

### PART 3M: STANDARDS COMMITTEE

---

#### Role and functions

1. To promote and maintain high standards of conduct by councillors, co-opted members and church and parent governor representatives.
2. To assist councillors, co-opted members and church and parent governor representatives to observe the members' code of conduct.
3. To advise the council on the adoption or revision of the members' code of conduct, the member and officer protocol and the communication protocol.
4. To monitor the operation of the members' code of conduct, the member and officer protocol and the communication protocol.
5. 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.
- ~~6. To 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. [See note on dispensations below]~~
7. To deal with any complaints referred to it, ~~reports from a case tribunal or interim case tribunal~~ and any report from the monitoring officer on any matter which is referred to him or her.
- ~~8. To consider advice and reports from Standards for England and to report to Standards for England on the operation of the committee and its sub-committees.~~
9. To receive reports from the monitoring officer on unlawful expenditure and probity issues.
10. To receive reports from the statutory officers under the council's whistle blowing policy.
- ~~11. To consider appointments to outside bodies (where such appointments are not a function of the cabinet).~~
12. To grant civic awards.
13. To establish sub-committees to consider complaints of misconduct against elected councillors, and co-opted ~~and independent~~ members.
- ~~14. To consider the granting, hearing appeals and supervision of exemptions of posts from political restrictions. [See note on exemptions below]~~

15. To provide strategic oversight on the use of the powers regulated by the Regulation of Investigatory Powers Act 2000 and to receive reports on operational use at least once a quarter.
16. To consider the withholding of allowances from individual members (including elected members, ~~independent members of standards committee~~ and co-opted members) in whole or in part ~~as part of any sanction in relation to a breach of conduct~~, for non-attendance at meetings, or, for elected members only, for failure to attend required training.

### **Matters reserved for decision**

17. The matters reserved for decision to the committee are as set out in the roles and functions.

**Note on dispensations:** In respect of clause 6 on dispensations above which is recommended for deletion, this change is required because the Localism Act says: "A relevant authority may, on a written request made to the proper officer of the authority by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions in section 31(4) in cases described in the dispensation."

In line with this statute requirement the duty will be added to the proper officer list. Under article 1.5, changes to the constitution, this list is maintained and published by the monitoring officer.

**Note on the exemption of posts from political restrictions:** In respect of clause 14 above which is recommended for deletion, this role is reallocated in the Localism Act to be the head of paid service.

### **COMMITTEE PROCEDURE RULES – STANDARDS COMMITTEE**

The constitutional changes are indicated below:

#### **1.2 QUORUM**

*This rule cannot be suspended.*

1. No business shall be considered unless 25% of the voting membership are present in the meeting room but no fewer than two, except for the following meetings for which the quorum is:
  - a) Licensing sub-committees = three<sup>1</sup>
  - b) Standards committee or sub-committees = three ~~including one independent member~~<sup>2</sup>.

---

<sup>1</sup> The procedures governing the proceedings of the licensing sub-committees are set by the licensing committee. The licensing committee agreed on 17 May 2005 that the quorum of sub-committees shall be three members.

<sup>2</sup> See committee procedure rule 7(9) – Standards committee quorum.

## 2.2 PROPER OFFICER SHALL MAKE OR TERMINATE APPOINTMENTS IF NECESSARY

### ~~Independent and Co-opted members' attendance at meetings~~

~~In the event that an independent member of the standards committee or co-opted member does not attend a meeting of the committee on which they serve for a period of six consecutive months, without the approval of the council, they shall cease to be a member of the authority.~~

## 7. ADDITIONAL RULES APPLYING TO STANDARDS COMMITTEE

### Composition

4. The committee will consist of councillors and:
  - a) ~~at least four and up to seven councillors, including at least one member of each political group as defined by the Local Government and Housing Act 1989 and Regulation 8 Local Government (Committees and Political Groups) Regulations 1990~~
  - b) ~~up to six independent members, appointed in accordance with the Relevant Authorities (Standards Committee) Regulations 2004~~
  - c) reserve members for the councillor members of standards committee equal to the number of places each political group has on the committee.
2. ~~The political balance rules in section 15 of the Local Government and Housing Act 1989 do not apply to the standards committee.~~
3. ~~Independent members must make up at least 25% of the committee's total membership.~~
4. No more than one member of the cabinet or deputy may be a member of the committee, and no cabinet member may chair the committee.
5. The leader may not be a member of the standards committee.

### Independent person members – Voting Attendance at meetings

6. The independent person shall be entitled to attend meetings of the committee or its sub-committees. The independent person may speak at the invitation of the chair. members may vote.

### Independent members – Term of office

7. ~~With six independent members, the terms of office of each member will be for four years with each member retiring at the end of their term. Members shall serve a maximum of two terms<sup>3</sup>.~~

### Chair

8. ~~The chair of the standards committee will be elected from among the independent members at the first meeting of the committee in each municipal year.~~

---

<sup>3</sup> See also committee procedure rule 2.2(3) – Attendance at meetings.

### **Quorum**

9. The quorum for the meeting of standards committee or its sub-committees is three members, ~~including at least one independent member.~~

### **Sub-committees**

10. The committee is empowered to establish sub-committees to filter and review decisions, and hear complaints of misconduct against councillors (including co-opted and independent members). The membership for each sub-committee will be drawn from the pool of ~~independent members~~ and councillors on the committee, including reserve members.
11. Sub-committees shall be composed of three members ~~including at least one independent member.~~ Rules ~~7.2, 7.4, 7.5, 7.6,~~ 7.8 and 7.9 shall apply to sub-committee meetings.

## **PROCEDURE RULE CHANGE ON QUESTIONS, PETITIONS OR DEPUTATIONS**

The current procedure rules for meetings of the council include a standard wording in the scope of public questions, members' questions, petitions and deputations allowing a matter to be rejected by the chair, following consultation with the monitoring officer, if the subject relates to a investigation of the behaviour or conduct of an individual member or members. The current standard wording is set out below:

No question shall be asked on a matter relating to an investigation by (whether completed or not), or ruling of, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as the question relates to the behaviour or conduct of an individual member or members.

Following the changes to the conduct regime for standards and abolition of Standards for England it is recommended to reword this rule as follows:

No question shall be asked on a matter relating to an investigation by (whether completed or not), or ruling of, ~~Standards for England,~~ the standards committee or sub-committee ~~the first tier tribunal (Local Government Standards for England),~~ insofar as the question relates to the behaviour or conduct of an individual member or members.

If agreed, this change will be made to the following procedure rules: council assembly, committee, community council, cabinet and overview and scrutiny.