

# Chapter 7 – Ethical Governance

## Part 1 – Article 9 – The Standards Functions

### 1. Standards Functions

1.1 The Council is required by Section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members of the authority and in discharging this duty to adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. By Section 28 of the Localism Act 2011 the Council is required to have arrangements under which allegations can be investigated, and arrangements under which decisions on allegations can be made.

### 2. Standards Committee

2.1 The Council has established a Standards Committee whose terms of reference are set out in Chapter 5 Part 5 of this Constitution.

2.2 The Committee has 6 elected Members appointed by Council. Members should not be Cabinet members.

2.3 The Chair and Vice Chair are elected by the Committee and the rules of politically proportionality apply with substitutes being permitted.

2.4 The Committee may appoint up to 6 non-voting Co-opted Members and the quorum will be at least 3 voting Members.

2.5 Council shall appoint an Independent Person(s) in accordance with the provisions of Section 28(6) and (7) of the Localism Act 2011 and the Independent(s) shall be invited to attend meetings of the Standards Committee.

2.6 In relation to Standards Functions, the role and functions of the Standards Committee shall be:

- (a) promoting and maintaining high standards of conduct by Members and Co-opted Members of the authority
- (b) receiving periodic reports from the Monitoring Officer on dispensations granted / refused, complaints received against Members, complaints resolved informally, complaints resolved after an investigation and a Members Advisory Panel Hearing and assessing the operation and effectiveness of the Members' Code of Conduct
- (c) advising on training or arranging to train Members and Co-opted Members on matters relating to the Members' Code of Conduct
- (d) assisting Councillors and Co-opted Members to observe the Members' Code of Conduct

- (e) to receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority assessment criteria
- (f) advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council
- (g) maintaining oversight of the Council's arrangements for dealing with complaints
- (h) informing Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints
- (i) appointment of Members' Advisory Panel (a Working Group of the Committee) to hear and make recommendations to the Monitoring Officer concerning complaints about Members and Co-opted Members referred to it by the Monitoring Officer
- (j) on referral by the Monitoring Officer to grant dispensations after consultation with the Independent Person pursuant to S33 (2) (b), (c) and (e) of the Localism Act 2011
- (k) hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to S33 (2) (a) and (d) of the Localism Act 2011

## **2.7 Members' Advisory Panel**

- 2.8 The hearing of an allegation that an Elected Member or Co-opted Member has breached the Council's Code of Conduct when referred to the Committee by the Monitoring Officer shall be undertaken by the Members' Advisory Panel.
- 2.9 The terms of reference of the Panel are set out in Chapter 5 Part 5 of this Constitution.
- 2.10 The Members' Advisory Panel has 2 elected members appointed from Members of the Standards Committee and 2 Independent Members.
- 2.11 The Chair of the Panel shall be elected by the Panel at each meeting and the rules of political proportionality do not apply with no substitutes being permitted and quorum of at least 2 elected Members and 2 Independent Members. The Independent(s) Person is to attend the meetings of the Members' Advisory Panel.
- 2.12 Role and functions of the Members' Advisory Panel shall be:
- (a) To conduct a Hearing into an allegation that a Member or Co-opted Member has breached the Authority's Code of Conduct.
  - (b) Following a Hearing, make one of the following recommendations to the Monitoring Officer:
    - (i) That the Member has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the Hearing

- (ii) That the Member has failed to comply with the Code of Conduct but that no further action needs to be taken in respect of the matters considered at the Hearing
  - (iii) That the Member has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed
- (c) The Members Advisory Panel may recommend to the Monitoring Officer any action or combination of actions available, or recommend any informal resolution or combination of informal resolutions as are available by law or policy.
- (d) After making a finding the Members Advisory Panel shall, as soon as reasonably practicable provide written notice of its recommendations and the reasons for its decision to Monitoring Officer, the Member and complainant.