

Standards Committee (including Standards Sub Committee) Terms of Reference

The Standards Committee is responsible for promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives. The Standards Committee will appoint up to three independent persons.

Standards Hearings Panel - Sub Committee

The Standards Committee will set up a sub-committee called the Standards Hearings Panel. The Independent Person is invited to attend all meetings of the Hearing Panel. The Panel will consider complaints under the code of conduct that cannot be resolved informally.

Functions:

Code of conduct

- (a) To recommend to Council the adoption of a code (the Code of Conduct) dealing with the conduct that is expected of members and co-opted members of the Council and its arrangements for dealing with complaints (the Complaints Procedure) that members and co-opted members have failed to comply with the code.
- (b) To keep the Code of Conduct and Complaints Procedure under review and recommend changes/replacement to Council as appropriate
- (c) To publicise the adoption, revision or replacement of the Council's Code of Conduct and Complaints Procedure
- (d) To oversee the process for the recruitment of the Independent Persons and make recommendations to Council for their appointment
- (e) To annually review overall figures and trends from Code of Conduct complaints.
- (f) To grant dispensations under Section 33 (2) (b) (d) and (c) Localism Act 2011 or any subsequent amendment
- (g) To hear appeals in relation to dispensations granted under section 33 2) (a) and (c) Localism Act 2011 by the Monitoring Officer
- (h) Advising, training or arranging to train Councillors, co-opted members, on matters relating to the Members' Code of Conduct;
- (i) To determine how to deal with complaints made against Councillors where it is alleged that they have failed to comply with the Code of Conduct.
- (j) To determine investigation reports compiled on behalf of the Monitoring Officer, including the power to establish hearing panels, where necessary.
- (k) To deal with any reports from the Monitoring Officer on any matter which is referred to it for determination;

- (l) To deal with reports of the Monitoring Officer regarding breaches of the protocols/guidance to Members accompanying the Council's Code of Conduct for Members which do not in themselves constitute a breach of that Code;
- (m) To report from time to time to Council on ethical governance within the Council.
- (o) To maintain an overview of complaints handling and Ombudsman Investigations
- (p) To consider and determine applications for exemptions from political restriction
- (q) To maintain an overview of the council's Constitution.

Standards Hearing Panel

The Standards Hearings Panel is a sub-committee of the Standards Committee, which will undertake the functions set out below, where the matter cannot be resolved by the Monitoring Officer.

The following functions have been delegated to it:

To take decisions in respect of a Council Member who is found on a hearing held in accordance with the Council's Complaints Procedure to have failed to comply with the Council's Code of Conduct for Members ("the Subject Member"), such actions to include:

- (i) Publication of the findings of the Standards Hearings Panel in respect of the Subject Member's conduct;
- (ii) Reporting the findings of the Standards Hearings to Council for information;
- (iii) Recommendation to Council that the Subject Member should be censured;
- (iv) Recommendation to the Subject Member's Group Leader (or in the case of ungrouped Members to Council) that the Subject Member should be removed from any or all Committees or Sub-Committees of the Council for a recommended period;
- (v) Recommendation to the Leader that the Subject Member should be removed from the Executive, or removed from their Portfolio responsibilities;²
- (vi) Instructing the Monitoring Officer to arrange training for the Subject Member;
- (vii) Recommendation to Council that the Subject Member should be removed from all appointments to which the Subject Member has been appointed or nominated by the Council;
- (viii) Withdrawal of facilities provided to the Subject Member by the Council, such as a computer, website and/or e-mail and internet access; or
- (ix) Placing such restrictions on the Subject Member's access to Council staff, buildings or parts of buildings as may be reasonable in the circumstances

Membership:

The Mayor will chair the Committee. In the absence of the Chair, the Committee will elect a Chair for the duration of the meeting.

The Leader of the Council cannot be a Member of the Standards Committee

One Member may be appointed from the Cabinet but they cannot Chair the Committee.

The Committee will appoint up to three Independent Person(s), for a period of two years and will receive remuneration in line with the Member Allowance Scheme – Co-optees' Allowance.

5. MEETINGS

The Standards Committee will meet 4 times a year.

The **date and timings** of the meetings will be fixed in advance by the Council, as part of the agreed schedule of meetings.

Additional meetings may be convened at the request of the Chair, and with the agreement of the Council Leader.

A **quorum** of three will apply for meetings of the Standards Committee.

Declarations of Interest – Any personal, prejudicial or pecuniary interests held by members should be declared in accordance with the Councils Code of Conduct on any item of business at a meeting, either before it is discussed or as soon as it becomes apparent. Interests which appear in the Council Register of Interests should still be declared at meetings, where appropriate.

Decisions are to be taken by **consensus**. Where it is not possible to reach consensus, a decision will be reached by a simple majority of those present at the meeting. Where there are equal votes the Chair of the meeting will have the casting vote, there will be no restriction on how the Chair chooses to exercise his/her casting vote.

The Councils Monitoring Officer will act as the **lead officer**. Lead officer responsibilities will include ensuring that agendas are appropriate to the work programme of the Standards Committee.

Workload – Work Programme to be determined annually by the Standards Committee.

The agenda and supporting **papers** shall be in a standard format and circulated at least five clear working days in advance of meetings. The minutes of decisions taken at the meeting will be kept and circulated to partner organisations as soon as possible. Minutes will be published on the Council web site.

Access to Information – It is important to ensure that all councillors are kept aware of the work of the Standards Committee and a copy of the minutes will be uploaded on to the Councils website as soon as practicable following the meeting. The Standards Committee shall be regarded as a Council Committee for Access to

Information Act purposes. Freedom of Information Act provisions shall apply to all business.

All meetings will be held in **public**.

The Standards Committee will retain the ability to **exclude representatives** of the press and other members of the public from a defined section of the meeting having regard to the confidential nature of the business to be transacted, publicly on which would be prejudicial to the public interest (Part 5A and Schedule 12A, Local Government Act, as amended).

Meetings will be **clerked** by a representative of Democratic Services.