

Part 5 – Section 1

LICHFIELD DISTRICT COUNCIL

CODE OF CONDUCT

1.0 Introduction

- 1.1 This Code of Conduct ("the Code") was adopted by Lichfield District Council ("the Council") as required by Section 27 of the Localism Act, 2011 ("the Act") at a meeting of the Council held on 15th May 2018.
- 1.2 The Council has a statutory duty under the Act to promote and maintain high standards of conduct by members and co-opted members of the Council ("the members"). This means that the Council expects Members to follow this Code when they are conducting the work of the Council, representing the Council on any external organisation, and otherwise acting in their official capacity. The Code of Conduct does not apply to what Members do in their private and personal lives.¹

Part One - Standards of Conduct

As a member of the Council you must have regard to, and act in accordance with, the following standards of conduct:²

1. Selflessness

You should serve only in the public interest, and should never improperly confer an advantage or disadvantage on any person, organisation or group, or any other third party.³

2. Honesty and Integrity

You should not place yourself in situations where your honesty and integrity may be questioned, you should not behave improperly and should avoid the appearance of such behaviour.

3. Objectivity

You must make decisions based on the information before you, having had regard to any professional advice provided to you and in accordance with your view of the public interest. You should make decisions on merit, this includes when making appointments, awarding contracts, or recommending individuals for awards or other recognition.

¹When engaging in political activities such as canvassing for re-election Members are not acting in their official capacity, and for the purposes of this Code of Conduct, such political activities are considered part of a Member's private and personal life.

²And in accordance with any supplementary guidance or protocols agreed by the authority from time to time.

³This does not mean that Members are under any obligation to support or become involved in all requests for assistance from their constituents.

4. Accountability

You are accountable to the public for your decisions and actions and the manner in which you carry out your duties. You must co-operate fully and honestly with any scrutiny appropriate to your office. You should not undertake any action which would bring the Council, your position, or the position of Members generally, into disrepute.

5. Openness

You must be as open as possible about your actions and those of the authority, and should be prepared to give reasons for those actions.

6. Leadership

You must promote and maintain high standards of conduct by supporting these principles by leadership and by example, and should act in a way that secures or preserves the confidence of others. You must have due regard to the impartiality and integrity of the authority's statutory officers and its other officers.⁴

Part Two – Registration and Disclosure of Interest

Registration of Interests

7. Within 28 days of this Code being adopted by the Council or within 28 days of your election or co-option (whichever is the later), you must notify the Monitoring Officer of any 'disclosable pecuniary interests' which you have at that time.⁵
8. Where you are re-elected or re-appointed, notification is only required of any new disclosable pecuniary interests within 28 days of your election or co-option.
9. You must keep your Register of Interests entry up to date by notifying the Monitoring Officer of any changes to your disclosable pecuniary interests within 28 days of the change occurring, or of you becoming aware of the change.
10. A pecuniary interest is a "disclosable pecuniary interest" defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations, 2012 described as:-

⁴Members may express themselves robustly in representing their or their constituents' views, although where a Member engages in a sustained or systematic challenge of an officer which is unfounded or in any other way unreasonable, such conduct would fall within the scope of this code.

⁵The Monitoring Officer must enter these interests into the Register of Interests, which will be made available for public inspection and published on the Council's website.

Part 5

<u>Subject</u>	<u>Description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 7 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director of an incorporated body or holds the beneficial interest in securities*) and the Council— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the Council; and (b) the tenant is a body in which the member, or his/her spouse or civil partner/ the person with whom the member is living as if they were spouses/civil partners has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*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.

11. A pecuniary interest is a 'disclosable pecuniary interest' in relation to you if it is of a type described above, and either:
 - (a) it is an interest of yourself, or
 - (b) it is an interest of:-
 - (i) your spouse or civil partner,
 - (ii) a person with whom you are living as husband and wife, or
 - (iii) a person with whom you are living as if they were civil partners, and the you are aware that that other person has the interest.

12. You are also required to notify the Monitoring Officer of any gifts or hospitality with an estimated value of at least £50,⁶ which you receive in your role as a Lichfield District Councillor,⁷ You must inform the Monitoring Officer of any such gifts or hospitality within 28 days of receiving them so that the details can be entered into the Register of Members Gifts and Hospitality.⁸

Sensitive interests

13. If the nature of an interest is such that you and the 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, the interest must not be included in any published version of the Register of Interests, or be entered into any copy of the register that is made available for public inspection.^{9 10}

⁶This financial limit will be maintained in line with the definition of a donation to be declared by election candidates during local authority elections in England and Wales (as set out in Schedule 2A of the Representation of the People Act 1983).

⁷This does not include civic gifts or hospitality received by the Chairman of the Council whilst acting in this capacity. Civic gifts are to be recorded in a separate register maintained by the Chairman's Secretary.

⁸The Monitoring Officer must enter the receipt of the gifts and/or hospitality in the Register of Gifts and Hospitality which will be made available for public inspection and published on the Council's website.

⁹Instead the Register of Interests may state that the Member has an interest the detail of which are withheld under section 32(2) of the Localism Act 2011

¹⁰If the Member is required to disclose such an interest in a meeting, the Member need not disclose the interest, but merely the fact that the Member has a disclosable pecuniary interest in the matter concerned.

Disclosure of disclosable pecuniary interests at meetings

14. The following provisions apply if you are present at a meeting of the authority or of any committee¹¹, sub-committee, joint committee or joint sub-committee of the authority, and you are aware that you have a disclosable pecuniary interest in a matter to be considered, or being considered, at the meeting.
15. If the interest is not entered in the authority's Register of Interests, you must disclose the interest to the meeting (unless the interest is a sensitive interest).
16. If the interest is not entered in the authority's Register of Interests and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
17. Where the interest does appear in the Register of Interests, you must bring the interest to the attention of the meeting (unless the interest is a sensitive interest).
18. You may not:
 - (a) participate, or participate further, in any discussion of the matter at the meeting,
 - (b) participate in any vote, or further vote, taken on the matter at the meeting (unless the Member has requested and been granted a relevant dispensation by the Standards and Resources Committee), or
 - (c) remain in the room during the discussion or vote on the matter.
19. Where you have a disclosable pecuniary interest in a matter to be considered at a meeting, you may attend the meeting but only for the purposes of making representations, answering questions or giving evidence relating to the matter, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. Once you have finished, or the meeting decides you have finished, you must leave the room and may not remain in the room during the discussion or vote on the matter.

Disclosure of other interests at meetings

20. Where you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and identify any other significant interests which you feel should be declared in the public interest, such interests may be declared to the meeting; this includes any interest which relates to or is likely to affect:

¹¹This includes meetings of the Cabinet.

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body-
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which the member of the Council is a member or in a position of general control or management.

21. In such circumstances you must consider whether your continued participation in the matter relating to your interest would be reasonable in the circumstances, particularly if the interest may give rise to a perception of a conflict of interests in the matter under discussion.

Allegations of a Failure to Comply with Code of Conduct

22. All complaints alleging a failure to comply with this Code will be considered in accordance with a procedure agreed by the Council.

Our ref BN/WJ
Ask for Bal Nahal
Email bal.nahal@lichfielddc.gov.uk

Lichfield
district council
www.lichfielddc.gov.uk

District Council House, Frog Lane
Lichfield, Staffordshire WS13 6YU

Customer Services 01543 308000
Direct Line 01543 308002

[REDACTED]

4 February 2019

Dear Madam

RE: MEMBER COMPLAINT

I write further to your complaint on 3 February 2019 via Contensis.

I will be investigating this as Monitoring Officer for Lichfield District Council and will report back to you as soon as possible.

Yours faithfully

[REDACTED]

Bal Nahal
Solicitor
Head of Legal, Property & Democratic Services



inson, Wendy

From: Nahal, Bal
Sent: 04 February 2019 11:28
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Complaints, compliments & suggestions

Hi Wendy,

Can you please acknowledge this and send [REDACTED] the member complaint form to complete.

Thanks,

Bal Nahal
Head of Legal, Property & Democratic Services
Lichfield District Council

District Council House, Frog Lane, Lichfield, Staffordshire WS13 6YU
T: 01543 308002
E: bal.nahal@lichfielddc.gov.uk

From: [REDACTED]
Sent: 04 February 2019 08:17
To: [REDACTED]
Subject: FW: Complaints, compliments & suggestions

Hi,

Could you please arrange for a response to the complaint below.

I will send an acknowledgement.

Regards

From: formpost@contensis.co.uk [mailto:formpost@contensis.co.uk]
Sent: 03 February 2019 00:03
To: Generic - Complaints <Complaints@lichfielddc.gov.uk>
Subject: Complaints, compliments & suggestions

Contensis Email Notification

Project - Website

<https://cms-lichfielddc.cloud.contensis.com/>

A new form post has been received.



Posted on: 03/02/2019 00:02:50

Posted from: <https://www.lichfelddc.gov.uk/Council/Voice-it/Complaints-suggestions-and-compliments-form.aspx>

Form Post

Title: [REDACTED]

Name: [REDACTED]

Address: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Question one: What kind of comment do you wish to make?:

Complaint

Question two: Which service area is the feedback about?:

Democratic, legal & development services

Question three: If you are making a complaint or a compliment, would you like us to reply to you?:

Yes

Question four: Please tell us what you think or what problem has been caused? (Please provide as much detail as possible, including dates and times):

Cllr David Leytham's register of interest forms which is dated 2 February 2018 shows his spouse/partner listed as an "invigilator, Scottish Qualifications Authority". Cllr Latham has not disclosed his wife's business which appears to be called "The Pretty Little Parlour Company". The link to her facebook page for the business is shown below:
<https://www.facebook.com/PrettyLittleParlour/> This page clearly shows that the business existed prior to 2 February 2018 when Cllr Leytham completed his ROI. From the photographs on the facebook page and some of the commentary posted by Mrs Leytham it appears she has certainly been supplying flowers for Lichfield City Council events but given the likely spend would be less than £500 it is not clear whether she has also been supplying the District Council.

Question five: If you're making a complaint, let us know how you think we can put things right?:

Cllr Leytham must update his register of interests form to show correct and accurate information and the matter should be referred to the standards committee.

Properties

Form Reference: FRM14135

Posted by: Mr Public User (publicuser@contensis.co.uk)

IP Address: 10.134.17.8

Posted on: 03/02/2019 00:02:50

Posted from: <https://www.lichfielddc.gov.uk/Council/Voice-it/Complaints-suggestions-and-compliments-form.aspx>
Marked as Read: No (Mark this post as read)
Form template: /Forms/Complaints-suggestions-and-compliments-form.frm

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WARNING: Please ensure that you have adequate virus protection in place before you open or delete any documents attached to this email.

CODE OF CONDUCT COMPLAINT – REPORT OF DEPUTY MONITORING OFFICER ACTING FOR
MONITORING OFFICER OF LICHFIELD DISTRICT COUNCIL

COMPLAINANT: [REDACTED]

SUBJECT MEMBER: COUNCILLOR D LEYTHAM

RELEVANT COUNCIL: LICHFIELD DISTRICT COUNCIL/LICHFIELD CITY COUNCIL

DATE OF INCIDENT: 2 FEBRUARY 2018

DATE OF COMPLAINT: 3 FEBRUARY 2019

DETAIL OF COMPLAINT

As set out in the on-line complaint form submitted by [REDACTED] ("the Complainant") dated 3 February 2019. The allegation is that Councillor Leytham ("the Respondent") breached the Code of Conduct by:

- i) Failing to ensure his Register of Interest form was up to date and disclosed all relevant information
- ii) Failure to declare a relevant contract between his spouse's business and Lichfield City Council.

Documents reviewed in the investigation of this complaint:

- i) Complaint form dated 3 February 2019
- ii) Code of Conduct of Lichfield District Council and Lichfield City Council
- iii) Comments from Councillor Leytham including copy invoices.

COMMENTS OF LORRAINE FOWKES, DEPUTY MONITORING OFFICER

The Code of Conduct complaint was initially assessed by me as Deputy Monitoring Officer acting for the Monitoring Officer for Lichfield District Council in consultation with the Independent Person. The purpose of this is:

1. To determine whether the complaint merits a formal investigation and to arrange such an investigation or
2. To seek resolution of the complaint without formal investigation wherever possible, and
3. To refer the decision on the investigation to the Audit and Member Standards Committee when the Monitoring Officer feels that it is inappropriate for the Monitoring Officer to take the decision subject to the Monitoring Officer reporting to the Audit and Member Standards Committee at least annually on discharge of her functions.

The question then is, is this complaint covered by the Code of Conduct? I will deal with 4 tests and if any of these are not met then the complaint cannot proceed.

1. The complaint is against one or more named councillors or co-opted members of the Council – yes this test is met.
2. The Respondent was in office at the time of the alleged conduct and the Code of Conduct was in force at the time – yes this has also been met.
3. The Conduct which is the subject of the complaint relates to the Respondent in his/her capacity as a Councillor – this test is also met.
4. The complaint (if proven) would be a breach of Code of Conduct under which the Respondent was operating at the time of the alleged misconduct – it is clear that there is a prima facie case that if proven there would be a breach of the Code of Conduct in respect of the failure to register the business of the spouse and in respect of the failure to register the existence of a contractual relationship between the City Council and the spouse of the Respondent.

Is this a Complaint that should be investigated

I am of the view that this complaint should be investigated and a report put before the Audit and Member Standards Committee for determination.

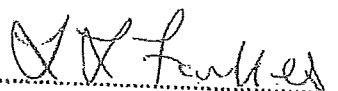
COMMENTS OF INDEPENDENT PERSON:

It would appear that there may well have been a breach of the Code of Conduct by Councillor Leytham and so I agree that the case should be reported for determination by the Audit and Member Standards Committee.

CONCLUSION OF THE DEPUTY MONITORING OFFICER:

This complaint should proceed to investigation.

SIGNED:



DEPUTY MONITORING OFFICER

DATE:

07 March 2019

Right of Review

If a complainant considers that not all relevant facts have been taken into account at the initial assessment stage or wishes the decision to be reviewed he/she may request a review.

At the written request of the complainant, the Audit and Member Standards (Review) Sub-Committee can review and change a decision not to refer an allegation for investigation or other action.

The complainant's written request for a review must be submitted to the Monitoring Officer of Lichfield District Council within 14 days from the date of this notice of the initial assessment of the complaint explaining in detail on what grounds the decision should be reviewed.

The request should be addressed to the Monitoring Officer:

MS B. NAHAL
MONITORING OFFICER
LICHFIELD DISTRICT COUNCIL
FROG LANE
LICHFIELD
STAFFS WS13 6YY

The review carried out by the Audit and Member Standards (Review) Sub-Committee will be of the written evidence only. Neither the complainant nor the respondent shall be permitted to make oral representations to the Sub-Committee.

CODE OF CONDUCT COMPLAINT -
(DRAFT) REPORT OF INVESTIGATOR -
LORRAINE FOWKES -
SOLICITOR AND DEPUTY MONITORING OFFICER
- SOUTH STAFFORDSHIRE DISTRICT COUNCIL

Complainant:	[REDACTED]
Subject Member:	Councillor David Leytham ("Councillor Leytham)
Relevant Council:	Lichfield District Council and Lichfield City Council
Date of (alleged) Incident:	2 February 2018

Detail of Complaint:

The complaint is set out in the complaint form dated 3 February 2019 submitted by [REDACTED]

[REDACTED] alleges that Councillor Leytham breached the Code of Conduct by failing to ensure his Register of Members Interests form was up to date and disclosed all relevant information. It is also alleged that Councillor Leytham failed to declare a relevant contract between his spouse's business and Lichfield City Council.

As part of my investigation I have considered:

- a) the complaint form;
- b) documentation supplied by Councillor Leytham
- c) Record of invoices from Lichfield City Council

I append the same to my report.

- d) The Facebook page of the Pretty Little Parlour Company

I also spoke with Councillor Leytham face to face. I did not meet with [REDACTED] as I did not consider this necessary in order for me to undertake this investigation due to the nature of the allegations and the evidence available to me.

As part of my investigation, and to find against Councillor Leytham, I have to be satisfied (on balance) that:

- a) Councillor Leytham failed to declare a relevant interest on his Register of Interests form at the relevant time.
- b) There was a contractual relationship between Lichfield City Council and Councillor Leytham's spouse's company.
- c) Councillor Leytham was aware of the contractual relationship and failed to declare the same on his Register of Members Interests form.

Did Councillor Leytham fail to declare a relevant interest on his Register of Members Interests form(s)?

I have viewed the Register of Members Interests form for Lichfield District Council completed by Councillor Leytham and dated 2 February 2018. I note that this lists under 'Employment, office, trade, profession or vocation' for spouse or partner "Invigilator, Scottish Qualifications Authority".

I have also viewed the Register of Members Interests form for Lichfield City Council completed by Councillor Leytham and dated 10 May 2015. I note that under the same heading on this form it lists "self-employed event stylist".

Given that Councillor Leytham identified the business undertaken by his spouse in May 2015, it is difficult to see why this information was not then included in the February 2018 District Council form. Councillor Leytham stated that the nature of the business had changed in recent years due to the ill-health of his wife. He stated that work had been scaled back and what was now undertaken was more akin to a hobby than an active business.

I have viewed the Facebook page of the Pretty Little Parlour Company. It is clear from this that there is an active business. It would appear from the posts on this page and from information provided by Councillor Leytham

that the nature of the business has changed from principally a china hire/styling business to one of making and supplying silk flower arrangements. However, it is also clear that it does operate as a business. As such, it should have been included on the Register of Members Interests form by Councillor Leytham.

Councillor Leytham when asked about this, accepted that he should have amended his form to show the employment/trade of his spouse. Councillor Leytham has completed a new Register of Interests form to reflect the correct position.

I therefore conclude that there was breach of the Code of Conduct in that Councillor Leytham failed to declare a relevant interest on his form dated 2 February 2018 for Lichfield District Council.

In respect of the May 2015 form for Lichfield City Council, it does list the trade of his wife, but for clarity, the name of the business should have been included

Was there a contractual relationship between Lichfield City Council and Councillor Leytham's spouse's business? And did Councillor Leytham fail to declare this?

Again, I have viewed the Facebook page of the business and I have seen copies of invoices supplied to and paid by Lichfield City Council. I have also checked with Lichfield District Council and they have confirmed that no records are held that indicate a contractual relationship between the District Council and the business. I note that Councillor Leytham states that the District Council used the services of the business in 2014 but there are no records held by Lichfield District Council that indicate an invoice was issued or paid in respect of this.

I note that the Register of Members Interests form completed by Councillor Leytham for Lichfield City Council dated February 2018 states that there are no contracts between the parties. It is clear from the posts on Facebook that the Pretty Little Parlour Company did provide goods/services to the City Council. The list of invoices from Lichfield City Council shows that from May 2016 to the end of 2018, 11 invoices were issued and paid. Even if when completing the form in February 2018 there were no active contracts (which the record shows to be the case), Councillor Leytham should have updated his form when work was undertaken for the City Council later in 2018.

When asked about this element, Councillor Leytham stated that it never occurred to him to amend his form as it never occurred to him that there was a business arrangement. He stated that any work undertaken by his

wife for the City Council was either done at cost or at a loss. He stated that his wife had given around £500 in silk flowers to the City Council.

Councillor Leytham was clear that he could not say that he had forgot to update his form; it was the case that it never occurred to him to fill in the form as he did not view the arrangement as a business arrangement.

Councillor Leytham accepts that he should have amended his form to show the relationship and transactions between his wife and Lichfield City Council but maintained that it never occurred to him to be a business.

Councillor Leytham has since completed new forms and the form for Lichfield City Council does identify the contractual relationship between the Council and his wife's business. Again, for clarity, I would advise that the form states the name of the business.

I conclude that in respect of this element there was a breach of the Code of Conduct in that Councillor Leytham failed to declare the contracts between his spouse's business and Lichfield City Council. I accept as mitigation Councillor Leytham's genuinely held belief that he did not see the relationship as a business one with any element of profit or gain. However, regardless of this, as he now accepts, the relationship should have been declared.

Conclusion

I find that Councillor Leytham did breach the Code of Conduct as alleged. I find that in mitigation, Councillor Leytham held a genuine belief that there was no element of profit or gain from the relationship and thus the need to declare did not arise.

Signed

Investigating Officer

Date : 26 March 2019

REGISTER OF MEMBERS INTERESTS

DAVID JOHN VEYTHAM

I,
 (please insert full name)

as a member (or co-opted member) of Lichfield City Council, give notice to the Monitoring Officer of the Lichfield District Council of the following disclosable pecuniary interests, as required by Section 30 of the Localism Act 2011, and other interests as required by the Lichfield City Council's code of conduct.

A Disclosable Pecuniary Interests (as defined by regulations made by the Secretary of State)

* Note: In the notice below my spouse or partner means anyone who meets the definition in the Localism Act, i.e. my spouse or civil partner, or a person with whom I am living as husband or wife or a person with whom I am living as if we are civil partners, and I am aware that that person has the interest.

1. Employment, office, trade, profession or vocation	
Any employment, office, trade, profession or vocation carried on for profit or gain. [this will include another council or public authority from which you receive payment or allowances]	
Myself	My spouse or partner*
Chief Investigator, SQA Glasgow G2 8DQ District councillor	Self employed event stylist 45 Francis Road Lichfield WS13 7JX

2. Sponsorship - Any payment or provision of any other financial benefit (other than from the Council named above) made or provided within the period of 12 months ending today in respect of any expenses incurred by me in carrying out duties as a member, or towards my election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.	
Myself	My spouse or partner*
None	None

3. **Contracts** - Any contract which is made between

- me or my spouse or partner*, or
- a firm in which either of us is a partner, or
- a body corporate of which either of us is a director, or
- a body in the securities of which either of us has a beneficial interest)

and the Council named above -

(a) under which goods or services are to be provided or works are to be executed; and

(b) which has not been fully discharged.

Myself	My spouse or partner*
None	None

4. **Land** Any beneficial interest¹ in land which is within the area of the Council named above.

Myself	My spouse or partner*
<p>Address of land:</p> <p style="text-align: center;">45 Francis Road Lichfield WS13 7JX</p>	<p>Address of land:</p> <p style="text-align: center;">45 Francis Road Lichfield WS13 7JX</p>

¹ Beneficial interest could include land or property which you own, or have a right to occupy (e.g. a tenancy) or receive an income from. This may include your home.

5. Licences - Any licence (alone or jointly with others) to occupy land in the area of the Council named above for a month or longer.

Myself	My spouse or partner*
None	None

6. Corporate tenancies - Any tenancy where (to my knowledge) -
 (a) the landlord is the Council named above; and
 (b) the tenant is a body in which I or my spouse or partner* has a beneficial interest.

Myself	My spouse or partner*
None	None

7. Securities²

Any beneficial interest in securities of a body where -

(a) that body (to my knowledge) has a place of business or land in the area of the Council named above; and

(b) either -

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which I or my spouse or partner* has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Myself	My spouse or partner*
None	None

² "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.

B Other Interests (As defined in the Lichfield City Council's code of conduct)

8. Membership of Organisations

(a) any body on which I am in a position of general control or management, onto which I have been appointed or nominated by the Council:

None

(b) any body, on which I am a member, or in a position of general control or management, exercising functions of a public nature (e.g. school governing body):

None

(c) any body, on which I am a member, or in a position of general control or management, directed to charitable purposes:

The Johnson Society, Lichfield
Darwin House, Lichfield
St Mary's Centre, Lichfield.

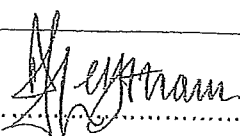
(d) any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union):

None

9. Gifts and hospitality

Any gifts or hospitality worth more than an estimated value of £50 which I have received by virtue of my office

None

Signed.....

Date..... 10.5.15.

(The completed form should be returned to the Monitoring Officer of Lichfield District Council within 28 days of your becoming a councillor.)

3

REGISTER OF MEMBERS INTERESTS

I, David John Leytham...

.....
(please insert full name)

as a Member or co-opted member of the

Lichfield District Council,

give notice to the Monitoring Officer of the following disclosable pecuniary interests, as required by Section 30 of the Localism Act 2011, and other interests, as required by the Council's code of conduct.

1. Disclosable Pecuniary Interests

*** Note:** In the notice below my spouse or partner means anyone who meets the definition in the Localism Act, i.e. my spouse or civil partner, or a person with whom I am living as husband or wife or a person with whom I am living as if we are civil partners, and I am aware that that person has the interest.

Employment, office, trade, profession or vocation Any employment, office, trade, profession or vocation carried on for profit or gain.	
Myself	My spouse or partner*
Chief Invigilator and Schools Trials Administrator, Scottish Qualifications Authority	Invigilator, Scottish Qualifications Authority.
Sponsorship Any payment or provision of any other financial benefit (other than from the Council named above) made or provided within the period of 12 months ending today in respect of any expenses incurred by me in carrying out duties as a member, or towards my election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.	
Myself	My spouse or partner*
None	None

Contracts Any contract which is made between <ul style="list-style-type: none"> ◦ me or my spouse or partner*, or ◦ a firm in which either of us is a partner, or ◦ a body corporate of which either of us is a director, or ◦ a body in the securities of which either of us has a beneficial interest) and the Council named above— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.	
Myself	My spouse or partner*
None	None
Land Any beneficial interest ¹ in land which is within the area of the Council named above.	
Myself	My spouse or partner*
Address of land: Fairfields, The Moor, Fradley WS13 8PP	Address of land: Fairfields, The Moor, Fradley WS13 8PP
Licences Any licence (alone or jointly with others) to occupy land in the area of the Council named above for a month or longer.	
Myself	My spouse or partner*
None	None

¹ Beneficial interest could include land or property which you own, or have a right to occupy (e.g. a tenancy) or receive an income from. This may include your home.

<p>Corporate tenancies Any tenancy where (to my knowledge)— (a) the landlord is the Council named above; and (b) the tenant is a body in which I or my spouse or partner* has a beneficial interest.</p>	
Myself	My spouse or partner*
None	None
<p>Securities² Any beneficial interest in securities of a body where— (a) that body (to my knowledge) has a place of business or land in the area of the Council named above; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which I or my spouse or partner* has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>	
Myself	My spouse or partner*
None	None

² "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.

2. Other Interests

Membership of Organisations

I am a member of, or I am in a position of general control or management in

(a) any body to which I have been appointed or nominated by the Council:

None

(b) any body exercising functions of a public nature (e.g school governing body or another council):

Elected member of Lichfield City Council

(c) any body directed to charitable purposes:

The Johnson Society, Lichfield.
Darwin House, Lichfield
St Mary's Guild, Lichfield

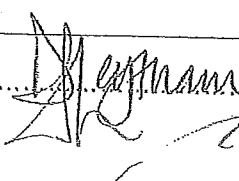
(d) any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union):

The Conservative Party

Gifts and hospitality

Any person from whom I have received (in my capacity as a member/co-opted member) a gift or hospitality with an estimated value of at least £25

None

Signed..... 

Date 2nd February 2018.



9



INVOICE
24th January 2019

Lichfield City Council
Council Offices
53 Wade Street
Lichfield
Staffordshire
WS13 6HL

Invoice No: LCC019
Ref: Additions to Christmas Flowers

Please accept my apologies for the delay in sending my invoice.

To create a large Christmas pedestal arrangement for the Mayors Carol Service using last year's silk blooms, to include 6 blocks of wet flower oasis.

£ 85.00

For David's civic term,

£20 discount

Sub Total


£ 65.00

Extra stems for the Christmas arrangement

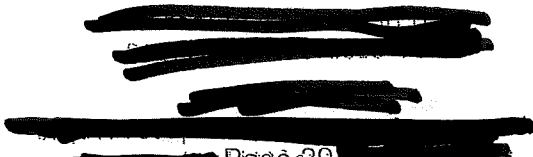
£ 9.00

Invoice Total

£ 74.00

Cheques are payable to 

Kindest regards





INVOICE

24th January 2019

Lichfield City Council
Council Offices
53 Wade Street
Lichfield
Staffordshire
WS13 6HL

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£ 85.00

For David's civic term,

£20 discount

Sub Total

£ 65.00

Extra stems for the Christmas arrangement

£ 9.00

Invoice Total

£ 74.00

Cheques are payable to [REDACTED]

Kindest regards

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



INVOICE

21st September 2018

Lichfield City Council
Council Offices
53 Wade Street
Lichfield
Staffordshire
WS13 6HL


Invoice No: LCC016

Ref: Chaplet for Johnson celebrations
Official Order Ref:

To create one laurel chaplet on Oasis base for the heritage weekend celebrations.

To deliver to Donegal House Friday 21st September, 2018

Invoice Total £23.00

* Cheques are payable to 

Kindest regards



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No	Type	Date	Due On	Ref	Details	Amount	O/S	Debit	Credit
49916	PI	26/05/2016	25/06/2016	04888	Flowers for Annual Council and Banquet	75.00	0.00	0.00	75.00
49931	PP	26/05/2016		04888	Purchase Payment	75.00	0.00	75.00	0.00
50834	PI	26/07/2016	25/08/2016	04927	Mayor at Home - cake stand hire, Hire of tablecloths	30.00	0.00	0.00	30.00
50861	PP	26/07/2016		04927	Purchase Payment	30.00	0.00	30.00	0.00
51547	PI	05/10/2016	04/11/2016	20203	Flower arrangement for lunch table, Flower arrangements f...	93.75	0.00	0.00	93.75
51606	PP	05/10/2016		20203	Purchase Payment	93.75	0.00	93.75	0.00
52772	PI	20/12/2016	19/01/2017	20328	Christmas flower arrangement	90.00	0.00	0.00	90.00
52814	PP	20/12/2016		20328	Purchase Payment	90.00	0.00	90.00	0.00
55448	PI	13/06/2017	13/07/2017	20645	Flowers for Mayor's table at banquet, Flowers for Banquet...	105.00	0.00	0.00	105.00
55455	PP	13/06/2017		20645	Purchase Payment	105.00	0.00	105.00	0.00
56667	PI	10/08/2017	09/09/2017	20755	Mayor At Home - Flowers and cake stands	65.00	0.00	0.00	65.00
56700	PP	10/08/2017		20755	Purchase Payment	65.00	0.00	65.00	0.00
56967	PI	13/09/2017	13/10/2017	20823	Flower arrangement for lunch table	30.00	0.00	0.00	30.00
56976	PP	13/09/2017		20823	Purchase Payment	30.00	0.00	30.00	0.00
57887	PI	14/11/2017	14/11/2017	20905	Laurel chaplet for Johnson Birthday weekend	23.00	0.00	0.00	23.00
57918	PP	14/11/2017		20905	Purchase Payment	23.00	0.00	23.00	0.00
58726	PI	20/12/2017	20/12/2017	20979	Christmas arrangement for festive events incl Mayor's Carols	85.00	0.00	0.00	85.00
58765	PP	20/12/2017		20979	Purchase Payment	85.00	0.00	85.00	0.00
63413	PI	02/10/2018	02/10/2018	21431	Laurel chaplet for Johnson Birthday celebrations	23.00	0.00	0.00	23.00
63450	PP	02/10/2018		21431	Purchase Payment	23.00	0.00	23.00	0.00
64165	PI	27/11/2018	27/11/2018	21526	Silk flower arrangement for Ashmole Room	122.00	0.00	0.00	122.00
64196	PP	27/11/2018		21526	Purchase Payment	122.00	0.00	122.00	0.00
Mrs J A Laytham - Gain						741.75			

LEY001

[REDACTED]

Nahal, Bal

From: .Leytham, David Councillor
Sent: 11 February 2019 00:22
To: Nahal, Bal
Subject: Register of interests form

Good morning Bal

I refer to our conversation regarding [REDACTED] complaint about the incorrect information on my register of interests form.

Firstly I must apologise for my errors in completing the paperwork. [REDACTED] is creative and artistic and in the time we have been together she has worked on more projects than I can think of. They range from designing and creating album covers for Rick Wakeman and Cliff Richard, producing an amazing pastel drawing of the Angel Gabriel for Lichfield Cathedral and creating floral displays for the City Council. I have never seen any of this as 'business', more things she does because she is passionate about her creativity. It simply didn't occur to me that anyone could see what she does as employment or a business that should be declared. However I can see that by advertising herself as The Pretty Little Parlour Company on Facebook she has given certain people cause to believe she is running a successful business. I now realise that when she used the word 'Company' on Facebook I should have amended my register of interests form and explained exactly what she was doing.

Until December [REDACTED] and I acted as invigilators for the Scottish Qualifications Authority. This was [REDACTED] only regular employment and we invigilated 4 days of exams per year. It was pocket money as you can imagine. [REDACTED] is a multi-talented artist, designer and creator. She hasn't been able to exploit her talents for several years because she has [REDACTED] so any work she does is occasional and comes under one of the categories I have used to describe her.

Some years ago she bought a lot of vintage china with a view to setting up a china hire and event styling business. She called her venture The Pretty Little Parlour Company and set up a Facebook page for it. Sadly the [REDACTED] started to bite on her and she found she wasn't able to cope with the physical side of hiring china and event styling. Her china is now stored in a barn at Curborough Hall Farm where it is used to decorate the tea rooms. She changes the displays as the seasons change and receives free storage in return for doing this. The last time the china went out was last year when it was used for the Lichfield City Mayor's fund raising afternoon tea and of course, as I am the Mayor, there was no charge. The only other use I can recall was when it went to Darwin House for a wedding and that was at least three years ago.

The second string to the Parlour is floristry and silk flower selling. [REDACTED]s health prevents her from running any venture as true business and her floristry is limited to occasional wedding flowers and the sale of silk flowers from a friend's shop. [REDACTED] decorates the shop with high quality silk flowers, customers buy some of them, her friend takes a rent for 'storage' of the flowers and [REDACTED] takes the money from the sales. Some weeks there is an income and on other weeks there isn't.

I became Mayor in May 2018 and since [REDACTED] has supplied the City Council with floristry and dressed various rooms in Donegal House and the Guildhall with silk flowers, at cost price or at no charge. Money has changed hands on three occasions and there was no profit for [REDACTED] because she charged only what she paid for materials. The charges were £23, £74 and £122 so there was no need for the City to put out to tender for the services and supply of goods. She decorated the Guildhall with daffodils today after

spending all day on Saturday preparing displays for tables and wrapping bunches for sale as part of my charity fund raising. She made no charge for her work.

I am sure LDC used [REDACTED] services when I was Chairman in 2014 but as with the City, anything she did would have been at no charge or cost only. She does not take a profit from charity fund raising ventures.

I hope this information will allow you to make a full response to [REDACTED] complaint.

Regards
David.

David Leytham JP.

Elected member for the Whittington and Streethay Ward, covering the parishes of Elford, Streethay, Whittington and Fisherwick, Hopwas and Wigginton
Cabinet member, holding the Operational Services, Leisure and Waste portfolio.

Phone contact - mobile [REDACTED]

CODE OF CONDUCT FOR MEMBERS GUIDANCE NOTES

A. Submitting a Complaint

Complaints must be submitted in writing. This includes fax and electronic submissions on including the online complaint form. Frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.

If you have a disability that prevents you from making your complaint in writing or English is not your first language we can assist you in making a complaint. Please contact monitoringofficer@lichfelddc.gov.uk or ring 01543 308100.

B. Confidentiality of Complainant

In the interests of fairness and in compliance with the rules of natural justice, Members who are complained about have a right to know who has made the complaint and the substance of the allegation(s) made against him / her. We are, therefore, unlikely to withhold your personal details or the details of your complaint unless you have good reasons to believe that you have justifiable grounds, for example:- you believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same); or you believe you may receive less favourable treatment from the Council because of the seniority of the Member against whom you are submitting a written complaint.

Please note that requests for confidentiality or suppression of the personal and complaint details will not automatically be granted. The request will be considered alongside the substance of your complaint and the Monitoring Officer will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the opportunity, if you so wish, of withdrawing your complaint.

However, it is important to understand that - in exceptional circumstances, where the matter complained about is very serious - we may proceed with an investigation (or other action) and may have no choice but to disclose your personal and complaint details, because of the allegation(s) made, even if you have expressly asked us not to.

C. Complaints Process

Once a valid complaint relating to an alleged breach of the Code of Conduct has been submitted to the Monitoring Officer it will be dealt with in accordance with the arrangements approved by Lichfield District Council.

Initially the Monitoring Officer will, in consultation with the Independent Person (or designated Associate Independent Person):-

- (i) determine whether a complaint merits formal investigation and to arrange such investigation,
- (ii) to seek resolution of complaints without formal investigation wherever practicable,

- (iii) to refer decisions on investigation to the Audit & Member Standards Committee (or appropriate Sub-Committee) where the Monitoring Officer feels that it is inappropriate for them to take the decision, subject to the Monitoring Officer reporting to the Audit & Member Standards Committee at least annually on the discharge of this function.

D. Tests

The following tests will be applied:

- the complaint is against one or more named Councillors or co-opted members of the Council or of a Parish Council within the District
- the Respondent was in office at the time of the alleged conduct and the Code of Conduct was in force at the time
- the conduct subject of the complaint relates to the Respondent in his/her capacity as a Councillor
- the complaint, if proven, would be a breach of the Code of Conduct under which the Respondent was operating at the time of the alleged misconduct

If the complaint fails any of these tests it will be rejected.

E. Criteria

If appropriate, the Monitoring Officer and the Independent Person will then go on to apply the following criteria in deciding whether a complaint should be accepted for investigation, for other action, dealt with informally, or rejected:

- Sufficiency of Information - Is there sufficient information or evidence provided with the allegation? If it is clear that substantiating evidence may be available, but has not been provided, the Monitoring Officer may ask for that additional evidence, but the onus is on the complainant to ensure all relevant information is included.
- Seriousness of the Complaint - Is the complaint Trivial, vexatious, malicious, politically motivated or 'tit for tat'? Are the resources/cost involved in investigating and determining the complaint wholly disproportionate to the allegations?
- Duplication - Is the complaint a substantially similar allegation which has previously been made by the Complainant to the Audit & Member Standards Committee (or appropriate Sub-Committee), or has the complaint been the subject of an investigation by another regulatory authority?
 - If a single event gives rise to similar complaints from a number of different complainants, wherever possible these complaints will be considered, but will be determined individually
- Length of Time - Did the events or behaviour to which the complaint relates take place more than 6 months ago. Does the time lapse involved mean that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now? Such allegations are only likely to be considered in exceptional circumstances, such as where the conduct relates to a pattern of behaviour which has recently been repeated
- Public Interest - Would the public interest or any public benefit be served in referring the complaint for investigation or other action? For example, it may be not in the

public interest when the member has died, resigned or is seriously ill. Similarly, if the member has offered an apology or other remedial action to resolve the matter. If it is clear that the subject of the allegation is relatively inexperienced as a Member, or has admitted making an error, and the matter would not warrant a more serious sanction

- Other Action - Whether the complaint can be dealt with best by informal resolution, including training or conciliation
- Wider Application - Does the complaint have wider applications, such as suggesting a wider problem throughout the Council concerned

F. Review of Decision

If the complainant considers that not all relevant facts have been taken into account at the initial assessment stage he/she may submit additional information relating to the complaint subject to that initial assessment to the Audit & Member Standards Committee (or appropriate Sub-Committee).

At the written request of the complainant, the Audit & Member Standards Committee (or appropriate Sub-Committee) can review and change a decision not to refer an allegation for investigation or other action.

The complainant's written request for a review must be submitted to the Monitoring Officer of Lichfield District Council within 10 working days from the date of the notice of the initial assessment of the complaint explaining in detail on what grounds the decision should be reviewed.

The request should be addressed to the Monitoring Officer.

The review carried out by the Audit & Member Standards Committee (or appropriate Sub-Committee) will be of the written evidence only. Neither the complainant nor the respondent shall be permitted to make oral representations to the Committee.

G. Additional Information

The Monitoring Officer may require additional information to come to a decision and may request information from the Respondent. Where the complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Clerk of the Parish Council of the complaint and seek the views of the Clerk of the Parish Council before deciding whether the complaint merits formal investigation or other action.

There is no right of appeal available against a decision on a Code of Conduct complaint, except through the courts by way of judicial challenge.

Independent Person - Role

The Localism Act, 2011, stipulates that arrangements to deal with allegations re: a breach of the Code of Conduct adopted by a Council must include provision for the appointment by Council of at least one Independent Person. Lichfield District Council has appointed persons for this purpose.

The Independent Person must be consulted by the Monitoring Officer and the Standards Committee (as appropriate to the procedure set out above) before a decision is reached on an allegation and the Independent Person's view must be taken into account. In addition a person against whom a complaint is made may also seek the views of the Independent Person. The idea behind this is that if a Councillor feels victimised or pressured by a Member or Members of the Council or the

Authority, he or she can have access to the Independent Person for a view. This applies both to Lichfield District Councillors and to the Parish Councillors. For further information about how to approach one of the Independent Persons, please contact the Monitoring Officer.

ANNEXE 1

PROCEDURE FOR HEARINGS

Hearings will where possible be held within two months of receipt of the Monitoring Officer (MO) of the investigator's final report.

The Hearing will be before the Assessment Sub-Committee. One of the members will be elected Chairman.

The MO or Deputy MO will be present as legal adviser to the Sub-Committee. The legal adviser can speak at any time to advise the Sub-Committee on technical matters or ask questions of any party.

The Independent Person appointed under Section 28 of the Localism Act 2011 will also be present.

Both the subject Councillor and complainant will be invited to appear. They may present their own case or they may be represented.

They may bring witnesses (of a number the sub-committee considers is reasonable), **in which case written statements from the witnesses must be lodged with the MO at least eight working days before the Hearing.**

'Character witnesses' who cannot provide evidence on the matter complained about will not be permitted.

The cost of any attendance/representation must be borne by the party concerned.

All written evidence will be circulated to the Sub-Committee, the IP, the Councillor and the complainant at least five working days before the Hearing.

Written statements will not be read out at the Hearing as it will be assumed all those present are already familiar with their contents.

The legal adviser can speak at any time to advise the Sub-Committee on technical matters or ask questions of any party.

Proceedings – Summary

- The complainant can address the Sub-Committee and call witnesses (if any).
- The Councillor can ask the complainant and witnesses questions.
- The Sub-Committee and IP can ask the complainant and witnesses questions.
- The Councillor can address the Sub-Committee and call witnesses (if any).
- The complainant can ask the Councillor and witnesses questions.
- The Sub-Committee and IP can ask the Councillor and witnesses questions.
- The complainant can make a closing statement.
- The Councillor can make a closing statement.
- All those present except the Sub-Committee, the IP, the legal adviser and Monitoring Officer will leave the room while the Sub-Committee makes its decision.
- The Sub-Committee's decision will be announced orally as soon as possible, including any specific advice sought and given from the IP.
- A written report of the Hearing and decision, with reasons, will be prepared, usually within five working days. A copy will be sent to all those present at the hearing and to the Clerk of the Parish/Town Council if the complaint was about a Parish/Town Councillor.

The written report will be available for public inspection.

1. Detailed Procedure at the Hearing

(a) Attendance of the Councillor

(i) If the Subject Councillor is not present at the start of the meeting, the Sub-Committee shall adjourn to enable the Subject Councillor to attend, unless they are satisfied that there is insufficient reason for the failure of the Subject Councillor to attend, in which case the Committee may resolve to proceed in the absence of the Subject Councillor; and

(ii) Where the Sub-Committee proceeds in the absence of the Subject Councillor, the procedure for the meeting shall be adapted as necessary, giving any representatives of the Councillor who is present such rights as would otherwise be accorded to the Subject Councillor.

(b) Order of Business

The order of business at the meeting shall be as follows:

1. **Election of Chairman of the Sub-Committee;**
2. **Exclusion of Press and Public;**
3. **Declarations of Interest;**
4. **Possible adjournment (if appropriate)** – Consideration as to whether to adjourn or to proceed in the absence of the Subject Councillor, if the Subject Councillor is not present;

5. **Introduction** of the Sub-Committee, Investigator (any reference hereafter shall include a reference to their representative if appropriate), the Monitoring Officer or Deputy Monitoring Officer, the Subject Councillor and any representative of the Subject Councillor and the Complainant and any representative of the Complainant. The Independent Person appointed under sub-section 28(7) of the Localism Act 2011 will also be present. His/her views will be requested and taken into account by the Sub-Committee but by law he/she cannot vote;
6. **Presentation by the Investigator of the Investigation Report** - The Investigator, shall at this stage address only the issue of whether the Subject Councillor has acted in breach of the Code of Conduct.

The Investigator may introduce witnesses required to substantiate any matter contained in that report which the Subject Councillor has disputed in his/her written statement in response.

Members of the Sub-Committee may question the Investigator, and any witness on any matter within their competence. There shall be no cross-examination by the Subject Councillor or the Complainant, but the Subject Councillor or the Complainant may request the Chairman of the Meeting to direct appropriate questions to the Investigator, or to any witness he/she has introduced;

7. **Presentation by the Complainant** - The Complainant or his/her representative shall at this stage address only the issue of whether the Subject Councillor has acted in breach of the Code of Conduct. The Complainant or his/her representative may introduce witnesses required to substantiate any matter contained in his/her written statement in response.

Members of the Sub-Committee may question the Complainant and any witness on their evidence. There shall be no cross-examination by the Subject Councillor, Investigator, Monitoring Officer or Deputy Monitoring Officer, but the Subject Councillor, Investigator, Monitoring Officer or Deputy Monitoring Officer, may request the Chairman of the Meeting to direct appropriate questions to the Complainant or to any witness who he/she has introduced;

8. **Presentation by the Subject Councillor** - The Subject Councillor or his/her representative shall at this stage address only the issue of whether he/she has acted in breach of the Code of Conduct. The Subject Councillor or his/her representative may introduce witnesses required to substantiate any matter contained in his/her written statement in response. Members of the Sub-Committee may question the Subject Councillor and any witness on their evidence. There shall be no cross-examination by the Complainant, Investigator but the Complainant, Investigator, may request the Chairman of the Meeting to direct appropriate questions to the Subject Councillor or to any witness who he/she has introduced.

Where the Subject Councillor seeks to dispute any matter in the Investigation Report which he/she has not given notice of intention to dispute in his/her written statement in response, the Legal Adviser shall draw this to the attention of the Sub-Committee. The Sub-Committee may decide:

- (a) not to admit such dispute but to proceed to a decision on the basis of the information contained in the report;

- (b) to admit the dispute, but invite the Investigator, to respond thereto, recalling any witness as necessary; or
- (c) to adjourn the meeting to enable the Investigator, to investigate and report on the dispute and/or to arrange for the attendance of appropriate witnesses as to the disputed information.

9. **Response to Subject Councillor Comments** – At the conclusion of the presentation by the Subject Councillor, the Chairman shall ask the Investigator, whether there was any matter raised during the course of that presentation which was not raised in the Subject Councillor's written statement in response.

The Investigator may then respond to any such new matter, or may request the Sub-Committee to adjourn to enable him/her to investigate and report on that new matter and/or to secure the attendance of witnesses as to the new matter;

10. **Decision** – The Sub-Committee is required to come to a decision as to whether the Subject Councillor acted in breach of the Code of Conduct. Accordingly, they have to satisfy themselves that they have sufficient information upon which to make that decision, and they may question the Investigator, Monitoring Officer or Deputy Monitoring Officer, the Subject Councillor, the Complainant and any witness in order to obtain sufficient information to enable the Sub-Committee to come to a decision on this issue.

The Sub-Committee will adjourn into another room with the Legal Adviser where they will consider in a private session whether the Subject Councillor has acted in breach of the Code of Conduct. At any stage in their consideration they may return to ask any further questions of the Investigator, Monitoring Officer or Deputy Monitoring Officer or the Subject Councillor.

The Committee may at any time seek legal advice from its Legal Adviser.

The Independent Person's views will be requested and taken into account by the Sub-Committee but by law he/she cannot vote.

At the conclusion of their consideration, the Sub-Committee will return and the Chairman will advise the Investigator and the Subject Councillor of their decision as to whether the Subject Councillor has acted in breach of the Code of Conduct and the reasons for that decision;

11. **Sanctions (if appropriate)** – If the Sub-Committee concludes that the Subject Councillor has acted in breach of the Code of Conduct, the Sub-Committee will then hear representations (if any) from the Investigator, and then the Subject Councillor as to whether the Sub-Committee should take any action against the Subject Councillor and what form any action should take.

Members of the Sub-Committee may ask questions of the Investigator and the Subject Councillor and seek legal advice in order to satisfy themselves that they have the information upon which to make a proper decision;

The Sub-Committee will then adjourn into another room together with the Committee Services Officer and the Legal Adviser where they will consider in a private session whether to take any action in respect of the Subject Councillor and what form any such action should take.

The actions available to the Sub-Committee are as follows (in the case of a District Councillor):-

- (i) No action need be taken; or
- (ii) Censure the Respondent;
- (iii) Request the Respondent to submit a written apology in a form specified by the Sub-Committee;
- (iv) Request the Respondent to undertake such training as the Sub-Committee considers to be appropriate;
- (v) Request that the Respondent participates in such conciliation as the Sub-Committee considers appropriate;
- (vi) Report to the relevant Council on the outcome of the hearing with an appropriate recommendation;
- (vii) Advise the Leader of the Council and/or Leader of the Political Group to which the person belongs, of the outcome of the hearing in order that they can consider whether, and if so what appropriate disciplinary or other action should be taken;
- (viii) Issue a press release setting out the outcome of the hearing;
- (ix) Such other sanction as may be permitted under the law.

The Sub-Committee may also make any recommendations it considers appropriate to the Council concerned on procedural amendments that might assist Councillors generally to follow the Code of Conduct.

In the case of a Parish Councillor the above sanctions can only be recommended to the relevant Parish Council, it is for the Parish Council to decide on the appropriate sanction.

The decision of the Sub-Committee will be verbally given at the hearing with a written report of the Hearing and decision, with reasons, prepared usually within five working days. A copy will be sent to all those present at the hearing and to the Clerk of the Parish/Town Council if the complaint was about a Parish/Town Councillor.

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