

These are draft minutes and are subject to approval at the next meeting.



**Minutes of the Meeting of the Council
held at 7.30pm on the 5 July 2012
in the Small Village Hall**

Present: *Chairman:* Shirley Round
Councillors: Geoff Herbert, Nick Hayes, Ken Huddart, Anthony Sheppard, Noel Isaacs,
Kate Hallett, Sarah Whittaker

In attendance: *Parish Clerk:* Freda Collins
Cllr Mike Bennison
Peter Haynes of Thames Ditton RA
1 member of the public

Cllrs Whittaker & Sheppard were not present at the start of the meeting.
The Chairmen welcomed our guests.

39. Apologies for Absence

Cllr Alex Coomes who was on holiday
Cllr Jimmy Cartwright who was on holiday
These were accepted

40. Declarations of Interest in Items on the Agenda

The NALC Model Code takes the line that declarations of either pecuniary or non-pecuniary interests are only required at meetings if they have not been declared on the Register of Interests or otherwise notified to the Monitoring Officer. A pecuniary interest will always have to be declared at the meeting, as it requires the Councillor to leave the room during discussion of the relevant item. However, the Elmbridge Code, which CPC has followed, asks for *all* interests to be declared at every meeting at which they are relevant. It was agreed that this can be done via the minutes for non-pecuniary interests that affect nearly all business. All pecuniary interest should be declared orally so that the public can see councillors are acting correctly.

Cllr Herbert declared that he is a Borough Councillor, Chairman of the Youth Club Committee and a member of Elmbridge Rent Start.

Cllr Round declared she is Secretary to the Trustees and Lettings Manager of the Claygate Village Hall Association and Secretary to the Friends of Capelfield. She also declared that she has an interest in the Community War Memorial Project Scheme as she has been closely involved with the project.

Cllr Hallett declared that she is a Trustee of Claygate Village Hall Association and Secretary to the CVA, is involved in the Jubilee projects and the Community War Memorial Project Scheme.

Cllr Huddart declared that he is Chairman of the Trustees of Claygate Village Hall Association, President of the CVA and Acting-Chairman of the Claygate Conservation Areas Advisory Committee.

The Chairman changed the order of the agenda and closed the meeting in order to hear from Peter Haynes of Thames Ditton RA.

The Thames Ditton scheme was set up in 2011 and is called the 'Snowman Scheme'. It was suggested by a resident who had lived abroad and had seen how well they had coped with heavy snowfall by having a 'snowman' who arranged for the clearing of pavements. In Thames Ditton the scheme is focused on the important street and the streets leading to Esher and Thames Ditton stations. It is hoped that at least one side of the street will be cleared. The RA has provided snow shovels at a cost of £30 each and has written and printed a leaflet which explains the scheme. Tabards have been provided which have a dual purpose of making the wearer visible and advertising the scheme. The RA already had a good database of residents. Each one was contacted and most expressed support.

Cllr Whittaker arrived at the meeting.

There was reluctance for people to come forward to be the co-ordinator, but once a co-ordinator was found others agreed to help. There are now 26 groups covering the important roads. The role of the Warden also includes finding out from residents if there are any vulnerable residents who may be snow-bound.

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The results have generally been good; some roads had 100% clearance and some 50%- but all the clearance is an improvement on what had gone before. Once the scheme was seen to be working, people in other areas volunteered to clear their streets so the RA funded more snow shovels. Funding has also been given by EBC. Grants are available from both EBC and SCC.

Before the scheme began, the RA consulted with the legal team at SCC re liability. The position is that, provided an additional hazard is not created such as using boiling water to melt the snow or piling snow where someone could trip over it, then the person clearing the snow is not liable.

The scheme has been very labour intensive to set up. People will usually not volunteer, but if you speak to them they will generally agree to participate. The co-ordinator keeps in contact with the volunteers to ensure that they are happy to continue. Handgritters were researched, but none were found to be suitable. It was noted that May Gurney use hand gritters so it may be advisable to contact them for advice. SCC was asked for more grit bins, but the RA was told that they would cost £2.5k. SCC has been cutting down on grit bins in areas of low usage, but they will still supply bins. The RA looked into buying a grit bin from a private contractor, but it would cost £600 to fill and would have to be located on private property. After the 'snowmen' clear the snow they use grit/salt mix to stop it refreezing.

The Chairman thanked both speakers who then left. The scheme will be discussed in the normal order of the agenda. The meeting resumed.

41. Confirmation of the Minutes

The minutes of 10 May 2012 were confirmed and signed.

42. To report on the actioning of items from the last meeting

AP1- *Chairman's Declaration of Acceptance-* done.

AP2- *remits-* the following revisions have been made:

a. Planning

i. Item b (i) *Green Belt and open spaces -The Parish Council will object to any reduction in the designated Green Belt and to any proposed development that detracts from its amenity value. It will ensure that existing open spaces and greens within the village are protected.*

It was suggested that we include the 'creation of green spaces'. It was agreed that this should be part of the remit of the Environment Committee. The Clerk forwarded this suggestion to members of the Environment Committee.

It was then agreed to alter the remit to include the words 'and potential' after 'existing'

ii. Item b (iii) *After 'would not place unacceptable pressure on local infrastructure and services such as schools, medical service and highways.'* It was agreed to add

Where development occurs, the Borough Council must ensure that appropriate funding is raised through CIL or otherwise to augment existing services.

iii. Item b (x) It was agreed to change the wording in *Notices and Representations from the Parish Council will alert residents who may be affected by proposed developments to the existence of applications to Elmbridge Borough Council and will consider any representations made to The Parish Council will advise residents of the existence of applications to Elmbridge Borough Council and will consider any representations made*

b. Highways & transportation

It was agreed to remove the word 'commuter'- *To reduce illegal on-street parking, to reduce intrusive commuter parking and to encourage use of car parks.*

c. Environment

It was agreed to add-*to ensure that all other existing open spaces and greens within the village are protected.*

d. Communications Statement of Intent

i. The item about the website has been updated so that it is clear that it is a parish council website

ii. 'Xmas' has been changed to 'Christmas'.

All the above changes were AGREED.

AP3- *CPC/EBC Charter-* this has been updated and agreed by both parties. It was noted that it is a wordy document and EBC may do further work on the document.

AP4- *School Governor-* the school does not require another governor at this time.

AP5- *Assets inspection-* underway

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AP6- *Community Cup-* done.

AP7- *marquee-* Cllr Cartwright has reported that members of his family will take the marquee to the recreation ground on the morning of the Flower Show. If there any problems erecting the marquee, the Clerk will make available the two gazebos which were used last year. Cllr Isaacs will arrange for a key for the storage unit.

AP8- *Model Code-* done.

AP9- *Cheque for the Big Lunch-* done.

AP10- *cheque for Scouts-* done. A letter of thanks has been received.

AP11- *equipment for Playmates-* underway.

43. Report from the Chairman

We are able to put up the marquee from 10.30am. The marquee will be delivered to the ground by member of Jimmy Cartwright's family; it is not known whether they will erect the marquee as well. The Chairman will contact Jimmy Cartwright

AP12 Cllr Round to action.

At 5.30pm the marquee will be taken down by Cllrs Isaacs, Whittaker, Herbert and Sheppard. It will then be taken across the field to the storage container.

Rota for manning the display:-

1.30-2.30 –KH

2.00-3.00 – NI

2.30-3.30 –SW

3.00-4.00 -GH

3.30- 4.30- SR

4.00-5.00 -AS

The Chairman expressed thanks to Cllr Hallett for producing the display electronically. This will provide an outline for future years. We will be able to re-use the display at future events.

Cllr Round will put out the display with the help of Sam Collins.

44. Report from the Parish Clerk

44.1 The Council has been consulted about the appointment of our external auditor. The Audit Commission is proposing to re-appoint BDO LLP to audit the returns of all small bodies in Surrey. No comments have been made about this.

44.2 The Council has been consulted about changes to the SW London and St Georges Mental Health Trust. No comments have been made about this.

44.3 It was agreed last year to have all three notice boards refurbished and a contractor was agreed. As some time has passed since the original estimate, the Clerk asked for an update. The cost has increased slightly due to an increase in the cost of the pin-board surface. The refurbishment will go ahead.

44.4 The Council has been consulted about the new Local Government Pension scheme. No comments have been made about this.

44.5 New legislation will affect Council Tax Support. This may impinge on the precept. We have had no communication from EBC regarding his matter. It was agreed that we should contact EBC.

AP13 Cllr Herbert to contact EBC about Localisation of Council Tax support

45. The Planning Committee Report

All minutes of the Planning Committee have been circulated.

Cllr Isaacs gave the report

45.1 One of our largest current applications for 11 flats is 102 Hare Lane. On 18th June this was again rejected on appeal. The report stated that the proposal would result in a development which, by virtue of its width, height, scale, and massing would result in a discordant form of development that would harm the appearance of the surrounding area.

45.2 At the Village Meeting of 24 May, Lesley Underwood of EBC and Suzanne Parks from the Mole Valley spoke on the pros and cons of Neighbourhood Planning. At the meeting Lesley stated that EBC would carry out Settlement Plans for eight identified settlements of the Elmbridge area. EBC will be starting consultations in the various settlements starting with Claygate at the end of August. The date looks as though it will probably be the 29th August, with the meeting being held in Claygate at 7pm. All Councillors are encouraged to attend.

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45.3 Recently in planning it has seemed as though our comments to EBC have not always been regarded. We always try to send a representative from the planning committee to attend the East Area Sub Committee when there are applications from Claygate. We will be seeking a meeting between the Planning Committee and the Borough Councillors to seek ways in which we can better place our comments for applications that may go to the East Area Committee. It was agreed to copy all CPC planning comments direct to our three Ward Councillors.

46. The Highways & Transportation Committee Report

Cllr Huddart gave an oral report to the meeting. The Committee met on 21 June 12 and its minutes have been circulated.

46.1 At the request of a resident, Cllr Huddart wrote to SW Trains asking for wheelchair ramps for both sides of the station. This has been agreed.

46.2 The Plantlock was installed in the wrong location at Hare Lane, but it has now been moved. The CRGT have requested another 3, but this will only be done once we are certain that the Plantlock is being used.

46.3 There has been a complaint of intrusive parking in Foley Road. Unfortunately there is always a trade-off between local issues and the spread of a CPZ.

46.4 EBC has formulated a parking policy which is recorded in the Cabinet minutes. It has yet to be approved by the Council.

46.5 It was noted that card readers have been installed at Claygate station, but are not being used. SW Trains are running a trial with swipe cards, but the system does not work with Oyster cards.

Cllr Sheppard arrived at the meeting.

47. The Environment Committee Report

Cllr Whittaker gave the report. Burleys work has recently been poor and we have received several complaints from members of the public. Cllr Whittaker has been in contact with Luke Burley to report this. She has not received any of the tick lists which show the work they have carried out, so she has asked for a breakdown of all work done over the last month.

The HGS contract will have to be re-tendered this year, so a working party to review the contracts has been arranged for 24 July 2012.

48. Communications Report

Cllr Round circulated a written report prior to the meeting

48.1 The Courier will be ready for distribution at the beginning of August and will contain an article from EBC on fly-tipping in Woodstock Lane South. There will also be Chairman's notes plus Community Cup Winner and picture, Account breakdown (amounts of grants to be listed), Environment, H & T, Planning, Neighbourhood Plan (pros and cons) and advert for Grant application, Jubilee, Flower Show results, Grants (Scouts, Playmates, Memorial garden gates and Pavilion opening), Councillor contact details, Meeting dates August, September, October, November, Committees.

48.2 The Communications WP Statement of Intent item number 8 has been revised to read "To promote and support the development of the Parish Council website.

48.3 Input from Borough and County councillors: It was agreed that Courier would not contain regular input from Borough and County Councillors but that in a future edition a feature one page article could be devoted to their work – 'the day in the life of...'. It was agreed to ask the chairs of PC committees to mention the help received from borough and/or county councillors in their Courier articles, if relevant.

48.4 Problems have been encountered with loading up the new website. Cllr Coomes will persevere and is hopeful the new site will be available next week. As the Clerk has expressed her willingness to upload information onto the website it was felt that it was not necessary to have a dedicated webmaster. This would enable the PC to keep control of the content and theme of the site.

Once the website is operational Cllr Coomes will produce a simple, step by step instruction sheet on how to add items to the site together with passwords etc. This will be kept on file for future reference.

48.5 Kate Hallett has produced some mock-ups of proposed Flower Show display material. It is anticipated this can be produced electronically and printed A1 size. The completed displays could be kept on file and updated as required.

48.6 At a recent meeting the production of a Welcome leaflet for new residents was suggested. This would contain a potted history of Claygate Parish Council, an explanation of what a parish council does, councillors' pictures and contact details plus annual village events i.e. Flower Show, Fun Run, Christmas lights. It was suggested that A4 folder to A5 would be the right size. Cllr Round arranged to meet with Tim Wilson to get some ideas of layout and content. All members of Communications WP asked for their suggestions.

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49. Finance Report

49.1 A copy of all receipts and payments from the last meeting, all payments made since the last meeting and a detailed Income & Expenditure by budget were circulated prior to the meeting. More information has been included on the notes to the accounts. 'Miscellaneous' and 'Public Projects' are now detailed. No questions have been received by the Clerk.

49.2 Bank Reconciliations for all months since the start of the financial year have been prepared by the Clerk and signed by the Chairman.

49.3 All payments made since the last meeting were APPROVED.

49.4 The internal audit has been undertaken by EBC and no problems were found. There are no recommendations.

49.5 The Annual Return has been sent off to the external auditors.

49.6 CPC currently has £18,000 in a Santander account. There was recently a problem with Banco Santander. The Clerk contacted Alex Archer, our Santander Business manager to ask about the situation and this is the reply:-

I would like to confirm that Santander UK is a separate entity to Banco Santander. Banco Santander is our parent company and a proportion of the profit made in the UK is given to Banco Santander only. All UK funds held in the name of Santander UK must stay in the UK and the FSA regulate this very strictly, even profits due to Banco Santander must be approved by the FSA before releasing to Banco Santander. Although Spain is going through difficult times Banco Santander as a whole is the 3rd most profitable bank in the world. Our grading by Moody has been lowered but that concludes Moody's assessment on Santander UK. Moody is still to announce the grading for the other large banks in the UK such as HSBC, Barclays etc. and I believe this will be announced at the end of June.

I would like to reassure you that none of the Parish Council's money is at risk as this is UK money and is not affected by Spain. I confirm that you are also covered by the financial compensation scheme of up to £85,000.00

49.7 This is the period when the accounts are available for inspection by any member of the electorate. As the Clerk is going on holiday, the Chairman will hold the accounts ready for inspection.

50. Plan for Expenditure

Expenditure was reviewed.

It was noted that £1,000 had been put in the budget for CIB, but has not been applied for. The notice boards will need to be paid for and they will cost in the region of £1,200.

51. To review Policies

51.1 The following were reviewed:-

Health & Safety Policy, Standing Orders, Financial Regulations, Register of Interests, Hospitality Register, Risk Assessment Policy, Grievance Procedures, Complaints Procedures, Press & Media Protocol, Retention & Disposal Policy, Parking Policy, Best Value Policy, Business Continuity Plan and the Complaints procedure. It was noted that some of the above contain references to the now defunct Standards Board. Cllr Sheppard agreed to go though and amend as necessary.

51.2 He also noted that the principles of the Best Value Policy are contained within Financial Regulations, so it may be possible to scrap this policy.

API4 Cllr Sheppard to action.

51.3 It was noted that the Parking Policy mainly consisted of goals; many of which have been achieved. So it was agreed that the policy should be updated. This policy will be referred to the Highways & Transportation Committee for review.

51.4 The chairman drew every councillor's attention to the Hospitality Register which requires any gift or form of hospitality over £25 to be entered in the register.

52. Model Code

A paper on arrangements for dealing with standards allegations under the Localism Act 2011 covering EBC and CPC has been prepared by EBC. A copy has been circulated to all councillors.

Resolution 1.

It is RESOLVED that this Council agree arrangements for dealing with allegations, including investigation and decision, in the form attached in accordance with and upon implementation of section 28(6) Localism Act 2011.

PROPOSED by Shirley Round

SECONDED by Anthony Sheppard

AGREED UNANIMOUSLY

53. Staffing Remit

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The Clerk and Cllr Sheppard have devised a remit for the staffing Committee. This has been circulated to all Councillors. This was APPROVED.

It was noted that the Chair of the Parish Council should not chair the Staffing Committee, so Cllr Round has handed over the Chair to Cllr Sheppard.

54. Neighbourhood Plan/Settlement ID Plan

Leslie Underwood and Susanne Parks attended the village meeting and both spoke about Neighbourhood Plans. Leslie announced that EBC will be undertaking Settlement ID plans for the Borough. These Settlement ID plans are very similar to Neighbourhood Plans but all the work will be undertaken by EBC.

It was agreed that, provided we get sufficient input into the SID and agree with the report, we may not need to undertake a Neighbourhood Plan. We are able to wait and see how the SID turns out and then make a decision about going ahead with a NP.

The SID for Claygate will be the first of 8 within the Borough. EBC have already arranged a workshop for Claygate Councillors. The most favoured date is 29 Aug 2012.

It was AGREED that as many councillors as possible will be involved with the consultations on the SID and to defer starting a NP until the SID for Claygate is completed and assessed.

55. Strategy Working Group & Parish Council remit

55.1 The Strategy Working group met on 30 May 2012 and notes were circulated to all councillors. It was agreed to:-

- i. Meet with Community Assets holders- this will be arranged in the spring.
- ii. Make a list of Community Assets- outstanding.
- iii. Look at land within Claygate- being actioned.
- iv. Winter Warden Scheme- being actioned.
- v. Welcome Letter- being actioned.

55.2 The mission statement of the Parish Council was looked at and Cllr Sheppard has revised it. It was realised that this had not been circulated to all councillors. So this matter will be deferred until the next meeting.

56. Winter Warden Scheme

It was agreed that the scheme has merit. It was noted:

- i. Claygate has a Church group which already looks after vulnerable people during adverse weather.
- ii. Malcolm McKenzie has expressed a willingness to help and he has a database of residents from Neighbourhood Watch.
- iii. The leaflet produced by Thames Ditton RA contains very valuable information which could be helpful to residents of Claygate.
- iv. The scheme could be workable if limited to those routes most heavily used.
- v. Assistance is available from EBC and SCC.

It was agreed to set up a preliminary meeting inviting the Church, Malcolm McKenzie, Steve Wells, the local traders, the CVA, members of the green team and some Parish Councillors. Cllr Hallett agreed to do this and Cllr Round agreed to be a member of the group.

AP15 Cllr Hallett to action after the Flower Show & Olympics.

57. The Status of The Green

At the strategy working group, it was agreed to look into the status of The Green. Cllr Hallett will undertake this. It was agreed to discuss this matter at the Environment Committee.

AP16 Cllr Hallett to action.

58. Claygate Pharmacies

Boots the Chemists own both the pharmacies in Claygate. They have closed the shop in the Parade (Risdon). The shop is now empty. Information has been received that a private consortium is willing to buy the shop and run it as a pharmacy but Boots will not transfer the licence. The Borough Councillors have already written a letter complaining about this.

A discussion occurred and the following points made:-

- i. Two pharmacies are required for the village due to the large number of prescriptions dispensed.
- ii. Wingham accounts for a large proportion of the prescriptions dispensed by the pharmacies.
- iii. There is insufficient room to expand Wakefield's in order to increase the number of dispensing pharmacist, so two shops are needed.

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- iv. An empty shop impacts on the shopping environment and is detrimental to the village.
- v. Bookham has a similar situation where one of their two Lloyds pharmacies has been closed.
- vi. Boots has been given permission to close the shop; so we need to write to those responsible for that decision.

It was agreed that Nick Hayes would draft a letter to the PCT and then liaise with Cllrs Round and Coomes.

AP17 Cllrs Hayes, Round & Coomes to action.

59. Insurance arrangements

The insurance needs to be renewed in November. We have been with Came & Co for three years. After 3 years we have to obtain new quotes. The Clerk has a list of five companies which will quote for Parish Councils. She will obtain quotes in time for the September meeting.

AP18 The Clerk to action

60. Salary of the Clerk

Deferred

61. Matters for information only

None

62. Date of next Meeting

The next meeting will be:-

Thurs 6 Sept 2012 at 7.30 pm in the Small Village Hall

Signed.....as a true and fair record of the meeting.

Date.....

The Clerk and members of the public left the meeting and item 60 was then taken.

The meeting agreed to approve the recommendation of the Staffing Committee to increase the salary scale of the Clerk from LC2/33 to LC2/34; the increase being backdated to 1 April 2012.

The meeting was then closed

Please note: Agenda items and resolutions need to be sent to the Clerk **two weeks** prior to the next meeting.

Appendix A

Arrangements for dealing with standards allegations under the Localism Act 2011

1 Context

These "Arrangements" set out how you may make a complaint that an elected or co-opted member of Elmbridge Borough Council ("the Council") or Claygate Parish Council has failed to comply with the authority's Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority's Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place "arrangements" under which allegations that a member or co-opted member of either authority or of a Committee or Sub-Committee of the authority, has failed to comply with that authority's Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an

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allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member against whom an allegation as been made.

2 The Code of Conduct

The Council has adopted a Code of Conduct for members, which is attached as Appendix One to these arrangements and available for inspection on the authority's website and on request from Reception at the Civic Centre.

The Code of Conduct of Claygate Parish Council is available for inspection on either authority's website and may also be viewed by arrangement with the Parish Clerk.

3 Making a complaint

If you wish to make a complaint, please write or email to –

The Monitoring Officer
Elmbridge Borough Council
Civic Centre
High Street
Esher
Surrey KT10 9SD

legalservices@elmbridge.gov.uk

The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the system in respect of complaints of member misconduct.

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please say and we will not disclose your name and address to the member against whom you make the complaint without your prior consent. The Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

4 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed. Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.

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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 other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

5 How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to 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 that you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6 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, if he 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 Council, where your complaint relates to a Parish Councillor, notifying you that he/she 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, he/she may ask the Investigating Officer to reconsider his/her report.

7 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 will then either send the matter for local hearing before the Hearings Panel or, after consulting the Independent Person, seek local resolution.

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7.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also 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, and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Audit and Standards Committee for information, but will take no further action.

7.2 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local 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 member.

Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her 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, and the Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her 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 to the Hearings Panel. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Hearings Panel, 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 Panel concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8 What action can the Hearings Panel take where a member has failed to comply with the Code of Conduct?

The Audit and Standards Committee has delegated to the Hearings Panel 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 Hearings Panel may

8.1 Publish its findings in respect of the member's conduct;

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- 8.2 Report its findings to Council or to the Parish Council for information;
- 8.3 Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 8.4 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 8.5 Instruct the Monitoring Officer to or recommend that the Parish Council arrange training for the member;
- 8.6 Remove or recommend to the Parish Council that the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority or by the Parish Council;
- 8.7 Withdraw or recommend to the Parish Council that it withdraws facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 8.8 Exclude or recommend that the Parish Council exclude 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 Panel has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

9 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to you, to the member and (if applicable) to the Parish Council, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

10 Who are the Hearings Panel?

The Hearings Panel is a Sub-Committee of the Council's Audit and Standards Committee. The Independent Person is invited to attend all meetings of the Hearings Panel and his/her views are sought and taken into consideration before the Hearings Panel takes any decision on whether the 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.

11 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be "independent" if he/she –

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- 11.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the Council; or
- 11.2 Is, or has been within the past 5 years, a member, co-opted member or officer of Claygate Parish Council; or
- 11.3 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, "relative" means –
 - 11.3.1 Spouse or civil partner;
 - 11.3.2 Living with the other person as husband and wife or as if they were civil partners;
 - 11.3.3 Grandparent of the other person;
 - 11.3.4 A lineal descendent of a grandparent of the other person;
 - 11.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
 - 11.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or
 - 11.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

12 Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13 Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

The Council's Code of Conduct