

APPOINTMENT OF TWO INDEPENDENT PERSONS

Under the provisions of the Localism Act 2011, the Peak District National Park Authority is required to appoint an Independent Person to assist the Authority in promoting and maintaining high standards of conduct amongst all its Members.

The Independent Person will be consulted on the decision to investigate complaints against Members and before a decision is made on an investigated complaint. The Independent Person may be consulted on other standards matters, including by the Member who is subject to an allegation.

A fixed allowance of £1,393 per annum is payable together with reimbursement of travel and subsistence expenses. For further details, including an information pack and eligibility criteria, please visit the Authority's website www.peakdistrict.gov.uk or contact:

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The closing date for applications is 5pm on Tuesday 21st May 2024.
Interviews will be held during the week of 10th June 2024.



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A fixed allowance of £1,393 per annum is payable together with reimbursement of travel and subsistence expenses.

BACKGROUND INFORMATION

Under the provisions of the Localism Act 2011 the Authority is responsible for deciding how to deal with standards issues at a local level, including adopting its own local code and determining what arrangements it will adopt to deal with complaints.

The Act provides that the Authority must appoint an Independent Person to assist in discharging these responsibilities. Full details of the role and responsibilities of the Independent Person are included in this document.

The Authority first appointed two Independent Persons in July 2012 for a four-year term. In July 2016 the Authority appointed two new Independent Persons for a period of four years with their term of office ending at the 2020 Annual Meeting. Both these Independent Persons were then re-appointed in July 2020 for a further, final four-year term ending at the Annual Meeting in 2024.

INDEPENDENT PERSON SELECTION CRITERIA - SKILLS AND COMPETENCIES

The Independent Person will have:

- a keen interest in standards in public life.
- a wish to serve the local community and uphold local democracy.
- the ability to be objective, independent and impartial.
- sound decision-making skills
- leadership qualities, particularly in respect of exercising sound judgement.

The Independent Person will:

- be a person in whose impartiality and integrity the public can have confidence.
- understand and comply with confidentiality requirements.
- have a demonstrable interest in local issues.
- have an awareness of the importance of ethical behaviours.
- be a good communicator.

Desirable additional criteria are:

- Knowledge/experience of local government or other public service and/or of large complex organisations and awareness of and sensitivity to the political process.
- Knowledge and understanding of judicial/quasi-judicial or complaints processes.

You should demonstrate in your application how you meet the above criteria as this will assist the short-listing process.

Means of assessment will be by application form and by interview.

NOTE:

- You will be required to be contactable at all times during normal working hours by telephone or by email and to be available to attend hearings which may be held in the day time and at relatively short notice.
- You will be required to observe the Local Code of Conduct for Members including completing a Register of Interests.
- You must not currently have and must not enter into any contractual relations with the Authority under which you gain personally.

Eligibility for Appointment

A person cannot be appointed as an Independent Person if they are or were within a period of 5 years prior to the appointment:

- a member, co-opted member or officer of the authority
- a member, co-opted member or officer of a constituent authority
- a member, co-opted member or officer of a parish or town Council within the National Park or
- a relative or close friend of the above.

You must not be a member of any political party or have a public profile in relation to political activities.

ROLE OF INDEPENDENT PERSON PEAK DISTRICT NATIONAL PARK AUTHORITY

ROLE DESCRIPTION

Responsible to: The Authority

Liaison with: Monitoring Officer, Members of the Authority, Officers, the Chair of the Authority and key stakeholders within the community.

1. To assist the Authority in promoting high standards of conduct by elected, appointed and co-opted members of the Authority and in particular to uphold the Code of Conduct adopted by the Authority and the seven principles of public office, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. To be consulted by the Authority through the Monitoring Officer and/or the relevant Committee before it makes a decision on an investigated allegation and to be available to attend meetings of the Hearing Panel of the relevant Committee for this purpose.
3. To be available for consultation by the Monitoring Officer and/or the relevant Committee before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same.
4. To be available for consultation by any Member who is the subject of a standards complaint.
5. To develop a sound understanding of the ethical framework as it operates within the Authority.
6. To participate in training events to develop skills, knowledge and experience and in networks developed for Independent Persons operating outside the Authority's area.
7. To attend training events organised and promoted by the Authority's relevant Committee.
8. To act as advocate and ambassador for the Authority in promoting ethical behaviour.
9. To participate as an Independent Person in any Disciplinary Panel set up to make recommendations on any disciplinary actions in respect of a Chief Officer as defined in part 5 of the Authority's Standing Orders.

MEMBERS' CODE OF CONDUCT

Part 1 General provisions

Introduction and interpretation

1. (1) This Code applies to you as a Member of The Peak District National Park Authority ('the Authority')
- (2) You should behave in a way consistent with the following general principles prescribed in Section 28 of the Localism Act 2011 ('the Act'). These are set out in the annex to this code.
- (3) You must comply with the provisions of this Code.
- (4) In this Code—
 - "interest" means a pecuniary or other interest required to be notified under this Code
 - "meeting" means any meeting of—
 - (a) the Authority;
 - (b) any of the Authority's committees, sub-committees, joint committees, joint sub-committees;
 - "member" includes a co-opted member, an elected member and an appointed member.
 - "register of interests" means the Authority's register of members' interests maintained under Section 29 (1) of the Act.

Scope

2. (1) You must comply with this Code whenever you are acting in your official capacity as a member of the Authority including:
 - (a) at formal meetings of the Authority, its Committees and Sub-Committees;
 - (b) when acting as a representative of the Authority including outside bodies;
 - (c) in discharging your functions as a member including task teams and scrutiny working group;
 - (d) at briefing meetings with officers;
 - (e) at site visits;
 - (f) when corresponding with the Authority other than in a private capacity.

General Obligations

3. (1) You must treat others with respect.
- (2) You must not—
 - (a) do anything which may cause the Authority to breach any of the equality laws;
 - (b) bully or harass any person;
 - (c) intimidate or improperly influence, or attempt to intimidate or improperly influence any person who is or is likely to be—

- (i) a complainant,
- (ii) a witness, or
- (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with the Authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

Note: Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone. Examples of bullying behaviour include:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities

Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

4. You must not—

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.

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

7. (1) You must exercise your own independent judgement, when taking decisions —
 - (a) attaching appropriate weight to all relevant considerations;
 - (b) paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and;
 - (c) stating the reasons for your decisions where those reasons are not otherwise apparent.

8. (1) You must
 - (a) comply in full with Parts 1-4 of the Code.
 - (b) comply with any formal standards investigation where it is alleged that there has been a breach of the Code.
 - (c) not seek to disrupt standards investigations by, for example, not responding to requests for information, clarification or comment in a timely way, or refusing to confirm attendance at a standards hearing.
 - (d) not misuse the standards process by, for example, making trivial or malicious allegations against another Authority Member for the purposes of personal or political gain.

Part 2 - Disclosable pecuniary interests – under the Act

This part explains the requirements of the Localism Act 2011 (Ss 29-34) and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, in relation to disclosable pecuniary interests. These provisions are enforced by criminal sanction.

Notification of disclosable pecuniary interests

9. Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

 10. A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, 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) within the following descriptions:
(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you
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and your partner, as above)

<i>Subject</i>	<i>Prescribed description</i>
<i>Employment, office, trade, profession or vocation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<i>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</i>
<i>Contracts</i>	<i>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</i>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>
<i>Corporate tenancies</i>	<i>Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.</i>
<i>Securities</i>	<i>Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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</i>

that class.

These descriptions on interests are subject to the following definitions;

“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;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

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

“relevant person” means M 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.

Register of interests

11. Any interests notified to the Monitoring Officer will be included in the register of interests.
12. A copy of the register will be available for public inspection and will be published on the Authority's website.

Sensitive interests

13. Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Act.

Non participation in case of disclosable pecuniary interest

14. If you are present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,
 - (1) You must not participate in any discussion of the matter at the meeting.
 - (2) You must not participate in any vote taken on the matter at the meeting.
 - (3) If the interest is not registered, you must disclose the interest to the meeting.

- (4) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
- Note In addition, Standing Order 1.28 requires you to:
- (a) disclose any interest to the meeting which is registered or pending registration and/or
 - (b) leave the room where the meeting is held while any discussion or voting takes place.

Dispensations

15. The Authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest. (Further details relating to the circumstances when dispensations may be granted can be sought from the Monitoring Officer).

Offences

16. It is a criminal offence to:
- (a) Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election.
 - (b) Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
 - (c) Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting.
 - (d) Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest.
 - (e) Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.
17. The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a member for up to 5 years.

Part 3 - Interests – outside the Act

Notification of interests

18. (1) You must, within 28 days of—
- (a) this Code being adopted by or applied to the Authority; or
 - (b) your election or appointment to office (where that is later),
 - notify the Monitoring Officer of your disclosable pecuniary interests that are notifiable under the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012, for inclusion in the register of interests, and
 - notify the Monitoring Officer in writing of the details of your personal interests, where they fall within the following descriptions, for inclusion in the register of interests.
- (2) You have a personal interest in any business of the Authority where either—
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- (a) it relates to or is likely to affect—
 - (i) 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 Authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) 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.
 - (iii) 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.
 - (3) (a) You have a personal interest in any business of the Authority
 - (i) where 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 a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the Authority's area.
 - (ii) It relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.
 - (b) In sub-paragraph (3)(a), a *relevant person* is—
 - (i) a member of your family or any person with whom you have a close association; or
 - (ii) 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;
 - (iii) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (iv) any body of a type described in paragraph 18(2)(a)(i) or (ii).
 - (4) You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph 18(1), notify the Monitoring Officer of the details of that new interest or change.

Disclosure of interests

- 19. (1) Subject to sub-paragraphs (2) to (3), where you have a personal interest described in paragraph 18 above in any business of the Authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent
 - (2) Where you have a personal interest in any business of the Authority of the type mentioned in paragraph 24, (gifts and hospitality) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
 - (3) Where you have a personal interest but, by virtue of paragraph 23, sensitive
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information relating to it is not registered in the Authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

Non participation in case of prejudicial interest

20. (1) Where you have a personal interest in any business of the Authority you also have a prejudicial interest in that business where the 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 and where that business—
- (a) affects your financial position or the financial position of a person or body described in paragraph 18; or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 18.
- (2) Subject to paragraph (3) and (4), where you have a prejudicial interest in any business of the Authority—
- (a) You must not participate in any discussion of the matter at the meeting.
 - (b) You must not participate in any vote taken on the matter at the meeting.
 - (c) If the interest is registered or not registered, you must disclose the interest to the meeting.
 - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days
- Note In addition Standing Order 1.29 requires you to leave the room where the meeting is held while any discussion or voting takes place
- (3) Where you have a prejudicial interest in any business of the Authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- (4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the Authority in respect of—
- (i) an allowance, payment or indemnity given to members; and
 - (ii) any ceremonial honour given to members.

Register of interests

21. Any interests notified to the Monitoring Officer will be included in the register of interests.
22. A copy of the register will be available for public inspection and will be published on the Authority's website.

Sensitive interests

23. Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer
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agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

Part 4 –Gifts and hospitality

Notification of gifts and hospitality

- 24.** (1) You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a Member from any person or body other than the Authority.
- (2) The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- (3) This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality is accepted by you where you hold a position of responsibility on the Authority and you are acting as agent for and on behalf of the Authority. (For example if you are the Chair or Deputy Chair of the Authority or a Chair or Vice Chair of a Committee).

The General Principles

The general principles governing your conduct under the Localism Act 2011 are set out below:

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Selflessness

- a. You should act solely the public interest.

Integrity

- b. You must avoid placing yourself under any obligation to people or organisations that might try inappropriately to influence you in your work. You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests and relationships.

Objectivity

- c. You must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

- d. You are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.

Openness

- e. You 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.

Honesty

- f. You should be truthful.

Leadership

- g. You should exhibit these principles in your own behaviour. You should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Procedure for Investigation of Complaints of Misconduct by Members

Introduction

1. All investigation of allegations of misconduct by Members of the Authority shall be carried out in accordance with this procedure. No departure will be made from this procedure unless and until the Monitoring Officer has first notified the Member against whom the allegation has been made of the proposed variation to the procedure and the reasons for that variation.
2. This procedure applies to:
 - the allegation of a breach of the Authority's Code of Conduct for Members that has been referred to the Authority's Monitoring Officer for local investigation; and
 - to the investigation of allegations of breaches of the Authority's local Protocols e.g. Planning Protocol, in so far as they apply to Members.

Interpretation

3. 'Member' means the Member of the Authority who is the subject of the allegation being considered, unless stated otherwise. It also includes the Member's representative.
4. 'Monitoring Officer' is the officer of the Authority who has been designated as the Authority's Monitoring Officer under section 5 of the Local Government and Housing Act 1989.
5. 'Investigating Officer' means the Monitoring Officer, if the Monitoring Officer investigates the complaint, or the person appointed by the Monitoring Officer to undertake that investigation.
6. 'The Matter' is the subject matter of the Investigating Officer's report.
7. 'The Authority meeting' refers to the Authority meeting or to any Authority meeting Sub-Committee which is delegated to conduct the hearing, unless the context indicates that it refers only to the Authority meeting itself.

Action to be taken by the Monitoring Officer on receipt of an Allegation

8. In the case of an allegation of a breach of a local Protocol the Monitoring Officer, in consultation with the Independent Person, shall have discretion not to carry out a full investigation if it is considered appropriate that the matter can be satisfactorily dealt with by other means.
9. If the Monitoring Officer decides to personally carry out the investigation he/she may request the Deputy Monitoring Officer or another employee of the Authority to carry out the Monitoring Officer's administrative duties under this procedure.
10. If the Monitoring Officer decides not to personally carry out the investigation he/she will appoint an Investigating Officer.

Appointment of Investigating Officer

11. The Monitoring Officer will, in writing, formally delegate the power of investigation to the Deputy Monitoring Officer, another employee of the Authority or some other person to act as the Investigating Officer in respect of the allegation. The Monitoring Officer will request him/her to conduct an investigation of the allegation and to report thereon to the

Monitoring Officer.

12. The Investigating Officer may appoint persons to assist him/her in the conduct of his/her functions and may obtain such professional advice as may be necessary for the conduct of the investigation.

Notification to the Member

13. The Monitoring Officer will then notify in writing the Member against whom the allegation is made:

- that the allegation has been referred to the Monitoring Officer for local investigation and determination;
- the identity of the person making the allegation (unless identification of the complainant might prejudice the investigation or put the complainant at risk);
- of the conduct which is the subject of the allegation;
- of the section(s) of the Code of Conduct or local Protocol which appear to him/her to be relevant to the allegation;
- of the procedure which will be followed in respect of the allegation, and
- the identity of the Investigating Officer;
- that all matters relating to the investigation will be treated as confidential until the final report is published.

14. In notifying the Member of receipt of the allegation, the Monitoring Officer shall request the Member to respond to the Investigating Officer in writing within 14 days of notification as follows:

- advising the Investigating Officer whether the Member admits or denies the breach of the Code of Conduct or local Protocol which is the subject of the allegation;
- listing any documents which the Member would wish the Investigating Officer to take into account in any investigation of the allegation, where possible providing copies of these documents, and informing the Investigating Officer where the original documents may be inspected;
- providing the Investigating Officer with the name, address and telephone number (or other appropriate contact details) of an person or organisation whom the Member would wish the Investigating Officer to interview in the course of any investigation of the allegation, and
- providing the Investigating Officer with any information which the Member would wish the Investigating Officer to seek from any person or organisation.

Notification to the Person who made the Allegation

15. At the same time as notifying the Member, the Monitoring Officer will notify the person who made the allegation in writing of the relevant matters set out in paragraph 13 above.

16. In notifying the person who made the allegation the Monitoring Officer will request the person to respond to the Investigating Officer within 14 days:

- to provide a list of any documents which the person would wish the Investigating Officer to take into account in any investigation of the allegation, where possible providing copies of these documents, and informing the Investigating Officer where the original documents may be inspected;
- to provide the Investigating Officer with the name, address and telephone number (or other appropriate contact details) of an person or organisation whom the person would wish the Investigating Officer to interview in the course of any investigation of the allegation, and
- to provide the Investigating Officer with any information which the person would wish the Investigating Officer to seek from any person or organisation.

Conduct of the Investigation

Purpose of the Investigation

17. The purpose of the Investigating Officer's investigation is to enable him/her to prepare and present to the Monitoring Officer and the Authority meeting a report which, would provide the Monitoring Officer and Authority meeting with sufficient information to determine, in consultation with the Independent Person, whether the Member has acted in breach of the Code of Conduct or local Protocol and, where there has been a breach, whether any action should be taken in respect of the Member or in consequence of the breach, and what any such action should be.

Identification of sources of information

18. Following notification to the Member and the complainant, the Investigating Officer will identify an initial list of persons to be interviewed, organisations from whom information is to be sought and documents to be inspected as part of the investigation. Where the Member and/or the complainant has provided the Investigating Officer with the information requested in accordance with Paragraphs 14 and 16 above, the Investigating Officer shall include in this list each document, person and organisation referred to in that response, unless he/she is of the opinion that the inclusion of that document, person or organisation would unreasonably delay the completion of the investigation rather than to contribute to the accuracy of the Investigating Officer's final report. The Investigating Officer may supplement or amend this list at any stage of the investigation.

Production of documents, information and explanations

19. In the course of the investigation, the Investigating Officer and any person authorised on his/her behalf may:
 - make such enquiries of any person or organisation, and request any person or organisation to provide any document or information which is in his/its possession or control, or provide any explanation, as he/she thinks necessary for the purposes of carrying out the investigation.
 - require any other Authority of which the Member is a member to provide any document, which is in his/its possession or control, which he/she thinks necessary for the purposes of carrying out the investigation.

Requesting attendance at Interviews

20. In the course of the investigation the Investigating Officer may request any person to attend and appear before him/her or otherwise provide any information, document or

explanation as he/she thinks necessary for the purposes of carrying out the investigation.

Representation

21. Any person who appears before the Investigating Officer may arrange to be accompanied at their own expense by a legal or other representative.

Notes of interviews

22. Where practicable, following the interview the Investigating Officer shall produce a written note of the material points of the interview, provide two copies of that note to the person interviewed and ask them to return one copy signed as a correct record of the interview, with such corrections or amendments as they may feel necessary for that purpose.

Costs

23. The Investigating Officer may, where he/she considers that it is appropriate in order to facilitate the conduct of the investigation, pay to any person who provides any document, information, advice or explanation in response to his/her request, such fees or allowances as he/she considers to be appropriate subject to the approval of the Monitoring Officer.

Termination of the Investigation

24. The Investigating Officer may terminate his/her investigation at any point, where he/she is satisfied that he/she has sufficient information to enable him/her to report to the Monitoring Officer and to enable the Monitoring Officer and the Authority meeting, in consultation with the Independent Person, to come to a considered decision on the allegation.

Additional matters arising during an investigation.

Breach of the Code of Conduct

25. During an investigation the Investigating Officer has no jurisdiction to investigate any other matter that appears to be an additional breach of the Code of Conduct by the Member.

Breach of a local Protocol

26. During an investigation if the Investigating Officer becomes aware of any other matter that appears to be a breach of a local Protocol by the Member other than the breach that he/she is currently investigating, the Investigating Officer shall report the matter to the Monitoring Officer.
27. The Monitoring Officer will provide the Member with details of the matter in the form set out in paragraphs 13 and 14 above and invite the Member to provide a statement as to why the additional matter does not constitute a breach of the Authority's local Protocol.
28. The Monitoring Officer will then take a decision whether to commence a separate investigation into this matter in accordance with this procedure. Where the original investigation relates to an allegation of a breach of a local Protocol, the Monitoring Officer may, with the consent of the Member, request the original Investigating Officer to extend the investigation to include the additional matter.

The Draft Report

29. When the Investigating Officer is satisfied that he/she has sufficient information, or has obtained as much information as is likely to be reasonably capable of being obtained, he/she shall prepare a confidential draft report setting out:

- the details of the allegation;
 - the relevant provisions of the Code of Conduct and any relevant local Protocols;
 - the Member's initial response to notification of the allegation (if any);
 - the relevant information, advice and explanations which he/she has obtained in the course of the investigation;
 - a list of any documents relevant to the matter;
 - a list of those persons whom he/she has interviewed and those organisations from whom he/she has sought information;
 - a note of any person or organisation who has failed to co-operate with the investigation and the manner in which they have failed to co-operate;
 - a statement of his/her draft findings of fact;
 - his/her conclusion as to whether the Member has or has not failed to comply with the Code of Conduct or any local Protocol, and
 - any recommendations, where appropriate, which the Investigating Officer is minded to make to the Authority:
 - for reviewing or reconsidering any decision which was the subject of the breach of the Code of Conduct or local Protocol;
 - for rectifying any deficiency in the Authority's practices and procedures;
 - for preventing or deterring any breach of the Code of Conduct or local Protocol;
 - for remedying the position of any person who may have suffered detriment or injustice as a result of the breach.
30. The draft reports should also state that the report does not necessarily represent the Investigating Officer's final finding, and that the Investigating Officer will present a final report to the Monitoring Officer once he/she has considered any comments received on the draft report.
31. The Investigating Officer shall then send a copy of the draft report in confidence to the Member and the person making the allegation, and request that they send any comments thereon to him/her within 14 days.
32. The Investigating Officer may send a copy of, or relevant extracts from the draft report in confidence to any person on whose evidence he/she has relied in compiling the draft report, and request that they send any comments thereon to him/her within 14 days.

The Final Report

33. After the expiry of that period (or such extended period as the Investigating Officer may allow), the Investigating Officer shall reconsider and amend the draft report in the light of any comments received, and produce and send to the Monitoring Officer the final report. The final report should state that the report represents the Investigating Officer's final findings. The report will include copies of any documents which the Investigating Officer

has relied on in reaching his/her conclusions, such as background documents of telephone conversations, letters, and notes of interviews with witnesses.

Finding of failure to comply with the Code of Conduct

34. Where the final report concludes that there has been a failure by the Member to comply with the Code of Conduct, the Monitoring Officer will refer the report to the Authority meeting who will convene a formal Panel hearing of the Committee.

Finding of failure to comply with a local Protocol

35. Where the final report concludes that there has been a failure by the Member to comply with a local Protocol, the Monitoring Officer shall then send a copy of the final report to the Member, and the complainant advising them that the Monitoring Officer, in consultation with the Independent Person, shall make one of the following findings :

- that he/she accepts the Investigating Officer's finding that the Member has failed to comply with a local Protocol and that the matter merits consideration at a full Panel hearing of the Authority meeting, conducted in accordance with the Authority's adopted Procedure for Hearings; or
- that the matter can be satisfactorily dealt with by other means without the need for a formal hearing. (E.g. where there is an admission of failure and the Member accepts the finding and the Investigating Officer makes recommendations on remedial action).

Finding of no failure to comply with the Code of Conduct or a local Protocol

36. Where the final report concludes that there has not been a failure to comply with the Code of Conduct or a local Protocol the Monitoring Officer in consultation with the Independent Person shall review the report and if he/she is satisfied that the report is sufficient, the Monitoring Officer will write to the Member concerned and the complainant notifying them that he/she is satisfied that no further action is required and send a copy of the final report to the Member and the complainant.

Monitoring Officer consideration of the Final Report in consultation with the Independent Person

Code of Conduct

37. Where the Monitoring Officer, in consultation with the Independent Person, considers the report of the Investigating Officer that concludes that the Member has not failed to comply with the Code of Conduct the Monitoring Officer shall make one of the following findings:
- that he/she accepts the Investigating Officer's finding that the Member has not failed to comply with the Code of Conduct; or
 - that he/she is not at that stage prepared to come to a final conclusion that there has not been a failure to comply with the Code of Conduct and that the matter merits consideration at a full Panel hearing of the Authority meeting, conducted in accordance with the Authority's adopted Procedure for Hearings.

Local Protocol

38. Where the Monitoring Officer, in consultation with the Independent Person, considers the report of the Investigating Officer that concludes that the Member has not failed to comply with a local Protocol, the Monitoring Officer shall make one of the following findings:
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- that he/she accepts the Investigating Officer's finding that the Member has not failed to comply with a local Protocol; or
 - that he/she is not at that stage prepared to come to a final conclusion that there has been not been a failure to comply with a local Protocol and that the matter merits consideration at a full Panel hearing of the Authority meeting, conducted in accordance with the Authority's adopted Procedure for Hearings.
39. Where the Monitoring Officer, in consultation with the Independent Person, finds that the Member has not failed to comply with the Code of Conduct or with a local Protocol, the Monitoring Officer shall, within 10 working days, send a written notice of that finding and the reasons on which it was based, together with a copy of the Investigating Officer's report to:
- the Member;
 - the person who made the allegation;
40. Where the Member has not failed to comply with the Code of Conduct the Monitoring Officer shall arrange for the publication of a notice of the finding on the Authority's website unless the Member objects to such publication.

Authority Meeting Panel Hearings

41. The Monitoring Officer shall arrange for the matter to be considered at a Panel hearing in accordance with the Authority's adopted Procedure for Hearings;
- where the Investigating Officer's report contains a finding that the Member did fail to comply with the Code of Conduct;
 - where the Monitoring Officer, in consultation with the Independent Person, finds as set out in Paragraph 37 above, in respect of the Code of Conduct, that the matter should be considered at a full Panel hearing; or
 - where the Monitoring Officer, in consultation with the Independent Person, finds as set out in Paragraph 38 above, in respect of a local Protocol, that the matter should be considered at a full Panel hearing.