



## Standards and Constitutional Oversight Committee

<b>Date:</b>	<b>Thursday, 2 June 2016</b>
<b>Time:</b>	<b>5.00 pm</b>
<b>Venue:</b>	<b>Committee Room 3 - Wallasey Town Hall</b>

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## AGENDA

- 1. APOLOGIES FOR ABSENCE**
- 2. MEMBERS CODE OF CONDUCT**

Members are asked to consider whether they have any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

- 3. MINUTES (Pages 1 - 10)**
  - To confirm the Minutes of the meeting of the Standards and Constitutional Oversight Committee held on 23 November 2015 as a correct record.
  - To confirm the Minutes of the meeting of the Standards and Constitutional Oversight Working Group held on 24 February 2016 as a correct record.

**4. APPOINTMENTS OF PANELS (Pages 11 - 18)**

Article 9 of the Council Constitution (paragraph 9.5) requires that the Standards and Constitutional Oversight Committee establish a Standards Panel and a Standards Appeal Panel (**attached**).

The Committee is requested to nominate 3 Members (one Member from the three main political parties) to each Panel who shall be members of the Standards and Constitutional Oversight Committee (unless an Alternate Member is nominated) Article 9 (Paragraphs A2 and B4) of the Council Constitution refer.

(Report of the Head of Legal and Member Services **to follow**)

**5. ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR (PART 1)**

**6. EXCLUSION OF THE PRESS AND PUBLIC**

The public may be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information.

RECOMMENDATION – That in accordance with section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part 1 of Schedule 12A (as amended) to that Act. The public interest test has been applied and favours exclusion.

**7. ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR (PART 2)**

## STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

Monday, 23 November 2015

Present:

Councillor WJ Davies (Chair)

Councillors M McLaughlin C Blakeley  
RL Abbey G Ellis  
D Roberts D Elderton (In place of  
J Salter J Hale)  
A Brighouse (In place of  
P Gilchrist)

Also Present:

Prof RS Jones  
Mr B Cummings  
Mr C Jones

7 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors P Gilchrist and J Hale.

8 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

The Ethical Framework requires that complaints be dealt with confidentiality and Councillor McLaughlin indicated that should discussion take place on the handling of complaints in 'general terms' she would remain in the room, but if circumstances be such that a complaint become identifiable, indicated that she would leave the meeting whilst the matter was under discussion.

9 **MINUTES**

At the request of the Committee the Strategic Director of Transformation and Resources attended the meeting to clarify the reasons for delays in the handling of a complaint referred for investigation. Minute No. 5(3) refers.

A Member questioned the Strategic Director of Transformation and Resources as to the reason for the delay in concluding his investigation.

At this point Councillor McLaughlin indicated that she would leave the meeting whilst the matter was under discussion.

The Strategic Director presented his apologies to the Committee and those individuals involved, admitting that there had been a summary failure in respect of the handling of the matter, stating that delays had been compounded by a series of events that included cancellation of planned meetings, staff sickness, and the departure of the Council's Chief Executive. He indicated that case investigations would be dealt with better in the future and fully noted the Committees concerns.

Members pointed out the need for continued monitoring of procedures and adherence to existing protocols.

The Head of Legal and Member Services and Monitoring Officer advised that actions were underway to address the issue of resources, and commented that in overall terms the Committee shouldn't lose sight of successes in terms of the promotion of good conduct and overall improvement of behaviour – a testament to the work of both Officers and Members.

**Resolved:**

**That the Minutes of the meeting of the Standards and Constitutional Oversight Committee held on 1 July 2015 be confirmed as a correct record.**

10 **AMENDMENT TO SCHEME OF DELEGATION - OBJECTIONS TO HIGHWAY PROPOSALS**

The Head of Environment and Regulation introduced his report that set out proposed changes to the existing Scheme of Delegation in respect of unresolved objections to traffic management measures, including traffic regulation orders. The report recommended that delegated powers to decide on such objections be devolved to the Head of Service (in consultation with the Portfolio Holder) in cases where unresolved objections were below a set threshold. Members were informed that the views of both the Regeneration & Environment Policy & Performance and Standards and Constitutional Oversight Committee were being sought in advance of seeking approval for the change to the Constitution at Council in December.

The Head of Environment and Regulation informed of the procedures as operated under the current Scheme of Delegation, whereby detailed reports regarding objections are put to the Highways & Traffic Representation Panel, which considers the officer's report and invites representations from objectors. He further informed of the actions undertaken following consideration by the Panel.

The Head of Environment and Regulation explained that the proposed amendment to the procedures recommended that the Scheme of Delegation in relation to unresolved objections to traffic management measures be altered such that it operates in a similar manner to the Scheme of Delegation for objections to planning applications

It was proposed to alter the Scheme of Delegation so that the Head of Service for Environment and Regulation, in consultation with the Cabinet Member for Highways and Transport, would have delegated authority to reach a decision on those proposals which have attracted objections, except those which have attracted a petition of objection containing 25 or more signatories from individual households or alternatively where there are 15 (or more) individual objections in writing.

Members noted that although effective, the current scheme was over bureaucratic when it came to highway and traffic proposals where in some instances highways officers, the majority of residents and Ward Members were in agreement i.e. supportive of a proposal, but a single objection had triggered delay placing proposals at risk of non-delivery, jeopardising any associated funding and the identified highway benefits.

A Member commented on the current procedures for notifying Ward Councillors of planning applications, and questioned how Members would be alerted of local highways matters under the new procedures. The Member also proposed that the words 'traffic management' be removed from para 3.3. of the proposal to allow a broader, more practical, approach to supporting objections. A further amendment to para 3.2 was proposed, namely the removal of the words 'from individual households'. The Head of Environment and Regulation confirmed that the amendments would be incorporated into the new procedures.

**Resolved: That**

- (1) the proposed changes to the Council's Constitution as outlined in the report be endorsed; and**
- (2) Council be recommended to approve the changes to the Council Constitution in respect of Part 3, Schedule 5, Scheme of Delegation - Objections to Highway Proposals.**

**11 SUMMARY OF THE WORK AND PROPOSALS OF THE STANDARDS AND CONSTITUTIONAL OVERSIGHT WORKING GROUP**

The Head of Legal and Member Services and Monitoring Officer introduced his report that set out details of the constitutional review undertaken by the Standards and Constitutional Oversight Working Group during this municipal year.

The Head of Legal and Member Services and Monitoring Officer reported that Working Group had considered the following matters and recommendations for consideration by the Committee as summarised in the Report Appendix included:

- Council Procedure Rules
- Call-in arrangements
- Employment and Appointment Committee's Terms of Reference
- Scheme of Delegation to Officers – technical updates
- Procedure for Dealing with Referred Notices of Motions

Following a discussion by Members on the subject matter, procedures and reasoning behind the proposals i.e. to better reflect the working of Council, focus on the opportunity for debate at Council, streamlining of ordinary business and revised procedures to incorporate what worked well, and address those issues requiring improvement, a Member moved acceptance of the report.

The Committee agreed that in the interests of ensuring that a true reflection of the Committees views be recorded, a separate vote be put on each Amendment. As follows:

**Amendment No. 1** – Change of Ordinary Council Meeting Times (Start 6.00pm and Finish 9.15pm).

Agreed unanimously.

**Amendment No. 2** – Commencement time for Matters Requiring Approval and Debates (NOMs).

Agreed unanimously.

**Amendment No. 3** - Only Proposer and Seconder required to sign Notice of Motion.

Agreed unanimously.

**Amendment No. 4** - Change of Order for dealing with Notices of Motion.

Agreed unanimously.

**Amendment No. 5** – Submission of Amendments to Notices of Motion.

Agreed unanimously.

**Amendment No. 6** – Procedure for Dealing with Referred Notices of Motion.

*A Member re-iterated an early comment that such referrals also resulted in a two tier system for the handling of Notices of Motion (NoM) in so far as NoMs debated at Council would not take evidence from witnesses.*

Agreed by majority vote.

**Amendment No. 7** – Public and Member Question Time (Reduce allocation of time and change how questions are asked).

Agreed unanimously.

**Amendment No. 8** – Order of Business (Council Meetings).

Agreed unanimously.

**Amendment No. 9** – Speeches, restrictions and time limits.

Agreed unanimously.

**Amendment No. 10** – Call In.

Given disagreement between political groups on the proposed amendment, a vote was requested.

For the Amendment 5: Against: 4.

Agreed by majority vote.

**Amendment No. 11** – Employment and Appointments Committee (Terms of Reference).

Agreed unanimously.

**Amendment No. 12** - Technical amendments.

Agreed unanimously.

**Resolved: That**

- 1) the work of the Working Group to date and the planned work to be undertaken be noted;**

- 2) **RECOMMENDATION TO COUNCIL – that the proposed changes to the Council’s Constitution set out at Appendix 1 to this report be agreed;**
- 3) **RECOMMENDATION TO COUNCIL - that the Head of Legal and Member Services be authorised to make the necessary changes to the Constitution to give effect to the proposed changes set out at Appendix 1 to this report; and**
- 4) **Subject to Council approving the proposed amendments to the Constitution at (2) above, the Procedure for Dealing with Referred Notices of Motion as set out in Appendix 2 to this report be approved and shall take effect as from 15 December 2015 onwards.**

# STANDARDS AND CONSTITUTIONAL OVERSIGHT WORKING GROUP

Wednesday, 24 February 2016

Present: Councillor WJ Davies (Chair)

Councillors RL Abbey Jones  
Cummings J Salter  
P Gilchrist G Ellis (In place of  
J Hale C Blakeley)

Independent Mr B Cummings  
Members: Professor R S Jones

## 29 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors C Blakeley and M McLaughlin.

## 30 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

No declarations of interest were received.

## 31 REVIEW MEMBERS' CODE OF CONDUCT

Members discussed the current Members' Code of Conduct.

Members raised queries in respect of paragraph 16.5. The Head of Legal and Member Services referred to the provisions within Section 25 of the Localism Act 2011 and advised Members that they may express a view and make representations at a meeting of a committee which exercises overview and scrutiny functions of the Council, however, this must not amount to predetermination.

**RESOLVED: That**

- (1) paragraph 16.5 be amended to provide further clarification and to include reference to paragraph 13 – Pre-determination or bias; and**
- (2) subsequent to these amendments being made, the Members' Code of Conduct be brought back to the Working Group for further consideration.**

32 **REVIEW PROTOCOL FOR DEALING WITH COMPLAINTS AGAINST MEMBERS**

Members considered the need for definitive timescales to be implemented by which time a complaint must be investigated.

The Head of Legal and Member Services advised Members that the vast majority of complaints were dealt with in good time and most well within a six month period despite challenges in respect of resources.

It was suggested by Members that an update be provided to the Standards Committee should a complaint not be dealt with within six months. The Head of Legal and Member Services advised Members in respect of the implications of setting specific timeframes and the possibilities of conflict for Members should any matters require referral to a Standards Panel.

**RESOLVED: That**

- (1) the word 'inquisitorial', paragraph 15.3 be replaced by the word 'questioning'; and**
- (2) the Head of Legal and Member Services report back to the Working Group in respect of timeframes for responses to complaints and the possibilities of conflict should any matters require referral to a Standards Panel.**

33 **REVIEW MEMBERS ICT POLICY**

Members had regard to the draft Members' ICT Policy and requested that the terminology be simplified.

The Chair suggested that the Policy be circulated to all Members and they be requested to respond with any comments within seven days.

The Head of Legal and Member Services agreed that the Policy would be revised to be made more user friendly and that Members would be advised as to what support is available to them.

**RESOLVED: That**

- (1) the Policy be revised and brought back to the Working Group for further consideration ; and**
- (2) Members be provided with an updated report in respect of what support is available.**

34 **DRAFT GUIDANCE TO MEMBERS: APPOINTMENTS TO OUTSIDE BODIES**

The draft Guidance to Members for Appointments to Outside Bodies was welcomed by the Working Group.

Members discussed their responsibilities when representing outside bodies and raised queries in respect of the wording of paragraph 2.1 of the Guidance.

The Head of Legal and Member Services clarified the definition of a personal interest and advised that the example provided in paragraph 2.1 was to illustrate an invested interest.

**RESOLVED: That**

- (1) the wording in the example provided in paragraph 2.1 be changed to read “treasurer or other person involved in the decision”; and**
- (2) further to this amendment, it be recommended to the Standards and Constitutional Oversight Committee that the draft Guidance to Members for Appointments to Outside Bodies be approved.**

35 **DRAFT CIVIC HANDBOOK**

The Head of Legal and Member Services invited comments from Members upon the draft Civic Handbook.

A handbook was referred to which had been previously circulated to all Members and it was considered that some of the information contained within this handbook should be incorporated into the Civic Handbook which included:

- A list of previous Mayors and their terms of office
- A list of senior officers, departmental heads and section heads
- Contact numbers for officers
- Calendar of meetings
- A section for note taking

Members also highlighted a number of issues within the Handbook which they would like to be readdressed and given further consideration.

**RESOLVED:**

**That a reviewed Civic Handbook be circulated to Members for further consideration.**

36 **DRAFT FLAG FLYING PROTOCOL**

The Head of Legal and Member advised Members that a draft Flag Flying Protocol had been drawn up with regard to the guidance provided by the Lord Lieutenant's Office to provide clarification on which days certain flags should be flown and for how long.

Members were advised that the Protocol would be included in the Wirral Civic Handbook once it had been agreed.

In response to Members' queries in respect of which flag should be flown on St George's Day, the Head of Legal and Member Services advised that he would provide further clarification on this matter.

**RESOLVED:**

**That the Head of Legal and Member Services report back to Members in respect of which flag should be flown on St George's Day.**

37 **DATE AND TIME OF NEXT MEETING**

Members noted that the next meeting of the Working Group was scheduled for 10.00 am on Monday 29 February 2016.

## 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 The Committee shall have delegated power and responsibility to act on behalf of the Council as Trustee of the E.F Callister Youth Club.**

**9.5 Establishment of Panels**

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

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**A. Terms of Reference of the Standards Panel**

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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.

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**B. Terms of Reference of the Standards Appeal Panel**

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- 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.