



Audit and Standards Committee

Thursday, 11 October 2018 at 6.30 pm

**Large & Small Committee Room, King George V House, King George V
Road, Amersham**

A G E N D A

Item

1 Evacuation Procedures

2 Apologies for Absence

3 Minutes (*Pages 5 - 12*)

To approve the minutes of the Audit and Standards Committee held on 16 July 2018.

4 Declarations of Interest

5 Annual Review of the Code of Conduct and Complaints Procedure (*Pages 13 - 16*)

Appendix 1: Code of Conduct (Pages 17 - 26)

Appendix 2: Member Complaints Procedure (Pages 27 - 62)

6 Committee on Standards in Public Life Annual Report (*Pages 63 - 64*)

Appendix 1 (Pages 65 - 74)

7 Standards Work Programme (*Pages 75 - 76*)

- 8 Fraud and Corruption Annual Report (*Pages 77 - 84*)
Appendix 1 (Pages 85 - 86)
- 9 Interim Progress Report (*Pages 87 - 92*)
- 10 Comparison of Assurance Levels (*Pages 93 - 102*)
- 11 Audit Committee Work Programme (*Pages 103 - 104*)
- 12 Freedom of Information Management and RIPA Annual Report (*Pages 105 - 110*)
Report to be noted.
Appendix (Pages 111 - 114)
- 13 Exclusion of the Public (if required)

To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

Note: All reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

Membership: Audit and Standards Committee

Councillors: J Gladwin (Chairman)

A Bacon

C Ford

C Jackson

R J Jones

V Martin

D Phillips

N Varley

C Wertheim

C Langley, Independent Person

E Jones, Independent Person

Date of next meeting – Thursday, 24 January 2019

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CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the
AUDIT AND STANDARDS COMMITTEE (CDC)
held on **16 JULY 2018**

PRESENT: Councillor J Gladwin - Chairman
" - Vice Chairman

Councillors: A Bacon
V Martin
D Phillips
C Wertheim

Independent Person: E Jones

APOLOGIES FOR ABSENCE were received from Councillors C Ford, C Jackson and R J Jones

1 MINUTES

The Minutes of the meetings of the Audit and Standards Committee held on 8 March 2018 and 15 May 2018 were approved by the Committee and signed by the Chairman as a correct record.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 PRESENTATION - PRUDENTIAL CODE BRIEFING

Members received a briefing on the Prudential Code which could be seen at pages 13-23 of the agenda pack. The briefing sought to make Members aware of the code and to provide an overview of its contents.

In response to a question raised relating to the authorised limit mentioned in the briefing, it was clarified that the authorised limit referred to the total figure for external borrowing which could be undertaken by the Council. This was an upper limit which included both long term and any necessary short term borrowing. The figure was estimated to increase in the years to 2020/21 due to the capital expenditure that the Council planned to incur over the period.

In response to a concern raised regarding prudential indicators, it was advised that the impact on these of any major capital investment undertaken by the Council that involved borrowing would be reported to Members, so that the

financial impact of decisions would be made clear. Officers and external auditors would be able to provide advice and guidance, but ultimately it would be for the authority to judge the risk associated with any external borrowing. Members would be able to examine the financial implications of the Medium Term Financial Strategy and challenge this if desired.

4 SOCIAL MEDIA POLICY FOR MEMBERS

The Committee considered a report which set out the proposed social media policy for Members. It was advised that the purpose of the policy was to encourage Members to use social media effectively, whilst also highlighting the associated risks and personal responsibilities. A social media guide was included with the policy, and it was noted that training would also be offered to Members who wished to learn more.

It was agreed that a reference to the General Data Protection Regulations (GDPR) should be included in the policy.

RESOLVED

- 1. That a social media policy for Members as set out in Appendix A of the report be agreed, and the final wording be delegated to the Chief Executive for approval in consultation with the Chairman.**
- 2. That the social media guidance contained in Appendix B of the report be approved.**

5 REVIEW OF PROTOCOL ON THE ROLE OF THE INDEPENDENT PERSON

Members received a report which set out the proposed amendments to the Protocol on the Role of the Independent Person, which could be seen at Appendix 1 on pages 61-63 of the agenda pack. The Committee were informed that the key amendments related to clarification of the role including when the Independent Person's view would be sought and the process through which Members could request the advice of the Independent Person. The requirement for the Monitoring Officer to meet quarterly with the Independent Person would be replaced with meetings being held at least annually.

RESOLVED

That the updated Protocol attached at Appendix 1 of the report be approved.

6 COMPLAINTS MONITORING REPORT

The Committee received a report which detailed the complaints monitoring information for 2017/18. It was noted that only one complaint had been received in the year, and in this case it was not necessary to proceed further than Stage 2 of the Complaints Procedure.

RESOLVED

That the complaints monitoring information for 2017/18 be noted.

7 CASE LAW UPDATE - HARVEY V LEDBURY TOWN COUNCIL

A report was presented which provided Members with information about a recent High Court judgement concerning the lawfulness of sanctions imposed by a Town Council against a councillor following a complaint about her conduct. Members were advised that the judgement meant that complaints relating to a breach of the Code of Conduct by Parish/Town councillors need to be referred to the Monitoring Officer of the principal Council in accordance with the Member Complaints Procedure, rather than being dealt with internally by the Parish/Town Council.

RESOLVED

That the report be noted.

8 CHANGES TO CONTRACT PROCEDURE RULES

The Committee received a report which set out the proposed changes to the Council's Contracts Procedure Rules, which could be seen at Appendix A on pages 115-132 of the agenda pack.

Members were informed that the proposed increase to spend thresholds would reduce the time and effort needed to undertake the procurement process. However, it was noted that a balance needed to be struck between building relationships with trusted contractors and ensuring best value. The Committee felt that the threshold should be raised to £10,000 to reduce the additional work required for officers in obtaining multiple quotes. However, as the difference in quotes included in the sample at paragraph 6.6 was significant, Members felt that the threshold should not exceed £10,000 and should be reviewed after two years.

In relation to the proposed new section covering Bonds, it was noted that the wording did not indicate when a Bond would have to be considered during the procurement process. The Committee agreed that Bonds should be

considered for contracts over £50,000 and that the decision whether a Bond was required be delegated to the contract owner and a consulting officer.

In response to a query regarding exemptions to the Contracts Procedure Rules, it was advised that exemptions were most often used when instructing Counsel in planning or enforcement cases where prior working knowledge was beneficial, and needed to be agreed by the Management Team.

RECOMMENDED TO FULL COUNCIL that the revised Contracts Procedure Rules contained in Appendix A of the report be approved subject to the below amendments:

- 1. The spend threshold for a single quote be set at £10,000**
- 2. A bond be considered for contracts over £50,000, to be considered by the Contract Owner and a consulting officer**

9 S106 MONITORING

The Committee considered a report which informed Members about the actions being taken to improve the controls around the monitoring and enforcement of Section 106 planning agreements. The table at section 4 of the report showed the current position on S106 payments received, payments where trigger points had not been reached and agreements being reviewed. It was noted that 25 agreements were currently being reviewed and that these were of moderate size.

A concern was raised that only £3.3 million in S106 payments had been received since 2002. In response, Members were informed that the default position in Chiltern had been to require delivery of on-site affordable housing rather than S106 payments, which explained the relatively low figure. It was suggested that including the number of affordable housing units delivered since 2002 would be useful to provide context.

In relation to the proposed S106 monitoring officer post, the Committee questioned whether there would be a detailed job description for the post and whether this would be audited. It was noted that the role and the job description would be reviewed by the Joint Staffing Committee, before any decision to approve the post.

RESOLVED

That the report be noted.

10 INTERNAL AUDIT - INTERIM PROGRESS REPORT

The Committee received the Internal Audit progress report from TIAA which showed the details of audits finalised since the previous meeting. It was noted that further training for officers on risk management had been provided.

RESOLVED

That the report be noted.

11 INTERNAL AUDIT - FOLLOW UP

Members considered the follow up review of 2017/18 Internal Audit reports from TIAA, which had been carried out in May and June 2018. The report showed the number of recommendations which had been implemented and highlighted areas where target dates had been revised due to operational reasons.

RESOLVED

That the report be noted.

12 ANNUAL STATEMENT OF ACCOUNTS

Members received a report which presented the Statement of Accounts for 2017/18, which could be seen at Appendix 1 on pages 167-242 of the agenda pack. Key points raised were as follows:

- The net cost of services for the year was £11.94 million, income from Council Tax was £10.62 million, and income from business rates was £947,000.
- Over £3 million had been added to the general fund, and earmarked reserves had increased to £12.5 million.
- Payments had been made in advance to the pension fund, authorised by the Section 151 officer, as there was a potential advantage of earning a return on the assets. Members requested that, in future, they be informed in advance if extra payments were to be made to the pension fund.
- There had been a difference in the estimated value and the actual value of the Buckinghamshire Pension Fund, of which the Council's share was £531,000. This amount was considered immaterial and was not adjusted for.

RESOLVED

That the final 2017/18 Statement of Accounts be approved by the Audit and Standards Committee and signed by the Chairman in accordance with the Accounts and Audit Regulations.

13 ANNUAL GOVERNANCE REPORT

The Committee received a report which requested that Members review the Authority's Governance Framework and approve the Annual Governance Statement for 2017/18. Members were taken through the key sources of assurance and it was agreed that these were satisfactory.

RESOLVED

That the Annual Governance Statement be approved.

14 EXTERNAL AUDIT ANNUAL RESULTS REPORT

Members considered the Annual Results Report from external auditors Ernst & Young (EY). An updated report was circulated to the Committee at the start of the meeting, which reflected the difference in the valuation of the Pension Fund. The Chairman thanked the finance team for their hard work in meeting the earlier deadline for preparation of the accounts and representatives from EY thanked officers for their assistance.

RESOLVED

That the report be noted.

15 EXTERNAL AUDIT LETTER TO THOSE CHARGED WITH GOVERNANCE

Members considered the proposed response to the External Auditor's letter requesting information on how the Committee gains assurance from management.

RESOLVED

That the proposed response to the External Auditor's letter at Appendix 2 be agreed.

16 EXTERNAL AUDIT 1819 FEE LETTER

The annual fee letter from external auditors EY was presented to the Committee. It was noted that, due to the Council's participation in the national

Public Sector Audit Appointments scheme, the audit fee for 2018/19 would be 23% lower than the previous year.

RESOLVED

That the External Audit Fee Letter for 2018/19 be noted.

17 PURCHASE CARD SPEND ANALYSIS

In response to a request at a previous meeting, the Committee received a report which showed a breakdown of the procurement card spend for 2017/18.

RESOLVED

That the report be noted.

18 ELECTORAL SERVICES BRIEFING NOTE

In response to a request at a previous meeting, Members received a briefing note which set out the main processes and controls in place for electoral registration to maintain data quality, minimise errors, and reduce fraud.

RESOLVED

That the report be noted.

19 AUDIT WORK PROGRAMME

RESOLVED

That the Audit Work Programme of the Audit and Standards Committee be noted.

20 STANDARDS WORK PROGRAMME

RESOLVED

That the Standards Work Programme of the Audit and Standards Committee be noted.

The meeting ended at 8.23 pm

SUBJECT:	Annual Review of the Code of Conduct and Complaints Procedure
REPORT OF:	Monitoring Officer
RESPONSIBLE OFFICER	Joanna Swift
REPORT AUTHOR	Joanna Swift jswift@chiltern.gov.uk Tel : 01494 732761
WARD/S AFFECTED	None

1. Purpose of Report

To consider if the code of conduct and complaints procedures adopted by the Council in accordance with the Localism Act in 2011, remain fit for purpose.

RECOMMENDATION

The Committee is invited to note the information in this report and consider whether any changes should be made to the Council's current code of conduct and complaints procedure.

2. Reasons for Recommendations

It is good practise for the Council to review its adopted policies and procedures on a regular basis to ensure they remain relevant and effective.

3. Content of Report

- 3.1 As members are aware the Council has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct amongst its elected and co-opted members, to adopt a code governing member conduct and to have arrangements in place for dealing with any complaints that members may have breached the code of conduct. Any complaints that town or parish councillors have breached their council's code of conduct are covered by the District Council's arrangements.
- 3.2 Under the Act and accompanying statutory regulations members must disclose any pecuniary interests (DPI's) held by themselves or their spouse/partners in items of Council business. Failure to disclose a DPI is a criminal offence.

THE CODE OF CONDUCT

- 3.3 The Act gives the Council discretion over the contents of their code of conduct provided that it accords with the following 7 principles of conduct in public life:-
- selflessness
 - integrity
 - objectivity
 - accountability
 - openness

- honesty
- leadership

- 3.4 The Council's code of conduct was first adopted on 24 July 2012 and amended in February this year to add a new paragraph 6.6 clarifying that members who declare a personal interest may still speak and vote on the item of business concerned. A copy is attached at Appendix 1. It is based on a lighter-touch set of general obligations than the previous national model code but retains the requirement for members to disclose non-pecuniary personal and prejudicial interests, in addition to the statutory DPI's. This was considered vital in view of the Council's regulatory role in determining planning and licencing applications. South Bucks District Council has adopted the same form of code.
- 3.5 It is considered that the obligations in the code of conduct are generally understood by Members and that declarations of interest are being made appropriately.

THE COMPLAINTS PROCEDURE

- 3.6 The Act also gives the Council discretion on the arrangements it adopts for dealing with complaints. These arrangements must however include the appointment of at least one independent person whose views are to be sought and taken into account, before the Council makes a decision on an allegation that it has decided to investigate. The independent person's view may also be sought by the authority at other stages in the investigation and by subject members.
- 3.7 The Council's current Complaints Procedure was reviewed and revised by the Committee last January and is attached at Appendix 2. This retains a 3 stage process:-
1. The complaint is sent to the subject councillor member who has an opportunity respond. If the complainant is satisfied with the councillor's explanation or proposed remedy, no further action is taken. If the complainant remains dissatisfied the complaint proceeds to Stage 2.
 2. The monitoring officer assesses whether the complaint should be referred for investigation having regard to the referral criteria, in consultation with the chairman of this Committee and an independent person. If a complaint merits investigation it will proceed to Stage 3. If the monitoring officer decides not to refer the complaint for investigation no further action is taken and no appeal is available.
 3. An investigation is carried out and the investigators report is referred to a Hearing Sub-Committee or, in certain cases, this Committee for consideration. The Independent Person's view must be taken into account when deciding what action to take.

Similar arrangements have been adopted by South Bucks District Council

- 3.8 The monitoring officer has received 1 formal complaint under the new procedure which did not proceed past Stage 2. The monitoring officer is satisfied that the procedure is currently fit for purpose.

4. Consultation

Not applicable at this stage

5. Options

The Council has the option of proposing other changes to the code of conduct which could be the subject of wider consultation with members before formal consideration by Full Council and revisions to the complaints procedure.

6. Corporate Implications

Financial - None

Legal – As set out in the report

Risks issues – None

Equalities - None

7. Links to Council Policy Objectives

Whilst there is no direct link to the Council's main objectives the Council has a statutory obligation to adopt a code of conduct and complaints procedure. The effective monitoring of complaints is matter of good governance and is important in preserving the confidence of local communities

8. Next Steps

Consultation would be undertaken with the wider Council membership on any proposed changes.

Background Papers:	None except those referred to in the report
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CHILTERN

District Council

CHILTERN DISTRICT COUNCIL

CODE OF CONDUCT FOR MEMBERS

ADOPTED ON 15 AUGUST 2012

REVISED ON 28 FEBRUARY 2018

Part 1 – General Provisions

Introduction

1. (1) The Council has adopted this Code of Conduct pursuant to section 27 of the Localism Act 2011 (the Act) to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council including the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council
- (2) This Code of Conduct complies with Section 28 the Act and is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Scope

2. (1) This Code of Conduct applies to you whenever you are acting in your capacity as a member of Chiltern District Council, including:
 - (a) at formal meetings of the Council, its Committees and Sub-Committees, its Cabinet and PAG's
 - (b) when acting as a representative of the authority
 - (c) in taking any decision as a Cabinet member or a Ward Councillor
 - (d) in discharging your functions as a ward Councillor
 - (e) at briefing meetings with officers
 - (f) at site visits and
 - (g) when corresponding with the authority other than in a private capacity
- (2) Where you act as a representative of the Council:
 - (a) on another authority, you must when acting for that authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject

General obligations

3. You must:
 - (1) provide leadership to the council and communities within its area, by personal example and
 - (2) respect others and not bully any person
 - (3) recognise that officers (other than political assistants) are employed by and serve the whole council
 - (4) respect the confidentiality of information which you receive as a member:
 - i. not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - ii. not obstructing third parties' legal rights of access to information
 - (5) not misconduct yourself in a manner which is likely to bring the council into disrepute
 - (6) use your position as a member in the public interest and not for personal advantage
 - (7) act in accordance with the council's reasonable rules on the use of the resources of the council for private or political purposes
 - (8) exercise your own independent judgement, taking decisions for good and substantial reasons:
 - i. attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
 - ii. paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and
 - iii. stating the reasons for your decisions where those reasons are not otherwise apparent
 - (9) account for your actions, particularly by supporting the council's scrutiny function
 - (10) ensure that the council acts within the law.

Part 2 – Interests**Personal interests**

4. In addition to the statutory requirements under the Act in relation to Disclosable Pecuniary Interests (DPI's) and as set out in Paragraph 10 below, and save for the subject interest already having been declared as a DPI and the statutory provisions complied with, the following Paragraphs 5 to 9 shall also apply.
5. (1) You have a personal interest in any business of the council where either:
- (a) it relates to or is likely to affect:
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;
 - (ii) any body:
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
 of which you are a member or in a position of general control or management;
 - (iii) any person or body who employs or has appointed you;
 - (iv) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
 - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision;
- (2) In sub-paragraph (1)(b), a relevant person is:
- (a) a member of your family or any person with whom you have a close association; or
 - (b) 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;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1) (a) (i) or (ii).

Disclosure of personal interests

6. (1) Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of the council and you attend a meeting of the council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of the council which solely

relates to a 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, you need only disclose to the meeting the existence and nature of that interest if that interest is prejudicial.

- (3) Where you have a personal interest in any business of the council of the type mentioned in paragraph 5(1) (a) (iv), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Subject to paragraph 9(1) (b), 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 records the existence and nature of that interest.
- (6) Having declared a personal interest you may continue to speak and vote on the item of business concerned.

Prejudicial interest generally

7. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of the council you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) 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 person or body described in paragraph 5;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 5; or
 - (c) relates to the functions of the council in respect of:
 - (i) an allowance, payment or indemnity given to members;
 - (ii) any ceremonial honour given to members; and
 - (iii) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

8. You also have a prejudicial interest in any business before an overview and scrutiny committee of the council (or of a sub-committee of such a committee) where:
 - (a) that business relates to a decision made (whether implemented or not) or action taken by the cabinet, PAG's or another of the council's committees, sub-

committees, joint committees or joint sub-committees; and

- (b) at the time the decision was made or action was taken, you were a member of the cabinet, PAG's, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

9. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your council:
 - (a) you must declare the existence and nature of your interest and withdraw from the room or chamber where a meeting considering the business is being held:
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your council's monitoring officer;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of the council you may attend a meeting (including a meeting of the overview and scrutiny committee of the council or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

10. Disclosable Pecuniary Interest

A Disclosable Pecuniary Interest (DPI) is as defined in 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012' (The Regulations) and the categories of interest are set out in Appendix A.

Note: In addition to the statutory requirements under the Act, Council Procedure Rules require you to withdraw from the room or chamber where the meeting is being held if you have a DPI in an item of business being considered at that meeting unless a Dispensation has been granted pursuant to and in accordance with Section 33 of the Act.

Part 3 - Registration of Members' Interests**Registration or Disclosure of members' interests**

11. (1) Subject to paragraph 12, you must, within 28 days of:
- (a) in relation to a DPI, the Regulations coming into effect namely 1.7.12
 - (b) in relation to Personal Interests, this Code being adopted by or applied to the council; or
 - (c) otherwise your election or appointment to office (where that is later),
- register in the council's register of members' interests, maintained under Section 29 of the Act, details of any DPI which you or your spouse or civil partner (or person with whom you are living as spouse or civil partner) may have, together with your personal interests where they fall within a category mentioned in paragraph 5(1) (a), by providing written notification to the council's monitoring officer.
- (2) Failure to register or disclose any DPI in accordance with section 30(1) or 31(2), (3) or (7) of the Act, or participating in any discussion or vote in contravention of section 31(4) of the Act, or taking any steps in contravention of section 31(8) of the Act, is a criminal offence and risks a fine not exceeding level 5 on the standard scale (currently £5,000) or disqualification as a member for a period not exceeding 5 years.
- (3) Subject to paragraph 12, you must, within 28 days of becoming aware of any new DPI and/or personal interest or change to any DPI and/or personal interest registered under paragraph (1), register details of that new DPI and/or personal interest or change by providing written notification to the council's monitoring officer.
- (4) Subject to Paragraph 12, you are required to disclose the existence and nature of any DPI when it arises at a meeting even where already registered in the Register or pending registration so the minutes can be duly noted.

Sensitive interest

12. (1) Where you consider that you have a sensitive interest (whether or not a DPI), and the council's monitoring officer agrees, if the interest is entered in the Council's register, copies of the register that are made available for inspection and any published version of the register, must not include details of the interest (but may state that the member has an interest the details of which are withheld under section 32 (2) of the Act) and any public declaration required need only state the fact an interest arises without further detail.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer a sensitive interest, notify the Council's monitoring officer asking that the interest be included in the Council's register of members' interests.
- (3) In this Code, "sensitive interest" means an interest, the nature of which is such

that you and the Council's monitoring officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.

Dispensations

13. On a written request made to the Council's Monitoring Officer, the Council may grant a dispensation for you to participate in a discussion and vote on a matter at a meeting even if you have a DPI or a prejudicial interest and that you be relieved of the obligation to otherwise withdraw from the room in which the matter is being considered if the Council considers that the number of members otherwise prohibited from taking part in the meeting would be so great a proportion of the body transacting the business that it would impede the transaction of the business; or the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote on the business; or it is in the interests of the inhabitants in the Council's area to allow you to take part or that without the dispensation the Council's Executive would be prohibited from participating in the matter or it is otherwise appropriate to grant a dispensation.

Disclosable Pecuniary Interests

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

DPI's are defined in the Regulations 2012 as follows:

Interest	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p>
Contracts	<p>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:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
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	<p>Any tenancy where (to M's knowledge):</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p>

	(ii) if the share capital of that body is 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.
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For this purpose:

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

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

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

“M” means a member of a relevant authority; “member” includes a co-opted member;
“relevant authority” means the authority of which M is a member;

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

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

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.



CHILTERN
District Council

ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT 2011 (ADOPTED 17 JANUARY 2018)

1. Context

These "Arrangements" set out how to make a complaint that an elected or co-opted Member of Chiltern District Council or a Parish or Town Council in the area has failed to comply with the Code of Conduct, and sets out how the Council will deal with allegations of a failure to comply with the Code of Conduct.

Under Sections 28(6) and (7) of the Localism Act 2011, the Council must have "arrangements" in place under which allegations that a Member or co-opted Member of the Council or of a Parish or Town Council in the area has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations.

These arrangements must provide for the Council to appoint at least one Independent Person whose views must be sought before the Council takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a Member, or co-opted Member of a Parish or Town Council in the area, against whom an allegation has been made.

2. The Code of Conduct

The Council has adopted a Code of Conduct for its Members, which is attached at Appendix 2 and is available for inspection on the Council's website and on request by emailing the monitoring officer at: monitoringofficer@chiltern.gov.uk.

Each Town and Parish Council is also required to adopt a Code of Conduct and copies are available either on the Parish or Town Council's website or on request from the Clerk to the relevant Council.

3. Making a complaint

The monitoring officer is a senior officer of the Council who has statutory responsibility for maintaining the Register of Members' Interests and administers the procedure for dealing with complaints of Member misconduct.

To ensure the monitoring officer has all the information necessary to process your complaint, please complete the Model Complaint Form at Appendix 1, which can be downloaded from the Councils website at www.chiltern.gov.uk/contactus/commentscomplimentsandcomplaints and is also available on request from the Monitoring Officer by email to monitoringofficer@chiltern.gov.uk or by telephone to: 01494 732761.

Please provide your name and a contact address or email address your complaint can be

acknowledged and we can keep you informed of its progress. If you want to keep your name and address confidential, please indicate this and the reason why, in the space provided on the Complaint Form. Please note that we will not deal with anonymous complaints.

Please send your completed Complaint Form and any relevant documents by email to:

monitoringofficer@chiltern.gov.uk

Or by post to:

Monitoring Officer
Chiltern District Council
King George V House
King George V Road
Amersham HP6 5AW

4. What happens next?

The monitoring officer will acknowledge receipt of your complaint within 5 working days. If your complaint is **not** about member conduct then the Monitoring Officer will not consider it but will, where possible, refer you to any relevant procedure available.

For example the following are not covered by this complaints procedure:

- Complaints about the conduct of councillors when acting in their personal capacity i.e. not acting as an elected or co-opted member of the Council
- Dissatisfaction with a decision or action of the Council or one of its committees
- Complaints about a service provided by the Council
- Complaints about the Council's procedures
- The actions of people employed by the Council

If a complaint alleges that Members may have committed a criminal offence by breaching the "disclosable pecuniary interest" provisions under Section 34 of the Localism Act 2011, it will be referred to Thames Valley Police for consideration, in accordance with the Protocol at Appendix 8.

Your complaint will be considered in three Stages with the aim of reaching a satisfactory resolution. Under Stages One and Two only the details contained in the Complaint Form will be considered. Therefore it is important that you set out your complaint clearly and provide all the information you wish to be considered at the outset.

As a matter of fairness and natural justice we believe members who are complained about have a right to know who has made the complaint and to be provided with full details of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that to do so would be contrary to the public interest, would prejudice any subsequent investigation or you have reasonable grounds for believing you or any witness in the matter would be at risk.

The Member will still be informed that a complaint has been made - and unless to do so would lead to the disclosure of your identity, will be informed of the paragraphs of the Code which are alleged to have been breached. However, your details and a full copy of the complaint will be

withheld until your request has been considered.

The assessment of a request for confidentiality will be considered against the following criteria – but with the balance always being in favour of disclosure unless exceptional circumstances exist to determine otherwise:

- 1) The complainant has reasonable grounds for believing that they will be at risk of physical harm if their identity is disclosed.
- 2) The complainant is an officer who works closely with the subject member and they are afraid of the consequences to their employment or of losing their job if their identity is disclosed.
- 3) The complainant suffers from a serious health condition and there are medical risks associated with their identity being disclosed (medical evidence may be required to be submitted).
- 4) Any other very special circumstances put forward by the complainant which identify reasonable grounds for believing that disclosure of details would result in the complainant or witnesses being intimidated or lead to evidence being compromised or destroyed.

Please note that requests for confidentiality or requests for suppression of complaint details will not be automatically be granted. The monitoring officer will consult with the Independent Person to consider your request alongside the substance of your complaint. If your request for confidentiality is not granted, you will be asked whether you wish the Council to continue to consider your complaint.

5. Stage One

We will tell the Member that you are complaining about that we have received a complaint and provide them with a copy (unless your request for confidentiality has been agreed).

The Member will be invited to respond within 20 working days – including in their response any suggestion to resolve the complaint.

This response will be made available to you and you will be asked if you are satisfied – if yes, no further action will be taken or the action proposed by the Member will proceed – or you will be asked if you wish your complaint to be considered further under Stage Two.

6. Stage Two

Your complaint will then be assessed by the monitoring officer having regard to the Referral Criteria at Appendix 3 and who will decide, after consultation with the Chairman/Vice-Chairman of the Councils Audit and Standards Committee and the Independent Person (whose views will be taken into account), whether your complaint should be referred for investigation. This will happen within an average of 20 working days from the commencement of Stage Two.

When a decision has been made you will be notified in writing. The monitoring officer will also write to the member(s) you have complained about and the parish or town clerk (if applicable). These letters will be sent within five working days of a decision being reached. The decision is made available for public inspection once the member concerned has been given a copy of the decision.

The decision of the monitoring officer is final and there is no right of appeal.

In appropriate cases, the monitoring officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology or the complaint maybe considered suitable for mediation or such other remedial action by the Council on the recommendation of the monitoring officer. Where the Member concerned makes a reasonable offer of informal resolution such as an apology or agrees for the complaint to be mediated but you are not willing to accept that offer, the monitoring officer will take this into account in deciding whether the complaint merits formal investigation

7. Stage Three

If the decision at Stage Two is to investigate the complaint the monitoring officer will appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another Council or an external investigator. The investigator's report will be considered by the Hearings Sub-Committee of the Council's Audit and Standards Committee. The Council has adopted a model procedure for the investigation of complaints, which is attached at Appendix 4 together with an explanatory flowchart. Details of the both the investigation procedure and the procedure if the matter proceeds to a hearing are explained further below.

8. How is the investigation conducted?

Ordinarily the Council would hope that investigations will take no more than 6 months to complete from the date the decision to investigate is taken. This will very much depend on the facts of each complaint and some investigations may be concluded earlier and others may take longer.

It is vital to the timely completion of investigations that you, as the complainant, and the subject Member under investigation, comply with the reasonable requirements of the Investigating Officer in terms of interview attendance and supplying relevant documents. If you, as the complainant, do not co-operate the Investigating Officer monitoring officer for direction as to whether the investigation should be terminated. Similarly if the subject Member does not comply, the Investigating Officer will proceed to determine the investigation in the absence of their contribution and may draw an adverse inference from their non-cooperation.

The Investigating Officer will normally carry out the investigation in accordance with the model procedure detailed at Appendix 4 although may decide to depart from this if the circumstances of the complaint warrant it.

As an initial step, and subject to any ruling on disclosure, the Investigating Officer may write to the subject Member at the beginning of the investigation to see if the subject Member still wishes to contest the complaint. Subject to this the investigation will normally follow the model procedure at Appendix 4.

At the end of the investigation, the Investigating Officer will produce a draft report and will send copies of the draft report, in confidence, to you and to the Member concerned to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

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

It should be noted that at any time during an investigation, the Investigating Officer may, following consultation with the Independent Person, refer the matter back to the monitoring officer for re-consideration as to whether the investigation should proceed if the Investigating Officer considers that the Re-consideration Criteria in Appendix 3 are satisfied.

9. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The monitoring officer will review the Investigating Officer's report and consult with the Independent Person thereon. If having done so the monitoring officer is satisfied that the Investigating Officer's report is sufficient, the monitoring officer will write to you and to the Member concerned and to the Parish or Town Council on which the Member serves, notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the monitoring officer is not satisfied that the investigation has been conducted properly, the Investigating Officer may be asked to re-consider his/her report.

10. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and after consulting the Independent Person will consider whether Local Resolution should be attempted or the matter should proceed direct to hearing before the Hearings Sub-Committee.

- **Local Resolution**

The monitoring officer will consult with the Independent Person and with you as complainant and seek to resolve the complaint in a way that helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology or the complaint being referred for mediation or such other remedial action as is considered appropriate in the circumstances. If the Member complies with the suggested resolution, the monitoring officer will report the matter to the Audit and Standards Committee and for complaints about Town/Parish councillors, the relevant Parish or Town Council, but will take no further action. However, if the Member concerned does not accept that the matter should be resolved in such a manner, the monitoring officer will refer the matter for a hearing before the Hearings Sub-Committee.

- **Hearings Sub-Committee**

If the monitoring officer considers that Local Resolution is not appropriate or the Member concerned does not accept that the matter should be resolved in such a manner, then the monitoring officer will submit the Investigating Officers report to the Hearings Sub-Committee which will conduct a Hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the failure.

In readiness for convening a meeting of the Hearings Sub-Committee, the monitoring officer will conduct a written "pre-hearing process", requiring the Member concerned to give their response

to the Investigating Officer's report in order to identify what is likely to be agreed and what is likely to be in contention at the Hearing.

If, through the "pre-hearing process", the Member concerned accepts the Investigating Officer's report, they will be given the opportunity to provide a statement of mitigation which they may invite the Hearings Sub-Committee to consider in their absence. Alternatively, the Member may elect to attend a Hearings Sub-Committee to present their mitigation. In either case, the "uncontested" hearing procedure will be followed as set out at Appendix 5.

Where, following the "pre-hearing process", the Investigating Officer's report remains in contention, the matter will be set down for a "contested" hearing before the Hearings Sub-Committee and the hearing procedure set out at Appendix 6 will be followed.

At the hearing, the Investigating Officer will present his/her report, call such witnesses as considered necessary and make representations to substantiate the conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you, as the complainant, to attend and give evidence. Unless called to do so by the Investigating Officer, you do not have the right to address the Hearings Sub-Committee of your own volition.

The Member will then have an opportunity to give evidence, to call witnesses and to make representations about why they consider they did not fail to comply with the Code of Conduct. The Member may be represented legally or otherwise.

The Hearings Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct and so dismiss the complaint. If the Hearings Sub-Committee concludes that the Member did fail to comply with the Code of Conduct, the Chairman will inform the Member of this finding and the Hearings Sub-Committee will then consider what action, if any, should be taken. In doing this, the Hearings Sub-Committee will give the Member an opportunity to make representations to them and will consult the Independent Person before deciding what action, if any, to take in respect of the matter.

11. What action can the Hearings Sub-Committee take where a Member has failed to comply with the Code of Conduct?

The Council has delegated to the Hearings Sub-Committee such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly, the Sub-Committee may:

- Write to the Member over their conduct;
- Publish its findings in the local media in respect of the Member's conduct;
- Report its findings to the Council or to the Parish or Town Council concerned;
- Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to the Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;

- Recommend to the Leader of the Council that the Member be removed from the Cabinet or removed from particular Portfolio responsibilities;
- Instruct the monitoring officer to, or recommend to the Parish or Town Council concerned that it, arrange training for the Member;
- Recommend removal, or recommend to the Parish or Town Council concerned removal, of the Member from all outside appointments to which he/she has been appointed or nominated by the Council or the Parish or Town Council;
- Withdraw, or recommend to the Parish or Town Council concerned that it withdraws, facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- Recommend that any aspects of the complaint that are considered suitable be referred for mediation between the parties; or
- Exclude, or recommend to the Parish or Town Council concerned that it excludes, the Member from the Council's offices or other premises with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee Meetings.

The Hearings Sub-Committee has no power to suspend or disqualify the Member or to withdraw a Member's basic allowance or any special responsibility allowances.

12. What happens at the end of the Hearing?

At the end of the hearing, the Chairman will announce the Sub-Committee's decision as to whether the Member has failed to comply with the Code of Conduct and as to any action which the Sub-Committee resolves to take.

As soon as reasonably practicable thereafter, the monitoring officer will prepare a formal decision notice in consultation with the Chairman of the Sub-Committee and send a copy to you, to the Member concerned and to any relevant Parish and Town Council, make such decision notice available for public inspection and report the decision to the next convenient meeting of the Audit & Standards Committee.

The decision of the Hearings Sub-Committee is final and is not subject to a right of appeal.

13. What is the Hearings Sub-Committee?

The Hearings Sub-Committee is made up of 3 elected Members of the Council's Audit & Standards Committee.

An Independent Person is invited to attend all meetings of the Hearings Sub-Committee and their views are sought and taken into consideration on whether a Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

14. Who is the Independent Person?

An Independent Person is someone who has been appointed by the Council under Section 28 of the Localism Act 2011.

Independent Persons must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the District Council – i.e. by full Council.

A Person is considered not to be 'independent' if they are, or have been in the previous 5 years:

- an elected or co-opted member or officer of the District Council or any Parish in the area
- an elected or co-opted member of any committee or sub-committee of the District Council or any Parish in the area

or they are a relative or close friend of a current elected or co-opted member or officer of the District Council or any Parish or Town Council the area – or any elected or co-opted members of any committee or sub-committee of such a Council.

15. Revision of these arrangements

The Audit & Standards Committee may amend these arrangements.

The Chairman of any Hearings Sub-Committee may, following consultation with the Independent Person, depart from the procedures detailed above where he/she considers it is expedient to do so in order to secure the effective and fair consideration of any matter.

If the monitoring officer considers that he/she may be conflicted in the discharge of these arrangements, he may delegate such matters to a Deputy monitoring officer to discharge.

16. Appeals

There is no right of appeal for you as complainant or for the Member against a decision of the monitoring officer or the Hearings Sub-Committee.

If you feel that the Council has failed to deal with your complaint in accordance with these arrangements, you may make a complaint to the Local Government Ombudsman.

Appendix 1	Model Complaint Form
Appendix 2	CDC Code of Conduct – Revised 28.02.18
Appendix 3	Assessment Criteria
Appendix 4	Procedure for Investigations
Appendix 5	Uncontested Hearing Procedure
Appendix 6	Contested Hearing Procedure
Appendix 7	Protocol with Thames Valley Police on Reporting Potential Criminal Offences



CHILTERN
District Council

COMPLAINT FORM MEMBER(S) 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:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the member(s) you are complaining about
- the Monitoring Officer of the authority
- the parish or town clerk (if applicable)
- the council's Independent Person (if required)
- members of the Hearings Sub-Committee convened to consider your complaint
- officers involved in mediation (if applicable)

We will tell them your name and give them a summary of your complaint. 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 your name and a summary, or details of your complaint being released, please complete section 5 of this form.

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

- Member of the public
- An elected or co-opted member of an authority
- Member of Parliament
- Local authority Monitoring Officer
- Other council officer or authority employee
- Other

Making your complaint

Once your complaint has been received a decision will be taken in accordance with the council's published arrangements as to what action, if any, should be taken on it which can be found on the Council's website at: <http://www.chiltern.gov.uk/article/8137/Complaints-about-Councillors>. You will not have the opportunity to attend a meeting at this stage. It is important that you provide all the information that you want taken into account as part of your complaint.

Please refer to the council's published arrangements under the heading 'Making a complaint' which explains the Three Stage process for dealing with your complaint.

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First Name	Last Name	Council or Authority Name

It is important that you provide a summary of the information you wish to have taken into account (within the space provided below) so a decision can be made, in accordance with the published arrangements, whether to take any action on your complaint.

For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of stating that the member insulted you, you should give the exact words used.
- 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 indicate which paragraphs of the Code of Conduct you consider the member(s) to have breached by ticking the appropriate box(es).

- 3.1 "You must provide leadership to the council and communities within its areas by personal example."
- 3.2 "You must respect others and not bully any person."
- 3.3 "You must recognize that officers (other than political assistants) are employed by and serve the whole council."
- 3.4 "You must respect the confidentiality of information which you received as a member."
- 3.5 "You must not misconduct yourself in a manner which is likely to bring the council into disrepute."
- 3.6 "You must use your position as a member in the public interest and not for personal advantage."
- 3.7 "You must act in accordance with the council's reasonable rules on the use of the resources of the council for private or political purposes."
- 3.8 "You must exercise your own independent judgment, taking decisions for good and substantial reasons."
- 3.9 "You must account for your actions, particularly by supporting the council's scrutiny functions."
- 3.10 "You must ensure the council acts within the law."
- 6, 9 or 10 (Interest requirements re: Personal, Prejudicial or Disclosable Pecuniary Interests)

4. Please explain in this section (or on separate sheets) what the member has done that you believe breaches 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 breaches the Code of Conduct.

Please provide us with details of your complaint (within the space provided)

Please explain what steps, if any, you have taken to resolve this complaint directly with the member concerned?

Would you be prepared to engage in mediation with the member concerned, if considered appropriate, to try and resolve the complaint?

Yes / No

If you answered no please state reason why below:

Mediation is a way of resolving disputes with the assistance of an independent mediator who will try and help the parties reach a solution to the dispute that both parties are agreeable to. The independent mediator will avoid taking sides, making judgements or giving guidance. They are simply responsible for developing effective communications between the parties with a view to a common sense settlement being arrived at. Mediation is a voluntary process and will only take place if the parties agree and remains confidential to the parties involved.

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

5. 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 the details of your complaint unless you have good reasons.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. 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:

6. Additional Help

Complaints must be submitted in writing. This includes fax and 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.

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



CHILTERN
District Council

CODE OF CONDUCT FOR MEMBERS

Adopted on 15 August 2012

Revised on 28 February 2018

1. General Provisions

Introduction

1. (1) The Council has adopted this Code of Conduct pursuant to section 27 of the Localism Act 2011 (the Act) to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council including the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council
- (2) This Code of Conduct complies with Section 28 the Act and is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Scope

2. (1) This Code of Conduct applies to you whenever you are acting in your capacity as a member of Chiltern District Council, including:
 - (a) at formal meetings of the Council, its Committees and Sub-Committees, its Cabinet and PAG's
 - (b) when acting as a representative of the authority
 - (c) in taking any decision as a Cabinet member or a Ward Councillor
 - (d) in discharging your functions as a ward Councillor
 - (e) at briefing meetings with officers
 - (f) at site visits and
 - (g) when corresponding with the authority other than in a private capacity
- (2) Where you act as a representative of the Council:
 - (a) on another authority, you must when acting for that authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject

General obligations

3. You must:
- (1) provide leadership to the council and communities within its area, by personal example and
 - (2) respect others and not bully any person
 - (3) recognise that officers (other than political assistants) are employed by and serve the whole council
 - (4) respect the confidentiality of information which you receive as a member:
 - (i) not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - (ii) not obstructing third parties' legal rights of access to information
 - (5) not misconduct yourself in a manner which is likely to bring the council into disrepute
 - (6) use your position as a member in the public interest and not for personal advantage
 - (7) act in accordance with the council's reasonable rules on the use of the resources of the council for private or political purposes
 - (8) exercise your own independent judgement, taking decisions for good and substantial reasons:
 - (i) attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
 - (ii) paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and
 - (iii) stating the reasons for your decisions where those reasons are not otherwise apparent
 - (9) account for your actions, particularly by supporting the council's scrutiny function
 - (10) ensure that the council acts within the law.

2. Interests

Personal interests

4. In addition to the statutory requirements under the Act in relation to Disclosable Pecuniary Interests (DPI's) and as set out in Paragraph 10 below, and save for the subject interest already having been declared as a DPI and the statutory provisions complied with, the following Paragraphs 5 to 9 shall also apply.
5. (1) You have a personal interest in any business of the council where either:
- (a) it relates to or is likely to affect:
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;
 - (ii) any body:
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
 of which you are a member or in a position of general control or management;
 - (iii) any person or body who employs or has appointed you;
 - (iv) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
 - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision;
- (2) In sub-paragraph (1)(b), a relevant person is:
- (a) a member of your family or any person with whom you have a close association; or
 - (b) 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;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1) (a) (i) or (ii).

Disclosure of personal interests

6. (1) Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of the council and you attend a meeting of the council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- (2) Where you have a personal interest in any business of the council which solely relates to a 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, you need only disclose to the meeting the existence and nature of that interest if that interest is prejudicial.
- (3) Where you have a personal interest in any business of the council of the type mentioned in paragraph 5(1) (a) (iv), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Subject to paragraph 9(1) (b), 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 records the existence and nature of that interest.
- (6) Having declared a personal interest you may continue to speak and vote on the item of business concerned.

Prejudicial interest generally

7. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of the council you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) 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 person or body described in paragraph 5:
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 5; or
 - (c) relates to the functions of the council in respect of:
 - (i) an allowance, payment or indemnity given to members;
 - (ii) any ceremonial honour given to members; and
 - (iii) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

8. You also have a prejudicial interest in any business before an overview and scrutiny

committee of the council (or of a sub-committee of such a committee) where:

- (a) that business relates to a decision made (whether implemented or not) or action taken by the cabinet, PAG's or another of the council's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the cabinet, PAG's, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

- 9. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your council:
 - (a) you must declare the existence and nature of your interest and withdraw from the room or chamber where a meeting considering the business is being held:
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your council's monitoring officer;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of the council you may attend a meeting (including a meeting of the overview and scrutiny committee of the council or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Disclosable Pecuniary Interest

- 10. A Disclosable Pecuniary Interest (DPI) is as defined in 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012' (The Regulations) and the categories of interest are set out in Appendix A.

Note: In addition to the statutory requirements under the Act, Council Procedure Rules require you to withdraw from the room or chamber where the meeting is being held if you have a DPI in an item of business being considered at that meeting unless a Dispensation has been granted pursuant to and in accordance with Section 33 of the Act.

3. Registration of Members' Interests

Registration or Disclosure of members' interests

11. (1) Subject to paragraph 12, you must, within 28 days of:
- (a) in relation to a DPI, the Regulations coming into effect namely 1.7.12
 - (b) in relation to Personal Interests, this Code being adopted by or applied to the council; or
 - (c) otherwise your election or appointment to office (where that is later),
- register in the council's register of members' interests, maintained under Section 29 of the Act, details of any DPI which you or your spouse or civil partner (or person with whom you are living as spouse or civil partner) may have, together with your personal interests where they fall within a category mentioned in paragraph 5(1) (a), by providing written notification to the council's monitoring officer.
- (2) Failure to register or disclose any DPI in accordance with section 30(1) or 31(2), (3) or (7) of the Act, or participating in any discussion or vote in contravention of section 31(4) of the Act, or taking any steps in contravention of section 31(8) of the Act, is a criminal offence and risks a fine not exceeding level 5 on the standard scale (currently £5,000) or disqualification as a member for a period not exceeding 5 years.
- (3) Subject to paragraph 12, you must, within 28 days of becoming aware of any new DPI and/or personal interest or change to any DPI and/or personal interest registered under paragraph (1), register details of that new DPI and/or personal interest or change by providing written notification to the council's monitoring officer.
- (4) Subject to Paragraph 12, you are required to disclose the existence and nature of any DPI when it arises at a meeting even where already registered in the Register or pending registration so the minutes can be duly noted.

Sensitive interest

12. (1) Where you consider that you have a sensitive interest (whether or not a DPI), and the council's monitoring officer agrees, if the interest is entered in the Council's register, copies of the register that are made available for inspection and any published version of the register, must not include details of the interest (but may state that the member has an interest the details of which are withheld under section 32 (2) of the Act) and any public declaration required need only state the fact an interest arises without further detail.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer a sensitive interest, notify the Council's monitoring officer asking that the interest be included in the Council's register of members' interests.

- (3) In this Code, "sensitive interest" means an interest, the nature of which is such that you and the Council's monitoring officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.

Dispensations

13. On a written request made to the Council's Monitoring Officer, the Council may grant a dispensation for you to participate in a discussion and vote on a matter at a meeting even if you have a DPI or a prejudicial interest and that you be relieved of the obligation to otherwise withdraw from the room in which the matter is being considered if the Council considers that the number of members otherwise prohibited from taking part in the meeting would be so great a proportion of the body transacting the business that it would impede the transaction of the business; or the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote on the business; or it is in the interests of the inhabitants in the Council's area to allow you to take part or that without the dispensation the Council's Executive would be prohibited from participating in the matter or it is otherwise appropriate to grant a dispensation.

Appendix A – Disclosable Pecuniary Interests

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

DPI's are defined in the Regulations 2012 as follows:

Interest	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p>
Contracts	<p>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:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
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	<p>Any tenancy where (to M's knowledge):</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p>

	(ii) if the share capital of that body is 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.
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For this purpose:

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

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

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

“M” means a member of a relevant authority; “member” includes a co-opted member; “relevant authority” means the authority of which M is a member;

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

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

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

ASSESSMENT CRITERIA

Stage 1 Criteria

Before the assessment of a complaint begins, the Monitoring Officer must be satisfied that the complaint meets the following requirements:

- (i) It is a complaint against one or more named Members of the Council or a Parish or Town Council within the area;
- (ii) The named Member or Members were in Office at the time of the alleged conduct and acting in their official capacity; and
- (iii) The complaint, if proven, would be a breach of the Council's Code of Conduct in force at the relevant time.

If the complaint fails any one of these tests, it cannot be investigated as a breach of the Council's Code of Conduct and the complainant must be informed that no further action can be taken in relation to the complaint. If it passes all three tests then it can be assessed according to the criteria set out below.

Stage 2 Criteria

The Monitoring Officer is unlikely to refer a complaint for investigation where it falls into any of the following categories:

- (a) The complaint appears to be vexatious, malicious, politically motivated, relatively minor, insufficiently serious, tit-for-tat, or there are other reasons why an investigation may not be in the public interest.
- (b) The same, or substantially similar, complaint has already been the subject of assessment or investigation and there is nothing more to be gained by further action being taken.
- (c) It appears that the complaint concerns or is really about dissatisfaction with a Council decision or policy rather than a breach of the Code of Conduct.
- (d) There is not enough information currently available to justify a decision to refer the matter for investigation.
- (e) The complaint is about someone who has died, resigned, is seriously ill or is no longer a Member of the Council concerned and therefore it is not in the public interest to pursue.
- (f) Where the allegation is anonymous, unless it includes documentary or photographic evidence indicating an exceptionally serious or significant matter and it is considered in the public interest that it be investigated.
- (g) Where the event/s or incident/s took place more than 6 months prior to the date of

complaint being received or where those involved are unlikely to remember the event/s or incident/s clearly enough to provide credible evidence.

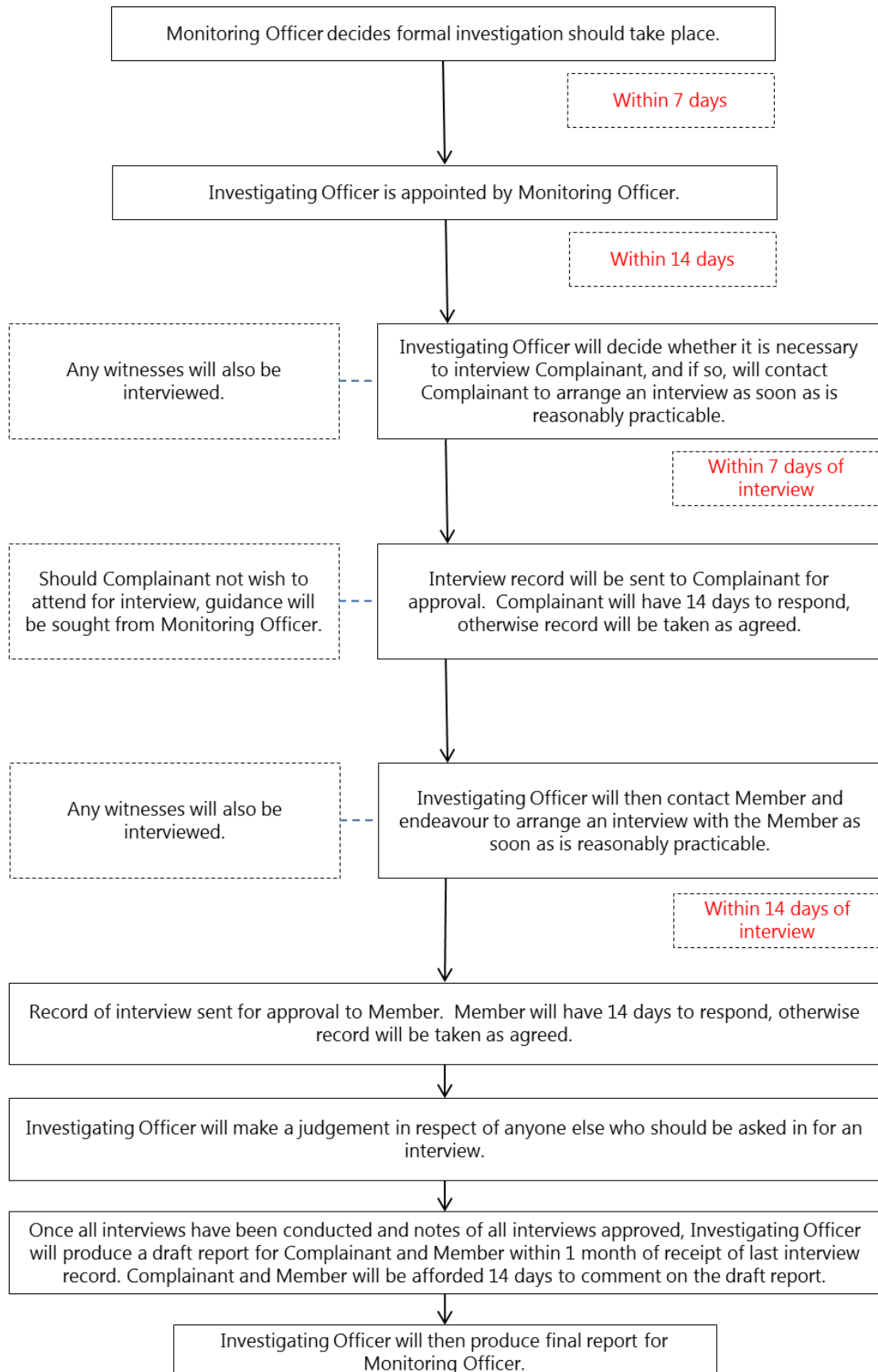
- (h) The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter and where independent evidence is likely to be difficult or impossible to obtain.
- (i) If it is considered that the subject Member has **offered** a satisfactory remedy to the complainant (for example by apologising) or the complaint is capable of other informal resolution **such as mediation** and the Member complained of is amenable to such approach.
- (j) If it is satisfied that having regard to the nature of the complaint and the level of its potential seriousness, the public interest in conducting an investigation does not justify the cost of such an investigation.
- (k) Where the allegation discloses a potential breach of the Code of Conduct but it is considered that the complaint is not serious enough to warrant any further action and:
 - the Member and Officer resource needed to investigate and determine the complaint is wholly disproportionate to the matter complained about; or
 - in **all** the circumstances there is no overriding public benefit or interest in carrying out an investigation.

Re-consideration Criteria

The Investigating Officer may, following consultation with the Independent Person, refer an investigation to the Monitoring Officer for re-consideration as to whether the investigation should proceed where:

- As a result of new evidence or information, the Investigating Officer is of the opinion that the matter is materially less serious than may have seemed apparent to the Monitoring Officer when the decision was made to refer the complaint for investigation, and a different decision may have been made had the Monitoring Officer been aware of the new evidence or information;
- The Member who is the subject of the allegation has died, is seriously ill or has resigned from the Council concerned and in the circumstances the Investigating Officer is of the opinion that it is no longer appropriate to proceed with the investigation; or
- Other circumstances arise, which in the reasonable opinion of the Investigating Officer, render it appropriate for the investigation to be referred to the Monitoring Officer for re-consideration.

PROCEDURE FOR INVESTIGATIONS



**AUDIT & STANDARDS COMMITTEE
OUTLINE PROCEDURE FOR HEARINGS SUB-COMMITTEE
(UNCONTESTED)**

Preliminary Procedural Issues

1. Introductions
2. Declarations of Interest (if any)
3. To consider any request for the exclusion of Press and Public

Breach of the Code of Conduct

4. Monitoring Officer (or his/her representative) to present summary report, including the findings of fact made by the Investigating Officer, and refer to outcome of pre-hearing process.
5. Views of the Independent Person sought.
6. Members of the Sub-Committee to raise/clarify issues.
7. The Sub-Committee will retire, along with the Monitoring Officer, to determine whether there has been a breach of the Code of Conduct. The Sub-Committee's decision will be reported back to the meeting by the Democratic Services Officer.

Action to be taken

8. Monitoring Officer (or his/her representative) to outline possible sanctions.
9. Investigating officer to make submissions on appropriate sanction, if any.
10. Member or (his/her representative) to present statement of, or provide oral, mitigation, including on what sanction, if any, should be imposed.
11. Views of the Independent Person sought.
12. Members of the Sub-Committee to raise/clarify issues.
13. The Sub-Committee will retire, along with the Monitoring Officer, to consider what sanction, if any, should be imposed. The Sub-Committee's decision will be reported back to the meeting by the Democratic Services Officer.

Close of Hearing

AUDIT & STANDARDS COMMITTEE
OUTLINE PROCEDURE FOR HEARINGS SUB-COMMITTEE (CONTESTED)

Preliminary Procedural Issues

1. Introductions
2. Declarations of Interest (if any)
3. To consider any request for the exclusion of Press and Public

Findings of Fact

4. Monitoring Officer (or his/her representative) to present summary report and refer to outcome of pre-hearing process.
5. Investigating Officer to present report and call such witnesses as he/she considers necessary to substantiate his/her conclusion(s) within the report.
6. Member (or his/her representative) to raise/clarify issues with the Investigating Officer, including the questioning of the Investigating Officer's witnesses.
7. Members of the Sub-Committee to raise/clarify issues with the Investigating Officer, including the questioning of the Investigating Officer's witnesses.
8. Member (or his/her representative) to present their case and call such witnesses as he/she considers necessary.
9. Investigating Officer to raise/clarify issues with the Member (or his/her representative), including the questioning of the Member's witnesses.
10. Members of the Sub-Committee to raise/clarify issues with the Member (or his/her representative), including the questioning of the Member's witnesses.
11. Views of the Independent Person sought.
12. Members of the Sub-Committee to raise/clarify issues with the Independent Person.
13. The Sub-Committee will retire, along with the Monitoring Officer, to determine its findings of fact.
14. The Sub-Committee's decision will be reported back to the meeting by the Democratic Services Officer.

Breach of the Code of Conduct

15. The Sub-Committee will need to consider whether or not, based on the facts it has found, the Member has breached the Code of Conduct.
16. Investigating Officer to address the Sub-Committee on whether the facts found constitute a breach of the Code of Conduct.
17. Member (or his/her representative) to address the Sub-Committee as to why the facts found do not constitute a breach of the Code of Conduct.
18. Views of the Independent Person sought.
19. Members of the Sub-Committee to raise/clarify issues.
20. The Sub-Committee will retire, along with the Monitoring Officer, to determine whether there has been a breach of the Code of Conduct. The Sub-Committee's decision will be reported back to the meeting by the Democratic Services Officer.

(If the Sub-Committee determine that there has been no breach of the Code of Conduct, the complaint will be dismissed. If, however, the Sub-Committee determine that there has been a breach of the Code of Conduct, the procedure at paragraph 21 will apply).

Action to be taken

21. The Sub-Committee will need to determine what sanction, if any, should be imposed as a result of the Member's breach of the Code of Conduct.
22. Monitoring Officer (or his/her representative) to outline possible sanctions.
23. Investigating officer to make submissions on appropriate sanction, if any.
24. Member (or his/her representative) to make submissions on whether any sanction should be imposed.
25. Views of the Independent Person sought.
26. Members of the Sub-Committee to raise /clarify issues.
27. The Sub-Committee will retire, along with the Monitoring Officer, to consider what sanction, if any, should be imposed. The Sub-Committee's decision will be reported back to the meeting by the Democratic Services Officer.

Close of Hearing

PROTOCOL BETWEEN CHILTERN DISTRICT COUNCIL AND THAMES VALLEY POLICE

Purpose

To agree a protocol for the reporting of potential criminal offences arising under Section 34 of the Localism Act 2011 concerning the registration and/or disclosure of Disclosable Pecuniary Interests (DPIs) (as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

1. If the Monitoring Officer receives a complaint regarding a potential DPI offence they will undertake an initial assessment of the allegation having regard to the following criteria:
 - Has the alleged offence been committed in the last 3 years?
 - Was the Member concerned subject to the Localism Act 2011 at the time of the alleged offence?
 - Is it proportionate to conduct a criminal investigation rather than a code of conduct investigation for the alleged offence?
2. If the Monitoring Officer considers that the answer to each of the above criteria is "yes" the Monitoring Officer will make immediate contact with Thames Valley Police through the nominated single point of contact (see Appendix B for named Police contact).
3. Similarly if Thames Valley Police receive a complaint from a member of the public they will inform the relevant Monitoring Officer of the receipt of that complaint. (Each authority will be responsible for providing up to date contact details of their appointed Monitoring Officer from time to time – see Appendix B for named Monitoring Officer contacts.)
4. Thames Valley Police will register the complaint and conduct an initial assessment of the complaint but may approach the relevant Monitoring Officer for background information on the complaint.
5. If Thames Valley Police decide not to prosecute the matter they will normally pass the relevant evidence to the relevant Monitoring Officer so that consideration can be given to a Code of Conduct breach being pursued. In the event that the relevant Council decides to pursue a Code of Conduct breach they will inform Thames Valley Police of their decision.
6. Both the relevant Monitoring Officer and Thames Valley Police will endeavour to keep complainants regularly updated as to the progress of complaints.

Signed on behalf of Thames Valley Police:

Signed on behalf of Aylesbury Vale District Council:

Signed on behalf of Buckinghamshire County Council:

Signed on behalf of Chiltern District Council:

Signed on behalf of South Bucks District Council:

Signed on behalf of Wycombe District Council:

Signed on behalf of Buckinghamshire &
Milton Keynes Fire Authority:

Signed on behalf of Royal Berkshire Fire Authority:

The original signed version is retained by Legal Services. Signed and dated by all parties as of

..... 2018.

Appendix A – Extracts from Localism Act 2011

30 Disclosure of pecuniary interests on taking office

1. A member or co-opted member of a relevant authority must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority, notify the authority's monitoring officer of any disclosable pecuniary interests which the person has at the time when the notification is given.
2. Where a person becomes a member or co-opted member of a relevant authority as a result of re-election or re-appointment, subsection (1) applies only as regards disclosable pecuniary interests not entered in the authority's register when the notification is given.
3. For the purposes of this Chapter, a pecuniary interest is a "disclosable pecuniary interest" in relation to a person ("M") if it is of a description specified in regulations made by the Secretary of State and either:
 - a) It is an interest of M's; or
 - b) It is an interest of:
 - i) M's spouse or civil partner;
 - ii) a person with whom M is living as husband and wife; or
 - iii) a person with whom M is living as if they were civil partners, and M is aware that that other person has the interest.
4. Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (1), the authority's monitoring officer is to cause the interests notified to be entered in the authority's register (whether or not they are disclosable pecuniary interests).

31 Pecuniary interests in matters considered at meetings or by a single member

1. Subsections (2) to (4) apply if a member or co-opted member of a relevant authority:
 - a) Is present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority;
 - b) Has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting; and
 - c) Is aware that the condition in paragraph (b) is met.
2. If the interest is not entered in the authority's register, the member or co-opted member must disclose the interest to the meeting, but this is subject to section 32(3).
3. If the interest is not entered in the authority's register and is not the subject of a pending notification, the member or co-opted member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure.
4. The member or co-opted member may not:
 - a) Participate, or participate further, in any discussion of the matter at the meeting; or
 - b) Participate in any vote, or further vote, taken on the matter at the meeting;but this is subject to section 33.

5. In the case of a relevant authority to which Part 1A of the Local Government Act 2000 applies and which is operating executive arrangements, the reference in subsection (1)(a) to a committee of the authority includes a reference to the authority's executive and a reference to a committee of the executive.
6. Subsections (7) and (8) apply if:
 - a) A function of a relevant authority may be discharged by a member of the authority acting alone;
 - b) The member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function; and
 - c) The member is aware that the condition in paragraph (b) is met.
7. If the interest is not entered in the authority's register and is not the subject of a pending notification, the member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in subsection (6)(b) is met in relation to the matter.
8. The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).
9. Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (3) or (7), the authority's monitoring officer is to cause the interest notified to be entered in the authority's register (whether or not it is a disclosable pecuniary interest).
10. Standing orders of a relevant authority may provide for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which, as a result of the operation of subsection (4), the member or co-opted member may not participate.
11. For the purpose of this section, an interest is "subject to a pending notification" if:
 - a) Under this section or section 30, the interest has been notified to a relevant authority's monitoring officer; but
 - b) Has not been entered in the authority's register in consequence of that notification.

32 Sensitive interests

1. Subsections (2) and (3) apply where:
 - a) A member or co-opted member of a relevant authority has an interest (whether or not a disclosable pecuniary interest); and
 - b) The nature of the interest is 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. If the interest is entered in the authority's register, copies of the register that are made available for inspection, and any published version of the register, must not include details of the interest (but may state that the member or co-opted member has an interest the

details of which are withheld under this subsection).

3. If section 31(2) applies in relation to the interest, that provision is to be read as requiring the member or co-opted member to disclose not the interest but merely the fact that the member or co-opted member has a disclosable pecuniary interest in the matter concerned.

33 Dispensations from section 31(4)

1. A relevant authority may, on a written request made to the proper officer of the authority by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions in section 31(4) in cases described in the dispensation.
2. A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority:
 - a) Considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - b) Considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
 - c) Considers that granting the dispensation is in the interests of persons living in the authority's area;
 - d) If it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive; or
 - e) Considers that it is otherwise appropriate to grant a dispensation.
3. A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.
4. Section 31(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

34 Offences

1. A person commits an offence if, without reasonable excuse, the person:
 - a) Fails to comply with an obligation imposed on the person by section 30(1) or 31(2), (3) or (7);
 - b) Participates in any discussion or vote in contravention of section 31(4); or
 - c) Takes any steps in contravention of section 31(8).
2. A person commits an offence if under section 30(1) or 31(2), (3) or (7) the person provides information that is false or misleading and the person:
 - a) Knows that the information is false or misleading; or
 - b) Is reckless as to whether the information is true and not misleading.

3. A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
4. A court dealing with a person for an offence under this section may (in addition to any other power exercisable in the person's case) by order disqualify the person, for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.
5. A prosecution for an offence under this section is not to be instituted except by or on behalf of the Director of Public Prosecutions.
6. Proceedings for an offence under this section may be brought within a period of 12 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.
7. But no such proceedings may be brought more than three years:
 - a) After the commission of the offence; or
 - b) In the case of a continuous contravention, after the last date on which the offence was committed.
8. A certificate signed by the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact; and a certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.
9. The Local Government Act 1972 is amended as follows.
10. In section 86(1)(b) (authority to declare vacancy where member becomes disqualified otherwise than in certain cases) after "2000" insert "or section 34 of the Localism Act 2011".
11. In section 87(1)(ee) (date of casual vacancies):
 - a) After "2000" insert "or section 34 of the Localism Act 2011 or"; and
 - b) After "decision" insert "or order".
12. The Greater London Authority Act 1999 is amended as follows.
13. In each of sections 7(b) and 14(b) (Authority to declare vacancy where Assembly member or Mayor becomes disqualified otherwise than in certain cases) after sub-paragraph (i) insert:
"(ia) under section 34 of the Localism Act 2011".
14. In section 9(1)(f) (date of casual vacancies):
 - a) Before "or by virtue of" insert "or section 34 of the Localism Act 2011"; and
 - b) After "that Act" insert "of 1998 or that section".

Appendix B – Monitoring Officer/Police Contacts

Thames Valley Police

Detective Inspector Gavin Tyrell
Economic Crime Unit
Email: gavin.tyrell@thamesvalley.pnn.police.uk
Tel: 01189 181800 / 07976 269128

Chiltern and South Bucks District Councils

Joanna Swift
Email: monitoringofficer@chiltern.gov.uk
monitoringofficer@southbucks.gov.uk
Tel: 01494 732761

Buckinghamshire County Council

Linda Forsythe
Email: lforsythe@buckscc.gov.uk
Tel: 01296 383640

Aylesbury Vale District Council

Ifty Ali
Email: iali@aylesburyvaledc.gov.uk
Tel: 01296 585032

Wycombe District Council

Julie Openshaw
Email: julie.openshaw@wycombe.gov.uk
Tel: 01494 421252

Buckinghamshire & Milton Keynes Fire Authority

Graham Britten
Email: Gbritten@bucksfire.gov.uk
Tel: 01296 744441

Royal Berkshire Fire Authority

Graham Britten
Email: Gbritten@bucksfire.gov.uk
Tel: 01296 744441

SUBJECT:	Committee on Standards in Public Life Annual Report
REPORT OF:	Monitoring Officer
RESPONSIBLE OFFICER	Joanna Swift Head of Legal and Democratic Services and Monitoring Officer
REPORT AUTHOR	Joanna Swift : monitoringofficer@chiltern.gov.uk Tel : 01494 732761
WARD/S AFFECTED	None

1. Purpose of Report

This report draws members' attention to the Committee for Standards in Public Life (CSPL) Annual Report for 2017-18 and its Forward Plan for the coming year.

RECOMMENDATION

That the report is noted.

2. Reasons for Recommendations

Awareness of the work undertaken by the CSPL in the area of standards and ethics supports the Committee's general responsibility to promote and maintain high standards of conduct.

3. Content of Report

- 3.1 The Committee on Standards in Public Life (CSPL) is an independent advisory, non-departmental body which advises the Prime Minister on ethical standards across the whole of public life in England. It monitors and reports on issues relating to the standards of conduct of all public office holders including members of local authorities.
- 3.2 The CSPL publishes an annual report and an extract from its 2017 -18 Report is attached as an Appendix. This contains the Foreword by the Chairman, an overview of work undertaken during the year, its current work plan and Watching Brief for 2018-19. The full document is available on the CSPL website at: <https://www.gov.uk/government/publications/annual-report-2017-18>
- 3.3 The CSPL is currently undertaking a review of local government ethical standards. This was launched in January with a three month public consultation and over 300 submissions were received. The review is considering the structure, processes and practices for local government standards, including codes of conduct, investigatory processes, the roles of Monitoring Officers, Clerks and Independent Persons. The CSPL acknowledges that high standards in local government are essential to safeguarding local democracy and maintaining public trust.
- 3.4 Phase one of this review was completed in June and the second phase is on-going with a programme of visits to councils and discussions with councillors. The CSPL aim to publish their report by December and this will be brought to a future meeting of the Committee.

3.5 Members will note that the CSPL Watching Brief for 2018-19 includes lobbying, party funding, conflicts of interest and good governance in academies and commissioning and good governance in the National Health Service.

4. Consultation

Not applicable at this stage

5. Options

None

6. Corporate Implications

Financial – None

Legal – None

Risks issues – Not applicable.

Equalities - None

7. Links to Council Policy Objectives

Whilst there are no direct links to the main policy objectives, the Council has a duty under the Localism Act to promote and maintain high standards of conduct.

8. Next Steps

A further report will be brought to the Committee in 2019, once the CSPL publish their review of local government ethical standards.

Background Papers:	None except those referred to in the report.
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**Committee on
Standards
in Public Life**

**Annual Report
2017-18**

Foreword

I am delighted to present the Committee on Standards in Public Life's Annual Report 2017-2018. This is the last Annual Report I shall present on behalf of the Committee as my five-year term of appointment comes to an end in August 2018.

The Committee sits within an increasingly complex ethical landscape with a remit extending across the whole of public life. In this Annual Report we set out our purpose and focus within that broad landscape, reaffirm our strategic objectives, and review our work during the past year.

This year, we have considered a range of important, topical issues, from MPs' outside interests to the continuing importance of ethical standards for those private companies providing public services – all the more timely given the collapse of Carillion early in 2018, one of the largest private providers of public service. We are now six months into our 12-month review of local government ethical standards. Amongst all this, we have contributed to consultations by others including on pre-appointment scrutiny of public appointments, local public accounts committees and the draft Behaviour Code for Parliament, and have worked with others to highlight and promote a wide range of standards issues.

Perhaps most notably this year, we looked at the growing problem of intimidation in public life. In July 2017, the Prime Minister invited the Committee to review this area, with a particular focus on the 2017 General Election, and to report back by the end of the year. The Committee agreed to undertake and prioritise this work in view of the impact of intimidation on our democracy, and its potential impact on those willing to stand for election. As the evidence base grew, the Committee felt that we were at a turning point in our political culture and that an urgent and concerted response was required. We published our report to a warm reception in December 2017 and welcomed the Government's positive response, which accepted almost all of our recommendations, in March this year.

There is always a risk that concerns relating to standards remain under the radar for a long period, and later emerge to public prominence. This is the case with the allegations of bullying and harassment at Westminster that gained public prominence in November 2017. It is critical that Parliament has fair and timely processes in which those who have made complaints, and those who are the subject of complaints, as well as the public, can have trust. We await the outcome of the various reviews commissioned by Parliament to address these serious issues.

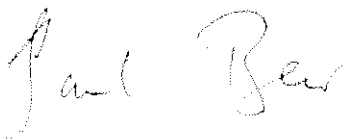
To that end, in 2018/19, the Committee intends to maintain a close watching brief on culture and behaviour in Westminster, as well as other standards issues, including lobbying, and the operation of the Business Appointment Rules. We will also be completing our review of local government ethical standards; following up the recommendations we made in our review of intimidation of public life and our recent report on ethical standards for public service providers.

Since its creation in 1994, the Committee has made recommendations for reform to promote and uphold the highest standards of ethical conduct across public life. These have shaped how organisations and individuals talk and think about ethical standards. The Seven Principles have for almost 25 years now been the widely accepted cornerstone of ethical standards for people working

across all areas of public life and are now fundamental too for those in the private sector who are providing services funded by the taxpayer. The Committee's work model continues to be one of well-argued, evidence-based reports with practical recommendations to help bolster ethical standards. We stay watchful; we identify and respond to emerging ethical risks; and we listen to the public and a wide range of organisations about their concerns. Approaching our 25th year, the Committee remains uniquely placed to consider emerging standards issues, and to take a strategic, long-term view across public life as a whole.

The last five years have convinced me that the Seven Principles remain as relevant today as they were a quarter of a century ago. They have been adapted to different organisations and different needs. They may have their detractors – it is true that levels of public trust do not always respond precisely to high standards, and that transparency in itself, whilst still essential, is perhaps not the cure-all originally envisaged. Notwithstanding this, the Principles clearly articulate the public's expectations of those that serve them. The enduring importance of the Principle of Leadership is testament to that.

Finally, I would like to extend my warmest thanks to both current and former Committee members with whom I have had the greatest pleasure and honour of working. Members of this Committee do not always have the easiest task – they are expected to monitor standards across the widest of ethical landscapes, report on complex and sensitive issues and be alert to public opinion, while at the same time understanding the complexities of Parliament and all other areas of public life. My colleagues past and present have done this with professionalism, good humour, clarity of thought and sensitivity to the many complex issues they have had to address. I wish them well with the challenges ahead.



Lord Bew

Chair



CSPL

Year in Review

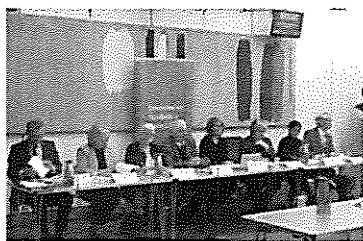
July/August 2017

Following the Prime Minister's request in July, we start gathering evidence for our review of Intimidation of Public Life.

September 2017

Simon Hart MP is appointed to the Committee.

We hold public hearings and a roundtable on Intimidation of Public Life.



October 2017

We meet with MPs, Parliamentary candidates and social media companies to discuss the problem of intimidation in public life.



November 2017

Lord Bew speaks about the Committee's work at the Public Chairs Forum.

Lord Bew is invited to attend a meeting of Parliament's Independent Complaints and Grievance Policy Working Group on bullying and harassment.

December 2017

We publish the widely anticipated report *Intimidation in Public Life*.



January 2018

We launch phase one of our review into local government ethical standards, with a public consultation lasting three months.



February 2018

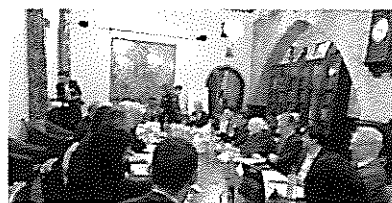
The Committee holds meetings with stakeholders as part of its reviews into local government ethical standards and MPs' outside interests.

Sheila Drew Smith OBE's term of appointment comes to an end.

March 2018

Professor Dame Shirley Pearce DBE joins the Committee.

The Committee holds a roundtable in London as part of its review of MPs' Outside Interests.



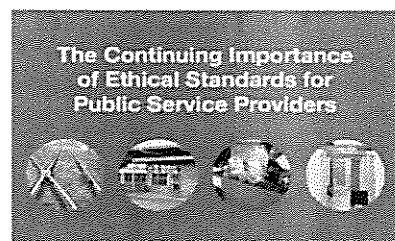
April 2018

We submit evidence to PACAC's consultation on pre-appointment scrutiny of public appointments.

We hold roundtables in Birmingham and London on our local government ethical standards review.

May 2018

We publish *The Continuing Importance of Ethical Standards for Public Service Providers*.



June 2018

We finalise our report on MPs' Outside Interests ready for publication.

We start phase 2 of our review of local government ethical standards.

2. Overview of Activities 2017-18

2.1 During 2017/18, the Committee delivered against its forward plan, and went further by undertaking and delivering a six-month review into intimidation in public life.

Intimidation in Public Life

2.2 In July 2017, the Prime Minister invited the Committee to undertake a review of intimidation in public life, with particular reference to the experience of Parliamentary candidates at the 2017 General Election.

2.3 The Committee agreed to review the issue in the light of the threat of intimidation to the vibrancy, diversity and integrity of public life.

2.4 As part of the review, the Committee held:

- a public consultation and received 88 submissions as well as inviting every Peer and MP to contribute to the review;
- a roundtable discussion with former candidates, academics, think tanks, and stakeholders;
- a public hearing with political parties, a private hearing with police and security services, and published interviews with social media companies;
- 18 meetings with stakeholder organisations; and
- 11 meetings with Parliamentarians and former Parliamentary candidates across the political spectrum.

2.5 The report was published on 13 December 2017. The Committee concluded that a significant number of Parliamentary candidates had experienced intimidation at the 2017 General Election, and that intimidation was already affecting other public office-holders and having a wider effect on public life. We looked specifically at the role of social media; political parties; law, policing and prosecution; and the wider responsibility of those in public life.

2.6 We made 33 recommendations to government, social media companies, political parties, press organisations, MPs, candidates and other public office-holders – a wide-ranging audience. The Government responded formally to the report on 7 March 2018 committing to action on most of the recommendations made to government.

MPs' Outside Interests

2.7 In spring 2017, there was intense media interest in the issue of MPs' outside interests triggered by the former Chancellor of the Exchequer's outside interests (the former Chancellor was at that time still an MP). This, together with discussion of the Committee's 2009 recommendation that MPs should not be prohibited from paid employment provided it remained within reasonable limits and was transparent, led to the Committee deciding in March 2017 to undertake a review into MPs' outside interests.¹

¹ *MPs; expenses and allowances: Supporting Parliament, safeguarding the taxpayer November 2009 Cm 7724*

- 2.8 We decided to see the extent to which the compromise we recommended in 2009 had been put into operation, and if there was a need to explore further and elaborate what is meant by 'reasonable limits'.
- 2.9 We ran a public consultation from 30 March to 13 September 2017. We paused the review when the 2017 General Election was called and again when the Committee reviewed, as an unexpected priority, intimidation in public life.
- 2.10 We resumed the review in January 2018 and took evidence from a wide range of individuals and organisations:
- Received 98 submissions to our public consultation;
 - 25 meetings with key individuals and organisations;
 - Held a roundtable with representatives from think tanks, academia and Parliament;
 - Conducted our own research with the public – two focus groups and a survey of public opinion in collaboration with Professor Rosie Campbell (Birkbeck, University of London) and Professor Phil Cowley (Queen Mary, University of London), fielded by YouGov.
- 2.11 The Committee recognises that MPs need the flexibility to perform their roles in the way they choose and that Parliament needs to attract a wide range of people from different backgrounds and professions. But the public needs assurance that processes are in place to mitigate the potential for undue influence on our political system. We therefore recommended a package of important reforms directed towards Parliament and Government, and in particular the Parliamentary Commissioner for Standards and the Commons Committee on Standards. These are the bodies responsible for reviewing the Code of Conduct for MPs.
- 2.12 The recommendations are intended to ensure that MPs' outside interests remain within reasonable limits and that any outside roles, whether or not they are paid, do not prevent MPs from undertaking the range of duties expected of them in their primary role as an MP. We also recommended greater transparency – the need for a more accessible, searchable and usable Register of Members' Financial Interests; and that the rules of lobbying should be made clearer.
- 2.13 *MPs' Outside Interests*, the report, was published on 3 July 2018.

The Continuing Importance of Ethical Standards for Public Service Providers

- 2.14 Our remit was expanded in 2013 to include those private companies providing public services. We met this new responsibility with our 2014 report and 2015 guidance on *Ethical Standards for Public Service Providers*.
- 2.15 With the increase in public expenditure on outsourcing since 2014, the Committee decided in 2017 to return to the issue to see what, if any progress, had been made in the intervening three years. In preparing our follow-up report, we heard again from many of the organisations we met in 2014. Overall, we held 14 meetings with organisations on both the

commissioning and service provider sides of contracts and also with those organisations well placed to assess progress on ethical service delivery.

- 2.16 We held a roundtable with 18 participants in March 2017 and undertook a wide literature study of material written since our research in 2013/14.
- 2.17 The failure of Carillion early in 2018, one of the largest providers of public services to both central and local government, and the public outcry around this failure, serves to highlight the fundamental importance of companies and governments paying attention to ethical standards of those who provide services funded by the taxpayer.
- 2.18 Our follow-up [report](#) on this issue, published on 10 May 2018, considered the developments in best practice and the wider environment in which public service delivery is evolving and actions taken in respect of the our 2014 report. We made 12 new recommendations; and reflected on the potential ethical tensions that are present and on the horizon.² We remain concerned over the lack of internal governance and leadership of these areas in departments with significant public service contracts and made a number of recommendations to departmental boards and Permanent Secretaries; the Government Chief Commercial Officer; professional bodies; and public service providers themselves on how they might better reinforce ethical standards in outsourcing.

Local Government Ethical Standards

- 2.19 The Committee has a long-standing interest in standards in local government.
- 2.20 The Committee's third [report](#) of 1997 was on local government. Many of the institutional changes that have taken place in local government standards in the last two decades have been in response to the Committee's recommendations. In our 2013 report [Standards Matter](#), we said that we intended to monitor the slimmed down arrangements following the Localism Act of 2011.
- 2.21 In our 2017/18 [forward plan](#) we committed to reviewing local government ethical standards. We launched our review on 29 January 2018 with a three month long public consultation. The consultation closed on 18 May 2018 and we received 316 submissions.
- 2.22 The review is considering the structures, processes, and practices for local government standards in England, including codes of conduct, sanctions, investigatory processes, the roles of Monitoring Officers, Clerks, and Independent Persons. High standards of conduct in local government are essential to safeguarding local democracy and maintaining public trust.
- 2.23 In April 2018, we held two roundtables: one with Monitoring Officers, Clerks and Independent Persons in Birmingham; and one in London with academics, think tanks and experts in the field.
- 2.24 We completed phase one of the review in June 2018 and will continue working on the review for the rest of the year. We will add to our evidence collection by talking directly to

² The Continuing Importance of Ethical Standards for Public Service Providers, May 2018

councillors with a planned programme of visits to a selected range of local councils. We aim to publish the report by December 2018.

Watching Brief

Westminster Parliament harassment

- 2.25 Worrying reports of a culture of bullying and harassment in Parliament surfaced in the media in late 2017. The Committee welcomed the quick establishment of the Independent Complaints and Grievance (ICGP) Working Group in response to those allegations about inappropriate behaviour and a culture of bullying and sexual harassment in Westminster. The Chair of the Committee attended one of their early meetings at the Group's invitation. We also welcomed the Group's report of 8 February 2018 that recommended new policies and independent advice and investigation services should be developed; and that further work be undertaken on training and cultural change and the development of a new Behaviour Code.
- 2.26 The Committee undertook to maintain an active watching brief of this issue which falls squarely in our remit of monitoring and maintaining high ethical standards. The Committee is concerned that processes put in place in response to the allegations do deliver a fair and accountable and trustworthy process for all those involved.
- 2.27 Further allegations appeared in the media in March 2018 about the bullying of House of Commons staff. In response to those allegations, the House of Commons Commission set up an Independent Inquiry headed by Dame Laura Cox QC. The Commission's non-executive members developed the terms of reference and appointed an independent person to lead the inquiry, Dame Laura Cox QC.
- 2.28 As part of its watching brief, the Committee met with the Leader of the House in July 2018 for an update on progress on the ICGP Steering Group's work streams and to understand better how the relationship between the work of that group and that of the Inquiry. The Committee also contributed to the [ICGP Steering Group's consultation](#) on the draft Behaviour Code.

Party Funding

- 2.29 The Committee maintained its watching brief on party funding. The Chair spoke in the House of Lords on 27 February 2018 supporting the Transparency of Donations and Loans etc. (Northern Ireland Political Parties) Order 2018.³ The Committee had called for transparency in political party donations in Northern Ireland in its 1998 and 2011 reports and in a statement in 2014.⁴

Conduct of Referendums

- 2.30 The Committee has retained an interest in the conduct of referendums.

³ Hansard 27 February 2018

⁴ [The Funding of Political Parties in the United Kingdom, 1998 Cm 4057 -I; Political Party Finance: ending the big donor culture, 2011 Cm 8208; Appearance before the Northern Ireland Assembly 28 May 2014.](#)

4. Current Work Plan and Watching Brief 2018-19

4.1 The Committee's **current work plan** includes:

- Continuing its review of **local government ethical standards**;
- Following up our report *Intimidation in Public Life*;
- Following up our report on the *Continuing Importance of Ethical Standards for Public Service Providers*;
- Maintaining its watching brief over **Parliament's response to allegations of a culture of bullying and sexual harassment in Parliament**. We will be following and considering the outcomes of the ICGP Steering Group's work streams and the findings of Dame Laura Cox's Independent Inquiry into the alleged bullying of House of Commons staff.

Watching brief going forward

4.2 We are committed to keeping abreast of standards issues before and while they are emerging, and we will respond as appropriate when they do arise. We are open to new ideas and suggestions on areas within the Committee's remit that we may consider in the future. At the time of publication, we are particularly interested in the following issues.

Lobbying and the Business Appointment Rules

4.3 Our report on MPs' outside interests raised issues of concern around the lobbying of MPs. Lobbying continues to be a matter of public concern, as do the rules surrounding the post-employment of public office-holders. The Committee will continue to keep an active watching brief on these issues.

Party Funding

4.4 The Committee has been actively involved in debates on the funding of political parties, and will continue to remain engaged on this issue throughout 2017-18. We continue to emphasise the importance of pursuing a package of commonly agreed small reforms, and the desirability of the political parties coming together to reach some agreement on this.

Academies

4.5 Following our research on public service providers, we are increasingly aware of the issues surrounding conflicts of interests and good governance in academies.

National Health Service

4.6 Standards issues in terms of commissioning and good governance in the NHS are also on our watching brief agenda.

CHILTERN DISTRICT COUNCIL

AUDIT AND STANDARDS COMMITTEE

STANDARDS WORK PROGRAMME

2018/2019

		2018			2019
	Contact	16.07.18	11.10.18	24.01.19	10.04.19
16.07.18					
<ul style="list-style-type: none"> Complaints Monitoring Report 2017/18 	Joanna Swift	X			
<ul style="list-style-type: none"> Review of the Protocol on the role of the Independent Person 	Joanna Swift	X			
11.10.18					
<ul style="list-style-type: none"> Annual Review of the Code of Conduct and Complaints Procedure 	Joanna Swift		X		
<ul style="list-style-type: none"> Committee on Standards in Public Life Annual Report 	Joanna Swift		X		
24.01.19					
<ul style="list-style-type: none"> Review of Guidance on Dispensations 	Joanna Swift			X	
<ul style="list-style-type: none"> Standards Training for new councillors 	Joanna Swift			X	
10.04.19					
<ul style="list-style-type: none"> Update on the Standards Framework 	Joanna Swift				X
<ul style="list-style-type: none"> Work programme for 2019/20 	Joanna Swift				X

SUBJECT:	<i>Annual Fraud Report</i>
REPORT OF:	<i>Customer Services – Councillor Fred Wilson</i>
RESPONSIBLE OFFICER	<i>Nicola Ellis Head of Customer Services</i>
REPORT AUTHOR	<i>Alistair Webb, 01494 732227, awebb@chiltern.gov.uk</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

This report is to advise the Audit Committee of the Anti- Fraud and Error reduction activity undertaken in 2017/18 and an action plan for 2018/19.

RECOMMENDATION

Members are asked to note and comment on the outcomes and future activity.

2. Reasons for Recommendations

The report is for information only and no action is required.

3. Report

3.1 This report details the anti-fraud and error reduction activity completed during the 2017/18 financial year and the outcomes where appropriate. It also includes an action plan for areas of work to be reviewed in the year 2018/19, with the intention of identifying risk areas and taking proactive work to prevent and deter fraud and error.

3.2 The Revenues Fraud and Error Reduction Team is responsible for carrying out anti-fraud activity in relation to Housing Benefit and Local Council Tax Support It also provides assistance to Internal Audit, providing the main resource for fraud and irregularity matters as well as carrying out a planned fraud review of high risk fraud areas.

3.3 Since May 2016 the Anti-Fraud team is part of a shared revenues service with South Bucks District Council. In relation to fraud matters the councils have been working in partnership since 2009.

3.4 The Audit, Fraud and Error Reduction Manager in conjunction with the Internal audit contract manager provides Risk Management guidance and during 2017/18 has provided Risk Management and Anti- Fraud guidance to all of the councils middle management as part of the ongoing Middle Managers development programme.

Background

3.5 In 2017/18 Chiltern District Council awarded a total of £18,342,228 in Housing Benefit and £3,517,323 in Local Council Tax Support.

3.6 The Revenues Team carry out fraud prevention while making the schemes as accessible and customer friendly as possible. The Council continues to operate a risk based verification process introduced in October 2016 and reviewed on an annual basis. Claims are risk scored at the outset to identify cases that require further checking of circumstances while allowing the more straightforward, lower risk cases to be processed without the burden of verification.

3.7 All applications are made by an online claim form, as part of the claim process once the claim is submitted instant background checks are carried out and this generates a list of verification requirements to be provided by the customer to support the application. The process does not entirely remove human intervention with officers using their knowledge and judgement to override the risk score and refer to the fraud team where the circumstances declared do not appear correct. The fraud team has then made more in depth inquiries and challenged the customers where appropriate preventing potential frauds entering the system.

3.8 For on-going benefit and reduction claims the Fraud and Error Team target cases based on known risk factors or as a result of information received from third parties, including HMRC, DWP and the general public to ensure claims are accurate and errors identified at the earliest opportunity.

4 Housing Benefit Fraud and Error

4.1 The Fraud Team provide support to the DWP's Single Fraud Investigation Service (SFISs). SFIS are responsible for the investigation, sanction or prosecution of Housing Benefit and historic Council Tax Benefit frauds. The SFIS teams have no direct access to the councils Housing Benefit records requiring the councils Fraud Team to act as the main contact point, providing documentation, statements and decisions on benefit overpayments and agreements on the offer of Administrative Penalties.

4.2 A total of 22 cases were accepted by SFIS for investigation. Two cases were prosecuted by SFIS the outcomes detailed below. No further penalties or sanctions were identified:

SFIS Prosecution Outcomes			
Resident	Overpayment	Outcome	
Mr of Chesham	£5,501	3 Month Curfew Order	
Mrs Of Chesham	£2,597	£80 fine	

4.3 The fraud team also act as the main contact for the DWP's annual audit of Housing Benefit (Housing Benefit Review). 5 cases were selected and no discrepancies identified. Although a small sample, the DWP select cases from potential high risk areas and this demonstrates the overall accuracy of CDC awards.

4.4 The above DWP audit feeds into national statistics to estimate the level of fraud and error within housing benefit. The latest DWP statistics for 2016/17 show the highest ever recorded level for both fraud at 4.5% of expenditure and overall overpayments at 6.4% of expenditure. CDC's equivalent calculation for overall overpayments is 2.78% of expenditure.

4.5 The table below identifies the total overpayments identified by the fraud and error team in 2017/18 and the recovery position at the time of this report. The totals include Housing and Council Tax discounts and Local Council Tax Reductions and include 38 cases that, although not suitable for a sanction, resulted in reduction or removal of benefit entitlement with a weekly value of £8,398. This includes claims referred before award where the claim is clearly based on false declarations and action by the Fraud Team has prevented an incorrect award:

Total Debts Identified	Total Recovered To Date
£83,330	£47,129

4.6 To assist in identifying fraud and error the DWP provide referrals based on real time income details (RTI) provided to HMRC. DWP provided £17k in funding to action the referrals. The team have concentrated on these cases as the main source of error in

the benefits system. The table below demonstrates the value of these cases with a comparison with 2016/17 results.

RTI results 2016/17				
Total referrals	Total HB overpayments	No of cases	Total Council Tax Overpayments	No of Cases
	£136,500	295	18,401	204
1032	Total HB underpayments	No of cases	Total Council Tax Underpayments	No of cases
	£2,414	15	£1,827	28
RTI Results 2017/18				
Total Referrals	Total HB overpayments	No of cases	Total Council Tax Overpayments	No of Cases
	£158,657	656	70,869	425
1579	Total HB underpayments	No of cases	Total Council Tax Underpayments	No of cases
	£259	56	£6,551	80

5. Council Tax and Housing Fraud Investigations.

5.1 Fraud Admin penalties were considered appropriate on one case of fraud against the Council Tax Support scheme, relating to undeclared savings. A total of £25,383 in excess awards was identified as fraud and of this a balance of £1,600 remains to be collected. In general these related to a failure to declare a change of circumstances rather than a deliberate false statement. No cases were deemed suitable for immediate prosecution.

Details	Reason	Penalty
Name redacted	Undeclared savings	£1,000
		£1,000

5.2 The Fraud Team maintains close links with Paradigm Housing Association and provide investigative assistance with tenancy fraud issues. Two cases were referred for investigation and as a result Paradigm were able to recover the two tenancies. The value of recovered tenancies is estimated as £2,800 per case. This is based on the

average cost of Bed and Breakfast placement. The council has preferred rights to nominate to the recovered tenancies.

5.3 The Fraud Team provide assistance to the housing team providing background Checks, jointly interviewing customers where discrepancies are identified. The information obtained has assisted housing officers in supporting homelessness decisions. The team carry out residency checks on temporary accommodation placements to verify occupation and assist with housing debt recovery.

5.4 Chiltern continues to take part in the bi-annual National Fraud Initiative and annual council tax Single Persons Discount data matching. The exercise, which is hosted and managed by the Cabinet Office, is a mandatory requirement with the council submitting a variety of data to be matched against external data available to the cabinet office. To assist the targeting of resources the output is graded with priority matches identified. Work is ongoing with the matches. The current position on outcomes is shown below:

Outcomes for the last bi-annual data match exercise:

NFI General Matching Outcomes.	
Total Referred	959
Total Actioned	730
Total value of outcomes	£8,325.48

NFI Single Persons Discount results to date:

NFI Single Persons Discount Matching Outcomes.	
Total Referred	1334
Total Actioned	88
Total Value of Outcomes	£1,697

5.5 In addition to the NFI single Persons data matching the revenues team carried out a full review of the existing SPD awards in 2017 requiring customers to re confirm their eligibility.

The above review was completed by April 2018 and resulted in the following outcomes:

Chiltern Council Tax SPD review 2017/18 – outcomes

Band	Number of discounts		Reduction in discounts
	7/7/17	1/04/18	
A-H	10781	10326	455

Precepting Authority	Charge £	% charge	Additional revenue 2017/18
Bucks CC	1218.08	72.122	166,658.51
Chiltern and Parishes	239.68	14.191	32792.36
Police	170.28	10.082	23297.36
Fire	60.88	3.605	8330.38
	1688.92		231,078.61

Work is continuing on the NFI SPD matches and outcomes will be reported in next year's annual report.

6. Changes to the Team.

6.1 From October 2018 two members of the team are taking flexible retirement. Recruitment has taken place internally for a fraud officer who will undertake both internal training and external professional training in investigations.

7. Options.

7.1 The Council has a duty to protect the local public purse and the Revenues Fraud and Error Reduction Team provide a resource for prevention, detection and recovery of fraud and irregularity.

8. Corporate Implications

8.1 The Fraud and Error Team are an integral part of the Revenues Service but provide a fraud investigation service across the Council.

8.2 For legal implications the Fraud and Error Team have external links with experienced criminal lawyers and will liaise and consult with our own legal services as and when required.

9. Links to Council Policy Objectives

9.1 This report links to the following objectives of the Council:

- Cost effective customer focused services – ensuring correct benefit entitlement minimises losses to the Council;
- Safer and healthier communities – benefit fraud is a crime and the prevention and detection of fraud reduces crime in the community.

10. Next Steps

10.1 To consider and agree the 2018/19 action plan.

Background Papers:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707831/fraud-and-error-preliminary-estimates-2017-2018.pdf

Appendix One

Corporate Fraud Audit Plan 2018/19

Area of work	Action to be taken	Timetable
To align anti- fraud and error activities across the full in house revenues service	From November 2018 develop anti-fraud work on SBDC case load.	31/03/2019
Deliver anti-fraud awareness to all managers	Full review to be carried out.	30/12/2017
Corporate updates on Regulation of Investigative Powers Act (RIPA)	Source and arrange suitable training..	30/11/2018

Chiltern District Council

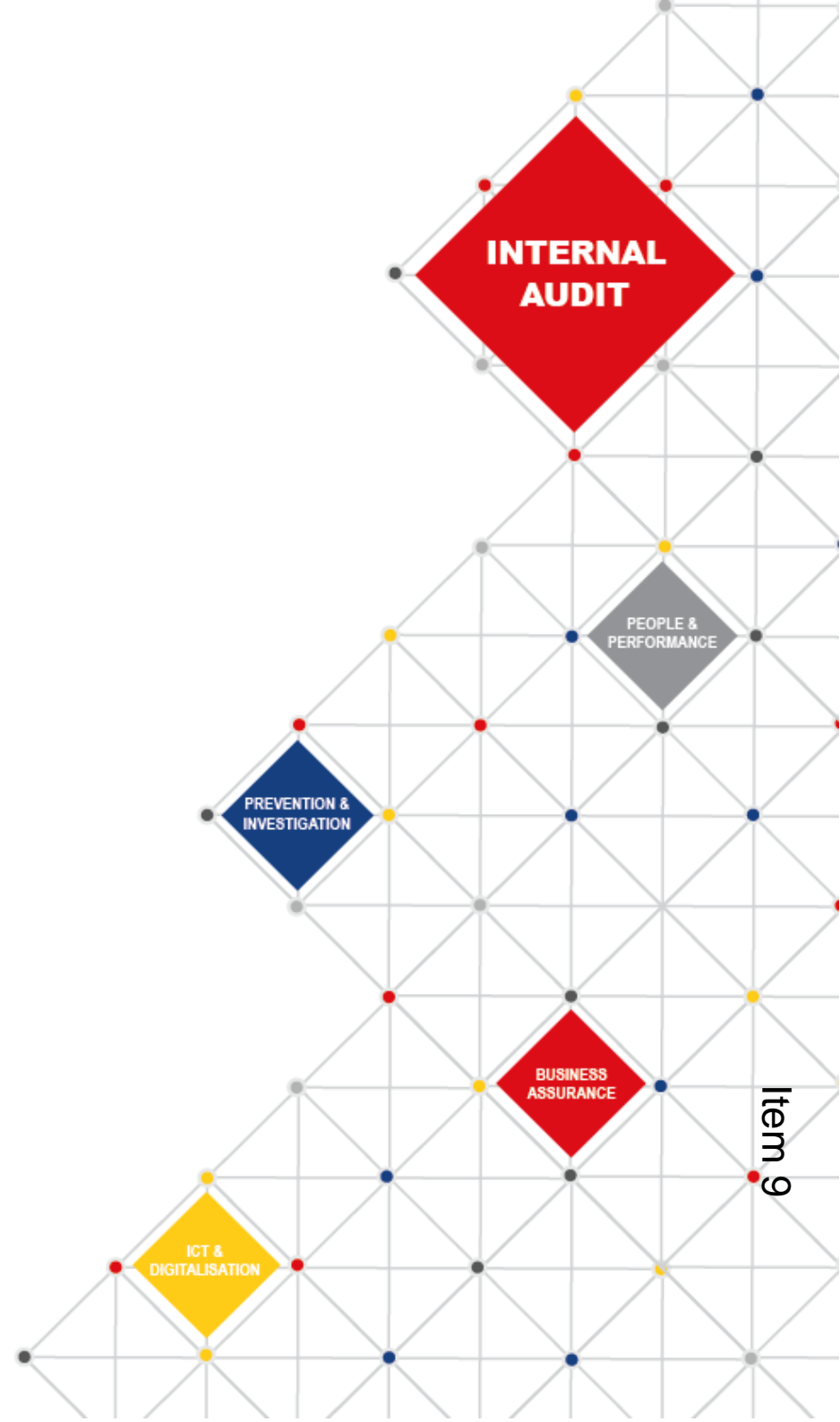
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FINAL

2018/19



INTRODUCTION

1. This summary report provides the Audit and Standards Committee with an update on the progress of our work at Chiltern District Council as at 11 September 2018.

PROGRESS AGAINST THE 2018/19 ANNUAL PLAN

2. Our progress against the Annual Plan for 2018-19 is set out in Appendix A. The results of these reviews with recommendation priority 1 and 2 would be summarised at Appendix B however the five audits that were finalised in the period none had any recommendation priority 1 or 2.

EMERGING GOVERNANCE, RISK AND INTERNAL CONTROL RELATED ISSUES

4. We have not identified any emerging risks which could impact on the overall effectiveness of the governance, risk and internal control framework of the organisation.

AUDITS COMPLETED SINCE THE LAST REPORT TO COMMITTEE

5. The table sets out details of audits finalised since the previous meeting of the Audit and Standards Committee.

Review	Evaluation	Key Dates			Number of Recommendations			
		Draft issued	Responses Received	Final issued	1	2	3	OEM*
Business Continuity	Substantial	19/07/18	02/08/18	03/08/18	-	-	3	2
Expenses	Substantial	20/08/18	21/08/18	22/08/18	-	-	3	-
Disabilities Facilities Grant	Substantial	22/06/18	22/06/18	27/06/18	-	-	-	-
Safeguarding	Substantial	02/08/18	02/08/18	03/08/18	-	-	1	1
Crematorium – Annual Audit	Substantial	22/06/18	25/06/18	26/06/18	-	-	1	-

*Operational Effectiveness Matters (these are good practice suggestions that have arisen during the audit)

CHANGES TO THE ANNUAL PLAN 2018/19

6. The following changes have been made to the audit plan for 2018/19

Review	In strategic plan for 2018/19	Change made	Rationale for the change
HR Absence Management	Omitted in error	An addition to the plan	This audit was carried forward from 2017/18 and initially missed from the 2018/19 plan
ICT Members ICT Support	Yes	Delete	
ICT Cyber Security	Yes	Delete	Covered by the PSN review audit not required
ICT User Access to Business Systems	Yes	Delete	Covered by the PSN review audit not required

FRAUDS/IRREGULARITIES

7. We have not been advised of any frauds or irregularities in the period since the last summary report was issued.

LIAISON

8. We liaise with EY and provide reports and working paper files, as required.

We have regular client meetings with the Audit, Fraud and Error Reduction Manager and Head of Finance.

PROGRESS ACTIONING PRIORITY 1 RECOMMENDATIONS

9. We have not made any Priority 1 recommendations (i.e. fundamental control issue on which action should be taken immediately) since the previous Progress Report.

RISK MANAGEMENT

9. The Audit Director with TIAA and the Councils Audit, Fraud & Error Reduction Manager meet on a regular basis to discuss and action Risk Management matters for both Councils.

The current Risk Procedures/Guidance for Risk Management is being reviewed and progress is being made to display appropriate information on Risk Management throughout both Councils. This will include posters on all notice boards at the main civic offices for South Bucks and Chiltern Councils, as well as data on the Councils intranet.

Appropriate training has been developed and has been delivered on “Risk Management in a Changing Environment” for all middle managers. Further training has been given during June and July 2018.

RESPONSIBILITY/DISCLAIMER

10. This report has been prepared solely for management's use and must not be recited or referred to in whole or in part to third parties without our prior written consent. The matters raised in this report not necessarily a comprehensive statement of all the weaknesses that exist or all the improvements that might be made. No responsibility to any third party is accepted as the report has not been prepared, and is not intended, for any other purpose. TIAA neither owes nor accepts any duty of care to any other party who may receive this report and specifically disclaims any liability for loss, damage or expense of whatsoever nature, which is caused by their reliance on our report.

Progress against the Annual Plan for 2018/19

System	Planned Quarter	Days	Current Status	Comments
Governance	3	8		
Risk Management	3	8		
Procurement	2	8	In progress	
Counter Fraud	1	8		
Data Protection	2	8		
Business Continuity	2	7	Final report issued 3 August 2018	
Purchase Cards	2	8	Draft report issued 5 th September 2018	
Expenses	1	8	Final report issued 22 August 2018	
Project Management	2	8		
Main Accounting	3 or 4	7		
Payroll	3 or 4	15		
Accounts Receivable (Debtors)	3 or 4	8		
Accounts Payable (Creditors)	3 or 4	8		
Benefits	3 or 4	13		
Council Tax Support	3 or 4	13		
Council Tax and NDR	3 or 4	25		
Cash and Bank	3 or 4	7		
Budgetary Control	3 or 4	7		
ICT - Annual Network Audit	3 or 4	6		
ICT - GDPR	2	6		

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ICT - Customer Experience	2	6		
ICT – Members ICT Support		0(6)		Cancelled
ICT – Cyber Security		0(6)		Cancelled
ICT – User Access to Business Systems		0(8)		Cancelled
Temporary Accommodation follow up	2	8	In progress	
Housing Section 106	2	8		
Disabilities Facilities Grant	1	5	Final report issued 27 June 2018	
Safeguarding	1	6	Final report issued 3 August 2018	
Health & Safety Contractor Arrangements	2	8	In progress	
Property & Asset Management	2	8	Draft report issued 10 th July 2018	
Planning Development & Enforcement	2	11		
Building Control	1	8	In progress	
HR - Absence Management	4	8		Additional audit carried forward from 2017/18 Being carried out in two parts due to change in system during 2018/19. First draft report issued 4 July 2018.
<u>Crematorium</u>				
Annual Internal Audit	1	6	Final report issued 26 June 2018	
Additional Audit	1	6		

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KEY:

	=	To be commenced
	=	Site work commenced
	=	Draft report issued
	=	Final report issued

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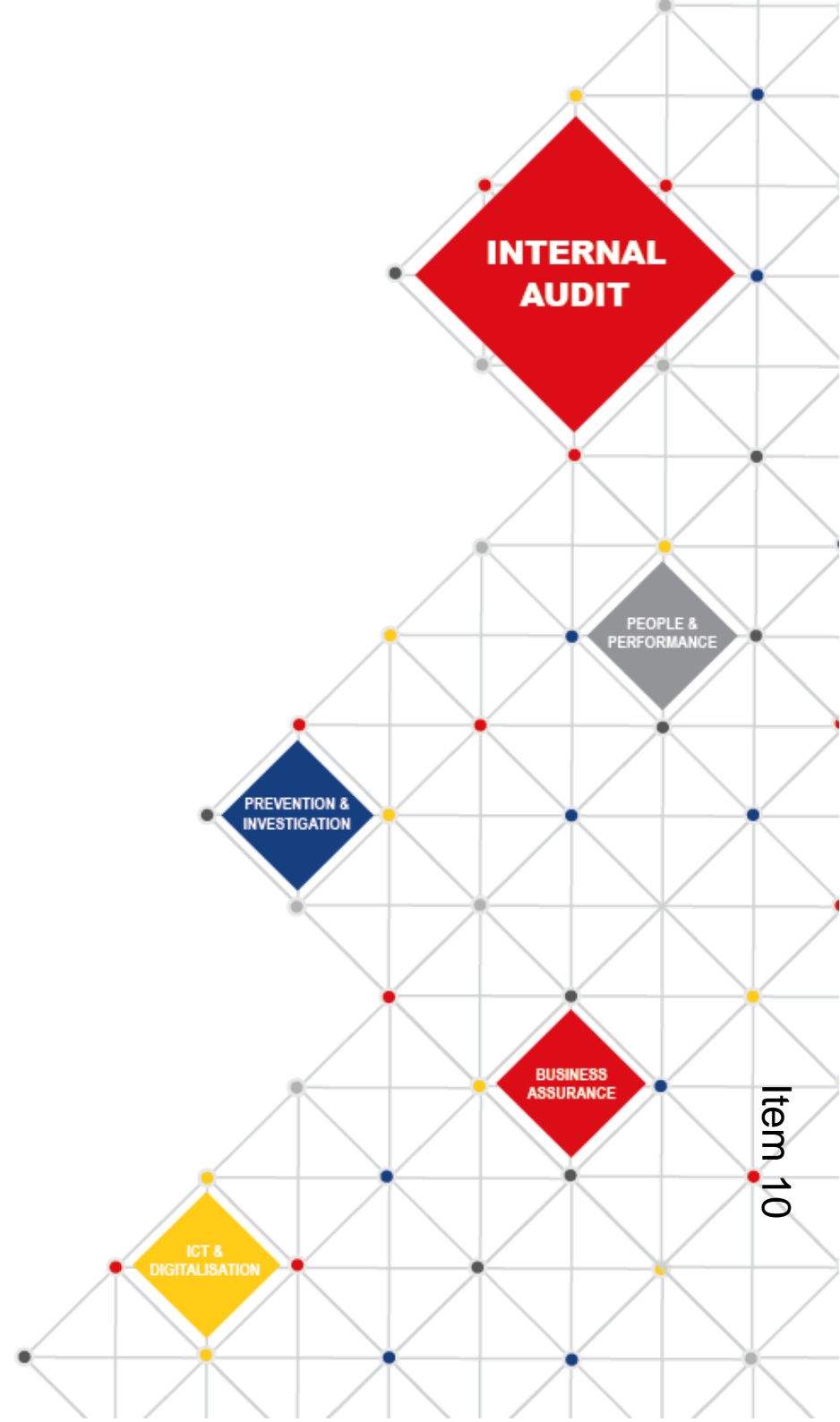
Chiltern District Council

Internal Audit Comparison Report

Audit and Standards Committee 11 October 2018

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FINAL



INTRODUCTION

- The following report provides a comparison of assurance levels over time so that the Audit and Standards Committee can see any trends arising. This is particularly important given the prolonged austerity measures which may have impacted upon the control framework at Chiltern DC.

COMPARISON OF ASSURANCE LEVELS BETWEEN 2014/15 TO 2017/18

- The comparison of the assurance levels between 2012/13 to 2017/18 are shown in table 1 below.

Table 1

Audit Area	Assurance Level 2012/13	Assurance Level 2013/14	Assurance Level 2014/15	Assurance Level 2015/16	Assurance Level 2016/17	Assurance Level 2017/18	Comment
Insurance	Substantial	-	-				
Housing Options	Substantial	-	-				
Gifts Hospitality Interests Expenses	Substantial	-	-			Reasonable	
Renovation/Community Grants	Substantial	-	-	Substantial			
Data Quality	Substantial	Reasonable	-				
Risk Management	Substantial	Reasonable	-	Reasonable			

Audit Area	Assurance Level 2012/13	Assurance Level 2013/14	Assurance Level 2014/15	Assurance Level 2015/16	Assurance Level 2016/17	Assurance Level 2017/18	Comment
Creditors	Substantial	Reasonable	Substantial	Reasonable	Substantial	Substantial	
ICT Uniform IT Application	Limited	-	-				
ICT Civica Open Revenues IT Application	Substantial	-	-				
ICT Mobile Computing/Working	Substantial	-	-		Substantial		
Contracts	Substantial	Reasonable	-	Reasonable			
Main Accounting	Substantial	Reasonable	Reasonable	Substantial	Substantial	Substantial	
Treasury Management	Substantial	Substantial	Substantial	Substantial		Substantial	
NDR	Substantial	Substantial	Substantial	Reasonable			Now combined with Council Tax
Payroll	Substantial	Reasonable			Substantial	Reasonable	

Audit Area	Assurance Level 2012/13	Assurance Level 2013/14	Assurance Level 2014/15	Assurance Level 2015/16	Assurance Level 2016/17	Assurance Level 2017/18	Comment
Council Tax and NDR (SBDC)	Substantial	Substantial	Substantial	Reasonable	Substantial	Substantial	
Council Tax and NDR (CDC)	Substantial	Substantial	Substantial	Reasonable	Substantial		
Local Land Charges	Full	-	-				
Sundry Debtors	Substantial	Limited	Reasonable	Reasonable	Reasonable	Substantial	
Housing and Council Tax Benefits	Substantial	Reasonable	Substantial	Substantial	Substantial	Substantial	Now combined with Council Tax Support
Income Management	Substantial	-	-				
Managing the Risk of Fraud	Substantial	-	Reasonable				
Car Parking	Substantial	Substantial	Substantial	Substantial	Substantial	Substantial	

Audit Area	Assurance Level 2012/13	Assurance Level 2013/14	Assurance Level 2014/15	Assurance Level 2015/16	Assurance Level 2016/17	Assurance Level 2017/18	Comment
Corporate Governance	Substantial	-	Reasonable	Reasonable	Substantial		
Web Content Management System	Limited	-	-				
Budgetary Control		Substantial	-	Substantial	Substantial		
HR Recruitment		Substantial	-			Substantial	
Joint Working		Substantial	Reasonable	Substantial			
Cash and Bank		Substantial	Reasonable	Substantial	Substantial	Substantial	
Council Tax Support		Substantial	Substantial		Substantial		
Environmental Health		Reasonable	-		Substantial		
Emergency Planning		Reasonable				Substantial	

Audit Area	Assurance Level 2012/13	Assurance Level 2013/14	Assurance Level 2014/15	Assurance Level 2015/16	Assurance Level 2016/17	Assurance Level 2017/18	Comment
Integra		Reasonable	-				
Cemeteries		Reasonable	-			Substantial	
Housing Section 106		Reasonable	-	Substantial			
Waste Collection		Reasonable	-	Substantial		Reasonable	South Bucks only for 15/16
HR - Absence Management			Substantial				
Licensing			Reasonable		Substantial		
Procurement			Reasonable		Reasonable		
Health and Safety Contractor Arrangements			Reasonable		Reasonable		

Audit Area	Assurance Level 2012/13	Assurance Level 2013/14	Assurance Level 2014/15	Assurance Level 2015/16	Assurance Level 2016/17	Assurance Level 2017/18	Comment
Grounds Maintenance			Reasonable			Reasonable	
ICT Strategy, Policies and Procedures			Substantial				
ICT Changes Management			Substantial				
ICT & Information Risk Management			Reasonable		Reasonable		
ICT Programme Management/Project Control			Substantial	Substantial			
Building Control				Reasonable			
Housing Allocations/Homelessness				Reasonable			
Electoral Registration				Substantial			
Freedom of Information				Reasonable			

Audit Area	Assurance Level 2012/13	Assurance Level 2013/14	Assurance Level 2014/15	Assurance Level 2015/16	Assurance Level 2016/17	Assurance Level 2017/18	Comment
ICT Data Protection				Reasonable			
ICT Updata				Reasonable			
Expenses					Reasonable	Substantial	
Health and safety – Internal Arrangements					Reasonable		
ICT Access to the Internet					Substantial		
ICT Network Convergence Project					Substantial		
Information Governance					Substantial		
Leisure					Substantial		
Asset Management					Reasonable		
Purchasing Cards					Reasonable	Reasonable	
HR Policies and Procedures						Substantial	
HR - iTrent Payroll System (HR Module)						Substantial	

Audit Area	Assurance Level 2012/13	Assurance Level 2013/14	Assurance Level 2014/15	Assurance Level 2015/16	Assurance Level 2016/17	Assurance Level 2017/18	Comment
Complaints and Compliments						Substantial	
Temporary Accommodation						Reasonable	
ICT Network Controls						Reasonable	
Waste Services – Health and Safety						Limited	
Commercial Rents						Substantial	

1. **Summary of Assurance levels:**

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Full	1	-	-	-	-	-
Substantial	22	9	9	13	18	16
Reasonable	N/A	14	10	11	8	7
Limited	2	1	-	-	-	1

2. It should be noted that Deloitte undertook the 2012/13 audits and they did not use the assurance level “reasonable”. They also included “full” assurance which is not used by TIAA. At this time there is no indication that the overall control framework at Chiltern has significantly reduced as a result of the joint working with South Bucks Council and the transformation arising from the many service reviews. Further trends will be identified at the end of 2018/19 financial year.

CDC AUDIT COMMITTEE WORK PROGRAMME

Classification: OFFICIAL

Members are asked to consider whether there are any items they wish to add to, remove from, or move within, the proposed work programme.

Topic	Frequency	Sep 18	Jan 19	Mar 19	Jul 19	Sep 19
Risk Management						
Risk Management Update	Annual					
Assurance Statements						
Annual Governance Report	Annual					
Update on Governance / Internal Control Issues	As and when					
Internal Audit						
Audit Plan	Annual					
Interim Progress Reports	Each meeting					
Follow up of Internal Audit Recommendations Report	Annual					
Comparision of Assurance Levels	Annual					
Annual Internal Audit Report	Annual					
Fraud & Corruption						
Fraud & Corruption Annual Report	Annual					
Fraud & Corruption Update (maybe verbal report)	Annual					
External Audit						
Annual Audit Plan	Annual					
Annual Assurance Letter from Committee	Annual					
External Audit Results Report	Annual					
Certification of Claims & Returns Annual Report	Annual					
Annual Audit Letter (Sent out by email to all Members)	-					
Statement of Accounts						
Approval of Accounts	Annual					
Other						
Contract & Financial Procedure Rules	As necessary					
Training	As necessary					
Work Programme	Each meeting					

Classification: OFFICIAL

SUBJECT	<i>Freedom of Information Management and RIPA Annual Report</i>
REPORT OF RESPECTIVE CABINET MEMBER/ CHAIRMAN	<i>The Chairman of the Joint Information Governance Group</i>
RESPONSIBLE OFFICER	Director of Resources jburness@chiltern.gov.uk Head of Business Support sdixon@chiltern.gov.uk
REPORT AUTHOR	Rachel Morrey, Information Systems Professional rmorrey@chiltern.gov.uk Zoë Bloomfield, Corporate Information Manager zoe.bloomfield@southbucks.gov.uk
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

To provide Members with an update on the public engagement with the Freedom of Information Act 2000, Environmental Information Regulations 2004, the Data Protection Act 2018 / General Data Protection Regulations (GDPR), the Transparency Code of Practice, the INSPIRE Regulations, RIPA, and Protection of Freedoms Act 2012.

RECOMMENDATIONS

To note the report

2. Executive Summary

This report is a reflective analysis of the past year's FOI and EIR progress and activities in response to requests processed by the Council.

3. Reasons for Recommendations

This report is to inform Members about the number of requests received and the response rate.

4. Freedom of Information Requests

The service areas that received the most FOI requests were Business Support and Healthy Communities. The majority of requests are for commercial information that would be useful for businesses and many of the Business Support requests are ones where the requestor is re-directed to another organisation such as Bucks County Council.

The busiest months of the year for FOIs were:

January and March

The quieter months of the year for FOIs were:

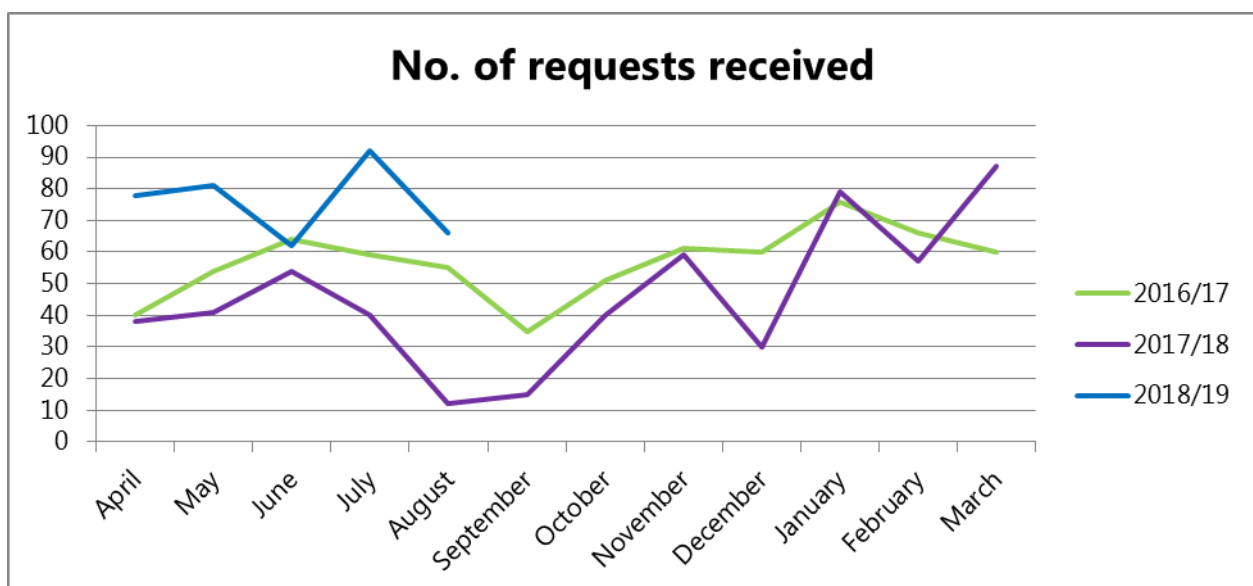
August and September

CDC FOI REQUESTS RECEIVED OVER THE LAST FINANCIAL YEARS

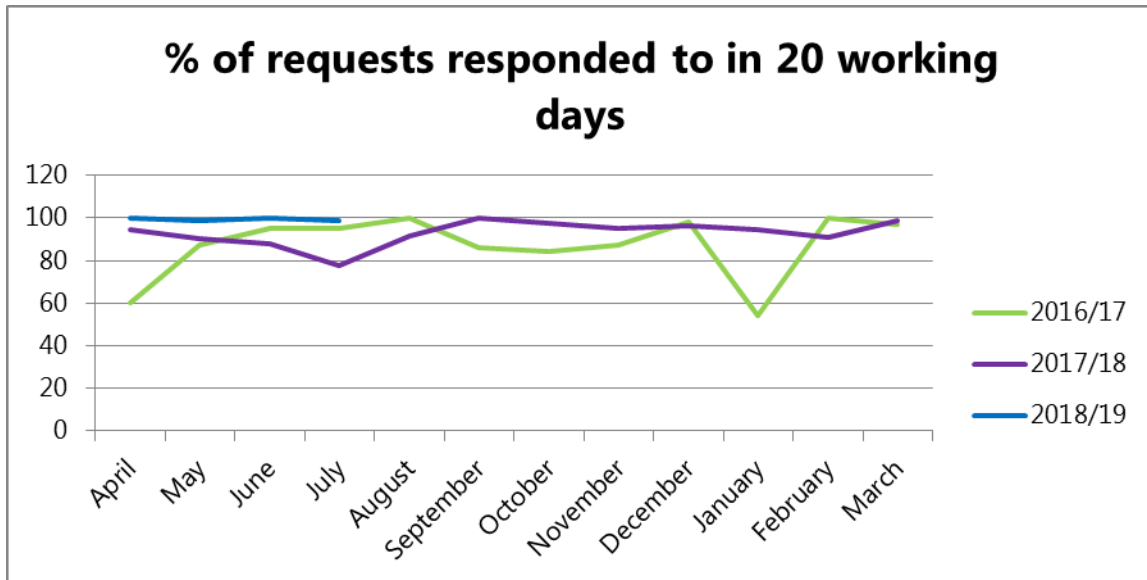
CDC	Financial Year 2016-2017 Nbr of Requests	% requests Within 20 Working Days	Financial Year 2017-2018 Number Requests	% requests Within 20 Working Days	Financial Year 2018-2019 Nbr of Requests	% requests Within 20 Working Days
April	40	60%	38	95%	78	100%
May	54	87%	41	90%	81	99%
June	64	95%	54	88%	62	100%
July	59	95%	40	78%	92	99%
August	55	100%	12	92%	66	
September	35	86%	15	100%		
October	51	84%	40	97%		
November	61	87%	59	95%		
December	60	98%	30	97%		
January	76	54%	79	95%		
February	66	100%	57	91%		
March	60	97%	87	99%		
Year Totals	681	82% Average	552	93% Average		

Requests received YTD Apr-Aug equals 105% increase between 2017-18 and 2018-19

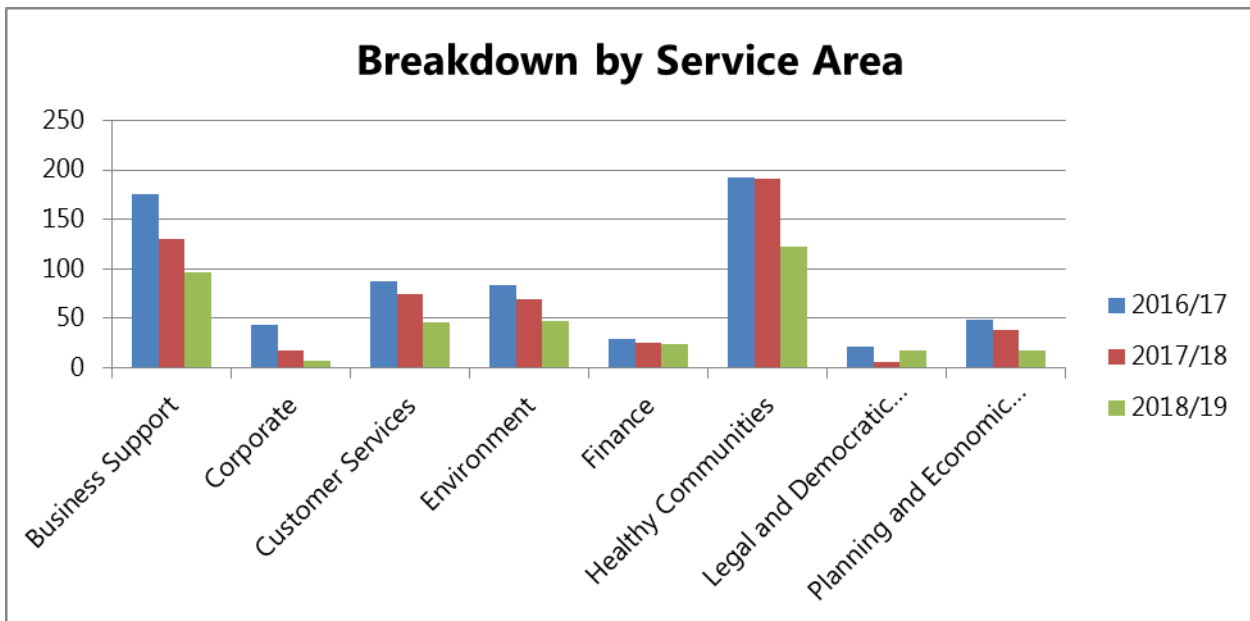
Chiltern District Council Number of Requests Received



Chiltern District Council % response within 20 working days



Chiltern District Council Breakdown of volumes received by service area



N.B 2018/19 is based only on months April – August.

Healthy Communities receive many requests for housing, licencing, environmental health, community safety and leisure. Business Support Officers encourage all service areas to publish and make available data sets that are frequently asked for on each Council's website. For example Licensing data is now available in electronic format and open for public inspection.

The Local Government Association (LGA) has been promoting and supporting digital transformation and transparency. The Council accordingly is increasingly publishing its data sets, to enhance proactive transparency and by making more information publicly available and to promote the effective operation of FOI in the public interest. This work is on-going.

The new [FOI Section 45 Code of Practice](#) was issued on 4 July 2018. The ICO has published the guidance for practitioners on its website. There is more emphasis on openness about certain types of information and withholding information will be harder to justify. The code provides guidance on the practice it would be desirable for public authorities to follow to meet their obligations under FOIA. Adhering to the code will result in positive benefits for an authority, and in practical terms offer good customer service.

5. Subject Access Requests (SARs)

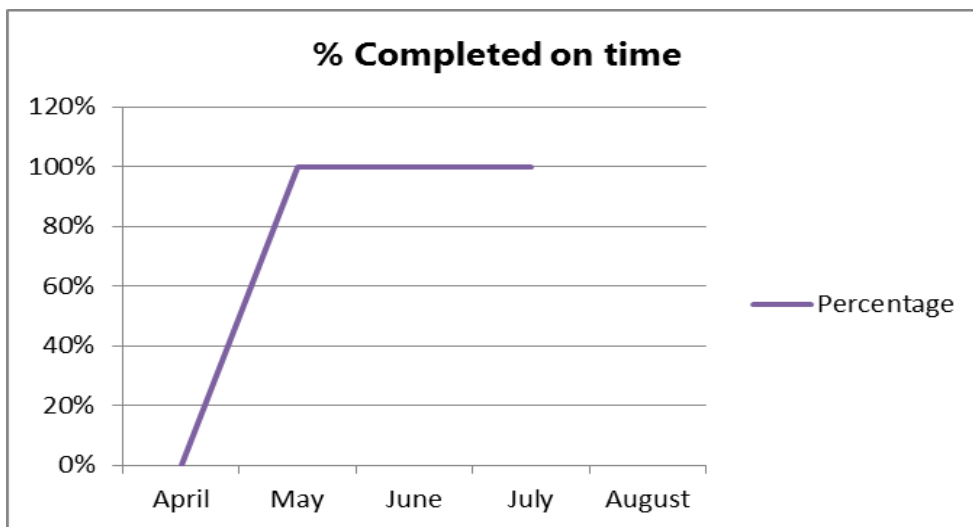
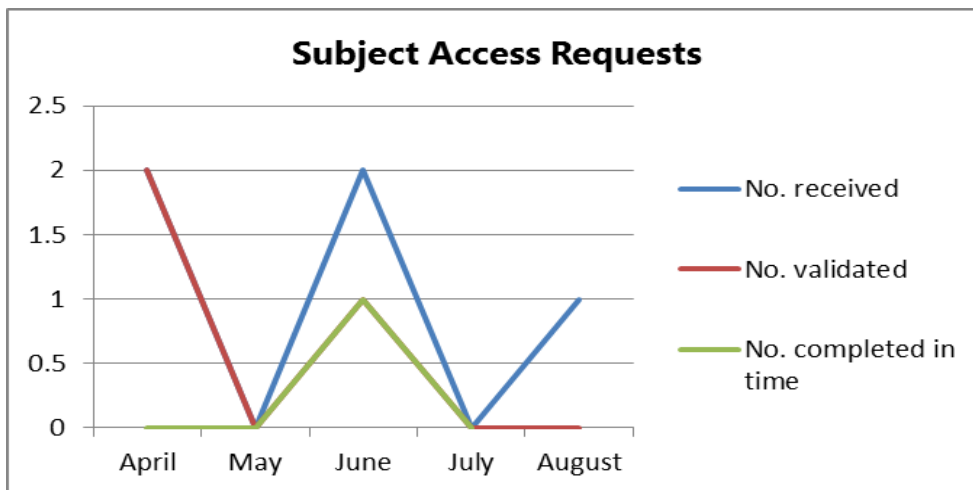
The data protection legislative changes that were introduced in May 2018 have heightened public awareness about their information rights and as a result more individuals are submitting SARS to the authority. This is the first time SARs have been reported to committee.

Chiltern District Council

2018/19	No. Received	No. Validated	No. Completed on time*	% Completed on time
April	2	2	0	0%
May	0	0	0	100%
June	2	1	1	100%
July	0	0	0	100%
August	1	0		

Notes - * The time frame required for requests to be completed changed on 25 May 2018 from 40 days to 30 calendar days. Therefore all April requests should have been completed within 40 days. All subsequent months the time frame is 30 days.

Validated requests mean that the requester has submitted valid identification credentials and has been verified. The request has to be validated before it is processed any further.



Notes - * The time frame required for requests to be completed changed on 25th May 2018 from 40 days to 30 calendar days. Therefore all April requests should have been completed within 40 days. All subsequent months the time frame is 30 days.

The second request from June has had the time frame extended by up to another 2 months so the new deadline is 01/10/2018. The requestor was advised of the extension due to the complexities of the request before the end of the initial 30 calendar days' deadline.

6. RIPA

The Regulation of Investigatory Powers Act 2000 (RIPA) addresses human rights issues arising from the carrying out of surveillance and the accessing of communications data by local authorities and other law enforcement agencies. On the 1st September 2017, The Office of Surveillance Commissioners, The Intelligence Services Commissioner's Office and The Interception of Communications Commissioner's Office were abolished by the Investigatory Powers Act 2016. The Investigatory Powers Commissioner's Office (IPCO) is now responsible for the judicial oversight of the use of covert surveillance by public authorities throughout the United Kingdom.

An updated Corporate Policy & Procedures Note was published on the intranet and is based upon the requirements of The Regulation of Investigatory Powers Act 2000 ('RIPA'), The Protection of Freedoms Act 2012, the Home Office's Codes of Practice on Covert Surveillance and Covert Human Intelligence Sources and the Regulation of Investigatory Powers (Communications Data) and (Directed Surveillance and Covert Human Intelligence Sources) Orders 2010 and the Investigatory Powers Act 2016. The Council takes responsibility for ensuring that the RIPA procedures are applied in practice.

Relevant staff will receive training in October 2018. There were no Regulation of Investigatory Powers Act 2000 (RIPA) investigations conducted for the year 2017-18 at SBDC.

7. Links to Council Policy Objectives

7.1 The aim is to support corporate information management policy, information governance procedures and strategy.

7.2 The objective is to inform Members and senior management of the response to statutory duties that aligns with the code of Corporate Governance ensuring openness and transparency, encouraging better community engagement and supporting economic activities, thus empowering citizens through increased access to information.

<p>Background Papers:</p>	<p>ICO Model Publication Scheme 2013 The Protection of Freedoms Act 2012 (POFA) Regulation of Investigatory Powers Act 2000(RIPA) Home Office Codes of Practice on Covert Surveillance and Covert Human Intelligence Sources Regulation of Investigatory Powers (Communications Data) and (Directed Surveillance and Covert Human Intelligence Sources) Orders 2010 Investigatory Powers Act 2016 Freedom of Information Act 2000 (FOIA) Environmental Information Regulations 2004 (EIR) Data Protection Act 1998 (DPA) EU General Data Protection Regulation (GDPR) Human Rights Act 1998 INSPIRE Regulation 2009 PSN Local Data Handling Guidelines (August 2014) Re-use of Public Sector Information Regulations 2015 (ROPSI) Local Government Transparency Code 2015 Strengthening Local Government Transparency Consultation on changes to the Local Government Transparency Code 2015 S45 FOI Code of Practice</p>
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APPENDIX

Explanatory Background information for the applicable legislation

(a) The Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) give rights of access to information held by public authorities. All requests are dealt with irrespective of who has sent them and why they want the information.

EIR gives access to information and there is an express presumption in favour of disclosure. The EIR is invoked when the request is for information about the environment, specifically

- The state of the elements of the environment, such as air, water, soil, land and biological diversity;
- Emissions and discharges, noise, energy, radiation, waste and other such substances;
- Measures and activities such as policies, plans, and agreements affecting or likely to affect the state of the elements of the environment;
- Reports, cost-benefit and economic analyses used in these policies, plans and agreements;
- The state of human health and safety, contamination of the food chain and cultural sites and built structures (to the extent they may be affected by the state of the elements of the environment).

Thus, requests for planning and environmental health fall under the EIR conditions.

(b) The Data Protection Act (DPA) 2018 establishes a legal framework of rights and duties which are designed to safeguard personal data. [Under Part 3 Chapter 3 Section 45 of the Act](#) gives a data subject (a living individual) the right of access to information held about them but not to information relating to other people. It provides a right to see the information contained in personal data, rather than a right to see or have copies of the documents that include that information.

These requests are more commonly referred to as subject access requests (SARS). A data controller has 30 calendar days in which to provide the requested data. The data controller is allowed to ask for proofs of identity. Processing can only begin once the identity is validated. These requests take an average of 10 working days of officer time to process, (ie £1,800 cost). They are very time intensive to process, which includes the retrieval, collation, and redaction of third-party data. If the requester is not happy with the response they can make a complaint to the ICO.

(c) The INSPIRE Regulation 2009 provides a technical standards framework to publish geospatial information. The INSPIRE Regulations confer a statutory duty on councils to provide access to its geographical information systems (GIS) and make available via the GIS mapping technology spatial data sets relating to environment and society within its district area under the provision of the INSPIRE Regulations.

The European INSPIRE Directive requires that Member States provide public access to location based data related to the environment. Council data sets will be uploaded Data.Gov.uk to support the UK location infrastructure data. The public will be able to find, share and reuse, location data, including all data published under the INSPIRE Directive.

INSPIRE is based on a number of common principles:

- Data should be collected only once and kept where it can be maintained most effectively.
- It should be possible to combine seamless spatial information from different sources across Europe and share it with many users and applications.
- It should be possible for information collected at one level/scale to be shared with all levels/scales; detailed for thorough investigations, general for strategic purposes.
- Geographic information needed for good governance at all levels should be readily and transparently available.
- It should be easy to find what geographic information is available, how it can be used to meet a particular need, and under which conditions it can be acquired and used.

The Department of Environment, Food and Rural Affairs (DEFRA) is the lead Department in the UK for implementing the INSPIRE Directive, which they propose to do in conjunction with the UK Location Strategy. DEFRA have set up a cross- government governance body – the UK Location Council. Its responsibilities in relation to INSPIRE will include:

- Co-ordinating implementation and ongoing operations;
- Providing contact point for the European Commission;
- Compiling and submitting 3-yearly monitoring reports to EC;
- Co-ordinating UK representation to INSPIRE Committees and working groups;
- Collating material on costs and benefits of the Implementing Rules;
- Responsible for central communications;
- Providing policy and technical guidance to support public authorities in meeting their obligations;
- Promoting skills development.

(d) Local Government Transparency Code 2015 from the Department for Communities and Local Government (CLG) has established the Local Government Transparency Code. This code has been issued using the powers in section 2 of the Local Government, Planning and Land Act 1980 to issue a Code of Recommended Practice requiring local authorities to publish specific information and the code sets out requirements for the following categories of information which must be published:

- Spending on corporate GPC cards on quarterly basis including:

date of the transaction

local authority department which incurred the expenditure beneficiary amount

Value Added Tax that cannot be recovered summary of the purpose of the expenditure, and merchant category (eg computers, software, etc)

- Expenditure exceeding £500 on a quarterly basis

- Procurement information

The council is required to publish details of every invitation to tender for contracts to provide goods and/or services with a value that exceeds £5,000. For each invitation, the following details must be published: reference number; title; description of the goods and/or services sought; start, end and review dates; and local authority department responsible.

The council must also publish details of any contract, commissioned activity, purchase order, framework agreement and any other legally enforceable agreement with a value that exceeds £5,000

- Detail of money raised from parking charges
- Information in relation to trade unions including 'facility time'
- Information on council contract and tenders to make it easier for small and medium firms to bid for work
- Property assets
- Local authority land
The council must publish details of all land and building assets including all service and office properties occupied or controlled by user bodies, both freehold and leasehold; any properties occupied or run under Private Finance Initiative contracts; all other properties they own or use, for example, hostels, laboratories

investment properties and depots garages unless rented as part of a housing tenancy agreement; surplus, sublet or vacant properties; undeveloped land; serviced or temporary offices where contractual or actual occupation exceeds three months; all future commitments, for example under an agreement for lease, from when the contractual commitment is made.

Information to be published annually:

- Local Authority land
- Social housing assets
- Grants to voluntary, community and social enterprise organisations
- Organisation chart
- Trade union facility time
- Parking account
- Parking spaces
- Senior Salaries
- Constitution
- Pay multiple
- Fraud
- Contracts register