

Portsmouth City Council

A MEETING OF THE COUNCIL will be held at the Main Concert Hall & Council Chamber, The Guildhall on Tuesday, 19 May 2015 at **10.00 am** and all members of the council are hereby summoned to attend to consider and resolve upon the following business:-

Agenda

*Items 1 (Election of Lord Mayor) and 2 (Appointment of Deputy Lord Mayor) will take place in the **Main Concert Hall**.*

- 1 To elect the Lord Mayor for the ensuing Municipal Year.**
- 2 To appoint the Deputy Lord Mayor for the ensuing Municipal Year.**

*The Council will adjourn at approximately 11.30 am and deal with the remaining items, re-commencing in the **Council Chamber** no earlier than **2.30 pm**.*
- 3 Members' Interests.**
- 4 To confirm the minutes of the meeting of the Council held on 17 March 2015. (Pages 1 - 20)**
- 5 To receive such communications as the Lord Mayor may desire to lay before the Council including apologies for absence.**
- 6 Deputations under Standing Order 24**
- 7 To note under the Local Government and Public Involvement in Health Act 2007 the current Leader of the City Council will remain in office until May 2016, unless**
 - a) they resign from the office;
 - b) they are removed from office by resolution of the Council
- 8 In accordance with the Local Government and Public Involvement in Health Act 2007, to receive details from the Leader of the Council regarding Cabinet members and portfolios for the ensuing Municipal Year.**

The Council will also receive details of the appointments from the Leader (as it is within their gift) for the Health and Wellbeing Board, applying the following criteria;

- Leader of the Council (or nominated representative)
- Portfolio holder responsible for Health & Social Care
- Portfolio holder responsible for Children’s Services
- Leader of the largest opposition group (or nominated representative)

A named standing deputy may also be appointed for each position.

9 Proportional Representation on Panels and Committees

Under the Local Government and Housing Act 1989, the City Council is required at each Annual Meeting to review the representation of different political groups, to determine the allocation of seats to different political groups for the forthcoming Municipal Year and to appoint Members in accordance with the decisions of the Council as to allocation and according to the wishes of the groups as to the identities of the Members to be appointed. The appointment of Members is dealt with separately under Item 10 below.

Proposed allocation of Seats for 2015/16 (Table 1) will be circulated shortly

The representation of groups must be in accordance with the rules set out in the relevant legislation. Details of the proposed allocation of places on Panels and Committees will follow (set out below are the totals) -

Groups	1	2	3	4	5	6
	No of Cllrs	Total No of Cttee Seats	Licensing Committee	Planning Committee	Governance & Audit & Standards; Employment; Health Overview & Scrutiny Panel; and 4 Themed Scrutiny Panels	Scrutiny Management Panel
					(6 Members on Each)	
	42	76	15	10	42	9

Principle 2 within Section 15 of the Local Government and Housing Act 1989 requires the majority of seats on Committees and Panels to be allocated to the group having the majority of seats on the City Council.

A group is defined in the regulations as comprising two or more persons.

2015/16 municipal appointments will be presented at the meeting

RECOMMENDED (1) that the total number of seats on Committees and Panels be divided amongst the political groups and individual members as applicable in accordance with Table 1 above (details to follow);

(2) that any other bodies subject to the political proportionality rules be appointed in accordance with proportions shown in Table 1.

10 To appoint Members to the following Committees and Panels for the 2015/16 Municipal Year :-

Scrutiny Management Panel	- 9 members
Planning Committee	- 10 members
Licensing Committee	- 15 members
Governance & Audit & Standards Committee	- 6 members
Employment Committee	- 6 members
Health Overview & Scrutiny Panel	- 6 members
Economic Development, Culture & Leisure Scrutiny Panel	- 6 members
Education, Children & Young People Scrutiny Panel	- 6 members
Housing and Social Care Scrutiny Panel	- 6 members
Traffic, Environment & Community Safety Scrutiny Panel	- 6 members

Note - Whilst the Council agreed as part of the 2015/16 budget "to reduce the Council's Scrutiny arrangements and involvement to the statutory minimum" the Deputy Chief Executive has advised that the actual form of any such constitutional change will need firstly to be considered by the Governance & Audit & Standards Committee so that Members are aware of exactly what the revised arrangements might look like and have an opportunity to shape them going forward with a recommendation to a subsequent Full Council meeting.

Consequently the Council is required to constitute and make appointments to the existing themed scrutiny panels at the Annual Council meeting on the basis that their future is subject to review and determination by Full Council at a future meeting.

11 To appoint Standing Deputies (three named Members for each Group on each Committee or Panel, five in respect of the Planning Committee).

12 To appoint the Chairs and Vice-Chairs of Committees and the Scrutiny Management and Scrutiny Panels for the 2015/16 Municipal Year.

13 Appointments

To appoint representatives, **who must be elected members**, to the following outside bodies. These appointments are reserved to the City Council in accordance with Paragraph 1.3 of Part 2 of the Council Constitution.

- (1) To appoint 3 members in political proportionality to serve on the **Hampshire Fire & Rescue Authority** for the 2015/16 municipal year.

(In 2014/15 the appointees were Councillors Steve Hastings, Phil Smith and Luke Stubbs)

- (2) **Police and Crime Panel (PCP)**

To appoint 1 member to serve on the Police and Crime Panel

(Councillor Ken Ellcome was the Council's representative in 2014/15).

Note: Councils are asked to consider when appointing, whether a conflict of interest might occur for Leaders and Community Safety Portfolio holders, as they are likely to be in regular discussions with the Police and Crime Commissioner about local crime and disorder issues.

- (3) To appoint up to 4 members to serve on the **Local Government Association General Assembly** for the 2015/16 municipal year, who will be supported by the appropriate officers at the Annual Conference, **and to specify which of the elected members will hold the voting rights.**

Portsmouth City Council has up to 4 votes on the LGA, which are usually exercised by the party forming the City Council's political administration. Those having the right to vote should be identified.

In 2014/15 the representatives were Councillors Hannah Hockaday, Gerald Vernon-Jackson, Rob New and Donna Jones, who each exercised one vote.

- (4) To appoint 6 members to serve on the Langstone Harbour Board who must be an elected member and in accordance with the political balance regulations.

For 2014/15, the representatives were; Councillors S. Hastings, L. Mason, P. Smith, L. Stevens, L. Stubbs and M. Winnington.

Standing deputies may also be appointed.

14 Other Appointments

- 6 members to the Twinning Advisory Group - in 2014/15 it was chaired by the Resources Portfolio holder (L. Mason), with the Lord Mayor (S. Wylie) performing the deputy Chair role (the other 4 members in 2014/15 were Councillors Galloway, Godier, Gray and H. Mason).

15 To receive and consider any urgent and important business in accordance with Standing Order No 26.

16 Review of Members' Code of Conduct and Committee Arrangements for Assessment, Investigation and Determination of Complaints (Pages 21 - 84)

To receive and consider the below recommendations and attached report from Governance and Audit and Standards Committee, held on 17 April 2015.

The Governance & Audit & Standards Committee recommends that full Council approves the adoption of the proposed changes to

- (1) Appendix A, the Code of Conduct**

- (2) **Appendix B, the Complaint Form and**
- (3) **Appendix C, the Arrangements for Assessment, Investigation and Determination of Complaints, including the procedure for the initial filtering of complaints.**

17 To approve the following dates for meetings of the Council during the 2015/16 Municipal Year as required under Standing Order 6 and 10(k), to commence at 2.00 pm unless otherwise indicated -

These 2015/16 dates were provisionally agreed previously by the Council and are for ratification.

14 July 2015	19 January 2016
13 October 2015	9 February 2016
10 November 2015	22 March 2016
8 December 2015	17 May 2016 (Annual)* (10.30 am)

Note: (*) The current understanding is that the local elections will be combined with the Police and Crime Commissioner elections on 5 May 2016.

To provisionally agree the following Council meeting dates for 2016/17

19 July 2016	17 January 2017
11 October 2016	14 February 2017
15 November 2016	21 March 2017
13 December 2016	16 May 2017 (Annual) (10.30 am)

David Williams
Chief Executive

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Full Council meetings are digitally recorded, audio only.

Civic Offices
Guildhall Square
PORTSMOUTH
11 May 2015

Agenda Item 4

17 March 2015

1

MINUTES OF A MEETING OF THE COUNCIL held at the Guildhall
Portsmouth on Tuesday, 17 March 2015 at 2.00 pm

Council Members Present

The Right Worshipful The Lord Mayor
Councillor Steven Wylie (in the Chair)

Councillors

Margaret Adair	Leo Madden
Michael Andrewes	Hugh Mason
Simon Boshier	Lee Mason
Alicia Denny	Robert New
Ben Dowling	Stuart Potter
Ken Ellcome	Will Purvis
John Ferrett	Darren Sanders
Ken Ferrett	Phil Smith
Margaret Foster	Lynn Stagg
David Fuller	Les Stevens
Colin Galloway	Sandra Stockdale
Paul Godier	Luke Stubbs
Aiden Gray	Julie Swan
Terry Hall	Linda Symes
Stephen Hastings	Alistair Thompson
Hannah Hockaday	Gerald Vernon-Jackson
David Horne	Steve Wemyss
Lee Hunt	Matthew Winnington
Frank Jonas	Rob Wood
Donna Jones	Neill Young

21. Declarations of Interests under Standing Order 13(2)(b)

The City Solicitor advised that with regard to notice of motion (j) - Retaliatory Evictions - members who were tenants or landlords should declare an interest but not a disclosable pecuniary interest unless they were in the process of eviction proceedings.

The following councillors declared a personal, but non disclosable pecuniary interest in agenda item 16 j - retaliatory evictions - Councillors Galloway, Denny, Hastings, Symes, Winnington, Purvis, Dowling, Sanders, Young, Vernon-Jackson, Wood, Fuller, Wylie, Stevens and Andrewes.

Councillor Will Purvis also declared a pecuniary interest part way through debate on agenda item 11 in that he is employed by a developer and left the chamber for that item.

Councillor Ken Ferrett declared a prejudicial interest in agenda item 16(d) in that he is employed by BAE Systems and said he would leave the Chamber for that item.

Councillor Michael Andrewes also declared a prejudicial, pecuniary interest in the motion referring to his employer (notice of motion (g)). He said he would leave the chamber for that item.

22. Minutes of the Ordinary Meeting of the Council held on 10 February 2015

It was

Proposed by Councillor Donna Jones
Seconded by Councillor Gerald Vernon-Jackson

That the minutes of the meeting held on 10 February 2015 be approved as a correct record and this was agreed.

RESOLVED that the minutes of the meeting of the Council held on 10 February 2015 be confirmed and signed as a correct record.

23. Communications including Apologies for Absence

Apologies for absence were received on behalf of Councillor Eleanor Scott.

Apologies for lateness were received on behalf of Councillor Les Stevens.

Councillors Rob New, Lee Hunt and Michael Andrewes apologised for being slightly late.

Councillor Godier apologised that he would have to leave the meeting early.

The Lord Mayor welcomed in the public gallery a group of student journalists from Highbury College who are attached to The News and said he hoped they would find proceedings informative and enlightening.

The Lord Mayor announced that this was National Tourist Week and that he had participated in promotional work by HMS Victory and the Spinnaker Tower.

The Lord Mayor advised that this would be his last full Council meeting before stepping down both as Lord Mayor and as an elected member. He also advised that several other members were leaving today and wished them all well.

The Leader of the Council, Councillor Donna Jones advised that the following Liberal Democrat members were not standing for re-election: Councillor Margaret Adair, Councillor Les Stevens, Councillor Terry Hall and Councillor Steve Wylie. She thanked them all for their work and in particular thanked Councillor Steve Wylie for all his hard work as Lord Mayor.

She also thanked Councillor Alistair Thompson, Conservative, who had been elected in 2000. He had served on many committees and panels and had been a cabinet member during his time as a councillor. She thanked him on behalf of the City Council.

Councillor Gerald Vernon-Jackson thanked the four Liberal Democrat members for all their hard work which he said had been greatly appreciated.

Councillor Colin Galloway added his thanks to all those councillors who were leaving and said he was sad to see them go and had enjoyed their speeches. In particular, he paid tribute to the Lord Mayor who he said had made a very difficult job look easy. He wished them all good luck for their futures.

Councillor John Ferrett thanked all the councillors who were standing down.

The Lord Mayor said he had known Councillor Thompson for many years and wished him the very best for the future. He also wished Councillors Margaret Adair, Les Stevens and Terry Hall (who had inspired him to stand as Lord Mayor) all the very best for their futures. He said he would miss all the councillors.

24. Deputations from the Public under Standing Order No 24

The City Solicitor reminded those making deputations today that if they did not wish to be filmed, photographed or recorded when making their deputations they should indicate, in order that all present who may be intending to film, photograph or record proceedings could accede to their wishes.

The City Solicitor advised that two deputation requests had been received in respect of agenda item 9, one from Mr A Geddes and one from Mr Zuber Hatia. One deputation request had been received in respect of agenda item 16(a) from Mr Kent.

One deputation request had been made by Mr Kevin Whittle in respect of notice of motion (b).

Mr A Geddes and Mr Zuber Hatia made their deputations in respect of agenda item 9. Mr Kent, Southern Water's Wastewater Strategy Manager, made his deputation in relation to item 16(a) - Sewage in Langstone Harbour.

Mr Kevin Whittle made his deputation in respect of agenda item 16(b) - Stamshaw Junior School becoming an Academy

25. Questions from the Public under Standing Order 25

There were no questions from the public.

26. Appointments

There were no appointments.

27. Urgent Business - To receive and consider any urgent and important business from Members of the Cabinet in accordance with Standing Order No 26

4 17 March 2015

There was no urgent business.

28. Agenda items 8, 9 and 10 - Recommendations from the Cabinet meeting held on 5 March 2015

The Lord Mayor advised that agenda items 8, 9 and 10 would be dealt with together.

The following minutes were approved unopposed:

Minute 22 - Treasury Management Policy 2015/16

Minute 23 - Budget and Performance Management 2014/15 (3rd Quarter)

Minute 17 - Local Transport Plan

This was opposed to allow for a short discussion.

It was

Proposed by Councillor Donna Jones

Seconded by Councillor Ken Ellcome

That the recommendations contained in Cabinet minute 17 - Local Transport Plan - be adopted.

Following a short debate, upon being put to the vote this was CARRIED.

RESOLVED

- 1) **That the attached Implementation Plan be approved**
- 2) **To delegate authority to the Head of Transport and Environment in consultation with the Cabinet Member for Traffic and Transportation, the Strategic Director for Regeneration and the Section 151 Officer to agree any minor amendments to the Implementation Plan that may be required to take account of future funding changes and policy announcements.**

29. Recommendations from the Cabinet Member for Housing Meeting held on 16 March 2015 - Delivering Replacement Housing Programme Phase 2

Minute 10 - Delivery of Replacement Housing Programme Phase 2

This was opposed to allow for a short discussion.

It was

Proposed by Councillor Steve Wemyss

Seconded by Councillor Donna Jones

That the recommendations contained in minute 10 - Delivery of Replacement Housing Programme Phase 2 be adopted. Upon being put to the vote this was CARRIED.

RESOLVED that the City Council approved the following:

- 1) **the following Capital Expenditure amounting to £22.903m:**
 - I. **A development of 67 units (a mixture of flats and houses) on a disused allotment site in Havant at a total cost of £8.119m**
 - II. **A development of 50 units (a mixture of houses and flats) at Kingsclere Avenue at a total cost of £6.059m.**
 - III. **A development of 40 units (a mixture of flats and houses) at Blendworth Crescent as a total cost of £4.847m.**
 - IV. **A development of 8 houses at Holybourne Road at a total cost of £969.400.**
 - V. **A development of 24 flats to be built on the existing Buckland Family centre site at a total cost of £2.908m.**
- 2) **to fund the £22.903m of Capital Expenditure, additional borrowing of up to £15.12m over the next 2 years, alongside the funding already approved within the existing capital programme.**
- 3) **that subject to the requirements of recommendation 4, authority be delegated to the Head of Housing and Property Services in consultation with the Head of Finance & S151 Officer to amend the composition and spending profile of the proposed schemes in order to meet planning and design requirements.**
- 4) **that a financial appraisal approved by the Head of Finance & S151 Officer must be completed prior to the commencement of any scheme, that confirms that the proposed scheme remains the most viable option and provides an overall benefit to the 30 year HRA Business Plan**

30. Recommendations from Employment Committee held on 6 January 2015 - Pay Policy Statement 2015/16

This had been updated under the agreed delegated arrangements to take account of changes resulting from the senior management review.

The following minute was approved unopposed:

Minute 6 - Pay Policy Statement 2015/16

31. Recommendations from Governance & Audit & Standards Committee (from its meetings held on 27 February and 13 March 2015)

The Lord Mayor advised that there were no recommendations before Council today concerning agenda item 15 - Code of Conduct - as the Governance & Audit & Standards Committee had deferred consideration of this matter.

The following minute was approved unopposed:

Minute 26 - Health and Wellbeing Board - Change to Constitution

Minute 17 - Response to Shadow Committee System was opposed.

It was

Proposed by Councillor Simon Boshier
Seconded by Councillor Steve Hastings

That the recommendations contained in Governance & Audit & Standards Committee minute 17 be adopted.

Upon being put to the vote this was CARRIED.

RESOLVED that Council accepts the Governance and Audit and Standards Committee's response to its request to report back on a shadow system for 2015/16 as follows -

- 1. That the outline report from the City Solicitor produces a proposal which is ineffective and fundamentally unworkable and requires substantial further development, research and analysis from him and the S151 Officer.**
- 2. It is also premature and inappropriate to be considered by this Council until a report dealing with these concerns has first been presented to the new Committee and to the new Council to be elected in May rather than by this Council in its final days. Otherwise it would be an undemocratic step to make any change which would impact upon the newly elected representatives of the City.**
- 3. Having regard to the S151 Officer's comments presented at the Committee Meeting the Committee considers that it is actually unimplementable and not maintainable on a cost neutral basis, bearing in mind cost neutral is defined as something that is measured in money, time and energy and the report has not taken account of the latter two measurements.**
- 4. That the matter be considered by the new Members of Governance and Audit and Standards Committee in the new municipal year to allow the City Solicitor together with the S151 Officer the time essential to establish whether it is actually feasible to run a shadow committee system on a true cost neutral basis and enable the Councillors affected by the decision to be able to take that decision.**

Council adjourned at 4.30 pm.

Council resumed at 4.45 pm.

32. Notices of Motion

The Lord Mayor advised that there were 12 notices of motion before Council today.

Notice of Motion (a) - Sewage in Langstone Harbour

It was

Proposed by Councillor Steve Hastings
Seconded by Councillor Stuart Potter

That this notice of motion be debated today.

Upon being put to the vote this was CARRIED.

It was

Proposed by Councillor Steve Hastings
Seconded by Councillor Stuart Potter

That notice of motion (a) as set out on the agenda be adopted.

As an amendment it was

Proposed by Councillor Gerald Vernon-Jackson
Seconded by Councillor Lynne Stagg

Add to the end of the motion, "The City Council to write Southern Water to ask them to urgently plan for a new emergency sewer to connect the mainland wards to Budds Farm Sewage Farm so that there is no need for any emergency sewage discharges into Langstone Harbour."

As an amendment it was

Proposed by Councillor Lee Mason
Seconded by Councillor Rob New

Delete after "Portsmouth City" replace with

"and Havant Borough councils have had to put up with excessive dumps of sewage into Langstone Harbour which can affect our waterside sports, industries and food stuff harvesting. This raw sewage disposal briefly shut down our fishing industry due to a Hep A health risk on our sea beds. Also we note the £150,000 of fines that have been levied on Southern Water for this discharging of raw sewage since 2011 and trust they will continue to be robust on this situation.

We welcome the recent improvements that have been done to Budd's farm water works that should improve the situation but ask the Environment agency to remain vigilant to the needs of the area.

We also encourage Southern water to create an advertising and awareness raising programme letting its consumers know what is appropriate to flush and what isn't. Many of the breakdowns of SW equipment and subsequent pollution events are caused and amplified by sanitary products, plastics and fats which are flushed down peoples sinks and toilets. Raising awareness about this can only improve the situation."

Councillor Steve Hastings as proposer of the original motion agreed to incorporate both the amendments into his notice of motion.

Upon the substantive notice of motion incorporating the amendments being put to the vote this was CARRIED.

RESOLVED that

This council requests that the Leader writes to Sir Philip Dilley, the Chairman of the Environment Agency Board of Governors and to The Right Honourable Elizabeth Truss, the current Secretary of State for Environment Food and Rural Affairs to ask why the residents of Portsmouth City and Havant Borough councils have had to put up with excessive dumps of sewage into Langstone Harbour which can affect our waterside sports, industries and food stuff harvesting. This raw sewage disposal briefly shut down our fishing industry due to a Hep A health risk on our sea beds. Also we note the £150,000 of fines that have been levied on Southern Water for this discharging of raw sewage since 2011 and trust they will continue to be robust on this situation.

We welcome the recent improvements that have been done to Budd's farm water works that should improve the situation but ask the Environment agency to remain vigilant to the needs of the area.

We also encourage Southern water to create an advertising and awareness raising programme letting its consumers know what is appropriate to flush and what isn't. Many of the breakdowns of SW equipment and subsequent pollution events are caused and amplified by sanitary products, plastics and fats which are flushed down peoples sinks and toilets. Raising awareness about this can only improve the situation.

The City Council write to Southern Water to ask them to urgently plan for a new emergency sewer to connect the mainland wards to Budds Farm Sewage Farm so that there is no need for any emergency sewage discharges into Langstone Harbour."

Notice of Motion (b) - Stamshaw Junior School becoming an Academy

It was

Proposed by Councillor Leo Madden
Seconded by Councillor Darren Sanders

That this notice of motion be debated today.

Upon being put to the vote this was CARRIED.

It was

Proposed by Councillor Leo Madden
Seconded by Councillor Darren Sanders

That notice of motion (b) as set out on the agenda be adopted.

Following debate upon being put to the vote this was CARRIED.

RESOLVED that

Council deplores the lack of meaningful consultation over the proposed transfer of Stamshaw Junior School to sponsored academy status.

Council asks that the Cabinet Member for Children's Services writes to the Education Secretary, saying that any decision to give Stamshaw Junior School sponsored academy status under the auspices of Portswood Primary School is not implemented until there has been full, proper and meaningful consultation with staff, governors and parents on the way forward for the school in the light of the OFSTED inspection.

Notice of Motion (c) - Moving the Isle of Wight Vehicle Ferry Terminal

The proposer, Councillor Alicia Denny suggested this item go straight to Cabinet without debate. Upon being put to the vote this was CARRIED.

RESOLVED that notice of motion (c) as set out in the agenda be referred to Cabinet for consideration.

Notice of Motion (d) - Shipbuilding

It was

Proposed by Councillor Gerald Vernon-Jackson
Seconded by Councillor Hugh Mason

That this notice of motion be debated today.

Upon being put to the vote this was CARRIED.

It was

10 17 March 2015

Proposed by Councillor Gerald Vernon-Jackson
Seconded by Councillor Hugh Mason

That notice of motion (d) as set out on the agenda be adopted.

As an amendment it was

Proposed by Councillor Julie Swan
Seconded by Councillor Colin Galloway

That at the end of paragraph 1 "The additional local jobs lost as a 'knock on' effect of the ceasing of Naval Shipbuilding is almost incalculable."

Add to the end of paragraph 3

"In 2012 the addition of just one single mounted gun to the four Military Afloat Reach and Sustainability (MARS) tankers would have prevented these being put out to tender and the subsequent contract being awarded to a South Korean company.

Shipbuilding could have been retained within Portsmouth dockyard for at least a few years enabling a future for this historic site to be developed without such drastic job losses."

Insert in Paragraph 6, to start the 3rd sentence (after "just 19.") with:

"With the current Government seemingly unable to even commit 2% of the GDP to Defence"

To delete "It is" from Paragraph 6 the start of the 4th sentence (after 26 frigates.) and insert in with:

"Although we recognise that the previous Minister for Portsmouth, Michael Fallon, confirmed in December 2014 that the new T-26's would be built in the Clyde, therefore keeping shipbuilding at least in the UK if not in Portsmouth; the City Council"

The proposer of the motion, Councillor Vernon-Jackson accepted the amendment in the name of Councillor Swan as part of the notice of motion.

Upon being put to the vote the substantive motion including the amendment was CARRIED.

RESOLVED that

The City Council has always taken the view that the decision by Ministers in the Ministry of Defence to allow BAe to move naval shipbuilding away from Portsmouth was wrong. The loss of about 1,000 good quality engineering jobs was very bad for the city, and for the country. The additional local jobs lost as a 'knock on' effect of the ceasing of Naval Shipbuilding is almost incalculable.

Extra jobs coming into Portsmouth from the City Deal, from BAe and from defence investment are all welcome and are to be applauded. The Prime Ministers undertaking to bring shipbuilding back into the dockyard is also very welcome. The basing of the carriers here in Portsmouth should mean that the navalbase is secure for the lifetime of these ships, 40 to 50 years.

In February the Prime Minister announced that two firms will be moving into the shipbuilding hall in the dockyard. He said this brought shipbuilding back to the city. In 2012 the addition of just one single mounted gun to the four Military Afloat Reach and Sustainability (MARS) tankers would have prevented these being put out to tender and the subsequent contract being awarded to a South Korean company. Shipbuilding could have been retained within Portsmouth dockyard for at least a few years enabling a future for this historic site to be developed without such drastic job losses.

Closer examination shows that whilst Magma International may be creating some new jobs in their work on structures for super yachts, the BAe mine-hunter work moving into the shipbuilding hall is work that is currently being undertaken elsewhere in the dockyard and that there will be no new jobs created, nor new ships built unless orders are placed. No orders have been placed, so the ship building hall will have the potential to build ships, but there are no orders to do so.

The City Council therefore does not believe that the Prime Minister has kept his undertaking to the City to bring shipbuilding back to Portsmouth.

In 1979 when Mrs Thatcher came to power the Royal Navy had 59 frigates and destroyers. They now have just 19. With the current Government seemingly unable to even commit 2% of the GDP to Defence the City Council is also concerned that neither the Prime Minister or the Chancellor were prepared to say that the Royal Navy would be able to replace the current 13 frigates with 13 new Type 26 frigates. Although we recognise that the previous Minister for Portsmouth, Michael Fallon, confirmed in December 2014 that the new T-26's would be built in the Clyde, therefore keeping shipbuilding at least in the UK if not in Portsmouth; the City Council It is also concerned that the Chancellor announced that only some of the new frigates would be based in Portsmouth.

The City Council therefore requests that the Leader of the City Council write to the Prime Minister by the end of this current week to ask him when he will make good on his undertaking to the city of Portsmouth that shipbuilding will come back to the dockyard in Portsmouth, and to copy that letter and any answer received to all members of the council.

Notice of Motion (e) - Job Growth

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It was

Proposed by Councillor Hugh Mason
Seconded by Councillor Ben Dowling

That this notice of motion be debated today.

Upon being put to the vote this was LOST.

RESOLVED that notice of motion (e) as set out on the agenda be not debated today but referred to Cabinet for consideration.

Notice of Motion (f) - Allotments

It was

Proposed by Councillor Lee Hunt
Seconded by Councillor Gerald Vernon-Jackson

That this notice of motion be debated today.

Upon being put to the vote this was CARRIED.

It was

Proposed by Councillor Lee Hunt
Seconded by Councillor Gerald Vernon-Jackson

That the notice of motion as set out on the agenda be adopted.

Following debate upon being put to the vote this was CARRIED.

RESOLVED that

This Council urges the Cabinet Member for Culture, Leisure and Sport to reconsider her 6th February 2015 allotment charges rise.

Notice of Motion (g) - Safeguarding

It was

Proposed by Councillor Alistair Thompson
Seconded by Councillor Steve Wemyss

That this notice of motion be debated today.

Upon being put to the vote, this was CARRIED.

It was

Proposed by Councillor Alistair Thompson
Seconded by Councillor Steve Wemyss

That notice of motion (g) as set out on the agenda be adopted.

As an amendment it was

Proposed by Councillor Julie Swan
Seconded by Councillor Colin Galloway

"To amend the wording of paragraph four in the last sentence (identified in bold) to read:-

In her victim impact statement the lady criticised these comments along with others from serving members of the Liberal Democrat Group, saying **that** she believed some member(s) had ~~set~~ **sought** to "publically discredit both myself and my motives for bringing an action ...".

To amend the sixth paragraph, the final sentence by deleting all the words after "training courses," and add:-

"and investigate how to cost and fund new member attendance on these."

To amend the seventh paragraph, add after "barred" the word "**from**" and to add after the words "any committee" the words "**external body**,"

To amend the eighth and final paragraph to add after the words "Liberal Democrat Group" the words "**and any other political party**"

As an amendment it was

Proposed by Councillor Hugh Mason
Seconded by Councillor Leo Madden

"After para 5 insert "The advice of the City Solicitor is that the Pascoe Report contains no recommendations on members training. Other reports by external agencies have contained suggestions on members training."

In Para 6

add after the word incident "and the receipt of any external reports including recommendations on the training of members received over the last three years"

In final paragraph

in line two delete "Liberal Democrat Group" and replace with "Council", in Line 3 add after the word "case" and add "or any other case" add after the last word "or other adults or children."

Councillor Thompson as proposer of the original motion agreed to subsume both the amendments into his notice of motion.

Upon the substantive notice of motion including both amendments being put to the vote this was CARRIED.

RESOLVED that

The City Council is deeply concerned changes in member training do not reflect the findings of the Pascoe report. This report identified serious failings in a former member's behaviour.

As the report's author said "I consider that the prima facie evidence of his unwelcome sexual approaches remains unquestionably a very serious matter in the light of the position which he holds and his knowledge from the beginning of the vulnerability of [the complainant]."

"No one in public life should allow themselves to act in such an irresponsible and damaging way."

This behaviour had been reported to the Council on numerous occasions and yet some members and officers failed to take action to support the complainant, a vulnerable adult, indeed at least one member even said that the vulnerable adult was "just trying to get some money". In her victim impact statement the lady criticised these comments along with others from serving members of the Liberal Democrat Group, saying that she believed some member(s) had sought to "publically discredit both myself and my motives for bringing an action..."

The City Council is committed to making sure that this problem or similar incidents can never occur again.

The advice of the City Solicitor is that the Pascoe Report contains no recommendations on members' training. Other reports by external agencies have contained suggestions on members' training

The City Council therefore instructs the Monitoring Officer to take a report to a future G&A&S Committee. This report should update all members on the changes put in place following this incident and the receipt of any external reports including recommendations on the training of members received over the last three years, identify suitable external safeguarding vulnerable adult and children training courses, and investigate how to cost and fund new member attendance on these.

Furthermore the City Council requests the G&A&S Committee to examine whether members of the Council can be barred from any committee, external body or position that might bring them into contact with vulnerable people until they have undertaken this training.

Finally the Council believes that if this is possible, this should be applied to those current members of the Council who commented on this particular case or any other case and contributed to the distress and upset of this vulnerable adult or other adults or children.

Council adjourned at 8.50 pm.

Council resumed at 9.05 pm.

Notice of Motion (h) - legal highs

It was

Proposed by Councillor Alistair Thompson

Seconded by Councillor Steve Wemyss

That notice of motion (h) be debated today.

Upon being put to the vote this was CARRIED.

It was

Proposed by Councillor Alistair Thompson

Seconded by Councillor Steve Wemyss

That notice of motion (h) as set out on the agenda be adopted.

As an amendment it was

Proposed by Councillor Steve Hastings

Seconded by Councillor Hannah Hockaday

"Insert at the end of the motion

In addition to the above, the report should also explore the issues surrounding and viability of potentially considering the introduction of a city wide ban on the sale of New Psychoactive Substances.

Councillor Thompson as proposer of the motion agreed to subsume the amendment standing in the name of Councillor Hastings into his notice of motion. Upon the substantive notice of motion including the amendment being put to the vote this was CARRIED.

RESOLVED that

The City Council is deeply concerned at the growth of legal highs or New Psychoactive Substances, (NPS). According to a recent study up to one in 12 young people, over 670,000 15-24 year olds have already tried a legal high and this number is predicted to increase.

New Psychoactive Substances are responsible for a growing number of deaths and hospital admittances as the number of NPS flooding the market rises.

It has been reported 6,486 people were treated in 2011/12 for abusing these drugs, an increase of 39 per cent since 2005/06. 43 young people died nationally in 2010 an eight-fold increase on the previous year. By 2012 the number of deaths had risen to 97, with more than 60 young people losing their lives.

Given the rapid increase in the number of associated problems caused by the proliferation of NPS, the City Council instructs the City Solicitor to prepare a report on the introduction and enforceability of Public Space Protection Order (PSPO) as in Lincoln.

The report would detail any associated costs and how this order would prevent the ingestion of NPS in all public spaces, in particular, all open spaces, on the street or on any Council owned property.

In addition to the above, the report should also explore the issues surrounding and viability of potentially considering the introduction of a city wide ban on the sale of New Psychoactive Substances.

Notice of Motion (i) - Fares on Buses

It was

Proposed by Councillor Michael Andrewes
Seconded by Councillor Matthew Winnington

That notice of motion (i) be debated today.

Upon being put to the vote this was LOST.

RESOLVED that Notice of Motion (i) as set out on the agenda be not debated today but referred to the Cabinet Member for Traffic and Transportation for consideration.

Notice of Motion (j) - Retaliatory Evictions

The City Solicitor advised that the Bill dealing with this matter is currently awaiting Royal Assent.

It was

Proposed by Councillor Michael Andrewes
Seconded by Councillor Leo Madden

That this notice of motion be debated today.

Upon being put to the vote this was LOST.

RESOLVED that Notice of Motion (j) as set out on the agenda be not debated today but referred to the Cabinet Member for Housing for consideration.

Notice of Motion (k) - Animal Welfare

It was

Proposed by Councillor Michael Andrewes
Seconded by Councillor Lynne Stagg

That notice of motion (k) be debated today.

Upon being put to the vote this was LOST.

RESOLVED that Notice of Motion (k) as set out on the agenda be not debated today but referred to full Cabinet for consideration with an input from the Licensing Committee as applicable.

Notice of Motion (l) - The cost of democracy - proposed move to whole council elections once every four years

It was

Proposed by Councillor Rob New
Seconded by Councillor Lee Mason

That this notice of motion be debated today.

Upon being put to the vote this was CARRIED.

It was

Proposed by Councillor Rob New
Seconded by Councillor Lee Mason

That notice of motion (l) as set out on the agenda be adopted.

Upon being put to the vote this was CARRIED.

RESOLVED that

This council recognises the unprecedented budgetary pressures faced by local government. It acknowledges the need to make savings across all areas of expenditure, including from the political administration of the council.

Council is also concerned that annual elections are expensive to administer and can encourage political short termism, whereby difficult but necessary decisions are put off for fear of the electoral consequences. It notes however that the electoral cycle can only be changed by a two thirds majority vote following a period of public consultation and that conducting such consultation would involve a cost.

Consequently, the Council requests that Democratic Services write to every member of the council to ask whether or not they would be in favour of a change to all out elections to establish whether the requisite two thirds of members of the council would support this change. The views of Members in the new municipal year will also be sought

Having regard to the Member consultation, the Governance and Audit and Standards Committee be asked to consider and report back to Council on the necessary actions and process that needs to be followed, including the proposed public consultation arrangements, with a view to replacing the current system of councillor elections by thirds (elections being held three years in every four) to whole-Council elections (all council seats to be up for election once every four years), and for such changes to come into operation as soon as practicable.

33. Questions from Members under Standing Order No 17

There were 13 questions before Council.

Question No 1 was from Councillor Julie Swan

"Further to the Full Council Meeting dated 15 July 2014 notice of motion b point 3 could the leader of the council please update us as to the progress of the 'Social Supermarket'?"

This and supplementary questions were answered by the Leader of the Council, Councillor Donna Jones.

Question No 2 was from Councillor Hastings

"Can the Cabinet Member for Housing confirm how much has been spent on IT infrastructure and IT provision within the housing department over the last 5 years?"

This and supplementary questions were answered by the Cabinet Member for Housing, Councillor Steve Wemyss.

Question No 3 was from Councillor Vernon-Jackson

"Could the Leader of the council update the council on progress on the East Lodge Dementia Care Home?"

This and supplementary questions were answered by the Leader of the Council, Councillor Donna Jones.

Question No 4 was from Councillor Stagg

"Has the new litter and dog poo team started yet and if not, when is it due to start?"

This and supplementary questions were answered by the Leader of the Council, Councillor Donna Jones.

The Lord Mayor advised that the 45 minutes allowed for questions expired before questions 5, 6, 7, 8, 9, 10, 11, 12 and 13 could be put and so in accordance with Standing Order 17 h) written replies to these questions would be circulated to members.

It was

Proposed by Councillor Gerald Vernon-Jackson
Seconded by Councillor Hugh Mason

That standing orders be suspended in order to allow the remaining questions to be put at the meeting.

Upon being put to the vote this was LOST.

34. Start time of the Annual Council meeting

The Lord Mayor explained that approval is being sought to change the start time of the annual council meeting on 19 May 2015.

It was

Proposed by Councillor Donna Jones
Seconded by Councillor Gerald Vernon-Jackson

That the start time of the annual council meeting on 19 May 2015 be brought forward to 10.00 am with standing order 7 - Time of Meetings - being waived to enable this.

Upon being put to the vote this was CARRIED.

RESOLVED that the start time of the annual council meeting on 19 May 2015 be brought forward to 10.00 am with standing order 7 - Time of Meetings - being waived to enable this.

The Lord Mayor bade farewell to all members who would not be returning to council following the May election and advised he was among them.

The meeting concluded at 11.10 pm.

Lord Mayor



Title of meeting:	Governance & Audit & Standards Committee
Date of meeting:	17 April 2015
Subject:	Review of Members' Code of Conduct and Committee Arrangements for Assessment, Investigation and Determination of Complaints
Report by:	Monitoring Officer
Wards affected:	N/A
Key decision:	No
Full Council decision:	Yes

1 Purpose of report

- 1.1 Following Members' earlier consideration of this report on 13 March 2015, to update Members of the Committee on the Members' Code of Conduct and Committee Arrangements for Assessment, Investigation and Determination of Complaints following the resolution passed at the Committee on 30 January 2015.

2 Recommendations

That Members of the Committee

- 2.1 Agree
- (i) the proposed changes to the Code of Conduct and the Arrangements for Assessment, Investigation and Determination of Complaints or propose and agree further changes and
 - (ii) the procedure for the initial filtering of complaints, or propose and agree further changes
- 2.2 Recommend the agreed changes to Council for adoption.

3 Background

- 3.1 The current Code of Conduct which was adopted in July 2012 was last updated by Members at the Council meeting of 15 July 2014.
- 3.2 At the Committee meeting of 30 January 2015 it was resolved that the City Solicitor produce a report concerning the options for amending and bringing up to date the following:
- 3.2.1 Members' Code of Conduct (including submission of complaints).

3.2.2 Arrangements for Assessment, Investigation and Determination of Complaints.

3.3 The proposed revisions to the Members' Code of Conduct and the Arrangements for Assessment, Investigation and Determination of Complaints are annexed to this report as Appendices A to C.

4 Proposed Changes to the Code of Conduct

- 4.1 The proposed changes to the Code, although they may appear substantial, are mainly presentational. However, a new section has been introduced headed "Personal Interests".
- 4.2 The previous obligation to declare personal and prejudicial interest came to an end following the introduction of the Localism Act 2011 which also disbanded the former standards regime and revoked the model code of conduct. Since that time Members have only been obliged to declare "disclosable pecuniary interests". These are set out at paragraph 3 in the report and they are quite limited in nature. However if a Member were to fail to disclose such an interest and were to participate in the business of the Council, a criminal offence would be committed which can lead to a fine of up to £5,000 and disqualification from holding office as a councillor for up to five years.
- 4.3 It was always intended that the new code of conduct should have a provision to require further interests to be disclosed. Whilst these were not within the provisions of disclosable pecuniary interest, they could be considered to be of such significance as to affect your own wellbeing or financial position that they should be disclosed when you are taking part in the business of the Council. This proposed class of interest is set out in Paragraph 4 of the report and Paragraph 5 sets out the disclosure requirements. The principle difference with disclosable pecuniary interests is that whilst they need to be disclosed you may still participate in the business of the Council.

5 Proposed changes to the Assessment Investigation and Determination of complaints

- 5.1 The procedure which the Council adopted for complaints consideration substantially mirrored the approach taken under the old standards regime. This was considered to be tried and tested and had widespread support amongst Members. However, experience since the introduction of adoption of these procedures has suggested that some enhancements could be made.
- 5.2 Introduction of a filtering mechanism for complaints.

The vast majority of complaints which are made are not progressed beyond the initial Sub-Committee stage. This is usually because they are either not considered to amount to a breach of the code nor is it felt that the concern which has been raised could be dealt with in another way other than through the formal investigation and hearings procedure. In respect of the latter, this often means that the Monitoring Officer is asked to discuss the matter with the Member who is the subject of the Complaint and ask that they take some remedial action, perhaps writing a letter of apology.

At present there is no "filtering" process to deal with such complaints. Filtering processes have been adopted by other Councils as they have been considered to be a way of more expeditiously dealing with complaints. This can mean that complaints that have no merit can be concluded quickly and without the need to arrange for a formal sub-committee meeting. This is considered to be beneficial to all parties in that the complainant receives earlier notice of the outcome and the Member does not have the ongoing worry of an unresolved complaint.

It could also be used as a means to resolve complaints where other action is a more appropriate remedy.

If Members were to adopt this proposal it is suggested that the filtering could be carried out by the Monitoring Officer in consultation with Members and the Independent Person as set out in the attached revised procedure. The proposal, if adopted, would mean that the "Initial Filtering Panel" would meet informally. At this meeting the Monitoring Officer would decide on the future course of action in consultation with those present. A right of review of that decision would remain if the complainant requested it to a review panel which would take the place of an "Assessment Sub -Committee".

5.3 Time period for Assessment to make an initial assessment of the Complaint

If the proposed Initial Filtering Panel procedure is not adopted Members are asked to consider a minor amendment to the present procedure. At present 10 days is allowed from the receipt of the complaint to the initial Sub-Committee hearing. Practice has shown that due to Members' availability the time allowed is too short and it is proposed that this is increased to 15 days, although when possible Sub-Committee meetings will take place within a shorter time scale.

6 Reasons for recommendations

6.1 It is considered that revisions to the Members' Code of Conduct and Arrangements for Assessment, Investigation and Determination of Complaints are needed to bring clarity to the Code and enable the complaints procedure to be more efficient and less protracted.

7 Equality Impact Assessment (EIA)

7.1 It should be noted that the equalities submission form on the Councillors' Code of Conduct Complaint form has been removed. The Council is no longer required to compile this information and therefore this section has been deleted.

8 Legal implications

8.1 The Monitoring Officer's comments are included in this report.

9 Finance comments:

9.1 There are no financial implications arising from the recommendations set out in this report.

.....
Monitoring Officer

- Appendices:** **Appendix A - Members' Code of Conduct**
Appendix B - Councillors' Code of Conduct Complaint form (as amended)
Appendix C - Arrangements for Assessment, Investigation and Determination of Complaints

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

APPENDIX A

CODE OF CONDUCT FOR MEMBERS

Part 1: General Provisions and Interpretation

Introduction

This Code of Conduct is adopted by Portsmouth City Council ("the Council") pursuant to its statutory duty to promote and maintain high standards of conduct by Members and Co-opted Members ("Members") of the Council. This Code applies to all Members of the Council, and all members of the Health & Wellbeing Board (excluding a person who is an employee of the Council).

This Code is based on and is consistent with the following principles:

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

General obligations of Members ("member")

1. You must not bully any person.
2. You must not intimidate, or try to intimidate, anyone who has complained about you or who may be involved with a complaint about you.

3. You must not do anything which compromises the impartiality of the Authority's officers.
4. You must not disclose confidential information (other than in very limited circumstances permitted by law, and following consultation with the Authority's Monitoring Officer).
5. You must not prevent a person from gaining access to information to which they are entitled.
6. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.
7. You 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.
8. You must, when using or authorising the use by others of the resources of the Authority, act in accordance with the Authority's reasonable requirements, and ensure that the resources are not used improperly for political purposes.
9. When reaching decisions, you must have regard to relevant advice from the Authority's officers, and give reasons for decisions.
10. You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or otherwise¹.
11. You should not lobby other members where you have a disclosable pecuniary interest in a matter.

2. Scope

This Code applies to all Members of the Council when acting in their official capacity, or when giving the impression that they are acting as a representative of the Council.

Where a Member is a member of more than one local authority, but acting on behalf of the Council, such Member is, for the avoidance of doubt, bound by this Code of Conduct.

¹ "Code of recommended practice in local authority publicity" issued under Section 2 and 4 of the Local Government Act 1986. From 30th March 2014 the Secretary of State has power to require specified local authorities to comply with the Code.

Part 2: Disclosable Pecuniary Interests ("DPI")

1. Introduction

A DPI is an interest falling within the Schedule set out at Paragraph 3 below of:

- 1.1 Yourself; or
- 1.2 Your spouse or civil partner, or someone you are living with as if you were husband and wife or civil partners, where you are aware that that other person has the interest.

2. Interpretation

In the Schedule set out at Paragraph 3 below, the following words or expressions mean as follows:

- 2.1 'the Act' means the Localism Act 2011;
- 2.2 '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;
- 2.3 'director' includes a member of the committee of management of an industrial and provident society;
- 2.4 '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;
- 2.5 'member' includes a co-opted member;
- 2.6 'relevant authority' means Portsmouth City Council of which the councillor is a member;
- 2.7 'relevant period' means the period of 12 months ending with the day on which the councillor gives a notification for the purposes of Section 30(1) or Section 31(7), as the case may be, of the Act;
- 2.8 '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 2001 and other securities of any description, other than money deposited with a building society.

3. DPI Schedule

Subject	Prescribed description
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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 (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the councillor in carrying out duties as a Member, or towards the election expenses of the councillor.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(2).

Contracts
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.

Land
Any beneficial interest in land which is within the area of the relevant authority.

Licences
Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies
Any tenancy where (to the councillor'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.

Securities
Any beneficial interest in securities of a body where:
(a) that body (to the councillor'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 that class.

Part 3: Registration and Disclosure of Disclosable Pecuniary Interests ("DPI")

1. Obligations

- 1.1 You must, within 28 days of taking office as a Member of the Council, supply the Council's Monitoring Officer with details of any DPI as set out at Part 3 of this Code.
- 1.2 You must also, within 28 days of becoming aware of any new DPI notify Portsmouth City Council's Monitoring Officer of any change.
- 1.3 If you have an interest included on the Register of Members' Interests, you must disclose this interest at any meeting of the Council, its Committees or the Cabinet at which you are present and participating in the business. Where an interest is a 'sensitive interest'² you need only disclose the fact that you have a DPI in the matter being considered and do not need to disclose details of the interest itself.
- 1.4 If you have not yet registered a DPI, then you must also disclose the interest to any meeting of Portsmouth City Council, its Committees or the Cabinet at which you are present where you have such a DPI in any matter being considered.
- 1.5 Unless a dispensation has been granted, you may not participate in any meeting where that DPI is required to be disclosed (this would include making a deputation), discussed, voted on, or discharge any function related to any matter in which you have a DPI and must withdraw from the room where the meeting considering the business is being held, unless a dispensation has been granted by the Council's Governance and Audit and Standards Committee. If acting as a single Cabinet member you may not take any further steps in relation to the matter other than for the purpose of arranging for the matter to be dealt with otherwise than by yourself. Nor may you make a deputation at the meeting.

Part 4

4. Personal interests

² A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest (disclosable pecuniary interest or otherwise), and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

- 4.1 You have a personal interest in the business of the Council when it relates to or is likely to affect:
- a any body of which you are a member or in a position of general control or management, and to which you are appointed or nominated by the Council.
 - b any body:
 - i exercising functions of a public nature;
 - ii directed to charitable purposes; or
 - iii 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
 - c any employment or business carried on by you other than for profit or gain;
 - d any person or body who employs you, or who has appointed you, other than for profit or gain;
 - e the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50 in the last three years;
- 4.2 You also have a personal interest in the business of the Council when 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 (as defined at paragraph 4.3 below), to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward within the administrative area of the Council affected by the decision;
- 4.3 In Paragraph 4.2, a “relevant person” is:
- a your spouse or civil partner, or someone you are living with as if you were husband and wife or civil partners, where you are aware that that other person has the interest; or
 - b another member of your family, or any person with whom you have a close association, where you are aware that that other person has the interest; or
 - c 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; or
 - d any person or body in whom to the Member’s knowledge such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000: or
 - e any body of a type described in paragraph 4.1a or 4.1b above.

Part 5

5. Disclosure of Personal Interests

- 5.1 Subject to paragraphs to 5.3 below, where you have a personal interest in any business of the Council you must disclose this interest at any meeting of the Council, its Cabinet or Committees (including joint committees and sub-committees) at which you are present. Such interest should be disclosed at the commencement of consideration of the business or when the interest becomes apparent.
- 5.2 The requirement to declare a personal interest only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 5.3 Where you have a personal interest in any business of the Council and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision (portfolio holder decision notice) records the existence and nature of that interest.

Part 6

6. Prejudicial Interests

6.1 Definition of Prejudicial Interest.

Subject to paragraph 6.2 below, where you have a personal interest in any business of the Council, you also have a prejudicial interest in that business when 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.

6.2 Limitation on extent of prejudicial interests

You do not have a prejudicial interest in any business of the Council where that business:-

- a does not affect your financial position, or the financial position of a body or relevant person as described in Part 4 of this Code; or
- b does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or a body or relevant person as described in Part 4 of this Code; or
- c relates to the functions of the Council in respect of:
 - i housing, where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease;

- ii statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of or are entitled to the receipt of such pay;
- iii an allowance, payment or indemnity given to members;
- iv any ceremonial honour given to Members; and
- v setting council tax or a precept under the Local Government Finance Act 1992.

Part 7

7. Effect of Prejudicial Interests on Participation

- 7.1 Unless a dispensation has been granted by the Council's Standard's Committee, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a personal interest which is also a prejudicial interest (as set out at Part 6 of this Code), and must as soon as it becomes apparent that you have such an interest (save for in circumstances set out at paragraph 7.2 below) withdraw from the room where the meeting considering the business is being held, and must not seek improperly to influence a decision about that business. If acting as a single Cabinet member you may not take any further steps in relation to the matter other than for the purpose of arranging for the matter to be dealt with otherwise than by yourself.
- 7.2 Without prejudice to paragraph 7.1 above, where you have a prejudicial interest in any business of the Council (including any meeting of an Overview and Scrutiny Committee of the Council) you may, notwithstanding such prejudicial interest, attend such meeting for the purpose of making representations, answering questions or giving evidence relating to such business, provided members of the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- 7.3 For the avoidance of doubt the procedure in paragraph 7.2 above cannot be used by the member where the interest comes within the statutory definition of a DPI.
- 7.4 In any case where paragraph 7.2 above applies, you must withdraw from the room immediately after making representations, answering questions, or giving evidence.

APPENDIX A

CODE OF CONDUCT FOR MEMBERS

Part 1: General Provisions and Interpretation

1. Introduction

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This Code is based on and is consistent with the following principles:

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

2. Scope

~~This Code applies to all Members and Co-opted Members of Portsmouth City Council when acting in their official capacity, or when giving the impression that they are acting as a representative of Portsmouth City Council.~~

~~Where a Member or Co-opted Member is a member of more than one local authority, but acting on behalf of Portsmouth City Council, such Member or Co-opted Member is, for the avoidance of doubt, bound by this Code of Conduct.~~

~~3. General obligations of Members and Co-opted Members ("member")~~

~~As a Member of Portsmouth City Council, your conduct will address the statutory principles of the Code of Conduct by:~~

- ~~3.1 Championing the needs of residents—the whole community and as a local member your constituents, including those who did not vote for you – and putting their interests first.~~
- ~~3.2 Dealing with representations or enquiries from residents, members of communities within the administrative area of Portsmouth City Council and visitors fairly, appropriately and impartially.~~
- ~~3.3 Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of Portsmouth City Council's area, or the good governance of Portsmouth City Council in a proper manner.~~
- ~~3.4 Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a Member or Co-opted Member of Portsmouth City Council.~~
- ~~3.5 Listening to the interests of all parties, including relevant advice from statutory and other professional officers of the Portsmouth City Council, taking all relevant information into consideration, remaining objective and making decisions on merit.~~
- ~~3.6 Being accountable for your decisions and co-operating when scrutinised internally and externally, including by local residents.~~
- ~~3.7 Contributing to making the Portsmouth City Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other Members to account, but restricting access to information when the wider public interest, Portsmouth City Council's Constitution or the law requires it.~~
- ~~3.8 Behaving in accordance with all Portsmouth City Council's legal obligations, alongside any requirements contained within Portsmouth City Council's policies, protocols and procedures.~~
- ~~3.9 Ensuring that when using or authorising the use by others of the resources of~~

~~Portsmouth City Council that you act in accordance with Portsmouth City Council's reasonable requirements, and that such resources are not used improperly for political purposes.~~

~~3.10 Having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or otherwise.~~

~~3.11 Not doing anything which might cause Portsmouth City Council to breach any equalities legislation.~~

~~3.12 Valuing your colleagues and Officers of Portsmouth City Council and engaging with them in an appropriate manner and one that underpins the mutual respect between you and them that is essential to good local government.~~

~~3.13 Always treating people with respect and propriety, including other Members, Coopted Members and Officers of Portsmouth City Council and the organisations and public you engage with and those you work alongside.~~

~~3.14 Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within Portsmouth City Council.~~

1. ~~Part 2: Registration and Disclosure of Pecuniary and~~ **Personal interests**

1. ~~Obligations~~

~~1.1 You must, within 28 days of taking office as a Member or Co-opted Member of~~

~~Portsmouth City Council, notify Portsmouth City Council's Monitoring Officer of any disclosable pecuniary interests as defined by regulations made by the Secretary of State (as set out at Part 3 of this Code), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.~~

~~1.2 In addition, you must, within 28 days of taking office as a Member or Co-opted Member of Portsmouth City Council, notify Portsmouth City Council's Monitoring Officer of any personal interest which the Portsmouth City Council has decided should be included in Portsmouth City Council's Register of Members' Interests (as set out at Part 4A of this Code).~~

~~1.3 You must also, within 28 days of becoming aware of any new disclosable pecuniary interest or any personal interest Portsmouth City Council has required to be registered, or change thereto, notify Portsmouth City Council's Monitoring Officer of such new or changed interest.~~

~~1.4 If you have an interest included on the Register of Members' Interests (disclosable pecuniary interest or personal interest), you must disclose this interest at any meeting of Portsmouth City Council, its Committees or the~~

Cabinet at which you are present and participating in the business. Where an interest is a 'sensitive interest'¹

you need only disclose the fact that you have a disclosable pecuniary or personal interest in the matter being considered and do not need to disclose details of the interest itself.

1.5 — If an interest (disclosable pecuniary interest or personal interest) required to be registered has not been entered onto Portsmouth City Council's Register of Interests, then you must also disclose the interest to any meeting of Portsmouth City Council, its Committees or the Cabinet at which you are present where you have such an interest in any matter being considered.

~~Where an interest is a 'sensitive interest', you need only disclose the fact that you have a disclosable interest in the matter concerned and do not need to disclose details of the interest itself. Following disclosure of an interest not on Portsmouth City Council's Register or the subject of pending notification, you must notify the Monitoring Officer of such interest within 28 days, beginning with the date of disclosure.~~

~~Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest and must (save for in circumstances set out at 1.7 below) withdraw from the chamber or room where the meeting considering the business is being held, unless a dispensation has been granted by Portsmouth City Council's Governance and Audit and Standards Committee. If acting as a single Cabinet member you may not take any further steps in relation to the matter other than for the purpose of arranging for the matter to be dealt with otherwise than by yourself.~~

1.6 — ~~Without prejudice to paragraph 1.6 above, where you have a disclosable pecuniary interest in any business of Portsmouth City Council (including any meeting of an Overview and Scrutiny Panel of the City Council) you may, not withstanding such disclosable pecuniary interest, attend such meeting for the purpose of making representations, answering questions or giving evidence relating to such business, provided members of the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.~~

1.7 — ~~For the avoidance of doubt the restrictions contained at paragraph 1.6 above only apply in cases where a Member has a disclosable pecuniary interest, and do not apply in cases where a Member has a personal interest in a matter only.~~

~~Part 3: Disclosable Pecuniary Interests~~

~~2. Introduction~~

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest (disclosable pecuniary interest or otherwise), and the nature of the interest

A disclosable pecuniary interest is an interest falling within the Schedule set out at Paragraph 3 below of:

~~being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.~~

~~2.1 Yourself; or~~

~~2.2 Your spouse or civil partner, or someone you are living with as if you were husband and wife or civil partners, where you are aware that that other person has the interest.~~

3. Interpretation

~~In the Schedule set out at Paragraph 3 below, the following words or expressions mean as follows:~~

~~3.1 'the Act' means the Localism Act 2011;~~

~~3.2 '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;~~

~~3.3 'director' includes a member of the committee of management of an industrial and provident society;~~

~~3.4 '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;~~

~~1.1 'M' means a member of a relevant authority;~~

~~3.5 'member' includes a co-opted member;~~

~~1.2 'relevant authority' means Portsmouth City Council of which M is a member;~~

~~1.3 '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;~~

~~3.6 '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 2001 and other securities of any description, other than money deposited with a building society.~~

3. Schedule of disclosable pecuniary interests

~~This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(2).~~

~~Contracts — 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.~~

~~Land — Any beneficial interest in land which is within the area of the relevant authority.~~

~~Licences — Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.~~

~~Corporate tenancies — 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.~~

~~Securities — 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 that class.~~

~~Note: 'M' means a member of a relevant authority.~~

~~Part 4: Personal interests~~

~~[to be added after consideration by the Governance and Audit and Standards Committee in due course.]~~

General Provisions and Interpretation

General obligations of members and co-opted members

1. ~~You~~ must treat others with respect.

~~2. You must not do anything which may cause the Authority to breach equalities legislation.~~

1. You must not bully any person.
2. You must not intimidate, or try to intimidate, anyone who has complained about you or who may be involved with a complaint about you.
3. You must not do anything which compromises the impartiality of the Authority's officers.
4. You must not disclose confidential information (other than in very limited circumstances permitted by law, and following consultation with the Authority's Monitoring Officer).
5. You must not prevent a person from gaining access to information to which they are entitled.
6. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.
7. You 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.
8. You must, when using or authorising the use by others of the resources of the Authority, act in accordance with the Authority's reasonable requirements, and ensure that the resources are not used improperly for political purposes.

~~3. You must have regard to the Code of Recommended Practice on Local Authority Publicity.~~

9. When reaching decisions, you must have regard to relevant advice from the Authority's officers, and give reasons for decisions.

~~Template Code of Conduct~~

~~As a member or co-opted member of Portsmouth City Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.~~

~~In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.~~

~~SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.~~

~~INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.~~

~~OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.~~

~~ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.~~

~~OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.~~

~~HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.~~

~~LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.~~

~~The Act further provides for registration and disclosure of interests and in Portsmouth City Council this will be done as set out in Appendix 2 (and also set out in Part 3 above).~~

~~As a Member of Portsmouth City Council, my conduct will in particular address the statutory principles of the code of conduct by:~~

- ~~• Championing the needs of residents—the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.~~
- ~~• Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.~~
- ~~• Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of Portsmouth City Council or the good governance of the authority in a proper manner.~~
- ~~• Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.~~
- ~~• Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.~~

- ~~Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.~~
- ~~Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it~~
- ~~Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.~~
- ~~Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.~~
- ~~Always treating people with respect, including the organisations and public I engage with and those I work alongside.~~
- ~~Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.~~

~~Illustrative Text for Code Dealing with the Conduct Expected of Members and Co-Opted Members of the Authority when Acting in that Capacity~~

~~You are a member or co-opted member of Portsmouth City Council and hence you shall have regard to the following principles — selflessness, integrity, objectivity, accountability, openness and leadership.~~

~~Accordingly, when acting in your capacity as a member or co-opted member:~~

- ~~You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.~~
- ~~You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.~~
- ~~When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.~~
- ~~You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.~~

- ~~• You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.~~
 - ~~• You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.~~
10. ~~You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and~~ You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or otherwise².
11. You should not lobby other members where you have a disclosable pecuniary interest in a matter.

2. Scope

This Code applies to all Members ~~must promote and support high standards of conduct~~ the Council when serving in your public post, acting in particular their official capacity, or when giving the impression that they are acting as a representative of the Council.

Where a Member characterised ~~is a member of more than one local authority, but acting on behalf of the Council, such Member is, for the avoidance of doubt, bound by the above requirements, by leadership and example.~~ this Code of Conduct.

² "Code of recommended practice in local authority publicity" issued under Section 2 and 4 of the Local Government Act 1986. From 30th March 2014 the Secretary of State has power to require specified local authorities to comply with the Code.

Part 2: Disclosable Pecuniary Interests ("DPI")

4. Introduction

A DPI is an interest falling within the Schedule set out at Paragraph 3 below of:

4.1 Yourself; or

4.2 Your spouse or civil partner, or someone you are living with as if you were husband and wife or civil partners, where you are aware that that other person has the interest.

5. Interpretation

In the Schedule set out at Paragraph 3 below, the following words or expressions mean as follows:

5.1 'the Act' means the Localism Act 2011;

5.2 '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;

5.3 'director' includes a member of the committee of management of an industrial and provident society;

5.4 '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;

5.5 'member' includes a co-opted member;

5.6 'relevant authority' means Portsmouth City Council of which the councillor is a member;

5.7 'relevant period' means the period of 12 months ending with the day on which the councillor gives a notification for the purposes of Section 30(1) or Section 31(7), as the case may be, of the Act;

5.65.8 '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 2001 and other securities of any description, other than money deposited with a building society.

6. DPI Schedule

Subject	Prescribed description
---------	------------------------

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 (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the councillor in carrying out duties as a Member, or towards the election expenses of the councillor.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(2).

Contracts
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:
(c) under which goods or services are to be provided or works are to be executed; and
(d) which has not been fully discharged.

Land
Any beneficial interest in land which is within the area of the relevant authority.

Licences
Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies
Any tenancy where (to the councillor's knowledge):
(c) the landlord is the relevant authority; and
(d) the tenant is a body in which the relevant person has a beneficial interest.

Securities
Any beneficial interest in securities of a body where:
(a) that body (to the councillor's knowledge) has a place of business or land in the area of the relevant authority; and (b) either:
(iii) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
(iv) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Part 3: Registration and Disclosure of Disclosable Pecuniary Interests ("DPI")

2. Obligations

~~Registering and declaring pecuniary and non-pecuniary interests~~

2.1 You must, within 28 days of taking office as a Member of the Council, supply the Council's Monitoring Officer with details of any DPI as set out at Part 3 of this Code.

~~2.12.2 You must also, within 28 days of becoming aware of any new or co-opted member, notify your authority's DPI notify Portsmouth City Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners~~change.

~~In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.~~

2.3 ~~If an interest has not been entered onto the authority's register, then the member must~~you have an interest included on the Register of Members' Interests, you must disclose this interest at any meeting of the Council, its Committees or the Cabinet at which you are present and participating in the business. Where an interest is a 'sensitive interest'³ you need only disclose the fact that you have a DPI in the matter being considered and do not need to disclose details of the interest itself.

~~2.22.4 If you have not yet registered a DPI, then you must also~~ disclose the interest to any meeting of Portsmouth City Council, its Committees or the authority Cabinet at which ~~they~~you are present, where ~~they~~you have such a disclosable interest DPI in any matter being considered ~~and where the matter is not a~~

~~'sensitive interest'⁴.~~

³ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest (disclosable pecuniary interest or otherwise), and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

⁴ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could

~~Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of the disclosure.~~

2.5 Unless a dispensation has been granted, you may not participate in any meeting where that DPI is required to be disclosed (this would include making a deputation), discussed, voted on, or discharge any function related to any matter in which you have a DPI and must withdraw from the room where the meeting considering the business is being held, unless a dispensation has been granted by the Council's Governance and Audit and Standards Committee. If acting as a single Cabinet member you may not take any further steps in relation to the matter other than for the purpose of arranging for the matter to be dealt with otherwise than by yourself. Nor may you make a deputation at the meeting.

Part 4

6.7. Personal interests

7.1 You have a personal interest in the business of the Council when it relates to or is likely to affect:

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

b any body:

i exercising functions of a public nature;

ii directed to charitable purposes; or

iii 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

c any employment or business carried on by you other than for profit or gain;

d any person or body who employs you, or who has appointed you, other than for profit or gain;

e the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50 in the last three years;

lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

7.2 You also have a personal interest in the business of the Council when 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 (as defined at paragraph 7.3 below), to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward within the administrative area of the Council affected by the decision;

7.3 In Paragraph 7.2, a “relevant person” is:

a your spouse or civil partner, or someone you are living with as if you were husband and wife or civil partners, where you are aware that that other person has the interest; or

b another member of your family, or any person with whom you have a close association, where you are aware that that other person has the interest; or

c 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; or

d any person or body in whom to the Member’s knowledge such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

e any body of a type described in paragraph 7.1a or 7.1b above.

Part 5

8. Disclosure of Personal Interests

8.1 Subject to paragraphs Error! Reference source not found. to Error! Reference source not found. below, where you have a personal interest in any business of the Council you must disclose this interest at any meeting of the Council, its Cabinet or Committees (including joint committees and sub-committees) at which you are present. Such interest should be disclosed at the commencement of consideration of the business or when the interest becomes apparent.

8.2 The requirement to declare a personal interest only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

8.3 Where you have a personal interest in any business of the Council and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision (portfolio holder decision notice) records the existence and nature of that interest.

Part 6

9. Prejudicial Interests

9.1 Definition of Prejudicial Interest.

Subject to paragraph 9.2 below, where you have a personal interest in any business of the Council, you also have a prejudicial interest in that business when 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.

9.2 Limitation on extent of prejudicial interests

You do not have a prejudicial interest in any business of the Council where that business-:

- a does not affect your financial position, or the financial position of a body or relevant person as described in Part 4 of this Code; or
- b does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or a body or relevant person as described in Part 4 of this Code; or
- c relates to the functions of the Council in respect of:-
 - i housing, where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease;
 - ii statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of or are entitled to the receipt of such pay;
 - iii an allowance, payment or indemnity given to members;
 - iv any ceremonial honour given to Members; and
 - v setting council tax or a precept under the Local Government Finance Act 1992.

Part 7

10. Effect of Prejudicial Interests on Participation

10.1 Unless a dispensation has been granted by the Council's Standard's Committee, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a personal interest which is also a prejudicial interest (as set out at Part 9 of this Code), and must as soon as it becomes apparent that you have such an interest (save for in circumstances set out at paragraph 10.2 below) withdraw from the room where the meeting considering the business is being held, and must not seek improperly to influence a decision about that business. If acting as a single Cabinet member you may not take any further steps in relation to the matter other than for the purpose of arranging for the matter to be dealt with otherwise than by yourself.

10.2 Without prejudice to paragraph 10.1 above, where you have a prejudicial interest in any business of the Council (including any meeting of an Overview and Scrutiny Committee of the Council) you may, notwithstanding such prejudicial interest, attend such meeting for the purpose of making representations, answering questions or giving evidence relating to such business, provided members of the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

~~6.110.3~~ For the avoidance of doubt the pecuniary interest as defined procedure in paragraph 10.2 above cannot be used by regulations made by the Secretary of State. the member where the interest comes within the statutory definition of a DPI.

In

~~Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.~~

~~**Existing Portsmouth City Council Code of Local Government Conduct (Part 4A of the Constitution).**~~

~~See attached at Appendix 1a.~~

10.4 –any case where paragraph 10.2 above applies, you must withdraw from the room immediately after making representations, answering questions, or giving evidence.

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APPENDIX B

COMPLAINT FORM - Councillors' Code of Conduct

To be used if you wish to make an allegation that a Councillor of Portsmouth City Council has failed to comply with the Councillors' Code of Conduct.

1. Your details

Please provide us with your name and contact details

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

Your address and contact details will not usually be released unless necessary to deal with your complaint. The following people will be advised that you have made a complaint:

- The Member(s) you are complaining about
- The Monitoring Officer to Portsmouth City Council (Monitoring Officer)

We will:

- tell them your name
- provide them with a summary of your complaint(s)
- provide full details of your complaint where necessary or appropriate

If you do not wish details of your name and your complaint to be released, please complete section 6 of this form.

2. Please tell us which best describes you:

- Member of the public
- An elected or co-opted Member of Portsmouth City Council
- A Member of the Governance and Audit and Standards Committee
- Member of Parliament
- Portsmouth City council monitoring officer
- Council officer of Portsmouth City Council/service employee
- Other

3. Making your complaint

Once you have submitted your complaint, it will be considered by the Governance and Audit and Standards Assessment Sub-Committee. This consists of three Councillors (normally from different political groups represented on the Council) and an Independent Person. None of the Councillors will have any previous involvement in the substance of your complaint.

On the basis of your written submission and any additional relevant material that the Monitoring Officer may produce, the Sub-Committee will assess whether your allegation is likely to amount to a failure to comply with the Councillors' Code of Conduct. If it is considered necessary to do so, the Sub-Committee has a range of options available to it. This can include referral for a full investigation by the Monitoring Officer, mediation or no further action (if it is considered that any failure to comply with the Code of Conduct is of a trivial nature).

The Sub-Committee will meet to consider and determine the matter as soon as reasonably possible. If the Sub-Committee decides that no further action is required in respect of your complaint, you may, within 30 days of the meeting, ask for that decision to be reviewed. This review will be undertaken by the Governance and Audit and Standards Review Sub-Committee which consists of three different Councillors from those who originally considered your complaint. The Review Sub-Committee will have the same range of options available to it as the Assessment Sub-Committee. The Review Sub-Committee will have up to three months to consider and determine the review of your allegations and how they should be dealt with.

If either the Governance and Audit and Standards Assessment or Review Sub-Committee decide that an investigation is required into your complaint, the Monitoring Officer or someone appointed by him will be instructed to undertake it. You will be given further information at that time should an investigation be necessary.

4. Please provide us with the name of the Member(s) you believe have breached the Code of Conduct:

Title	First Name	Last Name

5. Please explain in this section (or on separate sheets) what the Member has done that you believe breached the code of Conduct.

If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breached the Code of Conduct.

A copy of the Portsmouth City Council Code of Conduct for Councillors can be found at the following Web address:

http://www.portsmouth.gov.uk/media/Constitution_P4.pdf

Alternatively, a paper copy can be supplied on request by contacting:

The Monitoring Officer to Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth, PO1 2AL

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint and the desired outcome from this complaints process. Continue on a separate sheet if there is not enough space on this form.

Signature.....

Date.....

6. Only complete this next section if you are requesting that your identity is kept confidential.

In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or details of your complaint unless you have good reason to justify that Portsmouth City Council do so.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

7. Additional Help

Complaints must be submitted in writing. This includes electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

This complaint should be submitted to the Monitoring Officer by email to:
michael.lawther@portsmouthcc.gov.uk

Alternatively, by post to: The Monitoring Officer to Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth, PO1 2AL

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**COMPLAINT FORM -
Councillors' Code of Conduct**

To be used if you wish to make an allegation that a Councillor of Portsmouth City Council has failed to comply with the Councillors' Code of Conduct.

Your details

1. Please provide us with your name and contact details

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

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Your address and contact details will not usually be released unless necessary ~~or~~ to deal with your complaint. ~~However, we will tell the~~The following people ~~will be advised~~ that you have made ~~this a~~ complaint:

- The Member(s) you are complaining about
- The ~~City Solicitor~~Monitoring Officer to Portsmouth City Council (~~Monitoring Officer~~)

We will tell them:-

- ~~your name~~
- ~~and give them~~ a summary of your complaint(s). ~~We will give them~~
- ~~full details of your complaint where necessary or appropriate to be able to deal with it.~~

If you ~~have serious concerns about~~do not wish details of your name and a ~~summary, or details, of your~~your complaint ~~to be~~ being released, please complete section 6 of this form.

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2. 2 Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted Member of Portsmouth City Council
- A Member of the Governance and Audit and Standards Committee
- Member of Parliament
- Portsmouth City council monitoring officer
- Council officer of Portsmouth City Council/service employee
- Other

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3 Equality Monitoring Questions

We want to find out if we are giving as good a service as we can to everyone. To help us do this, please complete this section of the form. The information that we ask for in this part of the form will remain confidential and will not affect the way that your complaint is dealt with.

Gender:	Male/Female (delete as applicable)	
Age (please state):		
Ethnic origin:		Please tick-
	White	
	Mixed -- please state	
	Asian/Asian-British	
	Chinese	
	Other ethnic group - Please state	
Disability:		
Are you a disabled person?	Yes/no (delete as applicable)	

3. Making your complaint

Once you have submitted your complaint, it will be considered by the Governance and Audit and Standards Assessment Sub-Committee ~~of Portsmouth City Council~~. This consists of three Councillors (normally from different political groups represented on the Council) and an Independent Person, and will normally be cross-party. None of the Councillors will have any previous involvement in the substance of your complaint.

~~The Sub-Committee will assess~~ On the basis of your written submission and any additional relevant material that the ~~City Solicitor/Monitoring Officer to Portsmouth City Council~~ may produce, the Sub-Committee will assess whether your allegation is likely to reflect amount to a failure to comply with the Councillors' Code of Conduct. If it is considered necessary to do so, the Sub-Committee has a range of options available to it. This can include referral for a full investigation by the ~~City Solicitor/Monitoring Officer to Portsmouth City Council~~, mediation or no further action (if it is considered that any failure to comply with the Code of Conduct is of a trivial nature).

The Sub-Committee will meet to consider and determine the matter as soon as reasonably possible within 10 working days. If the Sub-Committee decides that no further action is required in respect of your complaint, you may, within 30 days of the meeting, ask for that decision to be reviewed. This review will be undertaken by the Governance and Audit and Standards Review Sub-Committee which consists of three different Councillors ~~to the ones from those~~ who originally considered your complaint. The Review Sub-Committee will have the same range of options available to it as the ~~Governance and Audit and Standards Assessment Sub-Committee~~. The Review Sub-Committee will, ~~however,~~ have up to three months to consider and determine the review of your allegations and how they should be dealt with.

If either the Governance and Audit and Standards Assessment or Review Sub-Committee decide that an investigation is required into your complaint, the ~~City Solicitor/Monitoring Officer to Portsmouth City Council~~ or someone appointed by him will be instructed to undertake it. You will be given further information at that time should an investigation be necessary.

4. 4 Please provide us with the name of the Member(s) you believe have breached the Code of Conduct:

Title	First Name	Last Name

5. 5 Please explain in this section (or on separate sheets) what the Member has done that you believe breached the code of Conduct. If you are complaining about

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more than one Member you should clearly explain what each individual person has done that you believe breached the Code of Conduct.

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http://www.portsmouth.gov.uk/media/Constitution_P4.pdf

Alternatively, a paper copy can be ~~obtained from the City Solicitor~~ supplied on request by contacting: Portsmouth City Council by writing to:

The ~~City Solicitor~~ Monitoring Officer to Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth, PO1 2AL

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint and the desired outcome from this complaints process ~~that you would like to see happen~~. Continue on a separate sheet if there is not enough space on this form.

Signature.....

Date.....

~~Only complete this next section if you are requesting that your identity is kept confidential.~~

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6. 6. In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or details of your complaint unless you have good reason to justify that Portsmouth City Council do so.

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Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The ~~City Solicitor~~ Monitoring Officer to Portsmouth City Council will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

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However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

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Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Additional Help

7. 7. Complaints must be submitted in writing. This includes electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

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We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

This complaint should be submitted to the ~~City Solicitor~~ Monitoring Officer to Portsmouth City Council by sending to the following contact addresses: by email to: michael.lawther@portsmouthcc.gov.uk

~~By post~~ Alternatively, by post to: The ~~City Solicitor~~ Monitoring Officer to Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth, PO1 2AL

| ~~Or by e-mail to: michael.lawther@portsmouthcc.gov.uk~~

APPENDIX C

Governance and Audit and Standards Committee Arrangements for Assessment, Investigation and Determination of a Complaint that a Member has failed to Comply with the Members' Code of Conduct

1. Application of these Arrangements

- 1.1. These are the Arrangements to be followed by the Governance and Audit and Standards Committee of Portsmouth City Council ("the Council") in the assessment, investigation and determination of a complaint that any Member of the Authority has failed to comply with the Members' Code of Conduct. The Arrangements will be followed and applied in accordance with the requirements of the Localism Act 2011.

2. Receipt of Complaint

- 2.1. A complaint shall be made by email to michael.lawther@portsmouthcc.gov.uk or by post addressed to the Monitoring Officer to Portsmouth City Council (Civic Offices, Guildhall Square, Portsmouth PO1 2AL). The Complaint Form at Appendix 3 (Part 3) shall be used for this purpose.
- 2.2. Anonymous complaints will not normally be considered unless the complaint is accompanied by documentary or photographic evidence indicating an exceptionally serious or significant matter.

3. Notification to Member

- 3.1. The Monitoring Officer shall provide the Member who is the subject of the allegation with written notification that a complaint has been made.

4. Terms of Reference of Initial Filtering Panel and Governance and Audit and Standards Assessment Sub-Committee

- 4.1. The Initial Filtering Panel is established to receive allegations that a Member of the Council has failed to comply with the Members' Code of Conduct.
- 4.2. The Initial Filtering Panel shall be an informal meeting to enable the Monitoring Officer to obtain the views of Members upon a complaint, shall comprise three members and shall in so far as practicable shall have no more than one member of each political group represented on it
- 4.3. The Monitoring Officer will, within 10 working days of receipt of the complaint, set up an Initial Filtering Panel to see if the complaint falls within the Local Assessment Criteria in Appendix 3 (Part 1). Having considered the complaint and taken into account the views of the Members and Independent Persons, the Monitoring Officer will:-

4.3.1. Arrange:

- 4.3.1.1. a formal investigation of the allegation, or
- 4.3.1.2. training or conciliation,
- 4.3.1.3. such other appropriate alternative steps; or

4.3.2. Decide that no action should be taken in respect of the allegation.

4.4. The Monitoring Officer will take reasonable steps to notify the person making the allegation, and the Member the subject of it, of that decision. Where the decision is that no action should be taken, reasons for the decision shall be given, and reference made to the right to request a review of that decision under Paragraph 5 below. This notification shall normally be given within ten working days of the decision being made.

4.5. The notification to the Member concerned shall include a copy of the complaint, unless the Monitoring Officer determines that to disclose the identity of the complainant would be contrary to the public interest or would prejudice any person's ability to investigate the allegation.

4.6. When it is decided to investigate or take other action, it does not mean that the Monitoring Officer has made up his mind about the allegation.

The Monitoring Officer makes no findings of fact on the matter. It simply means that the Monitoring Officer believes the alleged conduct, if proven, may amount to a failure to comply with the Code of Conduct, and that some action should be taken in response to the complaint.

5. Right to Request a Review

5.1. Where a decision is made by the Monitoring Officer that no action should be taken in respect of the allegation, the person who made the allegation may make a request for that decision to be reviewed. The request shall be made in writing addressed to the Monitoring Officer. The request must be received within 30 days of notification being given under paragraph 4.4 above.

6. Convening of Meeting of the Governance and Audit and Standards Review Sub-Committee

6.1. The Monitoring Officer shall appoint, and convene a meeting of, the Governance and Audit and Standards Review Sub-Committee, ("the Review Sub-Committee") from amongst the Members of the Governance and Audit and Standards Committee, provided that at all times the composition of the Sub-Committee complies with paragraphs 6.2 and 6.3. The meeting shall take place within 20 working days of the date of receipt of the request for review, where practicable, and certainly within a maximum of three months from that date.

- 6.2. The Review Sub-Committee shall comprise three members and so far as is practicable have no more than one member from each political group represented on it.
- 6.3. The Review Sub-Committee shall not include any member who was a member of the Assessment Sub-Committee whose decision to take no action is subject to review. This is to minimise the risk of conflicts of interest and ensure fairness for all parties.

7. Notification to Member

- 7.1. The Monitoring Officer shall notify the Member who is the subject of the allegation that a request for review has been received.

8. Terms of Reference of Governance and Audit and Standards Review Sub-Committee

- 8.1. The Governance and Audit and Standards Review Sub-Committee is established to review, upon the request of the person who has made an allegation that a Member of the Authority has failed or may have failed to comply with the Council's Code of Conduct, a decision of the Governance and Audit and Standards Assessment Sub-Committee that no action be taken in respect of that allegation.
- 8.2. Upon receipt of such request for a review and any accompanying report by the Monitoring Officer the Governance and Audit and Standards Review Sub-Committee shall, within 10 working days, review the decision of the Assessment Sub-Committee and shall then do one of the following:
 - 8.2.1. Refer the allegation to the Monitoring Officer with an instruction that he/she arrange a formal investigation of the allegation or (after consultation with the Deputy Monitoring Officer where appropriate) directing that he/she arrange training, conciliation or such other appropriate alternative steps; or
 - 8.2.2. Decide that no action should be taken in respect of the allegation; or
 - 8.2.3. Where the allegation is in respect of a person who is no longer a Member of the Authority but is a Member of another relevant authority (as defined in Section 27(6) of the Localism Act 2011) refer the allegation to the Monitoring Officer of that other Authority.
- 8.3. In reaching its decision, the Sub-Committee shall have regard to the Local Assessment Criteria in Appendix 3 (Part 1).
- 8.4. The Sub-Committee shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation, and the Member concerned, of that decision. Where the decision is that no action should be taken, reasons for the decision shall be given. This notification shall normally be given within ten working days of the decision being made.

- 8.5. When a matter is referred for investigation or other action, it does not mean that the Sub-Committee has made up its mind about the allegation. The Sub-Committee makes no findings of fact on the matter. It simply means that the Sub-Committee believes the alleged conduct, if proven, may amount to a failure to comply with the Code of Conduct, and that some action should be taken in response to the complaint.

9. **Referral for Steps other than Investigation**

- 9.1. Where the Assessment Sub-Committee or Review Sub-Committee has consulted the Monitoring Officer with a view to making a direction to take steps other than investigation that involve conciliation, the Monitoring Officer shall contact the person making the allegation, and the Member the subject of it, seeking confirmation that they would co-operate with the action proposed if such a direction were made. It must be made clear that the decision to take other action, if pursued, will close the opportunity for the complaint to be fully investigated. The Monitoring Officer shall inform the Sub-Committee of the responses received from the complainant and member.
- 9.2. Where a direction is then made to take steps other than investigation, the Monitoring Officer shall report this as part of his annual report to Governance and Audit and Standards Committee. This meeting shall normally be open to the press and public, unless the Committee decides that, in accordance with Part VA of and Schedule 12A to the Local Government Act 1972, the report should be considered in private session.

10. **Referral for Investigation**

- 10.1. Where the Initial Filtering Panel or Review Sub-Committee has referred the matter to the Monitoring Officer for investigation, the Monitoring Officer shall arrange for such investigation to be carried out by the Deputy Monitoring Officer, or other person the Monitoring Officer considers to be suitably qualified and experienced to undertake the task ("the Investigating Officer"). This may include:
- 10.1.1. Making inquiries of such persons as the Investigating Officer considers necessary or expedient;
 - 10.1.2. Requiring such persons to give such information or explanation as the Investigating Officer considers expedient;
 - 10.1.3. Inspection of such documents as the Investigating Officer considers expedient.

The Monitoring Officer may set up a Sub-Committee to consider its further progress if the Subject-Member has died, resigned, or is seriously ill, and he is of the opinion that it is no longer appropriate to continue with an investigation.

- 10.2. Where the matter is referred back to a Sub-Committee they may decide not to proceed with the investigation.
- 10.3. On completion of an investigation, the Investigating Officer shall prepare a written report of the investigation making one of the following findings:
 - 10.3.1. That there has been a failure to comply with the Code of Conduct; or
 - 10.3.2. That there has not been a failure to comply with the Code of Conduct
- 10.4. The Monitoring Officer shall send a copy of the Investigating Officer's report to the Member the subject of the allegation, and to the Governance and Audit and Standards Committee. The Governance and Audit and Standards Committee shall then arrange for the report to be considered at a hearing of the Governance and Audit and Standards Consideration Sub-Committee ("Consideration Sub-Committee").

11. Convening a meeting of the Consideration Sub-Committee

- 11.1. In consultation with the Chair, the Monitoring Officer shall appoint, and convene a meeting of, the Consideration Sub-Committee, from amongst the Members of the Governance and Audit and Standards Committee, provided that at all times the investigation shall be carried out in accordance with any guidance issued by the Governance and Audit and Standards Committee and the composition of the Sub-Committee complies with Paragraph 11.2.
- 11.2. The Consideration Sub-Committee shall comprise three members. Membership may include any member who has participated in consideration of the allegation at a meeting of the Governance and Audit and Standards Review Sub-Committee at an earlier stage.
- 11.3. This meeting shall not normally be open to the press and public, provided that the Sub-Committee decides that, in accordance with Part VA and Schedule 12A to the Local Government Act 1972, the report should be considered in private session.

12. Terms of Reference of the Consideration Sub-Committee

- 12.1. The Consideration Sub-Committee shall be responsible for determining whether:
 - 12.1.1. It accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct; or
 - 12.1.2. The matter should be referred to consideration at a hearing before the Governance and Audit and Standards Hearings Sub-Committee

13. Finding of No Failure

- 13.1. Where a finding of no failure is made, the Monitoring Officer shall give written notification of this to the person who made the allegation, and the Member the subject of it.
- 13.2. The Monitoring Officer shall also arrange for a notice to be published on the Council's website, within 10 working days stating that there has been no failure to comply with the Code of Conduct, unless the Member the subject of the allegation requests that no such notice be published.

14. Convening a meeting of the Governance and Audit and Standards Hearings Sub-Committee ("the Hearings Sub-Committee")

- 14.1. Where the Assessment Sub-Committee decides that the matter should be referred for consideration at a hearing before the Hearings Sub-Committee, then, in consultation with the Chair, the Monitoring Officer shall appoint, and convene a meeting of, the Hearings Sub-Committee for this purpose. The Sub-Committee shall be appointed from amongst the Members of the Governance and Audit and Standards Committee, provided that at all times the composition of the Sub-Committee complies with Paragraph 4.2.
- 14.2. The Hearings Sub-Committee shall comprise three members. Membership may include any member who has participated in consideration of the allegation at a meeting of the Governance and Audit and Standards Review Sub-Committee or Governance and Audit and Standards Consideration Sub-Committee at an earlier stage.
- 14.3. The meeting shall be held within three months of the date of completion of the Investigating Officer's report (or as soon as reasonably practicable thereafter) and at least fourteen days after the date on which the Monitoring Officer sent the Investigating Officer's report to the member the subject of the allegation, (unless the member agrees to it being held earlier).
- 14.4. This meeting shall normally be open to the press and public, unless the Sub-Committee decides that, in accordance with Part VA and Schedule 12A to the Local Government Act 1972, the report should be considered in private session.
- 14.5. The meeting of the Hearings Sub-Committee may consider the report in the subject member's absence if the subject member does not attend the hearing. If the Sub-Committee is satisfied with the subject member's reasons for not being able to attend the meeting, it may arrange for the hearing to take place on another date.

15. Terms of Reference of Hearings Sub-Committee

- 15.1. The Hearings Sub-Committee is established to hold a hearing and make one of the following findings:
 - 15.1.1. That the Member did not fail to comply with the Code of Conduct; or

- 15.1.2. That the Member did fail to comply with the Code of Conduct, but that no action needs to be taken in respect of the matters considered at the hearing: or
- 15.1.3. That the Member did fail to comply with the Code of Conduct and that one of, or any combination of, the following sanctions should be imposed:
 - 15.1.3.1. Censure of the Member:
 - 15.1.3.2. Restriction for a period not exceeding six months of that Member's access to the premises of the Authority or that Member's use of the resources of the Authority, provided that those restrictions are reasonable and proportionate to the nature of the breach, and do not unduly restrict the Member's ability to perform the functions of a Member;
 - 15.1.3.3. Recommending to the Member's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Authority;
 - 15.1.3.4. Reports its findings to the Authority and/or the relevant authority responsible for appointing the Member to the Authority.
- 15.2. Any sanction imposed shall take effect immediately, except where the Sub-Committee directs that it shall take effect on a later date within the following six months.

16. **Pre-Hearing Procedure**

- 16.1. In consultation with the Chair of the Governance and Audit and Standards Committee, the Monitoring Officer shall write to the Subject Member proposing a date for the hearing. The letter shall outline the hearing procedure, and the member's rights, asking for a response within a set time. The letter shall enquire whether the subject member:
 - 16.1.1. Wants to be represented at the hearing by a solicitor, barrister or other person;
 - 16.1.2. Disagrees with any of the findings in the investigation report, including reasons for any disagreements;
 - 16.1.3. Wants to give evidence at the hearing, either verbally or in writing;
 - 16.1.4. Wants to call relevant witnesses to give evidence and, if so to provide outlines or statements of the evidence those witnesses intend to give;
 - 16.1.5. Wants any part of the hearing to be held in private:

- 16.1.6. Wants to have any part of the investigation report or other documents withheld from the public, and
- 16.1.7. Can attend the hearing.
- 16.2. The Monitoring Officer shall send a copy of the Subject Member's response to the Investigating Officer, inviting them to say by a set date whether they wish to:
 - 16.2.1. Be represented at the hearing;
 - 16.2.2. Call relevant witnesses to give evidence;
 - 16.2.3. Have any part of the hearing held in private; and
 - 16.2.4. Have any part of the investigation report or other documents withheld from the public.
- 16.3. The Monitoring Officer shall advise the Hearings Sub-Committee as necessary on any matter arising out of the Subject Member's response. At least two weeks before the hearing, the Monitoring Officer shall send a pre-hearing process summary to everyone involved in the complaint. This should set the date, time and place for the hearing, summarise the allegation, outline the main facts that are agreed and those which are not agreed, note whether the subject member will attend and be represented, list the witnesses who intend to give evidence, and outline the procedure to be followed at the hearing.

17. **Hearing Procedure**

- 17.1. The hearing is a formal meeting of the Authority and is not a court of law. It does not hear evidence under oath, but it does decide factual evidence on the balance of probabilities. The hearing will be conducted in a demonstrably fair, independent and politically impartial way, so that members of the public and members of the Authority have confidence in the Council's procedures and findings.
- 17.2. The procedure followed at the hearing will be confirmed in the pre-hearing process summary referred to in Paragraph 16.3.

18. **Notification of Findings**

- 18.1. As soon as reasonably practicable after the Hearings Sub-Committee makes its finding on the matter, the Monitoring Officer shall give written notice of the finding and the reasons for it to the Subject-Member and the person who made the allegation. A summary of the finding and reasons for it shall be placed on the Council's website.
- 18.2. Where the finding is that there was no failure to comply with the Code of Conduct, a summary of the finding and reasons for it shall not be placed

on the Council's website if the Subject-Member the subject of the finding so requests.

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APPENDIX C

Governance and Audit and Standards Committee Arrangements for Assessment, Investigation and Determination of a Complaint that a Member has failed to Comply with the Members' Code of Conduct

1. Application of these Arrangements

- 1.1. These are the Arrangements to be followed by the Governance and Audit and Standards Committee of Portsmouth City Council ("the Council") in the assessment, investigation and determination of a complaint that any Member of the Authority has failed to comply with the Members' Code of Conduct. The Arrangements will be followed and applied in accordance with the requirements of the Localism Act 2011.

2. Receipt of Complaint

- 2.1. A complaint shall be made ~~in writing~~ by email to michael.lawther@portsmouthcc.gov.uk or by post addressed to the ~~City Solicitor~~ Monitoring Officer to Portsmouth City Council (Civic Offices, Guildhall Square, Portsmouth PO1 2AL). The Complaint Form at Appendix 3 (Part 3) shall be used for this purpose. ~~A completed Complaint Form may be submitted electronically by email to michael.lawther@portsmouthcc.gov.uk~~
- 2.2. Anonymous complaints will not normally be considered unless the complaint is accompanied by documentary or photographic evidence indicating an exceptionally serious or significant matter.

~~3. Convening of Meeting of the Governance and Audit and Standards Assessment Sub-Committee~~

- ~~3.1. The City Solicitor shall arrange and convene a meeting of the Governance and Audit and Standards Assessment Sub-Committee, from amongst the Members of the Governance and Audit and Standards Committee provided that at all times the composition of the Sub-Committee complies with Paragraph 3.2.~~
- ~~3.2. The Governance and Audit and Standards Assessment Sub-Committee shall comprise three members and shall in so far as practicable have a Members of each political group represented upon it.~~
- ~~3.3. The meeting shall normally take place within 10 working days of the date of receipt of the complaint.~~

4.1.3.1. The ~~City Solicitor~~Monitoring Officer shall provide the Member who is the subject of the allegation with written notification that a complaint has been made, ~~the name of the complainant (unless the complainant has requested confidentiality in section 6 of the Complaint Form) and the relevant paragraphs of the Code of Conduct that.~~

Terms of Reference of

5.4. ~~may have been breached. The notification shall state that a written summary of the allegation can only be provided once the~~Initial Filtering Panel and Governance and Audit and Standards Assessment Sub-Committee ~~has met to consider the complaint, and the date of this meeting, if known.~~

The Initial Filtering Panel

6. ~~Terms of Reference of Governance and Audit and Standards Assessment SubCommittee~~

6.1.4.1. ~~The Governance and Audit and Standards Assessment Sub-Committee~~ is established to receive allegations that a Member of the Council has failed to comply with the Members' Code of Conduct.

The

4.2. ~~Upon receipt of each allegation and any accompanying report by~~Initial Filtering Panel shall be an informal meeting to enable the City Solicitor, Monitoring Officer to obtain the views of Members upon a complaint, shall comprise three members and shall in so far as practicable shall have no more than one member of each political group represented on it

6.2. ~~The Sub-Committee shall~~Monitoring Officer will, within 10 working days, ~~make of receipt of the complaint, set up an Initial assessment of the allegation~~Filtering Panel to see if ~~it~~the complaint falls within the ~~Committees jurisdiction and shall then do one of the following:~~

4.3. ~~Refer~~Local Assessment Criteria in Appendix 3 (Part 1). Having considered the allegation to complaint and taken into account the City Solicitor with an instruction that he/she arrange views of the Members and Independent Persons, the Monitoring Officer will:-

4.3.1. Arrange:

- ~~6.2.1.1.4.3.1.1.~~ a formal investigation of the allegation, or
4.3.1.2. ~~(after consultation with the City Solicitor) directing that he/she~~
~~arrange training, or conciliation or,~~
~~6.2.1.2.4.3.1.3.~~ such other appropriate alternative steps; or

~~6.2.2.4.3.2.~~ Decide that no action should be taken in respect of the allegation; ~~or,~~

~~6.2.3.~~ Where the allegation is in respect of a person who is no longer a Member of the Council but is a Member of another relevant authority (as defined in Section 27(6) of the Localism Act 2011) refer the allegation to the City Solicitor of that other Authority.

~~6.3.~~ In reaching its decision, the Sub-Committee shall have regard to the Local Assessment Criteria in Appendix 3 (Part 1).

The Monitoring Officer will

~~6.4.4.4.~~ ~~The Governance and Audit and Standards Assessment Sub-Committee shall instruct the City Solicitor to~~ take reasonable steps to notify the person making the allegation, and the Member the subject of it, of that decision. Where the decision is that no action should be taken, reasons for the decision shall be given, and reference made to the right to request a review of that decision under Paragraph 65 below. This notification shall normally be given within fiveten working days of the decision being made.

~~6.5.4.5.~~ The notification to the Member concerned ~~under Paragraph 5.4~~ shall include ~~the name of the complainant and a written summary copy~~ of the allegation/complaint, unless the Sub-Committee/Monitoring Officer determines that to ~~do so~~ disclose the identity of the complainant would be contrary to the public interest or would prejudice any person's ability to investigate the allegation.

~~6.6.4.6.~~ When ~~a matter is referred~~ decided to ~~the City Solicitor for investigation or investigate or take~~ other action, it does not mean that the Sub-Committee/Monitoring Officer has made up ~~its~~ this mind about the allegation.

The Sub-Committee/Monitoring Officer makes no findings of fact on the matter. It simply means that the Sub-Committee/Monitoring Officer believes the alleged conduct, if proven, may amount to a failure to comply with the Code of Conduct, and that some action should be taken in response to the complaint.

7.5. Right to Request a Review

~~7.1.5.1.~~ Where a decision is made by the ~~Governance and Audit and Standards Assessment Sub-Committee/Monitoring Officer~~ that no action should be taken in respect of the allegation, the person who made the allegation may make a request for ~~that decision~~ Page 75 to be reviewed. The request shall be made in writing addressed to the ~~Chair, Governance and Audit and~~

~~Standards Committee-Monitoring Officer.~~ The request must be received within 30 days of notification being given under ~~Para 5.4~~paragraph 0 above.

~~7.2. On receipt of a request for review, it shall be passed to the City Solicitor~~

~~8.6.~~ **Convening of Meeting of the Governance and Audit and Standards Review SubCommittee****Sub-Committee**

~~8.1.6.1.~~ ~~In consultation with the Chair, the City Solicitor~~The Monitoring Officer shall appoint, and convene a meeting of, the Governance and Audit and Standards Review Sub-Committee, ("the Review Sub-Committee") from amongst the Members of the Governance and Audit and Standards Committee, provided that at all times the composition of the Sub-Committee complies with paragraphs ~~7.2 and 7.3~~6.2 and 0. The meeting shall take place within 20 working days of the date of receipt of the request for review, where practicable, and certainly within a maximum of three months from that date.

~~8.2.6.2.~~ The ~~Governance and Audit and Standards Committee~~-Review Sub-Committee shall comprise three members-and so far as is practicable have no more than one member from each political group represented on it.

The

~~8.3.6.3.~~ ~~The Governance and Audit and Standards Committee~~ Review Sub-Committee shall not include any member who was a member of the ~~Governance and Audit and Standards~~ Assessment Sub-Committee whose decision to take no action is subject to review. This is to minimise the risk of conflicts of interest and ensure fairness for all parties.

~~9.7.~~ **Notification to Member**

~~9.1.7.1.~~ The ~~City Solicitor~~Monitoring Officer shall notify the Member who is the subject of the allegation that a request for review has been received.

~~10.8.~~ **Terms of Reference of Governance and Audit and Standards Review SubCommittee****Sub-Committee**

~~10.1.8.1.~~ The Governance and Audit and Standards Review Sub-Committee is established to review, upon the request of the person who has made an allegation that a Member of the Authority has failed or may have failed to comply with the Council's Code of Conduct, a decision of the Governance and Audit and Standards Assessment Sub-Committee that no action be taken in respect of that allegation.

~~10.2.8.2.~~ Upon receipt of such request for a review and any accompanying report by the ~~City Solicitor~~Monitoring Officer the Governance and Audit and Standards Review Sub-Committee shall, within 10 working days, review the decision of the Assessment ~~SubCommittee~~Sub-Committee and shall then do one of the following:

~~10.2.1.8.2.1.~~ Refer the allegation to the ~~City Solicitor~~Monitoring Officer with an instruction that he/she arrange a formal investigation of the

allegation or (after consultation with the Deputy ~~City Solicitor~~Monitoring Officer where appropriate) directing that he/she arrange training, conciliation or such other appropriate alternative steps; or

~~10.2.2.8.2.2.~~ Decide that no action should be taken in respect of the allegation; or

~~10.2.3.8.2.3.~~ Where the allegation is in respect of a person who is no longer a Member of the Authority but is a Member of another relevant authority (as defined in Section 27(6) of the Localism Act 2011) refer the allegation to the ~~City Solicitor~~Monitoring Officer of that other Authority.

~~10.3.8.3.~~ In reaching its decision, the Sub-Committee shall have regard to the Local Assessment Criteria in Appendix 3 (Part 1).

~~10.4.8.4.~~ The Sub-Committee shall instruct the ~~City Solicitor~~Monitoring Officer to take reasonable steps to notify the person making the allegation, and the Member concerned, of that decision. Where the decision is that no action should be taken, reasons for the decision shall be given. This notification shall normally be given within ~~five~~ten working days of the decision being made.

~~10.5.8.5.~~ When a matter is referred for investigation or other action, it does not mean that the Sub-Committee has made up its mind about the allegation. The ~~SubCommittee~~Sub-Committee makes no findings of fact on the matter. It simply means that the ~~SubCommittee~~Sub-Committee believes the alleged conduct, if proven, may amount to a failure to comply with the Code of Conduct, and that some action should be taken in response to the complaint.

~~11.9.~~ **Referral for Steps other than Investigation**

~~11.1.~~ Where the ~~Governance and Audit and Standards~~ Assessment Sub-Committee or ~~Governance and Audit and Standards~~ Review Sub-Committee has consulted the

~~11.2.9.1.~~ ~~City Solicitor~~Monitoring Officer with a view to making a direction to take steps other than investigation that involve conciliation, the ~~City Solicitor~~Monitoring Officer shall contact the person making the allegation, and the Member the subject of it, seeking confirmation that they would co-operate with the action proposed if such a direction were made. It must be made clear that the decision to take other action, if pursued, will close the opportunity for the complaint to be fully investigated. The ~~City Solicitor~~Monitoring Officer shall inform the Sub-Committee of the responses received from the complainant and member.

~~11.3.9.2.~~ Where a direction is then made to take steps other than investigation, the ~~City Solicitor~~Monitoring Officer shall ~~produce a written~~ report ~~this as part of the action taken or proposed. The~~his annual report ~~shall be considered by the~~to Governance and Audit and Standards Committee ~~within three months of the direction being given.~~ This meeting shall normally be open to the press and public, unless the Committee decides that, in accordance

with Part VA of and Schedule 12A to the Local Government Act 1972, the report should be considered in private session.

~~11.4. If the Governance and Audit and Standards Committee is not satisfied with the action specified in the report, it shall give a further direction to the City Solicitor to take such further steps as appear appropriate.~~

~~11.5. If the Governance and Audit and Standards Committee is satisfied with the action specified in the report, it shall authorise the City Solicitor to give written notice to that effect to the person making the allegation and the member the subject of it. A written summary of the main points considered at the meeting, including the conclusion reached in respect of the allegation, and the reasons for it, shall be recorded.~~

~~11.6. Referral to the Governance and Audit and Standards Committee~~

~~Where the decision of the Governance and Audit and Standards Assessment Sub-Committee, or Governance and Audit and Standards Review SubCommittee, is that the matter should be referred to the Governance and Audit and Standards Committee, the City Solicitor shall notify the Governance and Audit and Standards Committee in writing.~~

~~Where the referral is accepted by the Governance and Audit and Standards Committee, the further handling of the matter shall be the responsibility of the Governance and Audit and Standards Committee.~~

12.10. Referral for Investigation

~~12.1.10.1. Where the Governance and Audit and Standards Assessment Sub-Committee or Governance and Audit and Standards~~Initial Filtering Panel ~~or Review Sub-Committee has referred the matter to the City Solicitor~~Monitoring Officer ~~for investigation, the City Solicitor~~Monitoring Officer ~~shall arrange for such investigation to be carried out by the Deputy City Solicitor~~Monitoring Officer~~, or other person the City Solicitor~~Monitoring Officer ~~considers to be suitably qualified and experienced to undertake the task ("the Investigating Officer"). This may include:~~

~~12.1.1.10.1.1. Making inquiries of such persons as the Investigating Officer considers necessary or expedient;~~

~~12.1.2.10.1.2. Requiring such persons to give such information or explanation as the Investigating Officer considers expedient;~~

~~12.1.3.10.1.3. Inspection of such documents as the Investigating Officer considers expedient.~~

~~12.2. The City Solicitor may refer the matter back to the Governance and Audit and Standards Assessment Sub-Committee if, as a result of new evidence or information, he is of the opinion that the matter is materially more or less serious than may have been apparent when the decision to refer the matter for investigation was made, and that the Sub-Committee would have made a different decision had it been aware of that new~~

~~evidence or information. The City Solicitor may also refer the matter back to the Sub-Committee if the Member the subject of the allegation.~~
The Monitoring Officer may set up a Sub-Committee to consider its further progress if the Subject-Member has died, resigned, or is seriously ill, and he is of the opinion that it is no longer appropriate to continue with an investigation.

~~12.3.10.2.~~ Where the matter is referred back to ~~the Governance and Audit and Standards Assessment~~ Sub-Committee under Paragraph 12.2, ~~the Sub-Committee they~~ may ~~make any of the decisions referred~~ decide not to in Paragraph 5.2 proceed with the investigation.

~~12.4.10.3.~~ On completion of an investigation, the Investigating Officer shall prepare a written report of the investigation making one of the following findings:

~~12.4.1.10.3.1.~~ That there has been a failure to comply with the Code of Conduct; or

~~12.4.2.10.3.2.~~ That there has not been a failure to comply with the Code of Conduct

~~12.5.10.4.~~ The ~~City Solicitor~~Monitoring Officer shall send a copy of the Investigating Officer's report to the Member the subject of the allegation, and to the Governance and Audit and Standards Committee. The Governance and Audit and Standards Committee shall then arrange for the report to be considered at a hearing of the Governance and Audit and Standards Consideration Sub-Committee. ("Consideration Sub-Committee").

~~13.11.~~ **Convening a meeting of the ~~Governance and Audit and Standards Consideration Sub-Committee~~**

~~13.1.11.1.~~ In consultation with the Chair, the ~~City Solicitor~~Monitoring Officer shall appoint, and convene a meeting of, the ~~Governance and Audit and Standards Consideration Sub-Committee~~Sub-Committee, from amongst the Members of the Governance and Audit and Standards Committee, provided that at all times the investigation shall be carried out in accordance with any guidance issued by the Governance and Audit and Standards Committee and the composition of the Sub-Committee complies with Paragraph ~~13.2.11.2.~~

~~13.2.11.2.~~ The ~~Governance and Audit and Standards~~ Consideration Sub-Committee shall comprise three members. Membership may include any member who has participated in consideration of the allegation at a meeting of the Governance and Audit and Standards ~~Assessment Sub-Committee or Governance and Audit and Standards~~ Review Sub-Committee at an earlier stage.

~~13.3.11.3.~~ This meeting shall not normally be open to the press and public, provided that the Sub-Committee decides that, in accordance with Part VA and Schedule 12A to the Local Government Act 1972, the report should be considered in ~~Page 79~~ session.

14.12. **Terms of Reference of the ~~Governance and Audit and Standards~~ Consideration Sub-Committee**

14.1.12.1. The ~~Governance and Audit and Standards~~ Consideration Sub-Committee shall be responsible for determining whether:

14.1.1.12.1.1. It accepts the ~~City Solicitor's~~Monitoring Officer's finding of no failure to observe the Code of Conduct; or

14.1.2.12.1.2. The matter should be referred to consideration at a hearing before the Governance and Audit and Standards Hearings Sub-Committee; ~~or~~

15.13. **Finding of No Failure**

15.1.13.1. Where a finding of no failure is made ~~under Paragraph 13.1.1~~, the ~~City Solicitor~~Monitoring Officer shall give written notification of this to the person who made the allegation, and the Member the subject of it.

15.2.13.2. The ~~City Solicitor~~Monitoring Officer shall also arrange for a notice to be published on the Council's website, within 10 working days stating that there has been no failure to comply with the Code of Conduct, unless the Member the subject of the allegation requests that no such notice be published.

16.14. **Convening a meeting of the Governance and Audit and Standards Hearings Sub-Committee (the Hearings Sub-Committee)**

16.1.14.1. Where the ~~Governance and Audit and Standards~~ Assessment Sub-Committee decides that the matter should be referred for consideration at a hearing before the ~~Governance and Audit and Standards~~ Hearings Sub-Committee, then, in consultation with the Chair, the ~~City Solicitor~~Monitoring Officer shall appoint, and convene a meeting of, the ~~Governance and Audit and Standards~~ Hearings Sub-Committee for this purpose. The Sub-Committee shall be appointed from amongst the Members of the Governance and Audit and Standards Committee, provided that at all times the composition of the Sub-Committee complies with Paragraph ~~15.2.0~~.

16.2.14.2. The ~~Governance and Audit and Standards Committee~~ Hearings Sub-Committee shall comprise three members. Membership may include any member who has participated in consideration of the allegation at a meeting of the Governance and Audit and Standards ~~Assessment Review~~ Sub-Committee, ~~Standards Review SubCommittee~~ or Governance and Audit and Standards Consideration ~~SubCommittee~~Sub-Committee at an earlier stage.

16.3.14.3. The meeting shall be held within three months of the date of completion of the Investigating Officer's report (or as soon as reasonably practicable thereafter) and at least fourteen days after the date on which the ~~City Solicitor~~Monitoring Officer sent the Investigating Officer's report to the member the subject of the allegation, ~~under Paragraph 11.5 above~~ (unless the member a ~~Page 80~~ being held earlier).

~~16.4.14.4.~~ This meeting shall normally be open to the press and public, unless the ~~SubCommitteeSub-Committee~~ decides that, in accordance with Part VA and Schedule 12A to the Local Government Act 1972, the report should be considered in private session.
~~Local Government Act 1972, the report should be considered in private session.~~

~~16.5.14.5.~~ The meeting of the ~~Governance and Audit and Standards~~ Hearings ~~SubCommitteeSub-Committee~~ may consider the report in the subject member's absence if the subject member does not attend the hearing. If the Sub-Committee is satisfied with the subject member's reasons for not being able to attend the meeting, it may arrange for the hearing to take place on another date.

~~17.15.~~ **Terms of Reference of ~~Governance and Audit and Standards~~ Hearings ~~SubCommitteeSub-Committee~~**

~~17.1.15.1.~~ The ~~Governance and Audit and Standards~~ Hearings Sub-Committee is established to hold a hearing and make one of the following findings:

~~17.1.1.15.1.1.~~ That the Member did not fail to comply with the Code of Conduct; or

~~17.1.2.15.1.2.~~ That the Member did fail to comply with the Code of Conduct, but that no action needs to be taken in respect of the matters considered at the hearing: or

~~17.1.3.15.1.3.~~ That the Member did fail to comply with the Code of Conduct and that one of, or any combination of, the following sanctions should be imposed:

~~17.1.3.1.15.1.3.1.~~ Censure of the Member:

~~17.1.3.2.15.1.3.2.~~ Restriction for a period not exceeding six months of that Member's access to the premises of the Authority or that Member's use of the resources of the Authority, provided that those restrictions are reasonable and proportionate to the nature of the breach, and do not unduly restrict the Member's ability to perform the functions of a Member;

~~17.1.3.3.15.1.3.3.~~ Recommending to the Member's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Authority;

~~17.1.3.4.15.1.3.4.~~ Reports its findings to the Authority and/or the relevant authority responsible for appointing the Member to the Authority.

~~17.2.15.2.~~ Any sanction imposed shall take effect immediately, except where the ~~SubCommitteeSub-Committee~~ directs that it shall take effect on a later date within the following six months.

~~18.16.~~ **Pre-Hearing Procedure**

~~18.1.16.1.~~ In consultation with the Chair of the Governance and Audit and Standards Committee, the ~~City Solicitor~~Monitoring Officer shall write to the Subject Member proposing a date for the hearing. The letter shall outline the hearing procedure, and the member's rights, asking for a response within a set time. The letter shall enquire whether the subject member:

~~18.1.1.16.1.1.~~ Wants to be represented at the hearing by a solicitor, barrister or other person;

~~18.1.2.16.1.2.~~ Disagrees with any of the findings in the investigation report, including reasons for any disagreements;

~~18.1.3.16.1.3.~~ Wants to give evidence at the hearing, either verbally or in writing;

~~18.1.4.16.1.4.~~ Wants to call relevant witnesses to give evidence and, if so to provide outlines or statements of the evidence those witnesses intend to give;

~~18.1.5.16.1.5.~~ Wants any part of the hearing to be held in private:

~~18.1.6.16.1.6.~~ Wants to have any part of the investigation report or other documents withheld from the public, and

~~18.1.7.16.1.7.~~ Can attend the hearing.

~~18.2.16.2.~~ The ~~City Solicitor~~Monitoring Officer shall send a copy of the Subject Member's response to the Investigating Officer, inviting them to say by a set date whether they wish to:

~~18.2.1.16.2.1.~~ Be represented at the hearing:

~~18.2.2.16.2.2.~~ Call relevant witnesses to give evidence;

~~18.2.3.16.2.3.~~ Have any part of the hearing held in private; and

~~18.2.4.16.2.4.~~ Have any part of the investigation report or other documents withheld from the public.

~~18.3.16.3.~~ The ~~City Solicitor~~Monitoring Officer shall advise the ~~Governance and Audit and Standards~~ Hearings Sub-Committee as necessary on any matter arising out of the Subject Member's response. At least two weeks before the hearing, the ~~City Solicitor~~Monitoring Officer shall send a pre-hearing process summary to everyone involved in the complaint. This should set the date, time and place for the hearing, summarise the allegation, outline the main facts that are agreed and those which are not agreed, note whether the subject member will attend and be represented, list the witnesses who intend to give evidence, and outline the procedure to be followed at the hearing.

~~19.17.~~ **Hearing Procedure**

~~19.1.17.1.~~ The hearing is a formal meeting of the Authority and is not a court of law. It does not hear evidence under oath, but it does decide factual

evidence on the balance of probabilities. The hearing will be conducted in a demonstrably fair, independent and politically impartial way, so that members of the public and members of the Authority have confidence in the Council's procedures and findings.

~~19.2.17.2.~~ The procedure followed at the hearing will be confirmed in the pre-hearing process summary referred to in Paragraph ~~17.3-~~16.3.

~~20.18.~~ **Notification of Findings**

~~20.1.~~ As soon as reasonably practicable after the ~~Governance and Audit and Standards~~-Hearings Sub- Committee makes its finding on the matter, the ~~City~~ ~~20.2.18.1.~~ ~~Solicitor~~Monitoring Officer shall give written notice of the finding and the reasons for it to the ~~Subject~~-Member ~~the subject of the finding, and~~ the person who made the allegation. A summary of the finding and reasons for it shall be placed on the Council's website.

~~20.3.18.2.~~ Where the finding is that there was no failure to comply with the Code of Conduct, a summary of the finding and reasons for it shall not be placed on the Council's website if the ~~Subject~~-Member the subject of the finding so requests.

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