

PART 2

Article 9 - The Standards and Constitutional Oversight Committee

9.1 Standards and Constitutional Oversight Committee

The Council meeting will establish a Standards and Constitutional Oversight Committee, to be known as the Standards and Constitutional Oversight Committee.

9.2 Composition

(i) **Membership**

The Standards and Constitutional Oversight Committee will be composed of:

- nine Members, not more than one of whom is a member of the Cabinet (other than the Leader) and
- four persons who are not Members or officers of the Council (independent persons).

(ii) **Independent persons**

Independent members will not be entitled to vote at meetings.

(iii) **Chairing the Committee**

The committee chairperson shall be determined by the Standards and Constitutional Oversight Committee at its first meeting in the Municipal Year.

9.3 Role and Function

The Standards and Constitutional Oversight Committee will:-

- (i) promote and maintain high standards of conduct by Members, Co-Opted Members and church and parent governor representatives;
- (ii) to advise and recommend to Council the adoption, revision or replacement of the Code(s) of Conduct for Members, Co-Opted Members and Officers.
- (iii) assist the Members and Co-Opted Members and church and parent governor representatives to observe the Members' Code of Conduct;
- (iv) monitor and review the complaints made under the Members' Code of Conduct; including the operation of the Members' Code of Conduct;

- (v) advise, train or arrange to train Members, Co-Opted Members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- (vi) establish, amend or revise arrangements under which allegations that an elected or co-opted Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members can be investigated (which shall include but not be limited to developing and adopting procedures and protocols and authorising the Council's Monitoring Officer to make such changes to the arrangements as are considered necessary for the effective and timely investigation of allegations).
- (vii) establish, amend or revise arrangements under which decisions on allegations that an elected or co-opted Member of the Council has failed, or may have failed, to comply with the Members' Code of Conduct can be made (which shall include but not be limited to developing and adopting procedures and protocols and authorising the Council's Monitoring Officer to make such changes to the arrangements as are considered necessary for effective and timely decision making).
- (viii) support the Monitoring Officer in the exercise of that Officer's ethical standards functions, in particular the duty to establish and maintain registers of interests for the Council.
- (ix) in relation to Members or Co-Opted Members or church and/or parent governor representatives with pecuniary interests, putting in place arrangements to grant dispensations, in appropriate cases, from the restrictions on speaking and/or voting.
- (x) to exercise all other functions of the Council in relation to ethical standards, in particular those under Chapter 7 of the Localism Act 2011.
- (xi) monitoring and reviewing as necessary the operation of whistle-blowing procedures;
- (xii) considering reports arising from external inspections, audit investigations, Ombudsman investigations where maladministration is found, legal challenges and other sources which cast doubt on the honesty or integrity of the Council or its Members;
- (xiii) to consider and make recommendations on such other matters as the Committee itself thinks appropriate or which are referred to it by Council, which further the aim of promoting and maintaining the highest standards of conduct within the Council;

- (xiv) approve the payment of compensation involving sums in excess of £5,000 (or less, if considered appropriate) to settle complaints of maladministration.
- (xv) establishing such sub-committees and/or panel as are required to discharge its role and the functions as set out in these Terms of Reference.
- (xvi) To keep the Council's constitutional arrangements under review and to make such recommendations to the council as it considers appropriate for ways in which it should be amended in order better to achieve the purposes set out in Article 1.
- (xvii) To oversee and agree such minor and consequential changes to the Council's constitutional arrangements as are recommended by the Monitoring officer from time to time.

9.4 *[This paragraph has been removed – no longer applicable]*

9.5 Establishment of Panels

The Standards and Constitutional Oversight Committee will establish a Standards Panel and a Standards Appeals Panel.

A. Terms of Reference of the Standards Panel

A1 The Standards Panel will:

- (i) Consider only those allegations that an elected or co-opted Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members that are specified in the arrangements established under paragraph 9.3(vi) above.
- (ii) Consider and take into account the views of at least one independent person before making a decision on an allegation (falling within its remit) that the Members' Code of Conduct has been breached.
- (iii) The Standards Panel after consideration of a complaint may (pursuant to paragraph 9.3(vii) above):-
 - (a) ask for additional information on the allegation before reaching a decision;
 - (b) determine that no action should be taken in respect of the allegation(s) made;
 - (c) determine that the Members' Code of Conduct has been proved to have been breached;

- (iv) Where the Standards Panel determines that the Members' Code of Conduct has been breached, it may:
- (a) instruct the Monitoring Officer to write a formal warning letter to the Member reminding him/her of the need to comply with the Members' Code of Conduct; and/or
 - (b) require the Member(s) to apologise to the complainant (whether verbally or in writing) for breaching the Members' Code of Conduct. Should the Member in question fail or refuse to do so promptly, the Monitoring Officer shall report this fact to the Member's Political Group Leader*; and/or
 - (c) report the Panel's decision to a public meeting of the Standards and Constitutional Oversight Committee for reference / consideration; and/or
 - (d) recommend to the Member's Political Group Leader* that disciplinary action should be taken against the Member in question and/or that he/she be removed from all (or some) outside bodies to which the Member has been appointed; and/or
 - (e) instruct the Monitoring Officer to arrange training for the Member in question who shall be required to attend. Should the Member fail to attend the training arranged, the Monitoring Officer shall report this fact to the Member's Political Group Leader*.

* In the event that the Member in question is the Political Group Leader, the recommendation shall be referred to the relevant Deputy Political Group Leader; in the event that the Members in question are both the Political Group Leader and Deputy Political Group Leader, the recommendation shall be referred to the next most relevant senior Political Group Official/Spokesperson.

- (v) Where the Standards Panel determines that the Members' Code of Conduct has NOT been breached, it may:
- (a) recommend, subject to the agreement of the Member against whom the allegation(s) has been made, that a Council media statement be issued upon the Council's website detailing the nature and outcome of the investigation into the allegations made and the decision of the Panel.
 - (b) subject to the agreement of the Member against whom the allegation(s) has been made, report the Panel's decision to a public meeting of the Standards and Constitutional Oversight Committee;
- (vi) The Standards Panel shall also consider under Sections 1 and 2 of the Local Government and Housing Act 1989: -

- (a) any application received from any officer of the Council for exemption from political restriction in respect of the post held by that officer and may direct the Council 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 Council under Section 2(2) of that Act; and
- (b) upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Council under Section 2(2) of the 1989 Act, and may direct the Council to include a post in that list.

A2. Composition

The Standards Panel shall comprise of 3 Members (one Member from each of the three main political parties) who shall be members of the Council's Standards and Constitutional Oversight Committee (unless an Alternate Member is nominated (see below)).

The spokesperson for each political group may nominate an 'Alternate Member' from his/her political group to sit on a Standards Panel, providing that the Member nominated has undertaken the requisite training on the Members' Code of Conduct (and any other training required by the Standards and Constitutional Oversight Committee).

No Member shall sit on the Standards Panel where he/she has a conflict of interest.

A3. Chair

The Chair shall be appointed by the Standards Panel at each meeting.

Where the Standards Panel is considering an allegation of a breach of the Members' Code of Conduct, the Chair shall not be a Member of the same political party of the Member against whom the allegation(s) have been made.

A4. Quorum

The quorum for a meeting of the Standards Panel shall be the 3 Members that make up its composition.

A5. Frequency of Meetings - The Standards Panel will only meet when required to undertake its role and discharge its functions as set out in these Terms of Reference.

A6. Access to Information – Where the Standards Panel is considering allegations that an elected or co-opted Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members under A1(i) above, the matter shall be exempt from disclosure under paragraph 7C of the Council Access to Information Procedure Rules unless

the Standards Panel at its meeting considers that the public interest in lifting the exemption outweighs maintaining the continued application of the exemption.

B. Terms of Reference of the Standards Appeal Panel

- B1. Where a complainant or Member or Co-opted Member is dissatisfied with the determination of a complaint by the Standards Panel, the Standards Appeal Panel will convene to re-consider the complaint providing that:
- (i) A request for permission to appeal is first made in writing, within 14 days of receipt of the Standards Panel's Decision Notice, to the Monitoring Officer which details the procedural, legal and/or evidential issues relied upon in support of the request for permission; and
 - (ii) The Monitoring Officer being satisfied, having considered the views of the independent person, that (a) the request for permission raises valid procedural, legal and/or evidential issues and matters not previously considered by the Standards Panel, and/or that (b) it is reasonable and equitable in all the circumstances of the case that permission to appeal be granted.
- B2. Where the Standards Appeal Panel has been convened pursuant to paragraph B1 above, the Standards Appeal Panel shall:
- (i) Consider the complaint/allegations that an elected or co-opted Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members.
 - (ii) Consider and take into account the views of at least one independent person before making a decision on an allegation (falling within its remit) that the Members' Code of Conduct has been breached.
- B3. The Standards Appeal Panel after consideration of a complaint may (pursuant to paragraph 9.3(vi) above:-
- (i) ask for additional information on the allegation before reaching a decision;
 - (ii) determine that no action should be taken in respect of the allegation(s) made;
 - (iii) determine that the Members' Code of Conduct has been proved to have been breached;

Where the Standards Appeal Panel determines that the Members' Code of Conduct has been breached, it may:

- (iv) instruct the Monitoring Officer to write a formal warning letter to the Member reminding him/her of the need to comply with the Members' Code of Conduct; and/or
- (v) require the Member(s) to apologise to the complainant (whether verbally or in writing) for breaching the Members' Code of Conduct. Should the Member in question fail or refuse to do so promptly, the Monitoring Officer shall report this fact to the Member's Political Group Leader*; and/or
- (vi) report the Panel's decision to a public meeting of the Standards and Constitutional Oversight Committee for reference/consideration; and/or
- (vii) recommend to the Member's Political Group Leader* that disciplinary action should be taken against the Member in question and/or that he/she be removed from all (or some) outside bodies to which the Member has been appointed; and/or
- (viii) instruct the Monitoring Officer to arrange training for the Member in question who shall be required to attend. Should the Member fail to attend the training arranged, the Monitoring Officer shall report this fact to the Member's Political Group Leader*.

* In the event that the Member in question is the Political Group Leader, the recommendation shall be referred to the relevant Deputy Political Group Leader; in the event that the Members in question are both the Political Group Leader and Deputy Political Group Leader, the recommendation shall be referred to the next most relevant senior Political Group Official/Spokesperson.

Where the Standards Appeal Panel determines that the Members' Code of Conduct has NOT been breached, it may:

- (ix) recommend, subject to the agreement of the Member against whom the allegation(s) has been made, a Council press release be issued detailing the nature and outcome of the investigation into the allegations and the decision of the Panel.
- (x) subject to the agreement of the Member against whom the allegation(s) has been made, report the Panel's decision to a public meeting of the Council and/or the Standards and Constitutional Oversight Committee;

B4. Composition

The Standards Appeal Panel shall comprise of 3 Members (one Member from each of the three main political parties) who shall be members of the Council's Standards and Constitutional Oversight Committee (unless an Alternate Member is nominated (see below)).

The spokesperson for each political group may nominate an 'Alternate Member' from his/her political group to sit on a Standards Appeal Panel,

providing that the Member nominated has undertaken the requisite training on the Members' Code of Conduct (and any other training required by the Standards and Constitutional Oversight Committee).

No Member shall sit on (or otherwise attend, engage or interfere with) the Standards Appeal Panel where he/she has a conflict of interest.

- B5. **Chairperson** – The Chairperson shall be appointed by the Standards Appeal Panel at each meeting. Where the Standards Appeal Panel is considering an allegation of a breach of the Members' Code of Conduct, the Chairperson shall not be a member of the same political party of the Member against whom the allegation(s) have been made.
- B6. **Quorum**
The quorum for a meeting of the Standards Panel shall be the 3 Members that make up its composition.
- B7. **Frequency of Meetings** - The Standards Appeal Panel will only meet when required to undertake its role and discharge its functions as set out in these Terms of Reference.
- B8. **Access to Information** – Where the Standards Appeal Panel is considering allegations that an elected or co-opted Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members under B1(i) above, the matter shall be exempt from disclosure under paragraph 7C of the Council Access to Information Procedure Rules unless the Standards Panel at its meeting considers that the public interest in lifting the exemption outweighs maintaining the continued application of the exemption.