

## **Standards Committee Delegation to Committee**

### **TERMS OF REFERENCE AND DELEGATED POWERS**

#### **Composition:**

- The Committee shall consist of seven Members of Tendring District Council;
- No more than one Member shall be a Member of its Cabinet
- No Leaders of Political Groups will be members of the Committee.
- The only Members permitted to be substitutes on the Committee will be those named at the beginning of the Municipal Year by the party Group Leaders.
- No Member will be permitted to participate in meetings of the Standards Committee or Sub-committee unless they have undertaken specific Standards Committee training
- No substitute Members will be permitted, unless they have undertaken specific Standards Committee training.
- The Committee is politically balanced in accordance with Section 15 of the Housing and Local Government Act 1989.
- The Committee will have a standing Chairman and Vice Chairman appointed by the Full Council. However when the Committee is convened to conduct a hearing the meeting will be chaired by one of the Members of the Committee who is not from the same political Group as the Member who is the subject of the Complaint (nor of the same Group as the complainant if a Member of the Council).
- A member of the Standards Committee will not be permitted to sit in that capacity for a hearing if that Member is the subject of the complaint or the complainant. A substitute will be permitted, if they have undertaken specific Standards Committee training.

**Quorum:** At least 3 voting Members of the Committee

**Meetings:** At least quarterly

## **Terms of Reference**

The Standards Committee will have the following roles and functions:

1. To promote and maintain high standards of conduct by Members and Co-opted Members of the authority;
2. To develop a culture of openness, transparency, trust and confidence between Members and in Member and Officer relationships and to embed a culture of strong ethical and corporate governance at all levels in the Council.
3. To advise the Council on the adoption or revision of the Members' Code of Conduct;
4. To advise, train or arrange training on matters relating to and assisting Members, Co-Opted Members and Town and Parish Councillors on observing the Members' Code of Conduct;
5. To approve procedures for the conduct of hearings into complaints against Members;
6. To advise the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council;
7. To receive reports from the Monitoring Officer and assess the operation and effectiveness of the Members' Code of Conduct and the other elements of the Standards Framework;
8. To inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints;
9. To hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to Section 33 of the Localism Act 2011; and
10. To maintain oversight of the Council's arrangements for dealing with complaints delegated to Standards Town and Parish Sub-Committee.

## **Proceedings**

1. To conduct proceedings in accordance with the Complaints Procedure, giving due consideration to the Monitoring Officer's advice and guidance, and following the principles of natural justice and innocent until proven otherwise;
2. To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the assessment criteria and Complaints Procedure;

3. To hear and determine complaints about Tendring District Council Members and Co-Opted Members referred to it by the Monitoring Officer;
4. Any determination by the Committee which is contrary to the recommendation of the Monitoring Officer will include detailed reasons. The decision of the Committee will also be reported to the next meeting of full Council.

## **TOWN AND PARISH COUNCILS' STANDARDS SUB-COMMITTEE**

### **Composition**

Three Members of the Standards Committee and three non-voting co-opted Town and Parish Council members to be nominated by the Tendring District Association of Local Councils.

The nominated Town and Parish Council members will be of independent standing and will not have served as District or County Councillors for a period of four years prior to their nomination.

A member (or non-voting co-opted member) of the Town and Parish Standards Sub-Committee will not be permitted to sit in that capacity for a hearing if that Member is the subject of the complaint or the complainant. A substitute will be permitted, if they have undertaken specific Standards Committee training.

### **Meetings**

The Sub-Committee will meet as and when required

### **Quorum**

The Quorum for meetings of the Standards Sub-Committee is three voting Members. All three Tendring Council Members have to be present at the Sub-Committee.

### **Voting**

Only the three District Council Members on the Sub Committee can vote.

The views and recommendations of the three Town and Parish Council representatives will be recorded in the minutes of the meeting.

### **Chairmanship**

The Sub-Committee will appoint a Chairman from the District Councillor membership.

However when the Committee is convened to conduct a hearing the meeting will be chaired by one of the Members of the Committee who is not from the same political Group as the Member who is the subject of the Complaint (nor of the same Group as the complainant if a Member of the Council).

### **Terms of Reference**

To advise and assist Town and Parish Councils and Councillors to maintain high standards of conduct and to make recommendations to Parish and Town Councils on improving standards or actions following a finding of a failure by a Parish Councillor to comply with its Code of Conduct.

### **Proceedings**

1. To conduct proceedings in accordance with the Complaints Procedure, giving due consideration to the Monitoring Officer's advice and guidance, and following the principles of natural justice and innocent until proven otherwise;
2. To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the assessment criteria and Complaints Procedure;
3. To hear and determine complaints about Town and Parish Council Members and Co-Opted Members referred to it by the Monitoring Officer; and
4. Any determination by the Sub-Committee which is contrary to the recommendations of the Monitoring Officer will include detailed reasons. The decision of the Sub-Committee will also be reported to the next meeting of full Council.

### **DELEGATION TO OFFICERS**

1	Deal with complaints against Members and co-opted Members of the Council and / or any Town or Parish Council in the Tendring District alleging a breach of the Members' Code of Conduct of the Council / Town or Parish Council ("Code") in accordance with the Complaints Procedure.	Monitoring Officer
2	Assess complaints in accordance with the Assessment Criteria and may consult with a duly appointed Independent Person and determine whether the complaint: <ul style="list-style-type: none"> <li>• Merits no further action</li> <li>• Merits early informal conciliation</li> <li>• Merits further investigation</li> </ul>	Monitoring Officer

	<ul style="list-style-type: none"> <li>Should due to exceptional circumstances be referred to the Standards Committee or Sub-Committee for consideration for further investigation</li> </ul>	
3	Determine the format of the Complaints Form, Decision Notices and Procedure Flowchart and review where necessary.	Monitoring Officer
4	Commission external resources to investigate, undertake consultation with an Independent Person and report on any complaints relating to Member Conduct.	Monitoring Officer
5	Grant dispensations in compliance with Section 33(a) to (e) of the Localism Act 2011.	Monitoring Officer
6	Submit reports to the Standards Committee or Sub-Committee on the actions taken under these delegated powers and to provide advice and support making recommendations to the relevant Committee on any matters relating to the promotion and maintenance of high standards of conduct.	Monitoring Officer