

## Article 9 – The Standards Committee

### 9.01 Standards Committee

- (a) **Membership**  
The Standards Committee will be composed of:
- five Councillors of which only one can be a member of the Cabinet.
  - three persons who are not Councillors or Officers of the Council or any other body having a Standards Committee (the Independent Members);
  - two Members drawn from Parish Councils wholly or mainly in the Council's area (the Parish Members).
- (b) **Independent and Parish Council Members** will be entitled to vote at meetings;
- (c) **Parish Members.** A Parish Member must be present when matters relating to Parish Councils or their Members are being considered;
- (d) **Chairing the Committee.** An Independent Member will chair the Committee or any sub-committee thereof.

### 9.02 Role and Functions

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors and any Co-opted Members
- (b) assisting Councillors and any Co-opted Members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training and arranging to train Councillors and any Co-opted Members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Councillors and any Co-opted Members from requirements relating to interests set out in the Members' Code of Conduct, or otherwise, or, in the case of Parish Councillors, also granting dispensations from the rules relating to the declaration of pecuniary interests.
- (g) receiving complaints alleging a breach or breaches of the Code of Conduct by a Councillors or Councillors and taking action in such manner and form as the Committee is permitted by law
- (h) reviewing decisions by a a member of the Committee or by a sub-committee upon the action to be taken in respect of a complaint, providing that no member of the Committee may undertake a review of a decision where he himself was party to the decision that is to be reviewed
- (i) hearing any complaints made against any Councillor or co-opted Member referred by the Committee or a sub-committee or member thereof for investigation by or on behalf of the Monitoring Officer;
- (j) dealing with and hearing any investigation report received from the Monitoring Officer an Ethical Standards Officer, a case tribunal or interim case tribunal;
- (k) considering any application for exemption from political restriction in respect of a post on the establishment of the Borough Council or a Parish Council within the Borough pursuant to s3 of the Local Government and Housing Act 1989
- (l) the exercise of (a) to (k) above in relation to the Parish Councils wholly or mainly in the Borough and Members of those Parish Councils;
- (m) acting as the consultative committee upon matters relating to the development of changes to the constitution
- (n) authorising payments or provision of benefits above £10,000 to persons affected by maladministration.
- (o) reviewing on an annual basis the Authority's compliance with the Regulation of Investigatory Powers Act 2000.

### 9.03 Sub Committees of the Standards Committee

The Standards Committee may appoint one or more Sub-Committees and may arrange for the discharge of their functions by any such Sub-Committees.

### 9.04 Standards Referrals Sub-Committee

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 the Monitoring Officer shall:

- i acknowledge receipt of the complaint
- ii notify the member against whom the complaint is made of the nature of the allegation
- iii where the member is a member of a political group on the Council within the meaning of the Local Government and Public Housing Act 1997, provide a copy of the information provided at (ii) above, to the group leader of the political group to which the member belongs for the purpose of providing pastoral support
- iv convene a meeting of the Referrals Sub-Committee, and
- iv prepare an accompanying report to the complaint and provide the same to members of the Referrals Sub-Committee

c at the convened meeting 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.

d Where the Sub-Committee resolves to do any of the actions set out in Paragraph (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.

### 9.05 Composition of the Referrals Sub-Committee

The Referrals Sub-Committee shall comprise 5 members, as follows:

- (a) 2 independent co-opted members of the Standards Committee, one of whom shall chair the Sub-Committee
- (b) 2 elected members of the Authority, and
- (c) one Parish or Town Council representative.

#### 9.06 Standards Review Sub-Committee

- 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 a request for a review the Monitoring Officer shall:
  - i acknowledge receipt of the request for a review
  - ii notify the member against whom the complaint is made of the request for a review
  - iii where the member is a member of a political group on the Council within the meaning of the Local Government and Public Housing Act 1997, provide a copy of the information provided at (ii) above, to the group leader of the political group to which the member belongs for the purpose of providing pastoral support
  - iv convene a meeting of the Review Sub-Committee, and
  - iv prepare an accompanying report to the complaint and provide the same to members of the Review Sub-Committee
- b. At the convened meeting 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 (b) above, the Sub-Committee shall state its reasons for that decision.

#### 9.07 Composition of the Review Sub-Committee

The Review Sub-Committee shall comprise 4 members, as follows:

- (a) 1 independent co-opted member of the Standards Committee, who shall chair the Sub-Committee
- (b) 2 elected members of the Authority and
- (c) 1 Parish or Town Council representative.

## 9.08 Quorum

- (i) The quorum for a meeting of the Standards Committee shall be 3 Members (including at least one independent Member) provided that an independent Member is elected chair. The quorum shall also include a minimum of one Parish Council member when considering matters in relation to a Parish Council or Parish Councils.
- (ii) The quorum for a meeting of a sub-committee of the Standards Committee shall be 3 Members (including at least one independent Member) provided that an independent Member is elected chair. The quorum shall also include a minimum of one Parish Council member when considering matters in relation to a Parish Council or Parish Councils.