



<b>Title:</b>	<b>Constitution of the Council (Part 3K: Standards Committee)</b>
<b>Owner:</b>	<b>Angela Wakefield</b>
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**Adopted by Full Council on 20<sup>th</sup> June 2016**



# FUNCTIONS, PROCEDURES AND DELEGATIONS OF THE STANDARDS COMMITTEE

## 1 FUNCTIONS OF THE STANDARDS COMMITTEE

### ONLY FULL COUNCIL CAN AMEND THE FUNCTIONS OF THE STANDARDS COMMITTEE

- 1.1 The following powers and functions will be the responsibility of the Standards Committee:
- 1.1.1 Promote and maintain high standards of conduct by Borough Councillors and co-opted members (together called “Councillors” in this document).
  - 1.1.2 Advise the Borough Council on the adoption of its Code of Conduct for Councillors.
  - 1.1.3 Monitor that such a Code has been adopted and is effective.
  - 1.1.4 Ensure that arrangements are made for information and training to be provided for all Councillors on ethical standards, the operation of the Code of Conduct and the obligations of Councillors under the Code.
  - 1.1.5 Ensure that arrangements are made for advice to be available to assist Councillors to comply with the adopted Code of Conduct.
  - 1.1.6 Ensure that arrangements are put in place for keeping and updating the Registers of Councillors’ Interests for the Borough, Town and Parish Councils within East Staffordshire.
  - 1.1.7 If requested, consider whether to grant dispensations in relation to a Councillor or Councillors with a pecuniary interest in a matter proposed for discussion.
  - 1.1.8 Assess complaints against Councillors and former Councillors relating to potential breaches of the Code of Conduct.

- 1.1.9 Hold hearings into complaints against Councillors and former Councillors relating to potential breaches of the Code of Conduct.
- 1.1.10 Impose available sanctions on individual Councillors as may be necessary to promote and maintain high standards of conduct.
- 1.1.11 Advise the Council on the appointment of Independent Members and Parish Council Representatives of the Standards Committee.
- 1.2 The Standards Committee may delegate any of these powers or functions fully or partly to any officer of the Council specified by the Standards Committee.

## 2 MEMBERSHIP

### ONLY FULL COUNCIL CAN AMEND THE MEMBERSHIP OF THE STANDARDS COMMITTEE

- 2.1 The Standards Committee will be composed of :
  - 2.1.1 5 Councillors of whom no more than 1 may be a member of the Cabinet and which must not include the Leader of the Council and which shall reflect the political make-up of the Council;
  - 2.1.2 2 Independent Members (non-voting) who are not Councillors or officers of the Council or of any parish or town council within East Staffordshire;
  - 2.1.3 2 Parish Council Representatives (non-voting) who shall be serving members of a parish or town council within East Staffordshire.

## 3 PROCEDURES FOR THE STANDARDS COMMITTEE

### THE STANDARDS COMMITTEE CAN AMEND THE PROCEDURES WHICH IT FOLLOWS

### MEETINGS

- 3.1 All meetings of the Committee shall be held at the Town Hall Burton upon Trent at 6.30pm unless previously agreed by the Committee.

- 3.2 The Committee will meet so often as may be required to perform the functions of the Committee. Ordinarily the Committee will meet at least four times each year for update reports from the Monitoring Officer on ethical standards matters.
- 3.3 The Committee may also meet on such other occasions as shall be necessary to hear allegations regarding a potential breach of the Code of Conduct or otherwise.

## CHAIRMAN AND VICE-CHAIRMAN

- 3.4 The Council shall appoint the Chairman and the Committee shall appoint the Vice-Chairman.

## RIGHT TO ATTEND

- 3.5 Meetings of the Committee shall be open to the press and public, except for confidential business.
- 3.6 All Councillors and other members formally appointed to the Committee by the Council have the right to attend meetings of the Committee.
- 3.7 All Councillors formally appointed to the Committee by the Council have the right to vote at meetings of the Committee. The Independent Members and the Parish Council Representatives do not have the right to vote under S13 Local Government and Housing Act 1989.
- 3.8 Other Councillors who are not formal members of the Committee may attend meetings of the Committee, except where Exempt Information is likely to be disclosed. If Exempt Information is likely to be disclosed, they can only attend such meetings if they can demonstrate that their attendance is necessary to perform their duties as a Councillor. If they do attend, they may ask the Chairman for consent to speak (giving reasons). The Chairman may seek the views of the Committee before making a decision. If the Chairman gives such consent, the Councillor may take part in the debate when invited to do so by the Chairman (but may not vote).

## QUORUM

- 3.9 A quorum shall be no less than:

3.9.1 Two Councillors and either 1 Independent Member or 1 Parish Council Representative if the Committee is sitting to conduct a hearing of a complaint about a Councillor; and

3.9.2 Two Councillors at any other time.

## QUASI-JUDICIAL HEARINGS

3.10 Where the Committee is sitting to conduct a hearing of a quasi-judicial nature, the Committee shall adopt and follow a procedure for such hearings that complies with the European Convention on Human Rights and the rules of natural justice.

## STANDARDS COMMITTEE COMPLAINTS PROCEDURES

3.11 The Standards Committee will deal with complaints that a current or former member of the Council or a parish or town council within East Staffordshire has failed to comply with the respective Code of Conduct in accordance with the Standards Committee Complaints Procedures – see Part 4L.

## REPORTING ARRANGEMENTS

3.12 Where necessary the Committee will make reports and recommendations to the Executive and/or Full Council arising from the outcome of their work.

## APPLICATION OF COUNCIL MEETING PROCEDURE RULES

3.13 Save where inconsistent with these Rules, proceedings at the Committee will be governed as set out in the Council Meeting Procedure Rules – see Part 3A of the Constitution.

## 4 DELEGATION TO OFFICERS

### THE STANDARDS COMMITTEE CAN AMEND THE DELEGATION OF ITS FUNCTIONS TO OFFICERS

- 4.1 The Standards Committee has delegated to the Monitoring Officer and the Deputy Monitoring Officer some of the functions in relation to the handling of allegations that a current or former member of the Council or a parish or town council within East Staffordshire has failed to comply with the Code of Conduct, in accordance with the Standards Committee Complaints Procedures set out in Part 4L of the Constitution.

### REPORTING TO STANDARDS COMMITTEE

- 4.2 The Standards Committee should be scheduled to meet quarterly and the Monitoring Officer should present a report to each such meeting summarising the work of the Committee, including work carried out under these delegations. In the event that no complaints are dealt with during the relevant period and there is no other business to conduct, the Monitoring Officer shall have the discretion not to call a meeting, in consultation with the Chairman of the Standards Committee (or in their absence, the Vice-Chairman) provided that at least 2 meetings are held in any municipal year.