



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Standards Committee

Date: **Thursday 8 September 2016**

Time: **6.00 pm**

Place: **Committee Room**

For any further information please contact:

Helen Barrington

Director of Organisational Development and Democratic
Services

0115 901 3901

Standards Committee

Membership

Chair Councillor Emily Bailey

Vice-Chair Councillor Michael Payne

Councillor Alan Bexon
Councillor Andrew Ellwood
Councillor Colin Powell
John Bailey
Patricia Woodfield

AGENDA

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- 1 Apologies for Absence and Substitutions.**
- 2 To approve, as a correct record, the minutes of the meeting held on 25 February 2016.** 5 - 8
- 3 Declaration of Interests.**
- 4 Review of Standards Regime** 9 - 42

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- 6 Code of Conduct Complaints** 45 - 86

Report of Director of Organisational Development and Democratic Services.
- 7 Any other item which the Chair considers urgent.**
- 8 Exclusion of Press and Public**

Appendix 2 of Agenda Item 6 is, in the opinion of the proper officer, not for publication. If the Committee wishes to discuss the content of these reports it is recommended that under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting during consideration of the document on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraphs 1 and 7a of Part 1 of Schedule 12A of the Local Government Act 1972.
- 9 Code of Conduct Complaints - Confidential Appendix**

Report of the Director of Organisational Development and Democratic Services.

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MINUTES STANDARDS COMMITTEE

Thursday 25 February 2016

Councillor Emily Bailey (Chair)

Councillor Alan Bexon
Councillor Andrew Ellwood
Councillor Colin Powell

John Bailey
Patricia Woodfield

Independent Person: Mr. J. Baggaley

Absent: Councillor Michael Payne and Gordon Wallis

Officers in Attendance: H Barrington

14 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Payne and Mr. Gordon Wallace.

15 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 27 AUGUST 2015.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

16 DECLARATION OF INTERESTS.

None.

17 REVIEW OF STANDARDS REGIME.

Consideration was given to a report of the Director of Organisational Development and Democratic Services seeking approval to set up a series of working groups to review various aspects of the current standards regime.

RESOLVED:

1. To agree to the establishment of the following working groups to review various aspects of the current standards regime.

- a. Working Group A- Registration of Interests and Code of Conduct:
Councillor Payne, Councillor Ellwood, Councillor Powell, J. Bailey.
 - b. Working Group B- Arrangements for dealing with complaints and dispensations:
Councillor Bailey, Councillor Bexon, P. Woodfield, J. Baggaley.
- 2. That G. Wallis be invited to attend either working group; and
 - 3. That a separate working group to consider the Standards Committee and Independent Person is not necessary and can be dealt with through correspondence.

18 REGISTER OF MEMBERS' INTERESTS – BOROUGH AND PARISHES.

Consideration was given to a report of the Director of Organisational Development and Democratic Services, which had been circulated prior to the meeting, and a verbal report provided at the meeting, informing members of the current position with regard to the number of Register of Members' Interests forms received for Borough and Parish Councillors.

RESOLVED:

To note the information.

19 CODE OF CONDUCT COMPLAINTS.

Consideration was given to a report of the Director of Organisational Development and Democratic Services informing members of complaints received between 1 August 2015 and 31 January 2016.

RESOLVED:

To note the report.

20 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at Time Not Specified

Signed by Chair:

Date:

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Report to Standards Committee

Subject: Review of standards regime

Date: 9 September 2016

Author: Director of Organisational Development and Democratic Services

1. Purpose of the Report

To report back to Committee on the reviews carried out by the working groups and seek approval for amendments to various aspects of the current standards regime.

2. Background

- 2.1 Members will recall that at the last Standards Committee, it was agreed that 2 working groups be set up to review the standards regime introduced in 2012 under the Localism Act 2011.
- 2.2 Working Group A comprising Councillor Payne, Councillor Ellwood, Councillor Powell and J. Bailey has met to consider Registration of Interests and Code of Conduct and Working Group B comprising Councillor Bailey, Councillor Bexon, P. Woodfield and J. Baggaley has met to consider Arrangements for dealing with complaints and dispensations.
- 2.3 It was agreed that a separate working group was not necessary to consider Standards Committee and Independent Persons(s), but views have been sought from members as part of the working group discussions or via correspondence.

3. Proposal

Registration of Interests

- 3.1 In relation to registration of interests, Working Group A took the view that the current form is difficult to complete and asked that it be simplified. In particular the group felt that a question and answer format would help Members to address their minds to those interests which need to be registered.
- 3.2 Taking on board these comments, a draft Register of Interest Form has been prepared and the current guidance notes amended accordingly. It is proposed that the Committee endorses this new form which appears at Appendix 1.

- 3.3 Members are to note that the format of the Register of Interests published on the Council's website will not alter.

Code of Conduct

- 3.3 Working Group A considered that the Code of Conduct should be amended so as to require Members to declare gifts and hospitality in excess of £50 instead of £25. This is to reflect the cost of inflation. Changes to the Code of Conduct can only be approved by Council, therefore it is proposed that Standards Committee agree the amendment and refer it to Council for approval.

Arrangements for dealing with complaints

- 3.4 Working Group B considered that the arrangements for dealing with complaints should be amended as follows:

- During the course of the complaint, it should be treated as confidential;
- Decisions of the Monitoring Officer should be reported to Standards Committee (in the case of breach the Subject Member should be named in the public report but not identified in the case of no breach);
- Monitoring Officer can make the initial assessment decision without notifying the Subject Member or consulting the Independent Person where the Subject Member is clearly acting in his/her personal capacity;
- When making the decision on initial assessment, the Monitoring Officer can also take into account whether the breach has already been remedied by the Subject Member and whether the complaint reveals an underlying issue;
- Terminology should be consistent throughout the document;
- An additional sanction re co-opted members to be included.

- 3.5 It is proposed that the updated Arrangements for Dealing with Complaints at Appendix 2 be approved.

Dispensations

- 3.6 In relation to dispensations Working Group B agreed that the current arrangements were acceptable and no changes were proposed.

Standards Committee

- 3.7 The current make-up of the Standards Committee is as follows:

- a) the Standards Committee is not politically balanced;
- b) it consists of 2 representatives from each political group together with 3 co-opted non-voting members (1 Independent and 2 Parish reps);

- c) the Sub-Committees of the Standards Committee (Hearings Panels) consists of 1 representative from each political group and 1 co-opted non-voting Member will deal with decisions on allegations following an investigation.

The current arrangements have worked well and it is proposed that they should be retained. The position of co-opted independent member is currently vacant and therefore the Monitoring Officer intends to take steps to fill the position.

- 3.8 The Standards Committee remit has been reviewed and one minor change is proposed. The current remit states at 9.02(h) that the Standards Committee is responsible for “performing the functions set out in (a)-(g) above in respect of parish councils in the Borough”. 9.02(f) states that the Standards Committee is responsible for granting dispensations, however since the introduction of the Localism Act, the Borough Council is no longer responsible for granting dispensations in relation to parish councillors. It is therefore proposed that the remit be amended to make this clear. An amended version of the Standards Committee remit is at Appendix 3. The remit can only be approved by Council, therefore it is proposed that Standards Committee endorses the amendment and refers it to Council for approval.

Independent Person

- 3.9 The Council currently has an Independent Person (John Baggaley) and a reserve Independent Person (vacant). The Independent Person may be remunerated, but there is no guidance on setting an appropriate level of remuneration and Councils have taken different approaches. In 2012 Council agreed that the Independent Person should be paid a fixed fee retainer of £500 per year to cover attendance at meetings and telephone calls with an additional fee of £100 per complaint which is dealt with following an investigation. It was also agreed that the reserve Independent Person receives a fixed fee retainer of £250 per year with a fee of £100 per complaint which is dealt with following an investigation. The reason for the additional fee of £100 is that there is additional input from the Independent Person at that stage – he/she will need to read a lengthy investigation report, be consulted by the Monitoring Officer on an appropriate resolution and attend a Hearings Panel (if one is required).
- 3.10 At the time it was not clear how many complaints the Council would receive and how onerous the role of Independent Person would be. Since the new regime came into force the Council has received the following complaints:

2013 – 1

2014 – 4

2015 – 4 (1 referred for investigation)

2016 – 4 (so far) (1 referred for investigation)

In each case, the Independent Person:

- Receives and is expected to read a summary of the complaint
- May be contacted by the Subject Member to discuss the complaint
- Receives and is expected to read a copy of the Subject Member's representations
- May have telephone conversations with the Monitoring Officer about the complaint
- Attends a meeting with the Monitoring Officer at the civic centre to discuss the complaint

3.11 The time spent on each complaint depends on its complexity – some can take up to 6 hours. In addition the Independent Person attends meetings of the Standards Committee, although he is not a member of the Committee and does not have to attend.

3.12 In relation to remuneration for independent Persons, different approaches have been taken by different Councils. By way of example, the level of payments across the County range from an annual fixed allowance of £293 plus travel and subsistence expenses to an annual fixed allowance of £2000 plus travel and subsistence expenses.

3.13 It is proposed that the current arrangements be retained and that the Monitoring Officer takes steps to recruit to the position of reserve Independent Person.

4. Resource Implications

None.

5. Recommendation

It is recommended that:

- a) The revised Register of Interests Form at Appendix 1 be endorsed;
- b) Standards Committee recommends to Council that the Code of Conduct be amended so as to increase the level of gifts and hospitality which needs to be registered from £25 to £50;
- c) The revised Arrangements for dealing with complaints at Appendix 2 be approved;
- d) The current arrangements for dispensations be retained;
- e) The current arrangements for the Standards Committee be retained and the Monitoring Officer take steps to recruit to the position of co-opted independent member;
- f) Standards Committee recommends to Council that the amended remit of the Committee at Appendix 3 be approved to make it clear that the Borough Council can no longer grant dispensations; and

- g) The current arrangements for the Independent Person(s) be retained and the Monitoring Officer take steps to recruit to the position of reserve Independent Person.

6. Appendices

Appendix 1 – Register of Interests Form together with revised guidance notes

Appendix 2 – Arrangements for dealing with complaints

Appendix 3 – Updated remit of the Standards Committee

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REGISTER OF INTERESTS OF MEMBERS AND CO-OPTED MEMBERS

I, Councillor,

a Member of Gedling Borough Council (the Council') give notice that

Either

I have no registrable interests which are required to be declared under the Council's Code of Conduct, and I have put 'none' where I have no such interests under any heading.

Or

I have set out below under the appropriate headings my interests, and those of my spouse/civil partner (or person with whom I am living as such) of which I am aware, which I am required to declare under the Council's Code of Conduct. These include any disclosable pecuniary interests under sections 29 to 31 of the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, and I have put '**none**' where I have no such interests under any heading.

Note:

1. *Where you consider that information relating to any of your interests is a 'Sensitive Interest' you must consult with the Monitoring Officer if you do not wish that interest to be included in the register available for public inspection or published on the website. A 'Sensitive Interest' is an interest which could create or is likely to create a serious risk that you or a person connected with you may be subjected to violence or intimidation.*

2. *Where the interest is no longer a 'Sensitive Interest' you must notify the Monitoring Officer within 28 days of that change.*

1. Employment, Office, Trade, Profession or Vocation

1.1	Are you employed or involved in any sort of employment or profession that produces any profit or gain? If yes please state the employer and your profession below it.	YES [] NO [] Employer/specific vocation:
	And of your spouse/civil partner (or person with whom you are living as such) of which you are aware	YES [] NO [] Employer/specific vocation:

2. Sponsorship

2.1	Do you have any payments of any financial benefit (other than from the council) made within the 12 months in respect of expenses incurred by you?	YES [] NO [] Please state below:
	And of your spouse/civil partner (or person with whom you are living as such) of which you are aware	YES [] NO [] Please state below:

3. Contracts

3.1	<p>Do you have any current undischarged contracts made between you, or a body in which you have a beneficial interest, and the council under which goods or services are to be provide or works are executed?</p>	<p>YES [] NO []</p> <p>Please state below:</p> <p>.....</p> <p>.....</p>
	<p>And of your spouse/civil partner (or person with whom you are living as such) of which you are aware:</p>	<p>YES [] No []</p> <p>Please state below:</p> <p>.....</p> <p>.....</p> <p>.....</p>

4. Land, Licences and Corporate Tenancies

4.1	<p>Land</p> <p>Do you have any beneficial interest in land within the Borough?</p> <p>Note – this excludes an easement, servitude, interest or right in or over land which does not have a right (alone or with others) to occupy the land or to receive income.</p>	<p>YES [] NO []</p> <p>Please state below:</p> <p>.....</p> <p>.....</p> <p>.....</p>
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	<p>And of your spouse/civil partner (or person with whom you are living as such) of which you are aware:</p>	<p>YES [] No []</p> <p>Please state below:</p> <p>.....</p> <p>.....</p> <p>.....</p>
4.2	<p>Licenses</p> <p>Do you have any license (alone or jointly with others) in the borough to occupy land for a month or longer?</p>	<p>YES [] No []</p> <p>Please state below:</p> <p>.....</p> <p>.....</p> <p>.....</p>
	<p>And of your spouse/civil partner (or person with whom you are living as such) of which you are aware:</p>	<p>YES [] No []</p> <p>Please state below:</p> <p>.....</p> <p>.....</p> <p>.....</p>
4.3	<p>Corporate tenancies</p> <p>Do you have any tenancies where the council is the landlord and the tenant is of beneficial interest to you?</p>	<p>YES [] No []</p> <p>Please state below:</p> <p>.....</p> <p>.....</p> <p>.....</p>

	<p>And any tenancy of your spouse/civil partner (or person with whom you are living as such) of which you are aware</p>	<p>YES <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Please state below:</p> <p>.....</p> <p>.....</p> <p>.....</p>
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5. Securities

5.1	<p>You should detail any beneficial interest in securities of a body which has a place of business/land in the Borough of Gedling and either the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital. This includes securities such as shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme etc.</p>	<p>Please state below:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
	<p>And of your spouse/civil partner (or person with whom you are living as such) of which you are aware:</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>Please state below:</p> <p>.....</p> <p>.....</p> <p>.....</p>

6. Membership of other bodies

6.1	Are you a nominated member elected by the council of a body where you have a position of control?	YES [] NO [] Please state below:
6.2	Are you a member of any body exercising public functions where you have a position of general control?	YES [] NO [] Please state below:
6.3	Are you a member of any charitable body where you have a position of general control?	YES [] NO [] Please state below:

7. Membership of other bodies

7.1	Are you employed or involved in any profession that does not have a profitable gain? If so state the employer/body below your answer:	YES [] NO [] State employer:
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8. Other interests in land

8.1	Do you have any interest or easement over land in the borough which doesn't have a right to receive income or occupy the land?	YES [] NO [] State details:
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9. Disclosure of Gifts and Hospitality

9.1	Have you received a gift or hospitality with a value of at least £25 during your time as a member of the council? If so list them:	Date of Gift/Hospitality	Name of person	Reason for Gift/Hospitality

You are reminded that you must update the register within 28 days of receiving any further gift or hospitality with an estimated value of at least £25.

10. Changes to Registered Interests

10.1. I understand that I must, within 28 days of becoming aware of any change in the above interests, including any change in relation to a sensitive interest, provide written notification thereof to the Council's Monitoring Officer.

10.2. I recognise that it is a breach of the Council's Code of Conduct to:

- (1) Omit information that ought to be given in this notice;
- (2) Provide information that is materially false or misleading;
- (3) Fail to give further notices in order to
 - bring up to date information given in this notice;
 - declare an interest that I acquire after the date of this notice and have to declare

And that any breach of the Code of Conduct can be referred to the Standards Committee.

10.3 I understand that failure (without reasonable excuse) to register or disclose any disclosable pecuniary interest in accordance with section 30(1) or 31(2), (3) or (7) of the Localism Act 2011, or participating in any discussion or vote in contravention of section 31(4) of the Localism Act 2011, or taking any steps in contravention of section 31(8) of the Localism Act 2011 is a criminal offence and risks a fine not exceeding level 5 on the standard scale (currently £5,000) or disqualification as a member for a period not exceeding 5 years.

Signed: (Councillor)

Date:

Please Return to:

Helen Barrington
Director of Organisational Development & Democratic Services
Gedling Borough Council
Civic Centre
Arnot Hill Park
Arnold
Nottingham
NG5 6LU

Received:

Date:

Signed:

Monitoring Officer
Gedling Borough Council

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REGISTER OF MEMBERS' INTERESTS

Guidance on completion of form

Please read these notes carefully before completing the form

As a Councillor (or co-opted member), you are required under sections 29 to 31 of the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and Code of Conduct to register your interests within 28 days of your election/appointment. You are also responsible for keeping the register entries up to date by notifying the Monitoring Officer of any changes within 28 days of the change.

The Register of Members' Interests is maintained by the Monitoring Officer and available for public inspection at the Council offices.

In addition to completing the form, you are also required to disclose interests in a matter being considered at a Council, Cabinet, Committee, Sub-Committee, or Panel meeting at which you are present.

Sensitive Interests

Note:

1. *Where you consider that information relating to any of your interests is a 'Sensitive Interest' you must consult with the Monitoring Officer if you do not wish that interest to be included in the register available for public inspection or published on the website. A 'Sensitive Interest' is an interest which could create or is likely to create a serious risk that you or a person connected with you may be subjected to violence or intimidation.*

2. *Where the interest is no longer a 'Sensitive Interest' you must notify the Monitoring Officer within 28 days of that change.*

1. Employment, Office, Trade, Profession or Vocation

1.1 You should disclose details of any employment, office, trade, profession or vocation carried on for profit or gain, including the name of any person or body who employs or has appointed you.

You must register every employment or business you carry out and any other position you hold which you receive payment for. You should include any work that generates income and give a short description of the activities concerned or your job title, for example, "teacher", "civil engineer" or "nurse". You must include the name of your employer or state that you are self-employed. If employed by a company, give

the name of the company. If you are a partner, give the name of the partnership. If you are a director, give the name of the company where you are a director. You do not need to include e.g. income from property or investments unless you are involved in the active management of those assets.

You must disclose all such interests relating to yourself, your spouse/civil partner (or person with whom you are living as such).

If you, your spouse/civil partner or person with whom you are living as such have no such interest, insert "none".

2. Sponsorship

- 2.1. You should declare any payment or provision of any other financial benefit (other than from the Council) made or provided within the last 12 months in respect of expenses incurred by you in carrying out your duties as a member, or towards your election expenses.

You must register the name of any person or body who has made any payments to you towards your expenses as a Councillor or towards your election expenses such as:

- *making a financial contribution to your election campaign;*
- *contributing to the costs of printing leaflets and posters;*
- *assisting you with the costs of carrying out your duties;*
- *providing premises for you to carry out your duties at a reduced rate; or*
- *giving you other similar payments in kind.*

This includes any person or organisation, including your political party or agent and any payment or financial benefit from a trade union

You do not need to declare the amounts of any payments, only the name of the person or body making them. You do not need to include Members allowances paid by the Borough Council.

You must disclose all such interests relating to yourself, your spouse/civil partner (or person with whom you are living as such).

If you, your spouse/civil partner or person with whom you are living as such have no such interest, insert "none".

3. Contracts

- 3.1 You should provide details of any current undischarged contract made between you, or a body in which you have a beneficial interest, and the Council under which goods or services are to be provided or works are to be executed.

You must register all current contracts, of which you are aware, between you, or a company of which you are a director or partner, or in which you know you have a substantial beneficial interest and the Council. You should state the nature and

length of the contract, but not its value or its terms. For this purpose “body in which you or they have a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest.

You must disclose all such interests relating to yourself, your spouse/civil partner (or person with whom you are living as such).

If you, your spouse/civil partner or person with whom you are living as such have no such interest, insert “none”.

4. Land, Licences and Corporate Tenancies

4.1 Land

You should detail any beneficial interest in land with the Borough

You must register any land (including any buildings or parts of buildings) in the Borough of Gedling in which you have a beneficial interest (as owner, lessee or tenant). You should give the address or a brief description to identify it. If you live in the Borough you should include your home.

You should also include any property from which you receive rent, or of which you are a mortgagee. You will also have a beneficial interest in any land if it is held in the name of another person, e.g. a relative or partner, and you are entitled to the proceeds of, or if you will become entitled to the proceeds of that land. This includes property which is held in the name of your spouse or partner but from which you benefit or stand to benefit in the future.

You do not need to include an easement, servitude, interest or right in or over land which does not carry with it a right (alone or jointly with another) to occupy the land or to receive income.

You must disclose all such interests relating to yourself, your spouse/civil partner (or person with whom you are living as such).

If you, your spouse/civil partner or person with whom you are living as such have no such interest, insert “none”.

4.2 Licences

You should detail any licence (alone or jointly with others) to occupy land in the Borough for a month or longer.

You must register land (including buildings or parts of buildings) in the Borough of Gedling which you have a right to occupy, but you do not own it or have a tenancy of it. You should give the address or a brief description to identify it.

You must disclose all such interests relating to yourself, your spouse/civil partner (or person with whom you are living as such).

If you, your spouse/civil partner or person with whom you are living as such have no such interest, insert “none”.

4.3 Corporate Tenancies

You should detail any tenancy where, to your knowledge, the Council is the landlord and the tenant is a body in which you have a beneficial interest.

You must register any tenancies of property where the landlord is Gedling Borough Council and you are the tenant or where the tenant is a firm of which you are a partner or a company of which you are the Director.

You must disclose all such interests relating to yourself, your spouse/civil partner (or person with whom you are living as such).

If you, your spouse/civil partner or person with whom you are living as such have no such interest, insert “none”.

5. Securities

- 5.1 You should detail any beneficial interest in securities of a body which has to your knowledge a place of business or land in the Borough of Gedling and **either** the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital, **or** one hundredth of the total issued share capital of any class of shares issued.

You must register the names of any companies, industrial and provident societies, co-operative societies, building societies, public corporations, insurance companies or other corporate bodies that (to your knowledge) have land or a place of business within the Borough of Gedling and in which you own securities in the company with a nominal value of more than £25,000 or more than 1% of the issued share capital. “Securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society. If in doubt contact your financial advisor.

You have a beneficial interest in a type of share if you own it or if it is held in the name of another person, e.g. a relative or partner, and you are entitled to (or will be entitled to) the proceeds of that type of share.

You should include deposits with industrial and provident societies, and co-operative societies but do not need to include deposits with or borrowing from banks and building societies.

You must disclose all such interests relating to yourself, your spouse/civil partner (or person with whom you are living as such).

If you, your spouse/civil partner or person with whom you are living as such have no such interest, insert “none”.

6. Membership of other bodies

- 6.1 Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council.

If the Council has appointed or nominated you as its representative on any outside bodies, e.g. area forums, community groups and school governing bodies, you must register details of the bodies and any positions of general control or management you hold.

If you have no such interest, insert "none".

- 6.2 Any body exercising functions of a public nature of which you are a member or in a position of general control or management.

You must register your membership of any bodies undertaking activities of a public nature (including bodies receiving significant public money or carrying out a public service) and any position of general control or management that you hold in them. This includes other local authorities and NHS Trusts and is not restricted to organisations which operate in the Borough.

If you have no such interest, insert "none".

- 6.3 Any body directed to charitable purposes of which you are a member or in a position of general control or management.

You must register your membership of any charities or unregistered bodies with a charitable purpose and any position of general control or management that you hold in them. This includes membership of Rotary and Lions Clubs and the Freemasons.

This is not restricted to organisations which operate in the Borough.

If you have no such interest, insert "none".

- 6.4 Any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

You must register your membership of any organisation whose purposes include influencing public opinion or policy and any position of general control or management that you hold in them. You must declare your membership of a political party and a trade union. Examples of the type of body which you should also include are Amnesty International, Friends of the Earth, Countryside Alliance and local lobby groups even where they do not maintain formal membership lists.

This is not restricted to organisations which operate in the Borough.

If you have no such interest, insert "none".

7. Voluntary work

- 7.1 You should disclose details of any employment, office, trade, profession or vocation carried on **not** for profit or gain, including the name of any person or body who employs or has appointed you.

You must register any regular voluntary work for an organisation and any unpaid work. You should give a short description of the activities concerned or your position, for example, “voluntary youth worker” and the name of the organisation.

If you have no such interest, insert “none”.

8. Other interests in land

- 8.1 You should detail any of easement, servitude, interest or right in or over land in the Borough which does not carry with it a right (alone or jointly with another) to occupy the land or to receive income.

You must register any easement, servitude, interest or right in or over land in the Borough of Gedling which does not carry with it a right (alone or jointly with another) to occupy the land or to receive income.

If you have no such interest, insert “none”.

9. Disclosure of Gifts and Hospitality

- 9.1 You must reveal the name of any person from whom you have received a gift or hospitality with an estimated value of at least £25 which you have received in your capacity as a member of the Council.

You must register all gifts and hospitality with a value of £25 or more that you have received in connection with your position as a councillor. This includes meals and refreshments at events you attend as a councillor and gifts and civic hospitality. These must be registered within 28 days of receiving them. You should register an accumulation of smaller gifts or hospitality that you receive over a short period from the same source which together add up to £25 or more.

If you have no such interest, insert “none”.

Arrangements for dealing with complaints about breach of the Code of Conduct

1 Introduction

These arrangements set out how Gedling Borough Council (“the Council”) will deal with allegations that an elected or co-opted member of the Council or of a Parish Council within its area has failed to comply with the Code of Conduct.

The person making the complaint will be referred to as “the Complainant” and the person against whom the complaint is made will be referred to as “the Subject Member”.

2 The Code of Conduct

The Council has adopted a Code of Conduct for members, which is available for inspection on the Council’s website and on request from Reception at the Civic Centre.

Each Parish Council is also required to adopt a Code of Conduct. If the Complainant wishes to inspect a Parish Council’s Code of Conduct, the Complainant should inspect any website operated by the parish council or request the parish clerk to allow the Complainant to inspect the parish council’s Code of Conduct.

3 Making a complaint

All complaints must be submitted in writing to –

The Monitoring Officer
Gedling Borough Council
Civic Centre
Arnot Hill Park
Arnold
Nottingham
NG5 6LU

helen.barrington@gedling.gov.uk

The complaint shall include:

- the Complainant’s name and contact details;
- the name of the member(s) the Complainant believes has breached the Code of Conduct and the name of the authority;

- what the Subject Member has allegedly done that the Complainant believes breaches the Code of Conduct; and
- details of why the Complainant believes their name and/or the details of the complaint should be withheld (if necessary).

In order to ensure that the Council has all the information to be able to process the complaint a complaint form is available on the Council's website.

The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it. The Monitoring Officer will write to the Subject Member (and in the case of a complaint about a Parish Councillor to the Clerk of the Parish Council) with details of the allegations (subject to any representations from the Complainant about confidentiality or concerns that disclosure of the complaint would prejudice any potential investigation) and notifying the Subject Member of their right to consult the Independent Person. At the same time the Monitoring Officer will write to the Independent Person with details of the allegations so that he/she is aware of the nature of the complaint if the Subject Member consults them. The Subject Member may, within 10 working days of the date of the letter, or such longer period as the Monitoring Officer may agree, make written representations to the Monitoring Officer which will be taken into account when deciding how the complaint will be dealt with.

4 Initial filtering of complaints

Code of Conduct complaints can only be accepted if they relate to a member's behaviour whilst they are acting, or giving the impression that they are acting, in their official capacity. Complaints which clearly relate to a member acting in their private capacity or otherwise fall outside of the Code of Conduct can be rejected by the Monitoring Officer without notifying the Subject Member (and in the case of a complaint about a Parish Councillor to the Clerk of the Parish Council) or seeking the views of the Independent Person. The Monitoring Officer will inform the Complainant, the Subject Member (and in the case of a complaint about a Parish Councillor to the Clerk of the Parish Council) of the decision and the reasons for that decision in writing.

5 Confidentiality

As a matter of fairness and natural justice, the Subject Member should be told who has complained about them. There may be occasions where the Complainant requests that their identity is withheld. Such a request may be granted in circumstances that the Monitoring Officer considers to be exceptional, for example:

- a) The Complainant has reasonable grounds for believing that they will be at real risk of intimidation, victimisation or physical harm if their identity is disclosed.
- b) The Complainant is an officer who works closely with the Subject Member and they are afraid of the consequences to their employment if their identity is disclosed.

- c) The Complainant suffers from a serious health condition, which might be adversely affected if their identity is disclosed.

If the Monitoring Officer decides to refuse a request by the Complainant for confidentiality, he/she will offer the Complainant the option to withdraw the complaint, rather than proceed with disclosure of the Complainant's identity.

As a matter of fairness and natural justice, the Subject Member should also be informed of the nature of the complaint. If however the Monitoring Officer considers that disclosure of details of the complaint to the Subject Member might prejudice the investigation, the Monitoring Officer can agree to delay notifying the Subject Member until consideration of the complaint has progressed sufficiently.

It is important, first, to preserve the integrity of the complaints process and, second, to minimise any negative impact of the complaint on all the people affected by it, that information relating to the complaint is treated as confidential. The assessment of complaints will therefore be conducted by the Monitoring Officer in private. The parties to a complaint are expected to maintain confidentiality as well. Parties are not prohibited from discussing the complaint to seek advice and support; however, it should not be discussed in the public domain.

6 Additional Information

If the Complainant does not submit sufficient information to enable the Monitoring Officer to come to a decision, the Monitoring Officer may ask the Complainant for such information, and may request additional information from the Subject Member.

The Monitoring Officer may also carry out pre-assessment enquiries, which will not amount to an investigation. This may include obtaining documentation, such as a copy of the relevant Code of Conduct or minutes of meetings.

7 Initial Assessment of Complaint

The Monitoring Officer will review the complaint together with any representations received from the Subject Member and, after consultation with the Independent Person, take a decision as to whether the complaint merits formal investigation or should be dealt with informally or rejected. This decision will normally be taken within 20 working days of receipt of the complaint or the Subject Member's written representation, whichever is the latter. The Monitoring Officer will inform the Complainant, the Subject Member (and in the case of a complaint about a Parish Councillor to the Clerk of the Parish Council) of the decision on initial assessment and the reasons for that decision in writing.

The Monitoring Officer must initially be satisfied that the complaint meets the following tests:

- a) Is the complaint about the conduct of a named, elected or co-opted member of the Borough Council or a Parish Council within the Borough?
- b) Was the named member in office at the time the alleged misconduct took place?

- c) Was the Code of Conduct in force at the time the alleged misconduct took place?
- d) If the complaint is proven, would there potentially be a breach of the Code under which the Subject Member was operating at the time of the alleged misconduct?

If the complaint fails one or more of these tests it will be rejected.

The Monitoring Officer will then consider the following in deciding whether the complaint should be investigated, dealt with informally or rejected:

- i. The complaint appears to be trivial, vexatious, malicious, politically motivated or tit for tat.
- ii. The complaint is anonymous. The Monitoring Officer will not usually investigate anonymous complaints, unless there is a clear public interest in doing so.
- iii. A significant period of time has elapsed since the events, which are the subject of the complaint. This could be because, where a matter is serious, it would be reasonable to expect the Complainant to make a complaint promptly, or because the passage of time may make it more difficult to obtain documentary evidence and reliable witness evidence. The Monitoring Officer will normally reject a complaint where the last event complained of took place more than 6 months prior to the date of the complaint.
- iv. The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter. This could be where the matter is such that there is unlikely to be any firm evidence on the matter.
- v. The complaint or a substantially similar allegation has previously been the subject of an investigation and there is nothing more to be gained by further action being taken.
- vi. The complaint suggests that there is a wider problem throughout the authority.
- vii. The complaint discloses a potential breach of the Code, but the Subject Member has remedied or made reasonable endeavours to remedy the issues to which the complaint relates and the complaint does not disclose sufficiently serious potential breaches of the Code of Conduct to merit further consideration.
- viii. The complaint discloses a potential breach of the Code, but the complaint is not serious enough to merit an investigation in circumstances where the resources needed to investigate are wholly disproportionate to the allegations and there is no overriding public interest in carrying out an investigation.

8 Informal 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 Subject Member accepting that his/her conduct was unacceptable; and

- offering an apology;
- agreeing to attend a training course;
- agreeing to engage in a process of conciliation; or
- the Council introducing some other remedial action (such as changing procedures).

Where the Subject Member makes a reasonable offer of local resolution, but the Complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

9 Criminal conduct

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

10 Investigation

If the Monitoring Officer decides that the complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to the Complainant to understand the nature of the complaint.

The Investigating Officer would normally write to the Subject Member and provide him/her with a copy of the complaint, and ask the Subject Member to provide his/her explanation of events, and to identify what documents the Investigating Officer needs to see and who she/he needs to interview. In exceptional cases, where it is appropriate to keep the Complainant's identity confidential or the Monitoring Officer considers that disclosure of details of the complaint to the Subject Member might prejudice the investigation, the Investigating Officer can delete the Complainant's name and address from the papers given to the Subject Member, or delay notifying the Subject Member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the Complainant and to the Subject Member concerned, to give them both an opportunity to identify any matter in that draft report which they disagree with or which they consider requires more consideration. Both parties will be given 10 working days to make representations or, in exceptional circumstances, such other period as the Investigating Officer considers reasonable.

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

11 Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct

The Monitoring Officer will review the Investigating Officer's report and, if he/she is satisfied that the Investigating Officer's report is sufficient, will send to the Complainant and the Subject Member (and the Parish Council, where the complaint relates to a Parish Councillor) a copy of the Investigating Officer's final report and confirm the finding of no failure to comply with the Code of Conduct. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report.

12 Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearing Panel ("the Panel") or, after consulting the Independent Person, seek local resolution.

12.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and the Complainant and seek to agree what the Complainant considers to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable; and

- offering an apology;
- agreeing to attend a training course;
- agreeing to engage in a process of conciliation; or
- the Council introducing some other remedial action (such as changing procedures).

If the Subject Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee (and the Parish Council, where the complaint relates to a Parish Councillor) for information, but will take no further action. However, if the Complainant tells the Monitoring Officer that any suggested resolution would not be adequate or the Subject Member refuses to accept the resolution; the Monitoring Officer will refer the matter for a local hearing.

12.2 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or the Complainant is not satisfied by the proposed resolution, or the Subject Member is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to

the Hearing Panel which will conduct a local hearing before deciding whether the Subject Member has failed to comply with the Code of Conduct and, if so, whether to take any action.

The Monitoring Officer will conduct a “pre-hearing process”, requiring the Subject Member to give his/her response to the Investigating Officer’s report in writing, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing. The Chairman of the Panel may issue directions as to the manner in which the hearing will be conducted.

At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Subject Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask the Complainant to attend and give evidence to the Panel. The Subject Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct. The Panel can allow witnesses to be questioned and cross examined by the Subject Member, the Monitoring Officer, the Investigating Officer (or their representative(s)) directly or through the Chairman. The Panel can also question witnesses.

The Independent Person will be invited to attend to observe, but will not participate in the hearing. The Panel will seek the views of the Independent Person and take those views into account before making its decision.

The Panel may conclude that the Subject Member did not fail to comply with the Code of Conduct, and if so will dismiss the complaint.

If the Panel concludes that the Subject Member did fail to comply with the Code of Conduct, the Chairman will inform the Subject Member of this finding and the Panel will then consider what action, if any, the Panel should take as a result of the Subject Member’s failure to comply with the Code of Conduct. In doing this, the Panel will give the Subject Member an opportunity to make representations to the Panel and seek the views of the Independent Person and take those views into account before making its decision.

13 What action can the Hearing Panel take where a member has failed to comply with the Code of Conduct?

The Council has delegated to the 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 Panel may do one or a combination of the following –

- 13.1 Send a formal letter to the Subject Member;
- 13.2 Issue a formal Censure;
- 13.3 Publish its findings in respect of the Subject Member’s conduct;

- 13.4 Report its findings to Council (or to the Parish Council) for information;
- 13.5 Recommend to the Subject Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 13.6 Recommend to the Leader of the Council that the Subject Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 13.7 Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Subject Member;
- 13.8 Recommend to the Subject Member's Group Leader that he/she is removed ([or recommend to the Parish Council that the Subject Member be removed]) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Parish Council);
- 13.9 In the case of a co-opted Member, recommend to Council (or to the Parish Council) that he/she be removed from the Council or any of its committees, sub-committees or working groups;
- 13.10 Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Subject Member by the Council (such as a computer, website and/or email and Internet access) for a specified period; or
- 13.11 Exclude (or recommend that the Parish Council exclude) the Subject Member from the Council's offices or other premises for a specified period, 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 Subject Member or to withdraw members' or special responsibility allowances. It also has no power to impose a sanction which would fetter the otherwise appropriate activities of a democratically elected representative.

14 What happens at the end of the hearing?

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

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chairman of the Panel, and send a copy to the Complainant, to the Subject Member [and to the Parish Council in the case of a complaint about a Parish Councillor], make that decision notice available for public inspection and report the decision to the next convenient meeting of the Standards Committee.

15 What is the Hearing Panel?

The Hearing Panel is a sub-committee of the Council's Standards Committee.

The Independent Person is invited to attend all meetings of the Panel and his/her views are sought and taken into consideration before the Panel takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

16 Who is the Independent Person?

The Independent Person is a person who has been appointed by the Council under Section 28 of the Localism Act 2011. The Independent Person's views must be sought and taken into account before a decision on an allegation can be made. Their views may also be sought by the Subject Member.

The Monitoring Officer will consult the Independent Person as set out in these arrangements, but has the discretion to consult the Independent Person on any other issues arising out of an allegation that a member has failed to comply with the Code of Conduct.

17 Reporting to Standards Committee

Decisions of the Monitoring Officer will be reported to the Standards Committee for information. Where the Monitoring Officer has found a breach of the Code it is in the public interest for the Subject Member to be named, however where the Monitoring Officer has made a finding of no breach, the Subject Member will not be identified.

18 Revision of these arrangements

The Standards Committee has the power to amend these arrangements. The Council has delegated to the Panel and the Monitoring Officer the right to depart from these arrangements where it considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

19 Appeals

There is no right of appeal against a decision of the Monitoring Officer or the Panel.

If the Complainant feels that the Council has failed to deal with the complaint properly, he/she may complain to the Local Government Ombudsman.

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The Standards Committee

9.01 Standards Committee

The Council will have a Standards Committee which is not politically balanced.

9.02 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by the members and co-opted members of the council;
- (b) assisting members and any co-opted members of the Council to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train members and any co-opted members of the council on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to members and any co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any reports from the Monitoring Officer on any matter;
- (h) performing the functions set out in (a) – (e) above in respect of the parish councils in the Borough;
- (i) advising on what should be entered into the register of interests for members and co-opted members;
- (j) authority to deal with matters relating to the recruitment of co-opted independent and parish members of the Standards Committee;
- (k) authority to deal with matters relating to the recruitment of the Independent Person and to make recommendations to Council as to the appointment of the Independent Person.

9.03 Hearing Panels

The Council will have sub-committees of the Standards Committee which are not politically balanced. The Hearing Panel will be drawn from the membership of the Standards Committee and will comprise of one Councillor from each Group together with a non-voting co-opted member.

9.04 Delegation

Each Hearing Panel is authorised to consider allegations following an investigation, determine whether the member did fail to comply with the Code of Conduct and impose an appropriate sanction.

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Report to Standards Committee

Subject: Gifts and Hospitality 2015/16

Date: 9 September 2015

Author: Director of Organisational Development and Democratic Services

1. Purpose of the Report

To inform members of the Standards Committee of gifts and hospitality received between 1 April 2015 and 31 March 2016.

2. Background

- 2.1 As members of the Standards Committee are aware the Council has a Gifts and Hospitality Code of Practice for Members and Officers to enable Members and Officers to decide on the circumstances and the manner in which gifts and hospitality may be accepted. Historically, each council department held its own register of gifts and hospitality in which details of gifts and hospitality offered to Officers were registered. However, since 2012 the register has been held centrally in an electronic folder.
- 2.2 The register of gifts and hospitality for Members is also held in the electronic folder and is updated on the Monitoring Officer's behalf by Members' Services. Members will be aware that there is an ongoing requirement in the Code of Conduct to register any future gifts and hospitality.
- 2.3 During 2015/16, across the Council officers, 33 offers of gifts or hospitality were accepted and none were refused. Most common gifts were boxes of chocolates, and stationery. There were 7 instances of hospitality offered consisting of working lunches, an invite to a conference and tickets to sporting events. Service Managers have been asked to remind all staff of the need to register all gifts and hospitality offered, whether accepted or not. It is intended a further reminder is issued during the year.
- 2.4 The Mayor recorded 4 offers of gifts including bottles of wine, cider and whiskey. All were donated to the Mayor's Charity. Other elected Members recorded no offers of gifts or hospitality during 2015/16. Members were reminded in May 2016 of the need to notify Elections and Members' Services of the need to register gifts and hospitality offered and further reminders will be issued on an annual basis.

3. Proposal

It is proposed that the Committee notes the report.

4. Financial Implications

None.

5. Appendices

None.

6. Background papers

None identified.

7. Recommendation

It is recommended that the Committee notes the report.



Report to Standards Committee

Subject: Code of Conduct Complaints

Date: 9 September 2016

Author: Director of Organisational Development and Democratic Services

1. Purpose of the Report

To inform members of the Standards Committee of complaints received between 1 February 2016 and 31 August 2016.

2. Background

2.1 Members of the Standards Committee will recall that at the time of the last committee meeting, one complaint was pending.

2.2 Since 1 February 2016, the Monitoring Officer has received four complaints alleging a breach of the Code of Conduct by Parish Councillors. A summary of the complaints received since the implementation of the existing Standards regime (from 1 July 2012) is set out in the table at Appendix 1.

2.3 Details of complaints 13/01 to 15/04 have been reported to Standards Committee previously. Complaints 16/01 to 16/04 have been received since the previous updated report to Standards Committee on 26 February 2016.

2.4 Each of the complaints has been dealt with by the Monitoring Officer or Deputy Monitoring Officer in consultation with the Independent Person and in accordance with Council's Approved Arrangements for Dealing with Complaints.

2.5 Decision Notices relating to the complaints determined between 1 February 2016 and 31 August 2016 appear as confidential Appendix 2. There are no complaints awaiting a decision at initial assessment stage.

3. Proposal

It is proposed that the Committee notes the report.

4. Resource Implications

None.

5. Recommendation

It is recommended that the Committee notes the report.

6. Appendices

Appendix 1 – Summary of the Code of Conduct complaints received since 1 July 2012.

Appendix 2 – Confidential appendix.

Decision Notices relating to complaints determined between 1 February 2016 and 31 August 2016.

APPENDIX 1

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
13/01	30/09/13	GBC	Member of public	No action	12/11/13
14/01	06/01/14	GBC	Member of public	Other Action (issue revised guidance on pre-determination)	05/02/14
14/02	18/07/14	GBC	Member of public	No action	12/08/14
14/03	18/07/14	GBC	Member of public	No action	12/08/14
14/04	21/07/14	Woodborough PC	Member of public	Informal resolution (apology)	
15/01	05/05/15	GBC	Member of public	No action	09/06/15
15/02	15/09/15	Bestwood St. Albans PC	Member of public	No action	15/10/15
15/03	15/10/15	Bestwood St. Albans PC	Clerk	Refer for investigation	17/02/16
15/04	15/10/15	Bestwood St. Albans PC	Clerk	No action	26/11/15
16/01	08/03/16	Bestwood St. Albans PC	Clerk	Refer for investigation	05/05/16
16/02	17/03/16	Bestwood St. Albans PC	Member of public	No action	13/05/16
16/03	18/03/16	Bestwood St. Albans PC	Member of public	Informal resolution (training)	01/06/16
16/04	29/05/16	Bestwood St. Albans PC	Member of public	Other action (various procedural recommendations to Parish Council)	17/08/16

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By virtue of paragraph(s) 1, 7c of Part 1 of Schedule 12A
of the Local Government Act 1972.

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