

STANDARDS COMMITTEE

I. GENERAL

I.1. Definitions:

- “Complainant” - the party who has made an allegation that a Member has failed to comply with the Members’ Code of Conduct.
- “Independent Person” - a person who is not a Member, co-opted Member or officer of the Council and who has been appointed to the role of Independent Person and whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage of the investigation, or by a Member or co-opted Member against whom an allegation has been made.
- “Investigator” - the person appointed by the Monitoring Officer to undertake the investigation. The investigation officer may be the Monitoring Officer, another officer of the Council, an officer of another authority or an external investigator.
- “Subject Member” - the Member against whom the allegation has been made of a failure to comply with the Code of Conduct.

3. PURPOSE

- 3.1. To hear cases in accordance with the Council’s procedure for dealing with complaints about Member’s and co-opted members’ conduct.
- 3.2. To decide whether to uphold complaints made against Members having first considered the views of the Independent Person.
- 3.3. To determine what action to take based upon the outcome of the hearing.

4. MEMBERSHIP

- 4.1. All members of the Committee will adhere to the general rules of the Committee.
- 4.2. There are five members of the Committee including the Chair and Vice Chair.

5. PROPORTIONALITY

- 5.1. The Standards Committee is a proportional committee of council, allocation of seats will be determined through the proportionality calculations.

6. CHAIR

- 6.1. The Chair will be from the group in administration.

7. VICE CHAIR

- 7.1. The Vice Chair will be from a group in opposition.

8. MATTERS TO BE CONSIDERED AT THE COMMITTEE

8.1. The Monitoring Officer may refer a matter to the Standards Committee where they consider that the matter is one or more of the following:

- very serious;
- a conflict of interest has arisen;
- the matter is particularly complex;
- the matter is potentially going to attract a high level of public interest;
- the matter is politically sensitive.

9. REFERRAL OF THE MATTER TO COMMITTEE

9.1. Where the Monitoring Officer considers a standards matter should be referred to the Standards Committee (“Committee”) for determination they will convene a meeting of the Committee as soon as reasonably practicable.

9.2. The Monitoring Officer shall prepare a summary report for the Committee detailing:

1. The complaint and information supporting it.
2. The provisions of the code engaged by the allegations.
3. Any comments of the Subject Member.
4. A summary of the findings of the investigation report.
5. A summary of the views of the Independent Person.
6. Details of any efforts made to resolve the matter informally.

9.3. The Independent Person is invited to attend all meetings of the Committee.

9.4. The Committee will consider directions to enable the matter to proceed to a final hearing.

10. Procedure

10.1. The Investigator will attend the Standards Committee to present his/her investigation report and may invite the Complainant to appear as a witness or call other witnesses.

10.2. The following people¹ will also be invited to attend the Standards Committee:

- The Complainant;
- The Subject Member;
- The Independent Person;
- Any witnesses; or

¹ No person shall sit on a full hearing if they have previously considered any element of the complaint in order to avoid any potential conflict of interest.

- Any other person as determined by the Chair of the Committee and/or the Monitoring Officer.
 - The Subject Member may bring witnesses (of a number the Committee considers is reasonable), in which case written statements from the witnesses must be lodged with the Monitoring Officer at least 10 working days before the hearing. “Character witnesses” who cannot provide evidence on the matter complained about will not be permitted. The cost of any attendance/representation must be borne by the party concerned.
- 10.3. All written evidence must be provided to the Monitoring Officer at least 5 working days before the hearing so it can be circulated to the Committee, the Independent Person, the Investigator, the Subject Member and the Complainant.
- 10.4. Written statements will not be read out at the hearing as it will be assumed all those present are already familiar with their contents.
- 10.5. The Monitoring Officer can speak at any time to advise the Committee on technical matters or ask questions of any party.
- 10.6. The Chair of the Committee will introduce the members of the Committee, the Independent Person, officers, the Subject Member, the Investigator and the Complainant, if present.
- 10.7. The Chair will explain the reason for the meeting and outline the procedure to be followed. The Chair may choose to vary this procedure in any particular instance where they are of the opinion that such a variation is necessary in the interests of fairness.
- 10.8. The Chair will also explain that the hearing will normally be held in public unless the Committee exercises its discretion for the matter to be considered in private in accordance with the provisions of Rule 10 of the Access to Information Procedure Rules relating to exempt information. If the meeting is to be held in private the press and public will be excluded².
- 10.9. The Chair will then confirm that all those involved understand the procedure to be followed and ask if there are any preliminary procedural issues which anyone wishes to raise before the hearing begins.
- 10.10. If any procedural issues are raised, the Committee will hear representations on them before determining them.
- 10.11. If the Subject Member is not present at the start of the hearing, the Committee will consider any reasons given by them for their non-attendance. If the Committee is satisfied that there is good reason for their non-attendance, it may adjourn to another date, or proceed on the request of the Subject Member.

² The Committee may invite people to remain in the meeting if it is considered that they could provide information relevant to the complaint.

- 10.12. If the Committee is not satisfied that there is good reason for the Subject Member's non-attendance, or if the Subject Member has failed to give any reason for their non-attendance, the Committee can decide to consider the matter and make a determination in the absence of the Subject Member, or to adjourn the Hearing to another date.
- 10.13. The Investigator will be invited to summarise their report and findings and make any representations about the written pre-hearing submission of the Subject Member. The Investigator may call any witnesses, including the Complainant.
- 10.14. The Committee will identify the areas of disagreement between the Investigator and the Subject Member on the Investigation report's facts or conclusions.
- 10.15. The Subject Member will then be invited to make representations in support of the fact(s) concerned and whether the evidence gives rise to a breach or breaches of the Code of Conduct.
- 10.16. The Committee and/or the Independent Person may also ask questions of anyone present at the meeting in order to reach a conclusion on the complaint.
- 10.17. The Subject Member and the Investigator/Complainant will be given the opportunity to make closing statements if they wish to do so.
- 10.18. Before reaching a final decision on the complaint, the Committee must seek, and take account of, the view of the Independent Person in relation to the complaint.
- 10.19. The Committee and the Independent Person will retire to consider what they have heard in private accompanied only by the clerk and legal advisor, who will advise them when required.
- 10.20. If the Committee is unable to reach a conclusion on the complaint on the basis of the information before it, it may adjourn the meeting and request that the Monitoring Officer seeks the further information required. However, when doing so the Committee should consider whether the information will be readily available to the Monitoring Officer.

11. DECISION

- 11.1. Once the Committee is satisfied with the information before it, it must decide the following issues:
 - Whether the Subject Member has failed to comply with the Members' Code of Conduct;
 - Whether further action is warranted; and
 - What form of action might be appropriate.

- 11.2. The Chair will then announce to all present at the Hearing the Committee's decision whether the Subject Member has failed to comply with the Code of Conduct, whilst setting out the facts upon which the conclusions have been reached.
- 11.3. If the Committee decides that the Subject Member has not failed to follow the Code of Conduct, the Committee will then consider whether it should make any recommendations to the Council.
- 11.4. If the Committee concludes that, on the balance of probabilities, the Subject Member did not fail to comply with the Members' Code of Conduct, this will conclude the complaints process. In such cases no further action will be taken in respect of the complaint, although the Committee may still wish to consider making a recommendation to the authority with a view to promoting and maintaining high standards of conduct in general.
- 11.5. If the Committee concludes that, on the balance of probabilities, the Subject Member has failed to comply with the Members' Code of Conduct, the Committee must go on to consider whether action should be recommended in respect of the Subject Member, and what form of action might be appropriate. Before doing so, the Committee may hear further representations from the Subject Member and the Independent Person. Such recommendations may include proposed changes to internal procedures and practices or training for Members in general.
- 11.6. The recommendations available to the Committee include³ but are not limited to:
- Recommend to the Council that it should make a motion of censure in relation to the Subject Member's conduct; or
 - Recommend to the leader of the Subject Member's political group (where the Subject Member is a member of a political group or otherwise to the Council) that the Subject Member be removed from any or all Committees or Sub-Committees of the Council (subject to statutory and constitutional requirements).
 - In the case of a Cabinet Member recommend to the Leader of the Council that the Subject Member be removed from the Cabinet.
 - In the case of the Leader recommend to the Council that the Subject Member be replaced as Executive Leader;
 - Recommend to full Council or Cabinet that the Subject Member be removed from all outside appointments to which the Subject Member has been appointed or nominated by the Council.
- 11.7. Furthermore the Committee may –
- Send a formal letter to the Subject Member from the Chair of the Standards Committee;
 - Reprimand the Subject Member;
 - Request the Subject Member remove any social media content which led to the complaint;
 - Request that the Subject Member be required to make an apology at full Council;

³ The committee may not decide to disqualify or suspend the Subject Member as a councillor.

- Publish its findings in respect of the Subject Member's conduct;
- Report its findings to full Council for information and noting;
- Instruct the Monitoring Officer to arrange training for the Subject Member, which the Subject Member is obliged to attend;
- Exclude the Subject Member from the Council's offices or other premises (if reasonable in response to the acts complained of and provided it does not prevent the Subject Member from carrying out their duties as a councillor), with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

11.8. The Committee has no power to suspend or disqualify the Subject Member or to withdraw Members' or special responsibility allowances.

11.9. The Committee may make a recommendation in relation to one or more of the above sanctions to full Council or, if appropriate, the Group Whip.

11.10. The Committee may also make general recommendations to the authority with a view to promoting and maintaining high standards of conduct within the authority. As stated above, such recommendations may include proposed changes to internal procedures and practices or training for Members in general. The Monitoring Officer will be responsible for communicating such recommendations to the relevant Committee or officer for consideration.

11.11. Within five working days of the meeting the Chair of the Committee will write to the complainant and the Subject Member explaining the final decision of the Committee and detailing any recommendations made.

11.12. There is no right of appeal against a decision of the Committee.