

9. ARTICLE 9 – THE STANDARDS COMMITTEE

9.1 Standards Committee

The Council has established a Standards Committee

9.2 Composition

(a) Political balance

The Standards Committee will not be politically balanced.

(b) Membership

The Standards Committee will comprise:

- three Councillors who are not the Leader and not more than one member of the Cabinet
- up to six people who are not Councillors or employees of any other body having a Standards Committee (independent members);
- three members of a parish Council wholly or mainly in the Council's area (a parish member)

(c) Independent members

Independent members will be entitled to vote at meetings.

(d) Parish members

A parish member must be present when matters relating to parish Councils or their members are being considered.

(e) Chairing the Committee

An independent member will chair the Committee.

(f) Quorum

The quorum of the Standards Committee shall be three Councillors, with one Independent co-opted Member as chairman and at least one Parish Member when matters relating to parish councils are being discussed.

9.3 Role and function

The Standards Committee will have the following roles:

- promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives;
- assisting the Councillors, co-opted members and church and parent governor representatives to observe the members' code of conduct;
- advising the Council on the adoption or revision of the members' code of conduct;
- monitoring the operation of the members' code of conduct;
- advising, training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the members' code of conduct;
- granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the members' code of conduct;
- to grant exemptions for politically restricted posts;
- The assessment, review and determination of written complaints about Member behaviour where it is alleged that a breach of the Local Code of Conduct has occurred and the taking of any necessary action available under the Local Government Act 2000 (As amended by the 2007 Act) and the Standards Committee (England) Regulations 2008.

9.4 Investigation and Local Determination Procedures

The Standards Committee has established three sub-committees. The membership of each sub-committee shall be selected on alphabetical rotation, subject to there being no duplication or conflict in accordance with the regulations.

9.5 Referrals Sub-Committee

1. Terms of Reference

- (a) The Referrals Sub-Committee is established to receive allegations that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct.
- (b) Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:

- (i) refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or directing that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
- (ii) refer the allegation to the Standards Board for England;
- (iii) decide that no action should be taken in respect of the allegation; or
- (iv) where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- (c) Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall be responsible for determining whether:
 - (i) it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
 - (ii) the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or
 - (iii) the matter should be referred to the Adjudication Panel for determination.
- (d) Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) or 2(c) above, the Sub-Committee shall state its reasons for that decision.
- (e) The Sub-Committee shall consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.
- (f) The Sub-Committee shall, upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.

- (g) The Sub-Committee shall consider and grant dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the members' code of conduct;

2. Composition of the Referrals Sub-Committee

REFERRALS SUB COMMITTEE (3+1)
2 x Independent (including Chair)
1 x Councillor
(+ 1 x Parish Councillor when parish council issue)

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent Co-opted member as Chairman, and at least one elected member of the Council and at least one Parish Council representative when considering a matter relating to the conduct of a member as Parish Councillor.

4. Frequency of Meetings

The Sub-Committee shall agree a programme of meetings including one meeting per calendar month, but shall only meet where one or more allegations has been received which require to be assessed at that meeting.

9.6 Review Sub-Committee

1. Terms of Reference

- (a) The Review Sub-Committee is established to review, upon the request of a person who has made an allegation that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct, a decision of the Referrals Sub-Committee that no action be taken in respect of that allegation.
- (b) Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Referrals Sub-Committee and shall then do one of the following:
 - (i) refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or specifying that he/she take an alternative action as permitted by Regulations;
 - (ii) refer the allegation to the Standards Board for England;
 - (iii) decide that no action should be taken in respect of the allegation; or

- (iv) where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- (c) Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) above, the Sub-Committee shall state its reasons for that decision.

2. Composition of the Review Sub-Committee

REVIEW SUB COMMITTEE (3+1)
2 x Independent (including Chair) 1 x Councillor (+ 1 x Parish Councillor when parish council issue)

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent Co-opted member as Chairman, and at least one elected member of the Council and at least one Parish Council representative when considering a matter relating to the conduct of a member as Parish Councillor

4. Frequency of Meetings

The Review Sub-Committee shall meet as and when required to enable it to undertake the review of any decision of the Referrals Sub-Committee within 3 months of the receipt of the request for such a review from the person who made the allegation.

9.7 Hearings Sub-Committee

1. Terms of Reference

To hear cases.

The functions of determining whether to accept the Monitoring Officer's findings of no breach, to go to a local hearing, or to refer the matter to a Case Tribunal.

2. Composition of the Hearings Sub-Committee

HEARINGS SUB COMMITTEE (3+1)
2 x Independent (including Chair) 1 x Councillor (+ 1 x Parish Councillor when parish council issue)

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent Co-opted member as Chairman, and at least one elected member of the Council and at least one Parish Council representative when considering a matter relating to the conduct of a member as Parish Councillor.

4. Frequency of Meetings

The Hearing Sub-Committee shall meet as and when required for particular hearings.

References:

Sections 53-55 and Sections 81(5), Local Government Act 2000

Section 202, Local Government and Public Involvement in Health Act 2007

The Standards Committee (England) Regulations 2008