

THE STANDARDS COMMITTEE – TERMS OF REFERENCE AND PROCEDURES FOR COMPLAINTS

REPORTING OFFICERS: THE BOROUGH SOLICITOR AND HEAD OF DEMOCRATIC SERVICES

Members are asked to note the extract from Council Constitution:

9.01 Standards Committee

The Council has established a Standards Committee. Its functions are not within the remit of the Cabinet.

9.02 Membership

8 Council Members not including the Leader plus three independent voting members. The Committee will be politically balanced.

9.03 Terms of Reference

- (a) To promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor representatives;
- (b) To assist Councillors, Co-opted Members and Church and Parent Governor representatives to observe the Members' Code of Conduct;
- (c) To advise the Council on the adoption or revision of the Members' Code of Conduct;
- (d) To monitor the operation of the Members' Code of Conduct;
- (e) To advise, train or arrange to train, Councillors, Co-opted Members and Church and Parent Governor representatives on matters relating to the Members' Code of Conduct;
- (f) To grant dispensations to Councillors, Co-opted Members, Church and Parent Governor representatives on matters relating to the Members' Code of Conduct;
- (g) To deal with any reports from a Case Tribunal or Interim Case Tribunal, and any report from the Monitoring Officer on any matter which is referred to him by an Ethical Standards Officer.
- (h) In accordance with procedures as set out in the Standards Committee (England) Regulations 2008 to consider allegations into the alleged misconduct of Members.
- (i) To oversee the operation of the Officers' Code of Conduct
- (j) To consider periodic reports on a range of standards and ethics indicators

9.04 Complaints

In the event that the Standards Committee is required to adjudicate on any issue coming before it, (including in particular, complaints of misconduct against Members of the Council), any such adjudication will be undertaken in accordance with procedures as set out in the Standards Committee (England) Regulations 2008 and which are reflected in the Standards Committee

Procedure Rules which can be found in Part 4, Schedule J of the Constitution. To assist with this process the Committee has established three sub-committees.

9.05 Standards Committee Sub-Committees Terms of Reference

ASSESSMENT SUB-COMMITTEE

[a] Membership

Four members including an independent member who will chair the sub-committee. It does not need to be politically balanced.

[b] Terms of Reference

1. To assess a complaint against clearly defined criteria which has been referred to it by the Monitoring Officer and to notify its decision to the complainant and the Member / co-opted member who is the subject of the complaint.
2. To decide whether to refer the complaint to the Monitoring Officer, to the Standards Board for England or to determine that no action should be taken in respect of the complaint.
3. To review and amend the assessment criteria as necessary.
4. To assess a complaint which has been referred back from the Standards Board for England and to notify its decision to the complainant and the Member / co-opted member who is the subject of the complaint.
5. To consider requests against clearly defined criteria for the withdrawal of a complaint.
6. To consider requests against clearly defined criteria from the complainant that their identity is withheld.
7. To refer the complaint to the Monitoring Officer of another relevant authority in England.

REVIEW SUB-COMMITTEE

[a] Membership

Four members including an independent member who will chair the sub-committee. It does not need to be politically balanced. Members of the Assessment Sub Committee may not sit on the Review Sub Committee when considering the same case.

[b] Terms of Reference

1. If requested by the complainant, to undertake a review of a decision of the assessment sub-committee not to take any action in relation to a misconduct complaint against a Member / co-opted member and to notify the complainant and the Member / co-opted member of its decision.

2. To decide whether to refer the complaint to the Monitoring Officer, to the Standards Board for England or to determine that no action should be taken in respect of the complaint.
3. To refer the complaint back to the assessment committee in circumstances where it considers it to be a new complaint.
4. To refer the complaint to the Monitoring Officer of another relevant authority in England.

HEARINGS SUB-COMMITTEE

[a] Membership

Four members including an independent member who will chair the sub-committee. It does not need to be politically balanced.

[b] Terms of reference

1. To receive and consider a final investigation report into alleged Member / co-opted member misconduct and make an appropriate finding in accordance with Regulation 17 of the Standards Committee (England) Regulations 2008.
2. To conduct a hearing in relation to alleged Member / co-opted member misconduct and make a finding and if appropriate, to impose a sanction against the Member / co-opted member in accordance with Regulation 19 of the 2008 Regulations.
3. To give notification of its findings in accordance with Regulation 20 of the 2008 Regulations.
4. To refer the matter to the Adjudication Panel for determination.