

AGENDA REPORTS PACK

STANDARDS COMMITTEE MEETING

AUGUST 2017

17S/005. Minutes**Minutes of Cottenham Parish Council Standards Committee**

Held in the Parish Office, Community Centre, Cottenham

On **Monday 22nd June 2015 at 7.30pm**

Present: Cllrs McCarthy (Chair), Morris, Nicholas, Young and Jo Brook (Clerk) and Sam McManners (Assistant Clerk)

15S/024. Election of Chair – Cllr McCarthy proposed himself and was seconded by Cllr Young. **RESOLVED.**

15S/025. Any Questions from the Public or Press – Standing orders to be suspended – no public present.

15S/026. Standing Orders re-instated - Chairman’s Introduction and Apologies – apologies accepted from Cllr Heydon (meeting)

15S/027. Declarations of Interest *To receive disclosures of pecuniary and non-pecuniary interests from Councillors on matters to be considered at the meeting* – none given.

15S/028. Minutes – To resolve that the minutes (circulated to members) of the Committee meeting held on 29th April be signed as a correct record. Clerk added to attendees. Resolution that the minutes of the Standards Committee meeting held on 29th April be signed as a correct record. **RESOLVED.**

15S/029. Code of Conduct – To consider and recommend for adoption by the Parish Council, the revised Code of Conduct – Cllr Morris outlined. ‘Authority’ will be changed to Parish Council throughout. All red wording is there as an indication only and will be removed from the final adopted version. 1.1: change ‘or it’s committees’ to black text. 3. 6: add ‘current and future’ after ‘Authority’s/Parish Council’ and remove ‘and political’. Resolution that the revised Code of Conduct be recommended for adoption by the Parish Council. **RESOLVED.**

15S/030 Complaints procedure – To consider and recommend for adoption by the Parish Council, the revised Complaints Handling procedure – Cllr Morris outlined. Section 9 has an amendment from the previous version. Resolution that the revised Complaints Handling procedure be recommended for adoption by the Parish Council. **RESOLVED.**

15S/031. Date of next meeting – TBC (towards the end of the financial year).

15S/032. Close of meeting – 8.09pm

Signed _____ (Chair) Date _____

17S/006. Terms of Reference**Terms of Reference****Standards Committee****1 Membership**

- a) Membership is 6 members of the Parish Council , including Chair and Vice Chair “ex-officio”
- b) Membership of the Committee shall be determined at the Annual Meeting of the Parish Council and subsequent Parish Council meetings if the need arises
- c) The Committee shall appoint a Chair by election from members of the Committee at the first meeting in any Council year
- d) The Standards Committee has only Councillors as members
- e) When required, the Standards Committee will co-opt two non-Councillors familiar with Council matters to form the necessary 5-stong Complaints Committee to investigate complaints about actions by the Parish Council
- f) When required, the Standards Committee will co-opt two non-Councillors familiar with Council matters to form a Code of Conduct Committee to investigate complaints about actions by any Parish Councillor

2 Quorum

The quorum necessary for the transaction of any business shall be 3. If the number of Councillors present (not including those debarred by reason of a declared interest) falls below the required quorum then the meeting shall be adjourned and business not transacted shall be transacted at either the next Parish Council meeting or the next meeting of the Committee.

3 Frequency of meeting

The Committee shall normally meet twice a year, as per the calendar of public meetings circulated by the Clerk at the beginning of the year, as long as there is business to conduct and at such times as the Committee Chair shall require:

- a) at least one meeting shall be called to review and recommend for adoption by the Parish Council, the Terms of Reference of the Standards Committee, policies and procedures for handling complaints against the Parish Council and/or the conduct of any Parish Councillor
- b) at least one meeting shall be called to prepare an annual report of the Committee’s activities to the Parish Council

4 Notice of meetings**a) ordinary meetings**

The Parish Clerk shall call an ordinary meeting of the Committee at such time as agreed by the Committee or the Committee Chair. Agenda shall be available (published on website and all four Parish Council Notice Boards) at least 5 clear days prior to the committee meeting and supporting statements available (published on website) at least 3 clear days prior to the committee meeting.

b) extra ordinary meeting

An extra ordinary meeting can be called by the Chair or two Parish Councillors in writing specifying the agenda item to be discussed. The Clerk must then call the meeting within 14 days publishing the agenda at least 5 clear days before the meeting date.

5 Minutes of meetings

Every meeting of the Committee shall be minuted and the minutes formally agreed by the Committee at its next meeting. The draft minutes, where not restricted by confidentiality or privacy issues, shall be published (clearly marked “draft, subject to amendment”) on the website normally within 3 working days and a copy sent

to the Cottenham Library also within 3 working days.

6 Areas of responsibility

The Standards Committee has delegated authority to:

- a) review (at least annually) the Code of Conduct, recommending any necessary changes to the Parish Council
- b) review (at least annually) the Complaints procedure, , recommending any necessary changes to the Parish Council
- c) conduct, with co-opted independent members, formal procedures properly brought against a Parish Councillor under the Code of Conduct
- d) conduct, with co-opted independent members, formal procedures to handle any complaints properly brought against the Parish Council
- e) review and make recommendations for the training status of all Parish Councillors and staff to assure familiarity with correct practice

7 Delegation of powers

- a) For convenience in cases where an urgent response is required to areas delegated to this Committee, the Chair of the Committee together with one other person serving on the Committee and the Clerk may prepare and submit a representation on behalf of the Parish Council without referring to the Parish Council, provided a report is made in writing to the next available meeting of either the Committee or the Parish Council whichever is sooner.

8 Precedence

The Parish Council's adopted Standing Orders, Financial Regulations and Code of Conduct retain precedence over these Terms of Reference.

17S/007. Pecuniary and non-pecuniary interests

There are some reasons to change:

The Localism Act 2011 references should more correctly include s.27 to s.34.

The references to "non-disclosable pecuniary interest" and "non-pecuniary interest" have no basis in the Localism Act 2011 which mostly limits its attention to "pecuniary interests and the related criminal offences. However it does (s.32) refer to "sensitive interests" which may be pecuniary but do not have to be explicitly declared beyond the fact that a disclosable interest exists.

SCDC's Planning Committee uses these land-related definitions:

1. Disclosable pecuniary interests ("DPI") A DPI is where a committee member or his/her spouse or partner has any kind of beneficial interest in the land under consideration at the meeting.
2. Non-disclosable pecuniary interests These are interests that are pecuniary involving a personal financial benefit or detriment but do not come within the definition of a DPI. An example would be where a member of their family/close friend (who is not their spouse or partner) has such an interest.
3. Non-pecuniary interests Where the interest is not one which involves any personal financial benefit or detriment to the Councillor but arises out of a close connection with someone or some body /association. An example would be membership of a sports committee/ membership of another council which is involved in the matter under consideration.

In the interests of transparency, we may wish to clarify what we mean by a disclosable and non-disclosable pecuniary interest and the behaviour we expect. Here is some background:

Paul Hoey examines the limited circumstances in which the Government intended disclosable pecuniary interests to arise and explains what this means for monitoring officers.

There has been much discussion lately of whether councillors need a dispensation to take part in setting the council tax because of the rules on disclosable pecuniary interests. Much of this discussion has unfortunately been unhelpful, driven as it has been by intemperate language from politicians on the one hand about 'goldplating' and necessarily defensive reputation-protection on the other hand from monitoring officers.

This article looks at what the Government's intentions were when they legislated for disclosable pecuniary interests, whether the legislation as drafted in fact achieves their purpose and what this means for monitoring officers when it comes to ensuring propriety of decision-making.

Firstly the bare facts. For an interest to be a 'disclosable pecuniary interest' (DPI) it must be an interest which falls into one of the categories set out in regulations. If it is not covered by one of those categories, then it is not a 'DPI'. Hence, Brandon Lewis's most recent pronouncement that "being a council taxpayer is not a DPI" is quite accurate as that is not one of the categories in the regulations – though I'm not aware anyone had ever argued that it was; the debate had been about whether having property in the area (which is a category of DPI) gave you a 'DPI' in setting a property tax.

If a councillor (or his or her partner) has a DPI, they must do two things. They must register that interest – straightforward enough. And if they "have a DPI in any matter to be considered" they must not take part in the discussion or vote on the matter without a dispensation. It is this wording which leads to the confusion. What does "having a DPI in any matter" mean?

I will return to look at what the Government thinks what it means in a moment but as background to that consideration, I think you need to consider the consequences of 'having a DPI' to help reflect on the intention.

If you have a DPI and you fail to register it or you participate in a meeting without dispensation, then under the Localism Act you have committed a criminal offence. In getting rid of the old national administrative penalties, the Government's policy from the outset was to replace them with a narrower criminal penalty. Hence, crude press releases such as "in future corrupt councillors will go to jail not to a quango". In introducing this offence, Ministers stressed that their policy was not to force councillors to have to declare interests in a large number of matters as they believed the old system did, but to capture by the offence those very few councillors who might deliberately abuse public office for their own financial benefit. It was thus only ever intended to cover a very narrow range of interests.

However, Ministerial policy intention and legal drafting do not always make happy bedfellows. Does the odd phrasing "having a DPI in a matter" adequately capture the narrowness of the intention? Under the old Code, people had got used to qualifying phrases about interests such as "relates to or is likely to affect", "to a greater extent than the majority of inhabitants", "a reasonable person". None of these qualifying phrases were kept – rather it is simply now a bald statement. Hence the argument about how wide or narrow it really is.

As a further pointer to the Government's intention that it was only ever meant to capture a narrow range of interests, we can also look at the 'guidance' issued by DCLG last summer to help members understand the new rules. This is of course not statutory guidance nor is it a legal opinion, so you put on it what weight you choose.

However, in that document the Government did decide to qualify the bald legislative statement. It said you must not participate "if you have a DPI relating to any business" to be considered. So the Government view here is that the DPI must relate to the business. This seems to take us further forward as to their intent.

The previous Code had talked about a matter "relating to or affecting" your interest. The Government is now saying, to be a DPI, the business has to relate to, not merely affect, your DPI. So, a much narrower test. This is a more sensible phrasing than simply "having a DPI in the matter" - it makes it clear the Government had in mind that something must be directly about the thing, rather than just affecting it.

To illustrate the difference, let us look at four different type of planning issues. Firstly, a planning application made by the councillor themselves, about their own property. On a practical and public interest level it is hard to argue that the councillor doesn't have some sort of financial interest in the outcome of that planning application. And taking part in discussion and voting through your own planning application goes against all principles of effective governance. It must be clear this is meant to be a DPI. And, to use the words of the DCLG guide the matter clearly relates to your registered interest – that is ownership of 1 Acacia Avenue. So we can safely say the Government intended this to be caught by the offence and we believe it is indeed.

However, what if it is not the councillor's planning application but instead is his or her next door neighbour's? Again it is hard to argue that any reasonable member of the public would think it right somebody should be able to participate in a decision which so clearly affects them and their property. But note the wording I've used – affects their property. I think the Government did not intend to capture this as a DPI and their guide indicates that was not their intention. Whether the word 'in' in the legislation sufficiently conveys this is of course open to argument.

My third example is something local but not next door. For example, there may be plans to turn a house one hundred metres down the street from the councillor's house into a bail hostel. As with the second example, most people would think the councillor would have their judgement clouded by their proximity to the development and the potentially controversial nature, but it fails the Government's intended DPI test still more than the property next door. So again, this was not intended to be a DPI.

My final example is something more wide in its effect - the classic example of a supermarket development in a town. If you take a wide view of DPIs there is an argument that if a councillor lives in a neighbourhood where such a development is taking place they have an interest to declare, as there is some effect on their interest, even if remotely. However, most people would think it quite appropriate that a local councillor should be able to take part in matters which affect their community significantly. Hence, the tests added to the 2007 Code to remove these doubts – "affected more than majority" and "reasonable member of the public". One argument has been that the removal of these tests by the Government back to the bald statement "a DPI in any matter" has captured these as an interest once again as it has an effect, however remotely, on one of the councillor's registered interests. But this was clearly not the Government's intention and nor would it be a sensible policy to disallow democratic participation to such an extent at pains of a criminal offence. This example is of course analogous to the council tax position.

So, we think the Government only intended to capture one of the four examples above as a DPI. The wording of the legislation doesn't help them achieve this purpose but we do believe this was nevertheless their intent – hence their frustration when they see DPIs being stretched so that example number four is covered when they only wanted to cover number one.

But what does all this mean for monitoring officers? Well, I want you to forget about DPIs and think about the public interest. Most people accept that the chances of rafts of prosecutions for non-declaration of DPIs is quite remote – and the more distant the interest the more remote that possibility seems - but that does not mean to say you should ignore the wider issues. Dispensations are ultimately a safe but bureaucratic way of removing any doubt or any theoretical risk of prosecution. But it seems a longwinded way of reaching a simple result. And what would the point of capturing the fourth example be if it is always going to get a dispensation come what may?

Of the four examples quoted above, most reasonable people would argue that in two, if not three, of the four examples the councillor should not be taking part. The third example has of course more subtlety because there are more factors to weigh up but there is clearly some sort of line to be drawn between two and four as to what is and isn't acceptable in terms of participation or voting. The DPI provisions don't do it, nor do we believe were they intended to. They either capture only number one or all four depending on how far you are willing to interpret the legislation and policy intent.

Certainly when we train councillors on understanding their local codes and put these scenarios in front of them, there is universal acceptance that participation in one, two or three would be unacceptable. Indeed, our experience is that members are often more cautious, and certainly more sensitive to public perception, than the allegedly "over-cautious monitoring officers".

So when we explain to them that **only number one is certainly caught by the new provisions** and it is our view that **numbers two and three aren't (or at least weren't intended to be)** they look alarmed. That is because they clearly believe it is not right for members to participate in those circumstances. Sometimes we are able to say don't worry, your council has 'goldplated' your code (and remember it is the council not the MO who adopts the code) and you do have to declare these other interests under your code, albeit they do not carry the criminal sanction so are local matters. Sometimes we have to say well yes you have partly captured these but your rules still allow you to vote. But all agree they shouldn't so we look back at the underlying principles and conclude that such behaviour would not uphold the principles of selflessness, integrity or objectivity and therefore, in spite of what their code says, they should not vote on the issue. And sometimes they have not added anything beyond the DPIs in which case we have a longer discussion about the key principles and also consider matters such as a councillor's son's planning application which would not be caught anywhere.

So what I am concluding is that, in the understandable desire to understand what a DPI is in the absence of any authoritative statutory guidance or caselaw, sight has been lost of the underlying principles of public life. DPIs were only intended to be a specific narrow range of interests, underpinned by a criminal sanction. By seeking to stretch them to the point where their application and potential sanction become ridiculous risks forgetting the public interest and setting up needless antagonism. Instead more thought needs to be given to the way your council itself regulates 'other' interests. The law clearly saw local codes as being able to include interests which were not DPIs, but saw them as more minor matters to be determined locally.

The Government only ever intended DPIs to arise in very limited circumstances for, as they saw it, the more serious matters. It is up to councils themselves to decide where other lines are drawn but all our experience tells us most councillors know where the public interest lies and it is wider than DPIs. It is therefore a matter for the local authority, not the DPI test, to determine where you and your councillors see the public interest line should be drawn when it comes to declaring interests.

Code of Conduct for Members

Introduction

Cottenham Parish Council has adopted this Code of Conduct pursuant to Section 27 of the Localism Act 2011 to promote and maintain high standards of behaviour by its members and co-opted members whenever they are acting in their capacity as a member of the Parish Council or when they claim to act or give the impression of acting as a representative of the Parish Council

This Code is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership ("the Nolan Principles").

1 Application

This Code of Conduct applies to you whenever you are acting, claim to act or give the impression you are acting in your capacity as a Member of the Parish Council, including:–

- 1.1 at formal Meetings of the Parish Council or its Committees
- 1.2 when acting as a representative of the Parish Council (*formally delegated and/or self-declared*)
- 1.3 when corresponding with the Parish Council other than in a private capacity (*including email*)

2 Meeting

In this Code "Meeting" means any meeting organised by or on behalf of the Parish Council, including:–

- 2.1 any meeting of the Council, or a Committee or Sub-Committee of Council
- 2.2 at any site visit to do with the business of the Parish Council

3 General Conduct

You must –

- 3.1 provide leadership to the Parish Council and the community within its area, by personal example and
 - 3.2 respect others and not bully or threaten or attempt to bully or threaten any person (*perceptions and reality can be different*)
- 3.3 respect the confidentiality of information which you receive as a Member by–

- 3.3.1 not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
- 3.3.2 not obstructing third parties' legal rights of access to information
- 3.4 not conduct yourself in a manner which is likely to bring the Parish Council into disrepute (*avoid introducing misinformation; decisions debated in open meetings "afresh" unless delegated by resolution to a WG or Clerk*
- FoI request could extract email trail that implies secret decision-making and or pressurisation)
- 3.5 use your position as a Member in the public interest and not for personal advantage
- 3.6 comply with the Parish Council's current and future reasonable rules on the use of public resources for private purposes
- 3.7 exercise your own independent judgement, taking decisions for good and substantial reasons by –
 - 3.7.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups (*avoid predetermination*)
 - 3.7.2 paying due regard to the advice of Officers (*without claiming reliance on the advice*)
 - 3.7.3 stating the reasons for your decisions where those reasons are not otherwise apparent (*explanation rather than simple assertion*)
- 3.8 do nothing that causes the Parish Council to act unlawfully. (*compliance with SO, FR and ToR*)

4 Disclosable Pecuniary Interests

- 4.1 You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State (as set out in the Appendix) and either:
 - (a) it is an interest of yours, or
 - (b) it is an interest of:
 - (i) your spouse or civil partner; or
 - (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 other person has the interest.
- 4.2 You must -
 - 4.2.1 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest
 - 4.2.2 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
 - 4.2.3 make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent
 - 4.2.4 Where you have a disclosable pecuniary interest, whether the interest is registered or not, you must not (unless you have obtained a dispensation from the Parish Council) –
 - (i) participate, or participate further, in any discussion of the matter at the meeting; or
 - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

5 Other Interests

- 5.1 In addition to the requirements of Paragraph 4, if you attend a meeting at which any

item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent

5.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your Parish Council where –

5.2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Parish Council Tax payers, ratepayers or inhabitants of the parish area for which you have been elected or otherwise of the Parish Council’s administrative area, or

5.2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association and that interest is not a disclosable pecuniary interest.

6 Gifts and Hospitality

6.1 You must, within 28 days of receipt, notify the Parish Clerk in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a Member from any person or body other than the Parish Council.

6.2 The Parish Clerk will place your notification on a public register of gifts and hospitality.

Appendix

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 - amended to replace “relevant authority” by “Parish Council” and M(ember of relevant authority) by “you”–

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Parish Council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Parish Council— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Land	Any beneficial interest in land which is within the area of the Parish Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Parish Council for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge)— (a) the landlord is the Parish Council; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to your knowledge) has a place of business or land in the area of the Parish Council; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has 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;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“member” includes a co-opted member;

“relevant authority” means the authority of which you are a member;

“relevant period” means the period of 12 months ending with the day on which you give a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means you or any other person referred to in section 30(3)(b) of the Act;

“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.

17S/008. Dignity at work

To increase protection of our staff against intimidation or bullying, we need to review several policies:

- Risk assessment – does not adequately cover this risk, its monitoring and counter-measures
- Complaints procedure – references a Grievance & disciplinary policy that does not exist
- Grievance & disciplinary procedure – absent but needs to cover both internal and external sanctions

CPC Complaints Procedure

- The following procedure will be adopted for dealing with complaints:*
 - about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.*
 - about the Council's administration or its procedures will be handled as outlined in paragraphs 2 to 7 and A to D below*
 - about the conduct of a member of the Parish Council will be handled as outlined in paragraphs 8 to 12 and A to D below.*
 - Matters relating to **Grievance or Disciplinary proceedings** that are taking, or are likely to take place, should be dealt with in accordance with paragraphs 2 to 7 below then in accordance with the Council's grievance and disciplinary procedures.*
- If a complaint about **procedures, administration or the actions** of any of the Council's employees is notified orally to a Councillor, or to the Clerk to the Council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
- The complainant will be asked to put the complaint in writing (letter/e-mail/standard form) to the Clerk to the Council at Right Side Entrance, Community Centre, 250a High Street, Cottenham, Cambridge CB24 8XZ. The complaint will be dealt with within 21 days of receipt. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.
- If the complainant prefers not to put the complaint to the Clerk to the Council (because the matter relates to the Clerk, for example,) he or she should be advised to write to the Chair.
- On receipt of a written complaint, the Clerk to the Council (except where the complainant is about his or her own actions) or Chair of Council (if the complaint relates to the Clerk), will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him or her an opportunity to comment. Efforts should be made to resolve the complaint at this stage.
 - Where the Clerk to the Council or a Councillor receives a written complaint about the Clerk's actions, he or she shall refer the complaint to the Chair of Council. The Clerk to the Council will be formally advised of the matter and given an opportunity to comment.
- The Clerk to the Council (or Chair) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council.
- If the matter cannot be resolved in this way the complaint, in writing, should be put to CPC's Complaints Committee, comprising three members of the Standards Committee and two co-opted Councillors who are not currently members of the Standards Committee, whose procedure is outlined at paragraphs A to D below.
- Complaints about the conduct of a Member of the Parish Council** should be made in writing to the Clerk of the Council (or the Chair of the Standards Committee if the complainant prefers not to put the complaint to the Clerk) at the Parish Office, Right Side Entrance, Community Office, 250a High Street, Cottenham, Cambridge CB24 8XZ or by email to clerk@cottenhampc.org.uk
- Upon receipt of a written complaint the Clerk will notify a member of the Standards Committee,

normally the Chair unless the subject of the complaint, who will, if necessary seek further information from the complainant **until three members of the Standards Committee** are able to assess whether the complaint, in principle, qualifies as a breach of the Code of Conduct and likely acceptable forms of redress.

10. In the event of a technically valid complaint, the complainant will be advised that the councillor(s) against whom the complaint(s) is made will be given 10 working days to offer a response and that response will be copied to the complainant within 2 working days of such receipt
11. The complainant will then be given 5 working days to consider the response after which time the Clerk will ask whether the complainant is satisfied or whether further action is required.
12. If the matter cannot be resolved in this way the complaint, in writing, should be put to CPC's Code of Conduct Committee, comprising three members of the Standards Committee and two co-opted non-Councillor residents from a list approved by Council. Their procedure is outlined in paragraphs A to D below.
 - A. The Committee may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with after the advice has been received.
 - B. The complainant will be invited to attend a meeting of the relevant committee on the understanding that any documentation of other evidence on which the complainant may rely has been copied to and received by the Clerk seven working days prior to the meeting date. The complainant may be accompanied by whomsoever he/she wishes but such person may only attend as an observer and whilst their presence will be acknowledged they must take no part in the proceedings.
 - C. The meeting will be held in private at which time:
 - i. The Chair will introduce everyone
 - ii. The Chair will then state the nature of the complaint and thereafter ensure that the hearing adheres to the following:
 - iii. The Complainant will detail the grounds for complaint and the action he/she would expect to resolve the complaint.
 - iv. The Committee members will then be given time to ask questions of the Complainant.
 - v. The Parish Clerk, a Councillor or the subject of the complaint (the nominee) will explain their position.
 - vi. The Committee will then have time to question the nominee.
 - vii. The nominee and then the Claimant (that order) will be given an opportunity to make a final address to the Committee.
 - viii. The nominee and the Claimant will be asked to leave the room whilst the Committee decides whether or not the grounds for complaint have been made. (In the event that any point is in need of clarification then both parties will be invited back in).
 - ix. The nominee and the Complainant will return to hear the decision or be told when the decision will be made.
 - D. The decision will be confirmed in writing, and with details of any action to be taken, within seven working days of the decision date. Furthermore such decision shall be announced, and explained at the next council meeting and in the presence of any members of the public or press.

17S/009. Code of Conduct Sub-Committee membership

Our Complaints handling procedure requires the Code of Conduct Sub-Committee to include two non-Councillor members.

The Localism Act 20111 requires this members to be “independent”

- (a) a person is not independent if the person is—
- (i) a member, co-opted member or officer of the authority,
 - (ii) a member, co-opted member or officer of a parish council of which the authority is the principal authority, or
 - (iii) a relative, or close friend, of a person within sub-paragraph (i) or (ii);

Two people apparently qualify and are willing to serve in this way:

- John Garstang (Clerk, Rampton Parish Council)
- Simon Edwards (SC District Councillor)

17S/010. Complaints Sub-Committee membership

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