

# **Gainsborough West Neighbourhood Board –Terms of Reference**

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## **1. Purpose of the Neighbourhood Board**

The Gainsborough West Neighbourhood Board is the vehicle through which a vision and long-term investment strategy for the Gainsborough West area (as defined by the Pride in Place (PIP) boundary – Gainsborough West Middle Super Output layer) is to be developed. The Neighbourhood Board, supported by their MP and Local Authority, will be responsible for both co-producing with the wider community a Regeneration Plan for their place, which sets out a 10 - year vision and 4-year investment plan, and delivering in the interests of local people to improve the physical and social infrastructure of their community.

The Regeneration Plan must reflect the long-term priorities of the local communities and interests of the area included in the PIP boundary. With the Community the Neighbourhood Board will establish the priorities for investment from the allocation of up to £20m from the Pride in Place government funding programme and identify where the powers set out in the Plan's prospectus can be maximised to deliver positive change. The Neighbourhood Board will oversee and monitor the implementation of the Regeneration Plan, and review and periodically amend the Regeneration Plan to reflect the changing context and priorities of local people.

## **2. Chair of the Neighbourhood Board**

As described in Ministry of Housing, Communities and Local Government's (MHCLG) Guidance, the Chair shall be appointed by West Lindsey District Council acting as accountable body, following consultation with the local MP for Gainsborough. The Chair should be someone who is 'from', living or working in the area, who holds a prominent role in the community or has a passion for the place. The Chair should be engaged, collaborative and committed to driving the programme forward, acting as a champion for the place and providing leadership for the Board, ensuring it is community-led and embedded within the local area. As set out by MHCLG the Chair of the Gainsborough West Neighbourhood Board cannot be an elected representative.

Following public competition to recruit to the role the appointed Chair will be invited to serve an initial term for 4 years, with the possibility for extension. The Chair may wish to nominate a Vice-Chair from within the Board to act in the Chair's absence. It is for the chair, in partnership with the local authority, to consider appointing a deputy.

### **3. Neighbourhood Board Membership**

The Neighbourhood Board membership will comprise a range of interests, some mandated by guidance, to best reflect the community of Gainsborough West and the scope of the PIP programme. It must include representation from,

- The MP for the constituency of Gainsborough
- At least one Ward Councillor

It will also include representatives from some or all the following to ensure a balance of community and public sector representation that reflects the priorities of the place, informed and effective decision making and ensuring the trust and confidence of the local community.

- community groups
- faith groups
- local charities
- neighbourhood forums, neighbourhood watch or local tenancy groups
- youth groups
- social clubs
- local councils for voluntary service (CVS)
- workplace representatives, for example trade unions

Local businesses and social enterprises, such as:

- key local employers or investors in the place
- registered social housing providers
- Co-operatives

Cultural, arts, heritage and sporting organisations, such as:

- local sports club directors or fan representatives
- local heritage groups
- director of a local museum, visitor attraction or community venue

Public agencies and anchor institutions, such as:

- local police
- local schools, higher education and further education institutions
- mayors of combined authorities or their representatives
- relevant government agencies for that area, for example, Integrated Care Boards
- relevant health care providers, for example GPs from local practices or senior NHS staff

- relevant senior local authority officers, for example, a Director for Regeneration and Communities to ensure coordination with wider plans
- a representative from other relevant local agencies

Board members will be invited to serve by the Chair in consultation with West Lindsey District Council, informed by an open process to enable individuals to express an interest in joining the Board, any working groups it establishes or in supporting the implementation of the Gainsborough West Investment Plan.

The Board will seek to ensure it is small enough for effective decision-making but sufficiently inclusive to be representative and well informed. It is anticipated it will have around a dozen members but must have at least 8. The majority (at least 51%) of members should live or work within the boundaries of the neighborhood, ensuring that the Board is resident-led.

Recognising that places will have existing community interest groups and decision-making - making bodies (for example, neighbourhood watches or 'friends of' groups), boards should consider how they can work with, alongside and, where appropriate, integrate into local community infrastructure.

Members of the Neighbourhood Board are the nominated representatives. It is at the discretion of the Chair to allow any substitutions to the meeting. The Board may invite organisations from outside Gainsborough West, such as the MHCLG, or others to attend Board Meetings as observers or subject matter experts. They may be invited by the Chair to contribute to Board discussions, but they would have no decision making or voting powers.

Board membership will be subject to annual review by the Chair supported by West Lindsey District Council and the local MP further appointments may be sought if deemed appropriate. The annual review will also consider removal of members in the event of sustained poor attendance or lack of engagement and participation.

#### **4. Decision Making and Quoracy**

The Board should seek to make decisions by consensus where possible but where a vote is necessary, only Board members may vote, and each Board member shall have one vote. Decisions would be made by majority. If no majority can be reached on a decision, then the casting vote will be determined by the Chair. Members of the Board who have an interest in a decision should be prohibited from voting on matters which relate to disclosable interests refer to Code of Conduct (Section 6). Meetings will be quorate when 50% of members are in attendance.

#### **5. Transparency and Frequency of Meetings**

In line with the principles of public life, the operations of Neighbourhood Boards must be transparent. The Gainsborough West Neighbourhood Board will publish membership and governance arrangements (including minutes of meetings and decision logs) on West Lindsey District Council's website.

The Gainsborough West Neighbourhood Board will meet at least quarterly and will publish:

- a documented decision-making process outlining the voting rights of the board.
- profiles of board members
- all board papers in advance of the meeting within 5 working days
- draft minutes of meetings following the meeting within 10 working days
- final minutes, once approved by the board within 10 working days
- Any conflicts of interest reported, within the published minutes

The board's use of capacity funding if applicable

In the Board's set-up phase and in the development of its first 4-year Investment Plan, the Board may meet more frequently, at the discretion of the Chair. The Board will agree whether meetings are to be held in person or remotely.

The Gainsborough West Neighbourhood Board will follow West Lindsey District Council's governance and finance arrangements when considering commercially sensitive reports, with the default position being that all papers are open to the public.

## **6. Code of Conduct and Declaration of Interests**

The Gainsborough West Neighbourhood Board will be based on open and inclusive partnership working.

All decisions will be taken as members of the Gainsborough West Neighbourhood Board and not on behalf of specific organizations or areas.

All Gainsborough West Neighbourhood Board members are required sign up to a Code of Conduct based on the Seven Principles of Public Life (the Nolan Principles) (see Appendix 1).

Members interests must be declared and where necessary members should recuse themselves from relevant decisions. Members of the Gainsborough West Neighbourhood Board are required to register and declare any interests (commercial, actual, and potential), gifts or hospitality which they have or receive which could influence or conflict with any decisions they may make as board members and manage these conflicts of interest in line with West Lindsey District Council's policies and procedures.

Board members must complete a registration of interests, which West Lindsey District Council will hold. Board members are responsible for declaring their interests before the Board considers any decisions.

West Lindsey District Council will provide guidance on:

- the financial and non-financial interests' individuals must declare.
- the process Board members must follow for declaring interests.

- the process for requesting an exemption.

West Lindsey District Council will record:

- actions taken in response to any declared interest.
- any gifts or hospitality given to the Board or individual members of the Board.

## **7. Equality and Diversity**

The Neighbourhood Board should comprise representatives from a cross-section of the local community. Protected characteristics should not be a barrier to participation either as the Chair of the Board or as a board member.

To support inclusive participation, members of the Neighbourhood Board will be permitted to claim reasonable expenses incurred through their involvement.

The promotion of good relations through discussion at the Neighbourhood Board, between persons of different religious belief, political opinion and racial groups is an important part of enabling quality through the Neighbourhood Board.

## **8. Support for the Board**

West Lindsey District Council is the Accountable Body for funding and executing the Long -Term Plan for Gainsborough West. Their role is to facilitate the development of a Plan and its delivery while recognising the role of the Neighbourhood Board as the decision-making forum. West Lindsey District Council will act as secretariat to the Board, this function will include program management, monitoring and individual project management .

The Council will work closely with the Gainsborough West Neighbourhood Board to develop, embed and promote appropriate processes and oversight to enable compliance with the Council's Financial Regulations, Subsidy Control Act 2022 and Public procurement regulations. Programme assurance will be provided by the Council's Chief Financial officer to MHCLG via submission of an annual statement. Legal support may also be provided by the Council in its role as Accountable Body.

The Board can also draw on the support of the MHCLG 's Communities Delivery Unit and in due course the Network for Neighbourhoods (yet to be established).

Board will be required to support WLDC in providing information to MCHLG including pre delivery activity, programme project activity and reporting on agreed progress metrics (yet to be specified by MHCLG)

## **Gainsborough West Neighbourhood Board – Terms of Reference Appendices**

### **Appendix 1 - Code of Conduct**

#### **1. Introduction**

1.1 This Code of Conduct is to promote and maintain high standards of conduct by Board Members. The role of Board Members is vital to the effective allocation and running of the Fund. It is important that Board Members can be held accountable, and all adopt the behaviours and responsibilities associated with the role. The conduct of individual Board Members affects the reputation of the Board as a whole, the Council and external partners.

1.2 Importantly, Board Members should be able to undertake their role as a Board Member without being intimidated, abused, bullied, or threatened by anyone, including the general public. This Code has been designed to protect the democratic role of Board Members, encourage good conduct, and safeguard the public's trust in the Board, it is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership, the Seven Principles of Public Life, also known as the Nolan Principles.

#### **2. Purpose**

2.1 The purpose of this Code of Conduct is to assist you, as a Board Member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Board Members, local authority officers and the reputation of local government and the Board. It sets out general principles of conduct expected of all Board Members and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of Board Members and local government.

#### **3. General Principles of conduct**

3.1 Building on these principles, the following general principles have been developed specifically for the role of Board Members. In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Board Members.

### 3.2 In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with the Boards requirements and in the public interest.

## 4. Application of the Code

4.1 This Code of Conduct applies to you as soon as you sign Terms of Reference of the Board Members and continues to apply to you until you cease to be a Board Member.

4.2 This Code of Conduct applies to you when you are acting in your capacity as a Board Member which may include when:

- you misuse your position as a Board Member
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Board Member

4.3 The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements, and comments.

4.4 You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Board Member.

4.5 The Monitoring Officer has responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

## 5. General Code Rules

### 5.1 Respect

As a Board Member:

- I treat other Board Members and members of the public with respect.
- I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority, and Board with respect and respect the role they play.

### 5.2 Bullying, harassment, and discrimination

As a Board Member:

- I do not bully any person.
- I do not harass any person.
- I promote equalities and do not discriminate unlawfully against any person.

### **5.3 Impartiality of officers of the council and Board Members**

As a Board Member I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority

### **5.4 Confidentiality and access to information**

As a Board Member I do not disclose information:

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
  - i. I have received the consent of a person authorised to give it;
  - ii. I am required by law to do so;
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - iv. the disclosure is:
    1. reasonable and in the public interest; and
    2. made in good faith and in compliance with the reasonable requirements of the local authority; and
    3. I have consulted the Monitoring Officer prior to its' release.

I do not improperly use knowledge gained solely as a result of my role as a Board Member for the advancement of myself, my friends, my family members, my employer, or my business interests.

I do not prevent anyone from getting information that they are entitled to by law.

### **5.5 Disrepute**

As a Board Member I do not bring my role as a Board Member into disrepute or that of the Local Authority. When speaking with external parties in relation to the Pride in Place Programme for Gainsborough West Members of the Board will act in that capacity and any views presented will be that of the Board.

### **5.6 Use of Position**



As a Board Member:

- I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.
- I behave in accordance with legal obligations and any other requirements contained within the Board Members policies, protocols, and procedures.

### **5.7 Use of local authority resources and facilities**

As a Board Member I do not misuse council or Board resources. I will when using the resources of the local authority or Board or authorising their use by others:

- act in accordance with the local authority's or Board requirements; and
- ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or Board.

### **5.8 Complying with the Code of Conduct**

As a Board Member:

- I undertake Code of Conduct training provided by my local authority and Board.
- I cooperate with any Code of Conduct investigation and/or determination.
- I will not make trivial or malicious allegations that another Board Members has failed to comply with the Code of Conduct.
- I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings including any complainant or witnesses.
- I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

### **5.9 Protecting your reputation and the reputation of the local authority Interests:**

As a Board Member I register and disclose my interests.

### **7.10 Gifts and Hospitality**

As a Board Member:

- I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or Borad or from persons who may apply to the local authority or Board for any permission, licence or other significant advantage.
- I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

## 7.11 Attendance at meetings

As a Board Member:

- I will attend all meetings of the Board unless excused by the Chair.
- I understand that should I fail to attend more than two meetings in a period of 6 months, even where my attendance has been excused, I may be removed from the Board.

### **The Seven Principles of Public Life The principles are:**

#### 1. Selflessness

Holders of public office should act solely in terms of the public interest.

#### 2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### 3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### 4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### 5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### 6. Honesty

Holders of public office should be truthful.

#### 7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **Appendix 2 - Interests**

1. Within 28 days of becoming a member of the Board you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests). You should also register details of your other interests which fall within the categories set out in Table 2 (Other Registerable Interests).

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1.2 You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

1.3 A 'sensitive interest' is as an interest which, if disclosed, could lead to the Board member, or a person connected with the Board member, being subject to violence or intimidation.

1.4 Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### **2. Non- participation in cases of a disclosable pecuniary interest**

2.1 Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the existence and nature of that interest, whether or not it is included in you register of interests, and not participate in any discussion or vote on the matter.

2.2 If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

### **3. Disclosure of other registerable Interests**

3.1 Where a matter arises at a meeting which relates to one of your other registerable interests, your non-pecuniary interests (Table 2). You must disclose the interest and the nature of the interest at the commencement of that consideration or when the interest becomes apparent only where you are aware or ought reasonably to be aware of the existence of the non-pecuniary interest.

3.2 Where you have a non-pecuniary interest, but it is considered to be a sensitive interest, you must indicate the existence of the interest but need not disclose details of the interest to the meeting.

3.3 Where you have a non-pecuniary interest in any business of the Board and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

3.4 If you have a non-pecuniary interest in any business of the Board you may participate, vote and remain in the room where a meeting considering the business is being held unless your interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

**Table 1 – Disclosable Pecuniary Interests**

<b>Interest</b>	<b>Prescribed Description</b>
Employment, office, trade, profession, or vocation	Any employment, office, trade, profession, or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you 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 you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest): (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged. 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. “Director” includes a member of the committee of management of an industrial and provident society.

Land	Any beneficial interest in land which is within the Gainsborough West Neighbourhood area. For this purpose “land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Gainsborough West Neighbourhood area for a month or longer.
Corporate Tenancies	Any tenancy where (to your knowledge); the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner 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 Greater Carlton Neighbourhood area; 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 you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class. For this purpose, “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.

**Table 2 – Interests other than Disclosable Pecuniary Interests**

<b>You have a non-pecuniary interest in any business of the Board where either it relates to or is likely to affect, (the below)</b>	<b>A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of, (the below)</b>
Any body of which you are a member or in a position of general control or management	a member of your family or any person with whom you have a close association
Any body	any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors
Exercising functions of a public nature	any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000
Directed to charitable purposes	
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; any employment, office, trade, profession or vocation carried on by you not for profit or gain	
of which you are a member or in a position of general control or management any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income	
of which you are a member or in a position of general control or management the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50	

## **Appendix 3 - Arrangements for dealing with complaints about breach of the Code of Conduct**

### **1. Introduction**

1.1 These arrangements set out how West Lindsey District Council (“the Council”) will deal with allegations that a Member of the Board has failed to comply with the Code of Conduct.

1.2 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**

2.1 The Code of Conduct for Board Members is available for inspection on the Council’s website and on request from Reception at the Guildhall, Marshalls Yard, Gainsborough.

### **3. Making a complaint**

3.1 All complaints must be submitted in writing to –

The Monitoring Officer

West Lindsey District Council

The Guildhall

Marshall’s Yard

Gainsborough

DN21 2NA

[lisa.langdon@west-lindsey.gov.uk](mailto:lisa.langdon@west-lindsey.gov.uk)

3.2 The complaint shall include:

- the Complainant’s name and contact details;
- the name of the Board Member(s) the Complainant believes has breached the Code of Conduct
- what the Board Member(s) 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)

3.3 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. If the complainant decides not to use the complaint form, they must still provide the Monitoring Officer with

all the information set out above; otherwise the Monitoring Officer will not be able to consider the complaint.

#### **4. Conflict of interest**

4.1 Where the Monitoring Officer considers that he/she has a conflict of interests, for example, as a result of a close professional relationship with the Board Member; the Monitoring Officer will pass the complaint to the Deputy Monitoring Officer to deal with. Where the Deputy Monitoring Officer similarly has a conflict of interest, arrangements may be made for a Monitoring Officer or suitably experienced person to oversee and manage the complaint.

#### **5. Acknowledging the complaint**

5.1 The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it. The Monitoring Officer will write to the Board Member 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). 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.

#### **6. Initial filtering of complaints**

6.1 Code of Conduct complaints can only be accepted if they relate to a Board Members behaviour whilst they are acting, or giving the impression that they are acting, in their capacity as a Board Member. Complaints which clearly relate to a Board 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. The Monitoring Officer will inform the Complainant, the Subject Member of the decision and the reasons for that decision in writing.

#### **7. Confidentiality**

7.1 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.

7.2 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.

7.3 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.

7.4 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.

## **8. Additional Information**

8.1 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.

8.2 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.

## **9. Initial Assessment of Complaint**

9.1 The Monitoring Officer will review the complaint together with any representations received from the Subject Member and, 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.

9.2 The Monitoring Officer will inform the Complainant, the Subject Member of the decision on initial assessment and the reasons for that decision in writing. Where the Monitoring Officer has determined that if the complaint is proven, there would potentially be a breach of the Code and recommended an informal resolution, 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. Each complaint

will be assessed to determine whether it is one the Monitoring Officer can and should investigate.

9.3 The Monitoring Officer will consider the following in deciding whether the complaint can be investigated:

- a) Is the complaint about the conduct of a named Board Member,
- b) Was the named Board Member acting in their capacity as a Board Member 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?

9.4 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:

- The complaint appears to be trivial, vexatious, malicious, politically motivated or tit for tat.
- The complaint is anonymous. The Monitoring Officer will not usually investigate anonymous complaints, unless there is a clear public interest in doing so.
- The complainant has not provided any evidence that supports the complaint. The Monitoring Officer will not usually investigate where a complainant has simply made an allegation that the councillor has failed to act in a way that is required by the Code.
- 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.
- 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.
- 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.
- The complaint suggests that there is a wider problem throughout the authority.
- 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.

- 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. Public interest is regarded as “something which is of serious concern and benefit to the public”.

## **10. Informal Resolution**

10.1 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 Board or Council introducing some other remedial action (such as changing procedures).

10.2 Where the Subject Member makes a reasonable offer of informal 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.

10.3 Where the Monitoring Officer recommends informal resolution, but the Subject Member is not willing to accept his/her conduct was unacceptable or not willing to accept the informal resolution proposed, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

## **11. Investigation**

11.1 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.

11.2 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.

11.3 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.

11.4 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.

## **12. Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct**

12.1 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 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.

## **13. Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct**

13.1 The Monitoring Officer will review the Investigating Officer's report and will then either seek a local resolution or require the removal of the Board member from the Board.

### **a. Local Resolution**

The Monitoring Officer may consider that the matter can reasonably be resolved without the need of removal from the Board. In such a case, he/she will 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 Board or Council introducing some other remedial action (such as changing procedures).

If the Subject Member complies with the suggested resolution, the Monitoring Officer will issue a decision notice. The decision notice will include a brief statement of facts, the provisions of the code of conduct engaged by the allegations, the reasons for the decision and any sanctions applied. A copy of the decision notice will be sent to the

Complainant, to the Subject Member, published on the Council's website and reported to the next Board Meeting. 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 require the removal of the Board member from the Board.

#### **b. Removal from the Board**

Where the Monitoring Officer believes the breach of the Code of Conduct is so serious, they can require the removal of the Board member from the Board. A decision notice will be issued to this effect and will be served upon the Complainant, the Subject Member and the Board. The Board will then formally remove the subject member from the Board.

### **14. Appeals**

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