

Article 9 – The Standards Advisory Committee

9.01 Standards Advisory Committee

The Council using the powers under section 102(4) of the Local government Act 1972 have established a Standards Advisory Committee.

The Standards Advisory Committee shall have the power to create Sub-Committees in order to discharge its advisory role.

9.02 Composition

The Standards Advisory Committee shall be comprised of four Members of the Council (other than the Mayor) and up to five persons who are not Members or officers of the Council or any other relevant authority (i.e. Co-opted members.)

The Co-opted member(s) will be entitled to vote at meetings under the provisions of S13 (4) (e) of the Local Government and Housing Act 1989.

The Committee shall establish Hearing Sub-Committees in accordance with these terms of reference.

The Council's Independent Person(s) appointed pursuant to the Localism Act 2011 shall be invited to meetings of the Standards Advisory Committee with 'observer status. They shall have no voting rights.

9.03 Appointment of Co-Opted Members

A person may not be appointed as a Co-opted member of the Standards Advisory Committee or one of its sub-committees unless the appointment is approved by Full Council.

The term of appointment shall be for four years unless otherwise determined by Full Council or the Co-optee does not continue to fulfil any required conditions as may be determined by the Authority from time to time. Co-opted members may serve as many terms of appointment as the Council considers appropriate.

9.04 Role and Function

The Standards Advisory Committee has the following roles:

1. To recommend to the Monitoring Officer whether complaints of a breach of the Members Code of Conduct should be referred for investigation by the Monitoring Officer or an investigator appointed by the Monitoring Officer where the Monitoring Officer considers it appropriate to refer the complaint to the Standards Advisory Committee for consideration.
2. To receive reports from the Monitoring Officer on the numbers of complaints of the Code received, the decisions taken by the Monitoring Officer (in consultation with the Independent Person) on such complaints and investigation outcomes where the investigation determines there was no evidence of a failure to comply with the code or where the investigation outcome recommends a local resolution.

3. To convene a Hearings Sub-Committee or at least 3 Members of the Standards Advisory Committee to consider any matter where the investigation finds evidence of a failure to comply with the Code and a local resolution is not possible or appropriate.
4. To make such recommendations as the Hearings Sub-Committee considers appropriate as a result of any matter referred including;
 - Reporting its findings to Council for information;
 - Recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) removal from any or all Committees or Sub-Committees of the Council;
 - Recommending to the Mayor removal from the Executive, or from particular Portfolio responsibilities;
 - Recommending the Monitoring Officer arrange training for the member;
 - Recommending removal from outside appointments to which he/she has been appointed or nominated;
 - Recommending withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
 - Recommending excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Executive Committee and Sub-Committee meetings; and
 - Recommending the Member to contact the Council via specified point(s) of contact.
5. Promoting and maintaining high standards of conduct by Members of the Council, co-opted members and church and parent governor representatives. The Committee may raise issues of concern about conduct in the Authority and recommend that the Monitoring Officer considers and reports on the issues raised, provided that at least three Committee Members are in favour of considering a matter.
6. Assisting Members of the Council, co-opted members and church and parent governor representatives to observe the Council's Code of Conduct for Members.
7. Advising the Council on the adoption or revision of the Code of Conduct for Members.
8. Monitoring the operation of the Code of Conduct for Members.
9. Advising, training or arranging to train Members of the Council, co-opted members and church and parent governor representatives on matters relating to the Code of Conduct for Members.
10. To act as an advisory body in respect of any matters referred to the Standards Committee by the LSP or Community Forums in respect of probity issues arising out of the codes and protocols applicable to relevant members of the LSP and Community Forums as set out in the Community Forum handbook and as may be amended from time to time.
11. Advice on allegations of Member breaches of the Protocols set out in the constitution as maybe referred to the Committee by the Monitoring Officer and to make recommendations with regard to such allegations as maybe so referred.
12. Advising on local protocols for both Officer and Member ethical governance.

13. To monitor and review Member and Officer Procedures for Register of Interests and declaring gifts and hospitality.
14. To receive periodic reports on the Council's Ethical Governance arrangements and compliance against the Standards in Public life.
15. To make recommendations on such applications for dispensation referred to it by the Monitoring Officer.

9.05 Validity of proceedings

A meeting of the Standards Advisory Committee or one of its sub-committees shall only be quorate where at least three members of the Committee or sub-committee are present for its duration.

Part VA of the Local Government Act 1972 applies in relation to meetings of the Standards Advisory Committee or its sub-committees as it applies to meetings of the Council.

9.06 Hearing Sub-Committee

Any Hearing Sub-Committee shall comprise a minimum of 3 Members of the Standards Committee at least 1 of whom shall be a co-opted Member.

The Hearing Sub-Committee shall consider complaints referred to it that an elected or co-opted Member of the Council may have failed to comply with the Council's Code of Conduct for Members or local protocol where the complaint has been subject to an investigation arranged by the Monitoring Officer and shall make recommendations accordingly.

9.07 Attendance Requirements

At any meeting when any Member of the Committee is unable to attend, the meeting shall consider whether they shall condone the non-attendance. The Member concerned shall be notified of the Committee's decision in connection with their non-attendance.

If the Committee has condoned non-attendance for the same Member for at least two consecutive meetings then in the event of further consecutive non-attendance at a meeting the Committee shall (a) if it is an Elected Member decide whether it is appropriate for them to inform the relevant group of the non-attendance or (b) if it is an independent Member decide if they should inform the Council that a vacancy has arisen.

The Committee shall not declare such a vacancy has arisen without first giving the absent Member an opportunity to make representations (which may be made in writing) as to their non-attendance and any matters they wish the Committee to take into account.

9.08 Procedures

The Committee shall agree a set of procedures to enable it to discharge the arrangements under these Terms of Reference

PROCEDURE AND GUIDANCE FOR THE HANDLING OF COMPLAINTS OF BREACH OF THE MEMBERS' CODE OF CONDUCT

1. The Monitoring Officer shall be the Proper Officer to receive complaints of failure to comply with the Code of Conduct;
2. The Monitoring Officer shall ensure that the Council appoints at least one and up to two Independent Person(s).
3. The Monitoring Officer shall, after consultation with the Independent Person(s), determine whether a complaint merits formal investigation and arrange such investigation.
4. Where the Monitoring Officer determines that the complaint does not relate to a failure to comply with the Code of Conduct or contains insufficient evidence of a failure the Monitoring Officer shall reject the complaint. In doing so, the Monitoring Officer shall inform the complainant: (a) of the reasons for the Monitoring Officer's conclusion; (b) that there is no formal right of appeal, but that the complaint may be re-submitted for consideration if accompanied by additional evidence for the Monitoring Officer consider and decide if the matter warrants further consideration under these arrangements, in which case it shall be treated as a fresh Complaint; and (c) that If a complainant is dissatisfied with the process they may access the Council's Complaints Procedure.
5. The Monitoring Officer may refer complaints of failure to comply with the Code to the Standards Advisory Committee to recommend whether or not the complaint requires investigation where s/he feel that it is inappropriate for him/her to take the decision without seeking their advice.
6. The Monitoring Officer will report quarterly (or less frequently if there are no complaints to report) to the Standards Advisory Committee on the number and nature of complaints received and action taken as a result;
7. If a complaint of failure to comply with the Code is referred for investigation the Monitoring Officer shall appoint an investigator or complete the investigation him/herself. Such investigation should be completed within 3 months of the decision to refer the matter for investigation;
8. The Monitoring Officer may, during the course of the investigation, seek local resolution of the matter to the satisfaction of the complainant before the investigation is concluded.
9. Where any investigation into a complaint of breach of the Code finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer shall close the matter, provide a copy of the report and findings of the investigation to the complainant and to the member concerned and to the Standards Advisory Committee for information;
10. Where the investigation finds evidence of a failure to comply with the Code of conduct, the Monitoring Officer in consultation with the Independent Person(s), may seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Advisory Committee. Where such local resolution is not appropriate or not possible the Monitoring Officer shall report the investigation findings to a Hearings Panel of the Standards Advisory Committee for hearing and recommendation;

11. A Hearings Panel may if it considers appropriate having heard the matter
 - Advise whether or not the Panel considers there has been a breach of the Code;
 - Report its findings to Council for information;
 - Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - Recommend to the Mayor that the member be removed from the Executive, or removed from particular Portfolio responsibilities;
 - Recommend the Monitoring Officer to arrange training for the member;
 - Recommend removing from all outside appointments to which he/she has been appointed or nominated;
 - Recommend withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
 - Recommend excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Executive Committee and Sub-Committee meetings;
 - Recommend the member to contact the Council via specified point(s) of contact;
 - Write to the member with their advice on their conduct.
12. The recommendations of the Hearing Panel shall be published.
13. The complainant and the member who is the subject of the complaint shall be informed of the final outcome.
14. Should a complainant be dissatisfied with the outcome of their complaint of a breach of the Code there is no formal right of appeal. However in the event that the Complainant submits additional relevant information the Monitoring Officer shall consider and decide if the matter warrants further consideration under these arrangements in which case it shall be treated as a fresh Complaint. If a Complainant is dissatisfied with the way in which their complaint has been handled they may access the Council's Complaints Procedure.