

Part 2 - The Articles

Chapter 13 - Standards Committee

1. Status and Membership

- 1.1 The Standards Committee is a committee established under Section 102 of the Local Government Act 1972 and Section 28 of the Localism Act 2011.
- 1.2 The membership of the Board shall be six and the quorum shall be two Members.
- 1.3 The Assembly shall appoint the membership, including the Chair and Deputy Chair, at its Annual Meeting.
- 1.4 Political balance requirements of Section 15 of the Local Government and Housing Act 1989 apply when determining membership.
- 1.5 The Assembly shall also appoint Independent Persons pursuant to the Localism Act 2011 requirement to give a view to the Committee or Sub-Committee on issues relating to complaints made regarding alleged breach of the Councillors' Code of Conduct.

2. Responsibility for Functions

- 2.1 The Standards Committee is responsible for:
 - (i) Promoting and maintaining high standards of conduct by Councillors and co-opted Members.
 - (ii) Receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Councillors' Code of Conduct.
 - (iii) Advising on training or arranging to train Councillors and co-opted Members on matters relating to the Councillors' Code of Conduct.
 - (iv) Assisting Councillors and co-opted Members to observe the Councillors' Code of Conduct.
 - (v) Receiving referrals from the Monitoring Officer into allegations of misconduct in accordance with the Council's assessment criteria.
 - (vi) In consultation with the Monitoring Officer, appointing a Standards (Hearing) Sub-Committee to hear and determine complaints about Councillors or co-opted Members referred to it by the Monitoring Officer.
 - (vii) Advising the Council upon the contents of and requirements for codes/ protocols/other procedures relating to standards of conduct throughout the Council.
 - (viii) Maintaining oversight of the Council's arrangements for dealing with complaints.
 - (ix) Informing the Assembly and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints.

- (x) Considering and determining any request for dispensations under the Localism Act 2011 by Members or Co-opted members so as to enable them to participate in meetings of the Authority.
- (xi) To consider an appeal against refusal by the Monitoring Officer to grant a dispensation.

3. Frequency of Meetings

- 3.1 The Standards Committee shall meet on a quarterly basis.

4. Standards (Hearing) Sub-Committee

- 4.1 In accordance with Section 28(6) and (7) of the Localism Act 2011, the Standards Committee shall appoint a Hearing Sub-Committee to conduct hearings and determine complaints.
- 4.2 The Hearing Sub-Committee shall consist of three Members, drawn from the membership of the Committee on a rota basis. The Chair shall be elected by the Sub-Committee at each meeting. Due regard shall be given to the political balance principles when drawing the membership from the Members of the Committee.
- 4.3 The quorum shall be three Members.
- 4.4 The Hearing Sub-Committee shall meet as and when required.

5. Responsibility for Functions of the Hearing Sub-Committee

- 5.1 The Hearing Sub-Committee is responsible for:
 - (i) Hearing allegations that an elected Member or co-opted Member has breached the Council's Code of Conduct.
 - (ii) Following a hearing, making one of the following findings:
 - (a) 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;
 - (b) 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;
 - (c) that the Member has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed.
 - (iii) Imposing any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions as are available to it by law or policy.
 - (iv) After making a finding, providing written notice of its findings and the reasons for its decision to the Member and complainant.

6. Management of Complaints

- 6.1 The management of complaints shall be the responsibility of the Monitoring Officer in accordance with the procedure set out in paragraph 15, Chapter 1, Part 5 of this Constitution.

7. Rights and Responsibilities of the Independent Person

- 7.1 The role of the Independent Person is wholly advisory, providing advice to the Council on any allegation of a failure of a Member or co-opted Member of the Council it is considering, and to such a Member facing an allegation who has sought the views of the Independent Person.
- 7.2 The Independent Person may attend meetings of the Standards Committee and act in an advisory capacity only, with no voting rights.
- 7.3 The Independent Person shall have an advisory role in the decision making process regarding complaints against Members and Co-opted Members in that their views must be sought and taken into account by before decisions are made on allegations which the Monitoring Officer has decided to investigate. The Independent Person may be consulted by the Monitoring Officer before a decision has been to investigate.
- 7.4 The Independent Person shall have an advisory role in any meeting of the Standards Sub-Committees' decision making process regarding complaints against Members and Co-opted Members in that their views must be sought and taken into account by before decisions are made;
- 7.5 The Independent Person may be consulted by a Member or Co-opted Member who is the subject of an allegation.
- 7.6 The Independent Person shall declare any interests and to respect confidentiality and observe the Council's Procedures, Codes and Protocols in their workings with the Council.
- 7.7 The Independent Person may claim reasonable expenses for attendance, travel and subsistence in pursuance with their role.