officers should work together
17. The procedures under which registration and declaration of interests, gifts and hospitality are to be made are set out in the Gifts and Hospitality Policy.

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## **COMPLAINTS AGAINST MEMBERS**

### CODE OF CONDUCT

This is a protocol setting out how to complain about a member of the Council and explaining the arrangements for dealing with such complaints

#### 1. *The Code of Conduct*

The Council has adopted a Code of Conduct for members. The Code can be found on the website as part of the Council's constitution.

#### 2. *Making a complaint*

If you wish to make a complaint, please contact –

The Monitoring Officer  
Town Hall,  
Bridge Street,  
Peterborough PE1 1HG  
[Helen.edwards@peterborough.gov.uk](mailto:Helen.edwards@peterborough.gov.uk)

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering complaints of member misconduct.

To process a complaint, a complaint form must be completed. The form is available from the Council's website or on request from the Monitoring Officer. Complaints can be made in writing without completing the form, but using the form will help ensure that all the available information is available.

The person making the complaint must provide the Monitoring Officer with their name and a contact address or email address, so that the Monitoring Officer can acknowledge receipt of the complaint and update on progress of the complaint.

#### 3. *Anonymous complaints*

The Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

Any person making a complaint who would like to keep their name and address confidential can indicate this on the complaint form. Where a person has asked for confidentiality the Monitoring Officer will not disclose their name and address to the member complained about without prior consent.

The Monitoring Officer has to balance the rights of the member to understand who is making a complaint against them, against the rights of the person making the complaint. The person making the complaint will have to provide reasons why their name ought to remain confidential. If the Monitoring Officer does not consider those reasons justify anonymity, the person making the complaint will be given the opportunity to withdraw the complaint if they do not wish to proceed without anonymity.

Even where anonymity is agreed at the outset of the complaint it may not always be possible to bring the matter to hearing without the person making the complaint agreeing to give evidence at the hearing.

#### 4. *Initial Assessment of Complaints Received*

The Monitoring Officer will acknowledge the complaint within 5 working days of receiving it.

The Member against whom the complaint is made will also be informed of the complaint at this stage.

The Monitoring Officer will undertake an initial assessment of the complaint to determine firstly, whether the complaint is admissible and if so to decide whether:-

- a) it warrants investigation or,
- b) it may be suitable for alternative resolution without investigation or,
- c) it does not warrant any further action.

For the complaint to be admissible it must be in a legible format and relate to an existing member of the authority.

In determining whether or not the complaint should be referred for investigation the Monitoring Officer may decide to consult the Independent Person. The Independent Person is appointed by the Council to provide an impartial and independent opinion regarding the conduct of the member. The Independent Person is not an elected member of the Council.

When deciding whether to refer a matter for investigation the Monitoring Officer will have regard to a range of factors including the following:-

- i) Whether there is sufficient information upon which to base a decision
- ii) How serious the alleged action is
- iii) Is the complaint politically motivated, vexatious or tit for tat;
- iv) Has there been any delay between the action complained of and the complaint ;
- v) Do the allegations relate to actions occurring whilst the subject member was acting in their official capacity;



vi) The opinion of the elected member regarding the complaint

The initial assessment of the complaint will normally be completed within 28 days of receiving the complaint and the person making the complaint and the member will be informed, in writing, of the outcome.

Unless exceptional circumstances exist, the Monitoring Officer will always inform the member of the receipt and nature of the complaint and invite their comments.

Where the Monitoring Officer requires additional information to come to a decision, they may refer back to the person making the complaint or ask the member against whom the complaint is directed.

#### 5. *Referral to Audit Committee*

In all cases it is expected that the Monitoring Officer will assess the complaint and make the decision regarding investigation. In exceptional cases the Monitoring Officer may refer the complaint to the Audit Committee (Hearings Panel) to decide whether the complaint warrants further investigation. This referral can only be made at the request of the person complaining or the subject member where the Monitoring Officer is satisfied that the complaint is exceptional.

As this is not a public hearing, the referral will be made in a written confidential report by the Monitoring Officer to the Audit Committee (Hearings Panel). The decision of whether to investigate will be made by the Committee based upon the contents of the report. There will be no opportunity for the person complaining or the member to attend the Committee to make representations regarding the complaint.

#### 6 *Alternative Resolution*

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that their conduct was unacceptable and offering an apology. Where the member or the authority makes a reasonable offer of local resolution, but the person complaining is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint warrants formal investigation or no further action.

If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer is authorised to refer the complaint to the Police and other regulatory agencies.

#### 7 *If the complaint is referred for investigation how is the investigation conducted?*

If the Monitoring Officer and Independent Person decide that a complaint merits formal investigation, they will appoint an Investigating Officer. This could be another officer of the authority, or of another authority or an external investigator. The decision regarding the appointment will depend upon a variety of factors including staff capacity and nature of the complaint.

The investigating officer will decide to whom they need to speak. It is likely that they will begin the investigation by speaking to the person making the complaint and to gather any documents the investigating officer needs to see. This will also help the investigating officer to decide whom they need to interview.

The investigating officer would normally

- write to the member complained of
- provide them with a copy of the complaint,
- ask the member to provide their explanation of events,
- identify what documents they need to see and
- make a list of interviewees

In exceptional cases, where disclosure of the details of the complaint to the member might prejudice the investigation, the investigating officer may delay notifying the member until the investigation has progressed sufficiently.

At the end of the investigation, the investigating officer will produce a draft report and will send copies of that draft report, in confidence, to the person making the complaint and to the member concerned, giving both an opportunity to identify any matter in that draft report which they disagree with or which they consider requires more investigation.

Having received and taken account of any comments which may be made on the draft report, the investigating officer will send the final report to the Monitoring Officer. The Council aims to conclude the investigation stage within 3 months of a complaint being received.

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

The Monitoring Officer will, in consultation with the independent person, review the investigating officer's report and, if they are satisfied that the investigating officer's report is sufficient, the Monitoring Officer will write to the person making the complaint and to the member concerned, notifying both persons that no further action is required.

9. *What happens if the investigating officer concludes that there is evidence of a failure to comply with the Code of Conduct?*

The Monitoring Officer will, in consultation with the Independent Person, review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel, or seek an alternative resolution.

10 *What is Local Resolution?*

The Monitoring Officer and Independent Person may consider that the matter can be resolved without the need for a hearing. Such resolution may include the member

accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the authority's Audit Committee for information, but will take no further action.

11. *What is a local hearing?*

If the Monitoring Officer and Independent Person consider that local resolution is not appropriate or is impossible to achieve, the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel of the authority's Audit Committee, which will conduct a local hearing to decide whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Monitoring Officer will conduct a "pre-hearing process", asking the member to give their response to the Investigating Officer's report. This will identify what is likely to be agreed and what is likely to be in contention at the hearing. The Chairman of the Hearings Panel may decide, in consultation with the Monitoring Officer to give instructions about the way in which the hearing will be conducted.

At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary, and make representations to substantiate their conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask the person making the complaint to attend and give evidence to the Hearings Panel.

The member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Hearings Panel as to why they consider that they did not fail to comply with the Code of Conduct.

The Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint.

Alternatively, if the Hearings Panel finds that the member did fail to comply with the Code of Conduct, the Chairman will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person.

12. *What action can the Hearings Panel take where a member has failed to comply with the Code of Conduct?*

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

- a. Publish its findings in respect of the member's conduct;
- b. Report its findings to Council for information;

- c. Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that they be removed from any or all Committees or Sub-Committees of the Council;
- d. Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- e. Recommend to Council to remove the member from all outside appointments to which they have been appointed or nominated by the authority;
- f. Recommend to Council that it withdraws facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- g. Recommend to Council that it excludes the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' allowances.

13. *What happens at the end of the hearing?*

At the end of the hearing, the Chairman will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and set out any actions which the Hearings Panel resolves to take.

The Monitoring Officer will prepare a formal decision notice in consultation with the Chairman of the Hearings Panel, and send a copy to the person making the complaint, to the member, and make the decision notice available for public inspection. If appropriate the Monitoring Officer will report the outcome of the hearing to the next Council meeting

14. *Who are the Hearings Panel?*

The Hearings Panel is a Sub-Committee of the Council's Audit Committee. The Audit Committee comprises 8 members of the Council appointed annually in proportion to the political balance of the Council.

[The Council has resolved that the Audit Committee does not need to comply with the rules regarding political balance. This is to ensure that at least one member of each party within the Council may sit on the Audit Committee. Absenting the Committee from the political balance rules will be considered at annual council each year. The Independent Person is invited to attend all meetings of the Hearings Panel and their views are sought before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and determines any action to be taken following a finding of failure to comply with the Code of Conduct.

15. *Who is the Independent Person?*

The Independent Person is a person appointed by a positive vote from a majority of all the members of Council.

A person cannot be “independent” if they –

- a. are, or have been within the past 5 years, a member, co-opted member or officer of the City Council or any parish council within the City Council area;
- b. are a relative or close friend, of a person within paragraph a above. For this purpose, “relative” means –
  - i. Spouse or civil partner;
  - ii. Living with the other person as husband and wife or as if they were civil partners;
  - iii. Grandparent of the other person;
  - iv. A lineal descendent of a grandparent of the other person;
  - v. A parent, sibling or child of a person within paragraphs i or ii;
  - vi. A spouse or civil partner of a person within paragraphs iii, iv or v; or
  - vii. Living with a person within paragraphs iii, iv or v as husband and wife or as if they were civil partners.

#### 16. *Revision of these arrangements*

The Council may by resolution agree to amend these arrangements, and has delegated to the Chairman of the Hearings Panel the right to depart from these arrangements where they consider it is expedient to do so to secure the effective and fair consideration of any matter.

#### 17. *Appeals*

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

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

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# REGISTER OF MEMBERS' FINANCIAL AND OTHER INTERESTS



This form comprises the entry in the Register of Interests of the below named member. The register of interests is maintained by the Monitoring Officer in accordance with Section 29 of the Localism Act 2011 and will be published on the Council's website.

If you require any assistance as to how to complete this document, please contact the Monitoring Officer at [Helen.Edwards@peterborough.gov.uk](mailto:Helen.Edwards@peterborough.gov.uk) for assistance.

Name: \_\_\_\_\_

## PART 1 YOUR INTERESTS

The following interests are the disclosable pecuniary interests which each member must declare.

Q1	EMPLOYMENT OFFICE TRADE PROFESSION OR VOCATION	
1.1	<p>Are you employed – whether full or part-time? (This does not include a remunerated director – this is dealt with at Question 1.4)</p> <p>If NO, please go to Q1.2 If YES, please state the name and address of your employer</p> <p>.....</p> <p>.....</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>
1.2	<p>Are you self employed or do you run, or are you a partner in a business?</p> <p>If NO, please go to Q1.3 If YES, please state the name and address(es) of your business(es)</p> <p>.....</p> <p>.....</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>
1.3	<p>Do you hold any office, profession or vocation carried on for profit or gain? (Gain or profit is not defined in the Act but would include anything which results in a benefit having pecuniary value and any activity carried on for gain or profit regardless of whether gain or profit is actually achieved. You do not need to include your membership of Peterborough City Council)</p> <p>If NO, please go to Q1.4 If YES, please specify the office, profession or vocation</p> <p>.....</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>NOT KNOWN <input type="checkbox"/></p>

1.4 Are you a remunerated director of a company?  
(This means that you receive payment, services, goods or other benefits from the company having a pecuniary value)

YES   
NO   
NOT KNOWN

If NO, please go to Q2

If YES, please state the name and address(es) of your company/companies

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.....

**Q2 SPONSORSHIP**

2.1 Has any person, or body, made a payment to you for any expenses incurred by you as a member?  
(This does not include any expenses paid to you by Peterborough City Council to fulfil your role as a member)

YES   
NO

If NO, please go to Q2.2

If YES, please provide details

.....  
.....  
.....

2.2 Has any person, or body, made a payment to you for your election expenses?

YES   
NO

If NO, please go to Question 2.3

If YES, please provide details

.....  
.....  
.....

2.3 Have you received any payment or financial benefit from a trade union?

YES   
NO

If NO, please go to Q3

If YES, please provide details

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.....



**Q3 CONTRACTS**

3.1 Do you have any contracts with the Council for goods or services which has not been discharged?  
(A contract is normally written and includes any agreement or arrangement for the supply of goods or services for this Council)

**YES**   
**NO**   
NOT KNOWN

If NO or NOT KNOWN, please go to Question 3.2  
If YES, please provide details of the goods or services provided

.....  
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3.2 Does any body, in which you hold a beneficial interest, have any contracts with the Council for goods or services which has not been discharged?  
(A contract is normally written and includes any agreement or arrangement for the supply of goods or services for this Council)

**YES**   
**NO**   
NOT KNOWN

If YES, please provide details of the goods or services provided

.....  
.....

**Q4 LAND LICENCES AND CORPORATE TENANCIES**

4.1 Do you hold any beneficial interest in land within the Peterborough City Council's area?  
(A beneficial interest is one in which you have some proprietary interest in land or buildings, or parts of land or buildings. You should include your home under this heading as owner, lessee or tenant and any land in which you are joint owner, lessee or tenant. You should also include any property from which you receive rent, or of which you are a mortgagee).

**YES**   
**NO**

If NO, please go to Q4.2  
If YES, please give the address or a brief description of the land

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4.2 Do you have a licence to occupy land for a month or longer within the Peterborough City Council area?  
(A licence is a contract granting you the right to occupy land or buildings on a non exclusive basis. Please include any licence which you have jointly with others)

**YES**   
**NO**   
NOT KNOWN

If NO, please go to Q4.3  
If YES, please give details of the licence (the address or a brief description of the land)

.....  
.....

4.3 Do you have a beneficial interest in any body which is the tenant of land where the Council is the landlord? **YES**   
**NO**   
 (Please provide details of any land or buildings where Peterborough City Council is the landlord and the tenant is a body on which you have some proprietary interest for your own benefit e.g. your business. You should give the address or a brief description to identify the tenancy and the body which is the tenant)

If NO, please go to Q5

If YES, please provide the address(es) or other descriptions(s) of any land interest

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**Q5 SECURITIES**

5.1 Do you have a beneficial interest in a class of securities of a body that **YES**   
 (a) has a place of business in the Council's area and **NO**   
 (b) that exceeds the nominal value of £25,000 or 1/100 of the total issued shared capital of that body?

(If you own shares or other form of equity in a company or other body which has a place of business within the Peterborough City Council area, you will need to consider whether the interest is to be included. Identify the nominal value; this is the amount of shares indicated on the certificate; not the market value. If this exceeds £25,000, you need to register the name of the company or body. If this is less than £25,000 but your holding is more than 1% of the total issued share capital, you need to register the name of the company or body)

If NO, please go to part 2 of this form

If YES, please provide details

.....  
 .....

**PART 2  
 INTERESTS OF YOUR SPOUSE, CIVIL PARTNER  
 OR PERSON WHOM YOU LIVE WITH AS CIVIL PARTNER**

**Q1 EMPLOYMENT OFFICE TRADE PROFESSION OR VOCATION**

1.1 Is your spouse, civil partner or person with whom you live with as husband, wife or civil partner employed – whether full or part-time? **YES**   
**NO**   
 (This does not include a remunerated director – this is dealt with at Question 1.4) **NOT KNOWN**

If NO, please go to Q1.2

If YES, please state the name & address of their employer

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1.2 Is your spouse, civil partner or person with whom you live with as husband, wife or civil partner self employed or do they run, or are they a partner in a business?

YES   
NO   
NOT KNOWN

If NO, please go to Q1.3  
If YES, please state the name & address of their business(es)

.....  
.....

1.3 Does your spouse, civil partner or person with whom you live with as husband, wife or civil partner hold any office, profession or vocation carried on for profit or gain? (Gain or profit is not defined in the Act but would include anything which results in a benefit having pecuniary value and any activity carried on for gain or profit regardless of whether gain or profit is actually achieved.)

YES   
NO   
NOT KNOWN

If NO, please go to Q1.4  
If YES, please specify the office, profession or vocation

.....  
.....

1.4 Is your spouse, civil partner or person with whom you live with as husband, wife or civil partner a remunerated director of a company? (This means that you receive payment, services, goods or other benefits from the company having a pecuniary value)

YES   
NO   
NOT KNOWN

If NO, please go to Q2  
If YES, please state the name & address of their company/companies

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.....

**Q2 CONTRACTS**

2.1 Does your spouse, civil partner or person with whom you live with as husband, wife or civil partner have any contracts with the Council for goods or services which have not been discharged?

YES   
NO   
NOT KNOWN

(A contract is normally written and includes any agreement or arrangement for the supply of goods or services for this Council)

If NO or NOT KNOWN, please go to Question 2.2  
If YES, please provide details of the goods or services provided

.....  
.....

2.2 Does your spouse, civil partner or person with whom you live with as husband, wife or civil partner, hold a beneficial interest in any body which has a contract with the Council for goods or services which have not been discharged?  
 (A contract is normally written and includes any agreement or arrangement for the supply of goods or services for this Council)

YES   
 NO   
 NOT KNOWN

If NO or NOT KNOWN, please go to Question 3  
 If YES, please provide details of the goods or services provided

.....  
 .....  
 .....

**Q3 LAND LICENCES AND CORPORATE TENANCIES**

3.1 Does your spouse, civil partner or person with whom you live with as husband, wife or civil partner hold any beneficial interest in land within the Peterborough City Council's area?  
 (A beneficial interest is one in which your spouse, civil partner or person with whom you live with as husband, wife or civil partner has some proprietary interest in land or buildings, or parts of land or buildings. You should include your spouse's, civil partner's or person with whom you live with as husband, wife or civil partner home under this heading as owner, lessee or tenant and any land in which they are joint owner, lessee or tenant. You should also include any property from which they receive rent, or of which they are a mortgagee).

YES   
 NO   
 NOT KNOWN

If NO, please go to Q3.2  
 If YES, please give the address or a brief description of the land

.....  
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 .....

3.2 Does your spouse, civil partner or person with whom you live with as husband, wife or civil partner have a licence to occupy land for a month or longer within the Peterborough City Council area?  
 (A licence is a contract granting a right to occupy land or buildings on a non exclusive basis. Please include any licence which they have jointly with others)

YES   
 NO   
 NOT KNOWN

If NO, please go to Q3.3  
 If YES, please give details of the licence (the address or a brief description of the land)

.....  
 .....  
 .....

3.3 Does your spouse, civil partner or person with whom you live with as husband, wife or civil partner have a beneficial interest in any body and that body is the tenant of land where the Council is the landlord?

YES   
NO   
NOT KNOWN

(Please provide details of any land or buildings where Peterborough City Council is the landlord and the tenant is a body in which your spouse, civil partner or person with whom you live with as husband, wife or civil partner has some proprietary interest for their own benefit e.g. their business. You should give the address or a brief description to identify the tenancy and the body which is the tenant)

If NO, please go to Q4

If YES, please provide the address(es) or other descriptions(s) of any land interest

.....  
.....

**Q4 SECURITIES**

4.1 Does your spouse, civil partner or person with whom you live with as husband, wife or civil partner have a beneficial interest in a class of securities of a body that  
(c) has a place of business in the Council's area and  
(d) that exceeds the nominal value of £25,000 or 1/100 of the total issued shared capital of that body?

YES   
NO   
NOT KNOWN

(If your spouse, civil partner or person with whom you live with as husband, wife or civil partner owns shares or other form of equity in a company or other body which has a place of business within the Peterborough City Council area, you will need to consider whether their interest is to be included. Identify the nominal value; this is the amount of shares indicated on the certificate; not the market value. If this exceeds £25,000, you need to register the name of the company or body. If this is less than £25,000 but the holding is more than 1% of the total issued share capital, you need to register the name of the company or body)

If YES, please provide details

.....  
.....

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please return this form to the Monitoring Officer, Peterborough City Council, Town Hall, Bridge Street, Peterborough, PE1 1HG or by email to [Natalie.Moult@peterborough.gov.uk](mailto:Natalie.Moult@peterborough.gov.uk)

Signature of Monitoring Officer: \_\_\_\_\_

Date: \_\_\_\_\_

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### XXX PARISH COUNCIL DISPENSATION REQUEST FORM

*Please give full details of the following in support of your application for a dispensation. You should refer to the accompanying 'Dispensations Guidance'. If you need any help completing this form please contact the parish clerk.*

Your name	
The business for which you require a dispensation (refer to agenda item number if appropriate)	
Details of your interest in that business	
Date of meeting or time period (up to 4 years) for which dispensation is sought	
Dispensation requested to participate, or participate further, in any discussion of that business by that body	Yes/No
Dispensation requested to participate in any vote, or further vote, taken on that business by that body	Yes/No
Full reasons why you consider a dispensation is necessary (use a continuation sheet if necessary)	

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

***Please give your completed form to the parish clerk . You will receive written notification of the parish council's decision within 5 working days of the decision.***