

Joint Standards Committees

Report of the Clerk and Monitoring Officer

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1 Purpose of Report

To provide further information relating to Joint Standards Committees and to set out issues and proposals for consideration by the Committee

2 Recommendations

That the Standards Committee:

- a) Consider whether to recommend to the Fire Authority that a Joint Standards Committee is established with Telford & Wrekin Council;

and, if for the establishment of such a committee,

- b) Express a preference for the model to be adopted for the Joint Standards Committee;
- c) Set out the responses to the checklist, attached at Appendix B regarding the likely format for the Joint Standards Committee.;
and
- d) Instruct the Monitoring Officer to prepare structures and procedures for the Joint Standards Committee for the further consideration by the Standards Committee.

3 Background

The Standards Committee (Further Provisions) (England) Regulations 2009 (“the Regulations”) allow for Joint Standards Committees to be set up in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007.

The Standards Committee of Telford & Wrekin Council has asked its officers to look into the options available for the provision of a Joint Standards Committee and it was considered that the most likely partner for this venture would be Shropshire and Wrekin Fire and Rescue Authority.

Standards for England (the new operating name of the Standards Board for England) have now issued guidance with regards to Joint Standards Committees, a copy of which is attached at Appendix A to this report.

4 Advantages and Disadvantages

There are various points in favour of setting up a Joint Standards Committee, including the avoidance of conflict of interests through using a wider pool of Members when assessing and determining complaints and a greater capacity to meet the increased role and workload of Standards Committees under the local standards framework.

There are, however, potential issues, which also need to be looked at when considering whether a Joint Standards Committee is appropriate. These include the possibility of a Joint Standards Committee becoming overly bureaucratic with a more complex process leading to a lack of clarity for the general public and a loss of local ownership of standards and ethical issues. Accordingly, in deciding whether or not to proceed further the Committee has, in the first instance, to balance benefits against potential problems.

Currently Telford & Wrekin Council is considering approaching this Fire Authority with a view to setting up a Joint Standards Committee. Neither the Fire Authority nor this Standards Committee has yet considered the Joint Committee proposals. It is, however, worth considering some important issues that would have to be addressed. These are identified below:

- Telford & Wrekin Council currently provides the Monitoring Officer function for the Fire Authority together with the provision of most of the Fire Authority's legal advice. Whilst this arrangement continues, there would be no issue with regard to who would provide Monitoring Officer advice for a complaint to the Joint Committee as this would continue to be undertaken from Telford & Wrekin Council Legal Services.
- There is already joint working between the Telford & Wrekin Council Standards Committee and this Committee. Both Committees receive the same training, and both Authorities benefit from the same Ethical Standards Bulletin (although there may be minor variations in the Bulletins sent out to Fire Authority Members). This Committee adopts and follows many of standards procedures used by the Council.
- Telford & Wrekin Council receives a significantly higher number of complaints than the Fire Authority. Since the introduction of the new system for the local filtration of complaints the Council has received complaints against 13 Councillors, whereas the Fire Authority has received none. Accordingly, there may be an issue with regards to

where administrative work is undertaken and the costs that would be born by each authority.

- Travel issues may be a concern, if Members from one authority had to travel a significant distance to attend a Committee meeting, held in the area of the other authority.
- The potential for Members from a different area to make decisions with regard to Members from the local area could be a concern for some Members. For others it may indicate independence, which may be beneficial, when making assessments or decisions at a final hearing.

5 Possible Models for a Joint Standards Committee

Standards for England have set out three possible models for a Joint Standards Committee, which are as follows:

Model A

A Joint Standards Committee to receive written allegations and requests for a review, and to decide what action to take in relation to them

Model B

A Joint Standards Committee to carry out the functions in model A along with receiving and considering final investigation reports and conducting hearings, making findings and imposing sanctions

Model C

A Joint Standards Committee to carry out all of the functions of a Standards Committee granted by or under Part III of the Local Government Act 2000 and Part 1 of the Local Government and Housing Act 1989

If the Committee were in favour of proceeding with a Joint Standards Committee, officers would point out that there may be some benefits. It has sometimes caused some difficulties in convening a sub-committee within the appropriate space of time due to a Member either being unavailable at short notice or, more particularly, having some conflict, which prevents them from taking part. Officers consider that a Joint Standards Committee may alleviate that problem by producing a more varied pool of Members from which to invite to attend the sub-committee.

In respect of Model C Members will need to consider carefully whether or not a joint committee for all of the functions is appropriate. Attached at Appendix C are the current terms of reference of Telford & Wrekin's Standards Committee and those of the Fire Authority's. This Committee would need to consider carefully whether or not to have this work undertaken by just one Committee or alternatively whether some matters should be retained specifically for a Standards Committee solely made up of Members from Telford & Wrekin Council.

In considering these points Standards for England have helpfully provided a checklist to consider some of the main points. The checklist, which is contained on page 31 of the guidance notes, is repeated at Appendix 2 of this report. The Committee's views on the responses attached are requested.

The Committee is asked to consider all of the points raised above and to provide an indication to officers as to how it wishes to proceed. If the Committee is in favour of joint working the next stage is for officers from both authorities to work together and develop more detailed arrangements for consideration by the Committee. Subsequently, the matter will need to be considered by the full Fire Authority. Due to the practical aspects of establishing any Joint Standards Committee it is suggested that the joint standard functions would not commence until the new municipal year.

6 Financial Implications

The Joint Standards Committee guidance states that the joint standards committee terms of reference should be clear about how the financial expenses of the arrangement would be shared. This would need to be worked up in detail with Telford & Wrekin Council, should a Joint Standards Committee be established.

7 Legal Comment

The legal comment is contained within the main body of this report.

8 Equality Impact Assessment

Officers have considered the Service's Brigade Order on Equality Impact Assessments (Personnel 5 Part 2) and have decided that there are no discriminatory practices or differential impacts upon specific groups arising from this report. An Initial Equality Impact Assessment has not, therefore, been completed.

9 Appendices

Appendix A

Standards for England Joint Standards Committees Guidance July 2009

Appendix B

Checklist for consideration of Joint Standards Committees and their Constitution

10 Background Papers

There are no background papers associated with this report.

Implications of all of the following have been considered and, where they are significant (i.e. marked with an asterisk), the implications are detailed within the report itself.

Balanced Score Card		Integrated Risk Management Planning	
Business Continuity Planning		Legal	
Capacity		Member Involvement	*
Civil Contingencies Act		National Framework	
Comprehensive Performance Assessment		Operational Assurance	
Efficiency Savings		Retained	
Environmental		Risk and Insurance	
Financial	*	Staff	
Fire Control/Fire Link		Strategic Planning	
Information Communications and Technology		West Midlands Regional Management Board	
Freedom of Information / Data Protection / Environmental Information		Equality Impact Assessment	

JOINT STANDARDS COMMITTEES GUIDANCE

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introduction

This guidance on the establishment of joint standards committees reflects the Standards Committee (Further Provisions) (England) Regulations 2009 (the regulations). The regulations which enable authorities to establish joint standards committees are not mandatory.

The guidance is aimed primarily at members of standards committees and monitoring officers but will also provide a useful reference tool for all members and officers.

It applies to:

- district, unitary, metropolitan, county and London borough councils
- English police authorities
- fire and rescue authorities (including fire and civil defence authorities)
- the London Fire and Emergency Planning Authority
- integrated transport authorities
- the Broads Authority
- national park authorities
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

Members of parish and town councils may also find this guide useful.

The Local Government Act 2000 says that your authority must set up a standards committee. The Standards Committee (England) Regulations 2008 set out the rules governing the size and composition of a standards committee and should be read alongside this guidance.

Throughout this guidance we use the term

‘independent member’ to describe members appointed by the authority under Section 53(4)(b) of the Local Government Act 2000, and Regulation 5 of the Standards Committee (England) Regulations 2008.

You may also like to consult our *The role and make-up of standards committees* and *The local assessment of complaints* guidance.

Why might a joint standards committee be a good idea?

The regulations enable joint standards committees to carry out any of the functions of a standards committee granted to them by or under Part III of the Local Government Act 2000 or Part 1 of the Local Government and Housing Act 1989.

Joint arrangements are likely to be most useful where additional flexibility to deal with cases is needed, or where resources are limited and sharing them would benefit the successful management of the standards framework in that area.

Potential benefits of forming a joint standards committee

We have identified a number of potential benefits of forming a joint standards committee. In addition, they may have some bearing on the type of joint working structure adopted. These are:

- avoidance of conflicts of interest through a wider pool of members
- consistency of procedures
- public confidence in the complaints process enhanced through a greater

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'distance' between standards committees and complainants/subject members

- greater capacity to meet the increased role and workload of standards committees under the local standards framework
- efficient and effective use of resources through sharing of resources and pooling expertise
- increased ability to promote high ethical standards through a raised profile of the standards committee
- the ability to jointly commission and fund mediation, training and investigations
- the opportunity to create stronger support and advisory functions

Note: These are just some of the potential benefits and we acknowledge that some authorities may have their own reasons for forming a joint standards committee that are specific to their own circumstances and requirements.

Potential problems/issues

We have also identified a number of potential problems or issues with joint arrangements, which we think are important to consider in conjunction with the benefits listed above:

- the possibility that it could become an overly bureaucratic and more complex process, leading to a lack of clarity for the general public
- member resistance to joint standards committees
- differing resource implications for authorities within the same joint

working arrangement

- loss of local ownership of standards and ethical issues

The standards framework became fully localised on 8 May 2008. This reflected a general desire – which was supported by the Standards Board – among those in the field to be able to manage their own complaints. The local standards framework also recognised that a knowledge of the local area and local situation can have a positive impact on finding the right solutions.

Model Structures

We understand that authorities will each have different reasons for wanting or needing a joint standards committee. As a result, we have identified three model structures for joint standards committees which we think offer the most practical ways of operating joint arrangements.

The model structures are:

Model A

A joint standards committee to receive written allegations and requests for a review, and to decide what action to take in relation to them.

The defining feature of this model is that authorities will be able to retain their own standards committee. Furthermore, aside from receiving and assessing allegations and reviews, the authority's own standards committee will perform all other functions independently.

An advantage of this model structure is that it will help reduce the likelihood of standards committee members being

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conflicted out of a stage of the complaints process. The regulations state that standards committee members who have been involved in decision making on the initial assessment of a complaint must not take part in the review of that decision. Forming a joint standards committee will increase the number of standards committee members, and so reduce the chance of conflicts of interests occurring.

This model also allows standards committees to share resources when assessing allegations, yet at the same time allows them to retain ownership of all other functions, including the hearing and determination processes. This will ensure that individual standards committees are applying sanctions based on their own local knowledge and are taking responsibility for implementing standards in their own local authorities.

Model B

A joint standards committee to carry out the functions in Model A along with receiving and considering final investigation reports and conducting hearings, making findings and imposing sanctions.

This model is an extension of Model A and will therefore also help to reduce the likelihood of standards committee members being conflicted out of a stage of the complaints process for the same reason. In addition, Model B offers an increased opportunity to reduce costs through holding joint hearings.

However, when considering whether to adopt such a structure, authorities should bear in mind that the ability to draw on

local knowledge when applying sanctions may be diminished. This potential lack of local knowledge becomes more important at this stage, given that much more information is available to the standards committee once an investigation has been conducted.

Model C

A joint standards committee to carry out all of the functions of a standards committee granted by or under Part III of the Local Government Act 2000 and Part 1 of the Local Government and Housing Act 1989.

Model C is most appropriate for single purpose authorities such as police or fire authorities. These authorities usually have less contact with the public than local authorities and are the source of fewer complaints, so they tend to need to meet less frequently to exercise their specific complaint-handling functions. A joint working arrangement could therefore be a more sensible use of resources.

Establishing a joint standards committee in such situations should not lead to a weakening of the local standards framework in individual authorities. The same high levels of input expected of a single standards committee should also be applied to ensure that a culture of high standards is still developed within each participating authority.

We do not generally recommend that local authorities adopt Model C because it remains an important role of an authority's standards committee to promote and maintain high standards within its own authority.

Composition of joint standards committees

The general rule is that a joint standards committee is composed in the same way as an ordinary standards committee but with the changes necessary to reflect the fact that it is a joint committee.

It must include at least one elected member of each authority involved in the joint arrangement.

At least 25% of the members of the joint standards committee must be independent members.

At least three people must attend any joint standards committee meeting.

The chair of the joint standards committee must always be an independent member. Therefore, you may also want to appoint an independent member to act as vice chair of the committee in case the chair is unable to attend.

If any of your authorities has executive arrangements, you are permitted to have one executive member on the joint standards committee. The authorities involved in the joint arrangement will decide which authority that member comes from. However, the executive member must not be the elected mayor or leader.

If your joint standards committee is responsible for any parish or town councils, at least two representatives from those parish or town councils covered by the authorities involved in the joint arrangement must be appointed to your standards committee. They cannot also be members of any of the authorities involved in the joint arrangement.

A parish or town council representative must be present on the standards committee at all times when parish matters are being discussed.

There is no limit to the number of independent members you can have on your joint standards committee

You will need to decide how to select independent members and how long an independent member should sit on the joint standards committee for. These arrangements will need to be set out in the terms of reference of the joint standards committee.

We recommend that you set a fixed period of four years. This will be long enough for them to gain an understanding of the committee, the authority and its workings, but not so long that they could be perceived as losing their independence.

When reappointing an independent member, you should bear in mind that we recommend that independent members should serve no longer than two terms, which is a maximum of eight years. It may be helpful for independent members to be appointed for differing lengths of time so that the experience they gain is not all lost simultaneously. The usual rules apply about advertising and appointing if you wish to reappoint an independent member.

Choosing an independent member

The arrangements for appointing independent members under a joint arrangement will be decided by the authorities involved in that arrangement and will be set out in its terms of reference.

Composition of joint standards committees

Authorities have two choices. Each authority can appoint its own independent members or the authorities involved in the joint arrangement can appoint independent members jointly.

Where each authority appoints its own independent members, the requirements of paragraph 5(1) of the Standards Committee (England) Regulations 2008 apply. This means:

- the vacancy must be advertised in a local newspaper and such other publications as the authority deems appropriate
- the person must have submitted an application to the authority
- the person's appointment must be approved by the majority of the members of the authority

If an authority's standards committee has any independent members, it can appoint them to be independent members of a joint standards committee. The Standards Board believes that the regulations do not require the authority to comply with the requirements of paragraph 5(1) again for its existing independent members in order to appoint them to a joint standards committee.

An authority may not have any independent members to appoint to the joint standards committee if it is setting up a committee as set out in Model C (see page 4) and therefore is not also operating its own standards committee.

Where the authorities appoint jointly:

- the appointment must be approved by each authority
- the vacancy must be advertised in a

newspaper local to each authority area and in such other publications as each authority deems appropriate

- the person must have submitted a joint application, sent to the lead authority

Where more than a couple of authorities are involved in a joint arrangement it is likely that it will take some time for the authorities to each approve the appointment of the independent members.

Similarly coordinating the advertisement for the vacancy or vacancies in more than one local newspaper may take time. Formal and evidenced arrangements would need to be made for one authority to act on behalf of all the others involved in the joint arrangement. This is in order to accept application forms from candidates – otherwise any applicant would need to submit a separate form to each authority. This application, managed by the lead authority, would need to make it clear that it is to all of the authorities involved in the joint arrangement, and those authorities should be named on the form. The lead authority should then send a copy of the application to the other authorities.

Given the practical difficulties of joint appointments, we recommend that each authority arrange to appoint its own independent members. We also recommend this because there is some uncertainty in the legislation over the process for independent members appointed jointly on whether they should sign an undertaking to be bound by a code of conduct.

Whatever arrangements are used, the following factors need to be taken into account:

Composition of joint standards committees

- 1) A person can only be an independent member if that person:
 - has not been a member or employee of any of the authorities involved in the joint arrangement within the five years before the date of appointment
 - is not a member or officer of any relevant authority
 - is not a relative or close friend of a member or employee of any of the authorities involved in the joint arrangement
- 2) The regulations say that a 'relative' means:
 - a partner (a spouse, civil partner or someone a person lives with in a similar capacity)
 - a parent
 - a parent of a partner
 - a son or daughter
 - a stepson or stepdaughter
 - the child of a partner
 - a brother or sister
 - a brother or sister of a partner
 - a grandparent
 - a grandchild
 - an uncle or aunt
 - a nephew or niece
 - the partners of any of the people mentioned above

The regulations do not provide a specific definition of a close friend. Please refer to our publication the *Case Review 2007*, which includes a section on defining a close associate. This might be helpful in identifying a close friend. The *Case Review 2007* is available on our website.

Ceasing to be an independent member

Under the regulations, either of the following will no longer be able to be an independent member of the joint standards committee:

- any person appointed as an independent member who becomes a member or officer of an authority
- any person appointed as an independent member who becomes a relative of a member or officer of any of the authorities involved in the joint arrangement

Remuneration for members of a joint standards committee

Authorities in a joint arrangement will need to ensure that their joint arrangement specifies what provisions, if any, are to be made for the payment of allowances to members of the joint standards committee.

Indemnities for independent members

Where independent members are carrying out their statutory duties, they may be protected by their authority's indemnity arrangements under the Local Authorities (Indemnities for Member and Officers) Order 2004. We recommend that any joint arrangement includes consideration of what indemnity arrangements should be in place for independent members.

Composition of joint standards committees

Complying with the Code of Conduct and the register of members' interests

Members of a joint standards committee must sign an undertaking to comply with the Code of Conduct of the authority that appointed them to that committee. They must also disclose their interests in the register of members' interests maintained by the monitoring officer of the authority that appointed them. Independent members must do so in the same way as other members.

Town and parish representatives

If your joint standards committee is responsible for parish or town councils we recommend you have a minimum of three parish or town council representatives on your standards committee, though the legal minimum is two.

Three parish or town council representatives will provide you with flexibility. It should allow the local assessment of complaints to be carried out if a parish or town council representative is unavailable or conflicted out.

Your council must consult parish and town councils within the area covered by the joint arrangement to help decide if there should be a parish sub-committee to deal with some of the joint standards committee's functions about parish and town councils.

Any parish sub-committee must include at least one parish or town council representative and at least one independent member. In addition, you must consult parish and town councils

within the area covered by the joint arrangement to determine how many parish and town council representatives are needed and how long they should serve on the sub-committee.

Choosing parish and town council representatives

The authorities involved in the joint arrangement must decide how to recruit and appoint parish or town council representatives. Your parish and town council representatives should have the trust of town and parish councils in the area covered by the joint arrangement, so you should involve them in the selection procedure.

Executive members on the joint standards committee

If the authorities are operating executive arrangements, the standards committee does not need to include any executive members. However, you should consider whether it is appropriate to appoint an executive member and, if so, how that member is to be chosen from among the authorities in the joint arrangement. There can only be one executive member on a joint standards committee, regardless of how many authorities are involved in the joint arrangement.

Appointing an executive member might show that the committee is supported and respected by all parts of the authorities. Not having an executive member could reflect a degree of independence from the political leadership of the authorities. This is ultimately a decision for the authority.

Composition of joint standards committees

Elected members on the joint standards committee

A joint standards committee does not need to reflect the political balance of the authorities involved in the arrangement. This is because the joint standards committee should be independent of party politics. Its members need to have the respect of all the members of the authorities. It may be helpful to remind elected members of this when committee appointments are being made.

In the same way that independent members need to be appointed by a majority of the authority, it would be useful for your joint committee to include members who are supported by all political parties. This is particularly when the local assessment of complaints is carried out. This is so that greater trust and confidence can be established in the decision-making process among all political members.

Standards committees should be seen as making judgments impartially and without regard to party loyalty. Elected members should consequently be mindful of this when serving on a standards committee and should not be told how to vote on matters. Members should also remember that they must adhere to the Code of Conduct when serving on a standards committee.

Note: Where police authorities are included in joint arrangements, any reference above to an elected member needs to be read as a reference to an authority member.

Substitute members

Some authorities operate a substitute system. This allows a substitute member to attend a meeting of the committee or sub-committee whenever a regularly appointed member cannot be present. However, we do not recommend the use of substitutes for joint standards committees.

In instances where all your independent members are unavailable, you would be able to substitute your independent members with independent members from another authority. You should also note that nothing in the regulations requires a sub-committee of a standards committee to have fixed membership or chairmanship.

Training

It is important when assessing complaints, reviewing assessment decisions and holding determination hearings that the sub-committee is properly constituted and that members are trained on the Code and the relevant legislation. We recommend that you keep a clear record of the training of all standards committee members. Some authorities provide refresher training before hearings.

operation of a joint standards committee

Paragraph 15(2)(a) and (b) require the terms of reference of a joint standards committee to include the functions and administrative arrangements under which the joint committee will operate.

Functions

The joint standards committee can carry out any of the functions of a standards committee granted by or under Part III of the Local Government Act 2000 or Part 1 of the Local Government and Housing Act 1989. Some authorities have conferred other functions on standards committees under Section 54 of the act. These include:

- overview of the whistle blowing policy
- advising on the content of the authority's officer code of conduct
- overview of complaints handling and Ombudsman investigations
- oversight of the constitution

These functions may not be allocated to a joint standards committee as they are not granted by Part III of the Local Government Act 2000 or any regulations made under that Part. They therefore need to remain with the authority's standards committee, or be reallocated elsewhere.

If a joint standards committee exercises a certain function – that function cannot also be exercised by a standards committee of any of the authorities involved in the joint arrangement. Therefore, the authorities involved in a joint standards committee arrangement must **all** agree which of their functions they wish the joint standards committee to have.

An authority cannot assign functions to a joint standards committee only to deal with

particular complaints. For example, a complaint might be made about a dual-hatted member, or any member who belongs to more than one authority. In such cases, the authority cannot set up a joint assessment sub-committee with the other authority or authorities that the member belongs to but also continue to use its own assessment sub-committee for complaints about single-hatted members. The functions assigned to a joint standards committee are applicable for all complaints received by the authority.

Lead authority

In any joint standards committee arrangement there should be one authority with responsibility for making the administrative arrangements necessary for it to operate. This responsibility may rotate over time.

Sub-committees

Where a joint standards committee arrangement has been set up just to carry out initial assessments or initial assessments and reviews, it will be necessary to set up sub-committees to carry out those functions under regulation 6 of the Standards Committee (England) Regulations 2008. Membership of these sub-committees will need to be drawn from the joint standards committee.

Meetings

Meetings of the joint standards committee and its sub-committees should be arranged by the lead authority's monitoring officer in consultation with the monitoring officers of the other authorities involved in the joint arrangement.

operation of a joint standards committee

Any committee or sub-committees should have a minimum of three members. However, ensure you pay attention to the detailed requirements of paragraph 7(3) of the Standards Committee (England) Regulations 2008 as amended by paragraph 14(5)(e) of the Standards Committee (Further Provisions)(England) Regulations 2009.

A committee or sub-committee must have at least one elected member on it, where it is dealing with any of the following:

- making an initial assessment of a case
- reviewing an assessment
- considering what to do with a monitoring officer's report on an investigation
- holding a hearing

If the case concerns a parish member or former parish member then the committee or sub-committee must also have a parish representative present. The elected member and parish representative do not have to be from the same authority as the member whose case is being considered.

Preparation of agendas and minutes

The monitoring officer of the lead authority should prepare the agenda for meetings of a joint standards committee or its sub-committees. This can be done in consultation with the monitoring officers of the other authorities involved in the joint arrangement who would normally be expected to prepare reports about cases from their own authorities.

Any joint arrangements will need to clearly identify who will have responsibility for:

- notifying the parties of any decisions made
- for preparing the minutes of the meeting
- for preparing the summary of proceedings under regulation 8(5) of the Standards Committee (England) Regulations 2008
- the summary under Section 57C(2) of the Local Government Act 2000 to the member complained about

Ultimate responsibility for these tasks lies with the monitoring officer of the authority the subject member comes from. However, the monitoring officer of the lead authority could carry out those tasks on their behalf as long as the joint arrangements make this clear.

Standing orders/procedure rules

As with any other committee of a local authority, you will need rules to govern the way in which meetings are administered and conducted. See Appendix 2 of the model constitution, attached at the end of this document, which sets out a suggested format for those rules.

Financial arrangements

Any joint standards committee arrangements should be clear about how the financial expenses of the arrangements will be met. We recommend that the joint committee should have a budget which is held separately from that of the constituent authorities by the chief financial officer of the lead authority. We also recommend that the budget is

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managed by the lead authority's monitoring officer.

The basis on which the expenses are shared should be clearly set out in the joint standards committee's terms of reference. Much will depend on the functions carried out under the joint arrangement. For instance, where the joint standards committee has been set up to deal with initial assessment and review cases, the expenses might be shared based on the number of cases submitted for consideration by an authority as a proportion of the total cases considered. So an authority submitting 30 cases in a year from a total of 50 considered under the joint arrangement would pay 60% of the expenses incurred.

Any disagreement about the proportion of expenses that should be met by an authority involved in the joint arrangement must go to a single arbitrator agreed between the authorities. This is as required by paragraph 15(3) of the regulations.

Withdrawal from joint arrangements

Under paragraph 15(2)(g) of the regulations, the authorities entering into a joint arrangement must make sure that there is a procedure set out in the terms of reference to enable an authority to withdraw from the arrangement.

Any such procedure should ensure that any authority which wants to withdraw has to give sufficient notice before doing so. This is to enable the remaining authorities involved in the joint arrangements to:

- 1) consider what changes they need to make to the terms of reference and have time to implement those changes
- 2) decide how to deal with the financial consequences of the authority withdrawing.

We suggest a minimum notice period of six months in order to achieve this.

The terms of reference should make it clear what financial consequences flow from a decision by an authority to leave a joint arrangement. For example, six months' notice expiring on the 31 March might be required to withdraw from a joint arrangement. If this were the case, it would enable the authorities left in the joint arrangement to make proper budgetary provision for the joint arrangement in the following financial year, as part of their normal annual budget preparation process. It would also give them time to agree and implement any changes to the joint arrangements that they wish to make. They would additionally be able to sort out how to deal with forthcoming cases when the joint arrangement is disbanded or altered.

Suspension from joint arrangements

Under paragraph 3(3) of the regulations, the Standard Board for England can use its powers under Section 57d of the Local Government Act 2000 to suspend the initial assessment functions of a joint standards committee in the same way as it can a normal standards committee.

operation of a joint standards committee

Providing information to the Standards Board under sections 66B&C of the Local Government Act 2000

The Standards Board can demand periodic returns from authorities and information from them relating to the functions of standards committees and monitoring officers. Therefore any joint arrangements should ensure that responsibility for compiling returns and responding to requests for information is properly identified within the administrative arrangements agreed between the authorities.

Where there is a joint arrangement in place, the monitoring officer of the lead authority will be required to submit information about the composition of the standards committee.

Case information, even where the case was dealt with by a joint standards committee, must be submitted by the monitoring officer at the authority to which the subject member belongs.

Schedule 1

MODEL TERMS OF REFERENCE FOR JOINT STANDARDS COMMITTEES IN ENGLAND

[This document provides the terms of reference for a joint standards committee of relevant authorities in the form of a template for a model constitution. It is written in broad terms so that it can be used by authorities of the same type, or by authorities of different types. In some instances alternative approaches are offered, or authorities may wish to use this model as the basis for discussions leading to the production of a different document.]

1) Definitions

In this Constitution:

“the Act” means the Local Government Act 2000

“the Constituent Authorities” means

(a) *[insert name]*

(b) ... *[etc]*

“Executive”, “Executive Member”, “Elected Mayor” and “Executive Leader” have the same meaning as in the Act

“Independent Member” has the same meaning as in the Standards Committee Regulations

“the Joint Standards Committee” means the *[insert name]*

“Monitoring Officers” means the officers designated by the Constituent Authorities under section 5 of the Local Government and Housing Act 1989 and any deputy nominated by them acting

where they are unable to do so owing to absence or illness

“Proper Officer” has the same meaning as in the Local Government Act 1972

“the Regulations” means the Standards Committee (Further Provisions) (England) Regulations 2009

“Relevant Authority” has the same meaning as in the Act

“Scheme of Allowances” means any scheme of allowances made under the Local Authorities (Members Allowances) Regulations 2003

“the Standards Committee Regulations” means The Standards Committee (England) Regulations 2008

2) Constitution and Terms of Reference

2.1) The Constituent Authorities, in exercise of their powers under the Regulations, have each determined to establish a joint standards committee, to be known as the *[insert name]* to exercise those functions conferred by or under Part 3 of the Act or Part 1 of the Local Government and Housing Act 1989 set out in this Constitution.

2.2) The Joint Standards Committee is the standards committee to which written allegations under section 57A (1) of the Act may be sent *[either]* for all the Constituent Authorities *[or]* for the following Constituent Authorities: *[insert names]*.

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[It is important that each constituent authority is clear about whether it, or the joint committee, will receive written allegations, and that the process for publicising, receiving and submitting written allegations is clear and effective.]

- 2.3)** This Constitution contains the Terms of Reference of the Joint Standards Committee for the purposes of Regulation 15 of the Regulations and section 53 (9) of the Act.
- 3)** Functions to be exercised by the Joint Standards Committee
- 3.1)** The Joint Standards Committee may exercise the functions set out in Appendix 1.
- 3.2)** Any Standards Committee established by any of the individual Constituent Authorities may not exercise any function set out in Appendix 1.
- 4)** Membership of the Joint Standards Committee
- [The following version is for a joint committee where at least one constituent authority is responsible for parish councils. If no constituent authority has this responsibility then 4.1 (b) and 4.5 should be deleted and the other sub-paragraphs renumbered]*
- 4.1)** The Joint Standards Committee shall consist of:
- a)** *[insert number]* members of the Constituent Authorities, appointed by those authorities in accordance with paragraph 4.2;
- b)** *[insert number]* members of parish councils for which any of the Constituent Authorities is responsible, appointed in accordance with paragraph 4.5;
- c)** *[insert number which must be at least 25% of the total membership of the committee]* Independent Members, appointed in accordance with paragraph 4.6.
- 4.2)** Subject to paragraphs 4.3 and 4.4, the following Constituent Authorities shall appoint the following numbers of members of those authorities to be members of the Joint Standards Committee:
- a)** *[Name of Constituent Authority]* : *[number]* members
- b)** *[etc]*
- 4.3)** Appointment of Executive Members
- a)** No more than one of the members of the Constituent Authorities appointed under paragraph 4.2 shall be a member of the Executive of any of the Constituent Authorities.

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- b) If an Executive Member has previously been appointed to and is still a member of the Joint Standards Committee then no further appointment of an Executive Member will be valid.
- c) Otherwise, if the Constituent Authorities seek to appoint more than one Executive Member then only one appointment will be valid and the other Constituent Authorities will be required to make a new appointment. The valid appointment shall be agreed between the Constituent Authorities or in default of agreement shall be made annually in turn by each of the Constituent Authorities in the order set out in paragraph 4.2 starting with the Constituent Authority named in paragraph 4.2 (a).

[Alternative: provide as follows but amend annually – Only [insert name of Constituent Authority] may appoint a member of the executive of any of the Constituent Authorities as a member of the Joint Standards Committee.]

- 4.4) None of the members of the Constituent Authorities appointed under paragraph 4.2 shall be the Elected Mayor or

Executive Leader of any of the Constituent Authorities.

- 4.5) The Constituent Authorities that are responsible for parish councils shall each appoint [insert number] members of the parish councils for which they are responsible, who are not also members of any of the Constituent Authorities, to be members of the Joint Standards Committee.

[Alternatively – The following Constituent Authorities shall appoint the following numbers of members of the parish councils for which they are responsible, who are not also members of any of the Constituent Authorities, to be members of the Joint Standards Committee:

- a) *[Name of Constituent Authority] : [number] members*

- b) *[etc]*

- 4.6) The following Constituent Authorities shall appoint the following numbers of Independent Members (in accordance with the provisions of the Standards Committee Regulations) to be members of the Joint Standards Committee:

- a) *[Name of Constituent Authority] : [number] members*

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- b)** [etc]
- 4.7)** A person who is disqualified under Part 5 of the Local Government Act 1972 or by the decision of a Case Tribunal under Part 3 of the Act for being a member of a relevant authority shall be disqualified for membership of the Joint Standards Committee.
- 5)** Tenure of office and casual vacancies
- 5.1)** A member of the Joint Standards Committee will hold office until one of the following occurs:
- a)** He or she resigns by giving written notice to the proper officer of the Constituent Authority that appointed him or her;
 - b)** He or she is removed or replaced by the Constituent Authority that appointed him or her;
 - c)** He or she is disqualified for membership of the Joint Standards Committee;
 - d)** He or she ceases to be eligible for appointment to the Joint Standards Committee in the capacity in which he or she was appointed;
 - e)** The Constituent Authority which appointed him or her ceases to participate in the Joint Standards Committee.
- [Options – We recommend that the appointing authority be given the power to replace a member under (b) but it is not essential. It is possible, instead, for all members, or a class of members such as independent members, to be appointed for a fixed term. In that case (b) would read:
- b)** He or she [option – , being an independent member/parish council member/member of a constituent authority] has held office for a period of [insert period] years.]
- 5.2)** A casual vacancy shall be filled as soon as possible by the Constituent Authority which appointed the member of the Joint Standards Committee whose membership has ceased.
- 6)** Sub Committees
- 6.1)** The Joint Standards Committee shall appoint Sub Committees in so far as is necessary to exercise its functions under Part 3 of the Act and may establish Sub Committees for other purposes in the exercise of its functions.
 - 6.2)** Each person appointed as a member of a Sub Committee must be a member of the Joint Standards Committee.
 - 6.3)** The Joint Standards Committee will determine the membership and terms of reference of the Sub Committee, and the

Schedule 1

- quorum for its meetings, when it is appointed.
- 6.4)** If the Joint Standards Committee appoints more than one Sub Committee to exercise one or more of its functions then it shall ensure that the Proper Officer of the Constituent Authority providing support to the Joint Standards Committee allocates particular matters to a Sub Committee first on the basis of the availability of the members required to constitute the Sub Committee, and thereafter by rotation, and summonses meetings accordingly.
- 7) Meetings and proceedings**
- 7.1)** The meetings and proceedings of the Joint Standards Committee shall be conducted in accordance with the rules set out in Appendix 2.
- 7.2)** The Joint Standards Committee will adopt standing orders or rules of procedure for the conduct of its meetings. The standing orders or rules of procedure must be consistent with the requirements of the Act, the Standards Committee Regulations and the rules set out in Appendix 2. They may provide for different procedures to be followed when the Joint Standards Committee or a Sub Committee is exercising different functions.
- 8) Monitoring Officers**
- 8.1)** The Monitoring Officers will agree and keep under review a protocol about how they will exercise their functions in relation to the matters dealt with by the Joint Standards Committee.
- 8.2)** The initial protocol is set out in Appendix 3. The Monitoring Officers will inform the Joint Standards Committee and the Constituent Authorities of any changes to the protocol.
- 9) Support**
- 9.1)** The Joint Standards Committee will appoint one of the Constituent Authorities to provide accommodation and professional, technical, administrative and clerical support for its meetings.
- 9.2)** The Joint Standards Committee will keep the appointment under review and may from time to time make a new appointment having regard to the geographical area that it covers and to the interests of economy, efficiency and effectiveness.
- [Alternatively the Constitution may provide for the rotation of the support function. Where this is done appropriate arrangements will need to be made for dealing with on-going cases]*

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For the period stated in column 1 of the following table, the Constituent Authority identified in Column 2 shall be appointed to provide accommodation and professional, technical, administrative and clerical support for its meetings.

Table	
Column 1	Column 2
Period	Constituent Authority
<i>[insert period, eg 1 June 2009 to 31 May 2009. Consider whether to rotate quarterly, six monthly, annually or less frequently.]</i>	<i>[Insert name]</i> <i>[etc]</i>
<i>[etc]</i>	

9.3) The Proper Officer appointed by the Constituent Authority for the time being providing such support will discharge the proper officer functions under the Local Government Act 1972 that relate to the meetings of the Committee. He or she will therefore prepare agendas and minutes and summaries of meetings and arrange for notices and other communications to and from the Joint Standards Committee to be given and received, save in so far as one of the Monitoring Officers agrees to undertake this activity.

10) Expenses of Joint Standards Committee

10.1) The expenses of the Joint Standards Committee and of the discharge of functions relating to matters dealt with by the Joint Standards Committee will be defrayed by the Constituent Authority providing support and by any Constituent Authority whose Monitoring Officer has dealt with or exercised his or her functions in relation to such matters.

10.2) The other Constituent Authorities will make payments to the Constituent Authority that has incurred expenses under paragraph 10.1, to defray them in such proportions as the Constituent Authorities shall all agree or in the case of disagreement as shall be determined by a single arbitrator agreed on by the Constituent Authorities, or, in default of agreement, appointed by the Secretary of State for Communities and Local Government.

10.3) In determining the allocation of expenses the Constituent Authorities or any arbitrator appointed under paragraph 11.2 will have regard to the principles set out in Appendix 4.

10.4) The Constituent Authority for the time being providing support will report to the Joint Standards Committee at least annually on such expenses, on their

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allocation between the Constituent Authorities and on the financial provision made by the Constituent Authorities to cover present and future expenses. The Joint Standards Committee may notify the Constituent Authorities if it considers that the financial provision is or is likely to be inadequate.

11) Allowances

11.1) The Constituent Authorities will review the Schemes of Allowances for their members, will consult each other for the purposes of the review, and will seek [*Option* - (with a view to ensuring that all members of the Joint Standards Committee of the same type and whose responsibilities are, in principle, the same, should have broadly the same entitlement)]:

- a)** To reach agreement as to which members of the Joint Standards Committee should receive allowances, the level of allowances, and whether related attendance or activity should affect, either directly or by reason of any calculations that are performed, the entitlement to allowances;
- b)** [*Option, if the joint committee appoints Independent Members* – To determine which Constituent Authority will pay any

allowances to Independent Members appointed by the Joint Committee;]

- c)** To ensure that no member of the Joint Standards Committee is paid more than one allowance, or more than one enhanced allowance, on account of such attendance or activities;
- d)** To ensure that the agreement reached is reflected in the Constituent Authorities' Schemes of Allowances.

11.2) An agreement reached under paragraph 11.1 shall not bind the Constituent Authorities so as to prejudice the legality of their decisions, or compromise their decision-making processes, under the Local Authorities (Members Allowances) Regulations 2003.

12) Withdrawal from the Joint Standards Committee

12.1) A Constituent Authority may cease to participate in the Joint Standards Committee by resolution to that effect taking effect on the date of the next annual meeting of the Constituent Authority, and communicated in writing to the Proper Officer the time being providing support to the Joint Standards Committee at least six [alternative – nine or twelve] months before the date on which it is to take effect.

Appendix 1

[Part 1]

Functions to be exercised by the Joint Standards Committee

[Option 1: all functions]

The Joint Standards Committee may exercise all the functions of a standards committee of a Constituent Authority conferred under Part 3 of the Act and Part 1 of the Local Government and Housing Act 1989.

[Option 2: some functions]

[Select from, or adapt, the following list. The phrase “all related actions and determinations” includes decisions about how meetings should be held and all the pre and post meeting paperwork, notifications and publicity.]

The Joint Standards Committee may exercise all the functions of a standards committee of a Constituent Authority relating to:

- 1) The general and specific functions set out in section 54 of the Act, namely:
 - a) promoting and maintaining high standards of conduct by the members and co-opted members of the authority;
 - b) assisting members and co-opted members of the authority to observe the authority’s code of conduct;
 - c) advising the authority on the adoption or revision of a code of conduct;
 - d) monitoring the operation of the authority’s code of conduct, and
 - e) advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority’s code of conduct
- 2) Publishing the address or addresses to which written allegations should be sent and the procedures to be followed (under Regulation 10 of the Standards Committee Regulations).
- 3) Receiving written allegations under section 57A of the Act and deciding what action, if any, to take, in relation to them, and all related actions and determinations.

[The Committee that “received” the complaints must decide how to respond to them. Administratively, other constituent authorities may provide an address to which complaints are sent, but they must then forward them directly to the Committee that will decide them.]
- 4) Receiving requests for a review under section 57B of the Act, deciding what action, if any, to take, and all related actions and determinations.
- 5) Receiving a report from a Monitoring Officer under Regulation 13 of the Standards Committee Regulations on the actions taken or proposed to comply with a direction to take steps other than carrying out an investigation, determining whether it is satisfied with the action specified in the report, and all related actions and determinations.
- 6) Receiving references back from a

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Monitoring Officer under Regulation 16 of the Standards Committee Regulations in relation to a matter referred for investigation, deciding what action, if any, to take, and all related actions and determinations.

- 7) Receiving reports from a Monitoring Officer under Regulation 14 of the Standards Committee Regulations, following investigation by the Monitoring Officer (as defined in the Standards Committee Regulations), considering the report and making findings under Regulation 17, and all related actions and determinations.
- 8) Receiving reports from a Monitoring Officer under Regulation 15 of the Standards Committee Regulations, following investigation by or on behalf of an Ethical Standards Officer, considering the report and making findings under Regulation 17, and all related actions and determinations.
- 9) Conducting hearings under Regulation 18 of the Standards Committee Regulations, making findings, imposing sanctions (if it finds that a sanction should be imposed), and all related actions and determinations including determining what action, if any, to take if there is an appeal and whether (and if so, how) to be represented at an appeal hearing.
- 10) In relation to written allegations made before the 8 May 2008, receiving reports from a Monitoring Officer under Regulation 5 of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 , following investigation by or on behalf

of an Ethical Standards Officer or Monitoring Officer, deciding whether to accept a Monitoring Officer's finding of no failure to comply with the Code of conduct, conducting a hearing under Regulation 6, making findings, imposing sanctions (if it finds that a sanction should be imposed), and all related actions and determinations including determining what action, if any, to take if there is an appeal and whether (and if so, how) to be represented at an appeal hearing if the opportunity is given.

- 11) Considering recommendations of Case Tribunals and taking related action.
- 12) Receiving requests for dispensations from members and co-opted members wishing to take part in the business of a Relevant Authority despite having a prejudicial interest, under Part 4 of the Regulations, deciding whether to grant a dispensation, and all related actions and determinations.
- 13) Receiving any other notices or notifications, determining what action, if any, to take and all related actions and determinations.
- 14) Considering applications for exemption from political restriction or for directions to include a post in a list of politically restricted posts under section 3 of the Local Government and Housing Act 1989, making determinations and taking all related action.

Appendix 1

[Other functions]

In addition to the specific and general functions, section 54 of the Local Government Act 2000 allows a Standards Committee to exercise such other functions as the authority consider appropriate. These then become Standards Committee functions which may be exercised by Joint Standards Committees under the Regulations. In so far as these functions are conferred by or under Part 3 of the Act, or Part 1 of the Local Government and Housing Act 1989, they may be allocated to the Joint Standards Committee.

Some authorities have conferred other functions on Standards Committees under section 54, such as overview of internal and external audit (now more likely to be an Audit Committee function, overview of the whistle blowing policy, overview of complaints handling and Ombudsman investigations, and oversight of the constitution. These functions may not be allocated to a Joint Standards Committee and may remain with the Constituent Authorities Standards Committee, or be reallocated.]

The Constituent Authorities have decided that it is appropriate that the Joint Standards Committee should exercise the following additional functions:

[Select from, or adapt, the following list]

- 1)** Sending returns to the Standards Board for England under section 66B of the Act in relation to the functions of the Joint Standards Committee.
- 2)** Providing information to the Standards

Board for England under section 66C of the Act in relation to the functions of the Joint Standards Committee.

- 3)** Considering recommendations from a case tribunal under section 80 of the Act that relate to the functions of the Joint Standards Committee.

Appendix 2

Rules for the conduct of meetings and proceedings

1) Meetings

- 1.1) The Joint Standards Committee shall in every year hold an annual meeting.
- 1.2) The first Meeting held after the 31 May in any year shall be the annual meeting.
- 1.3) The Joint Standards Committee may hold such other meetings as they may determine.
- 1.4) The provisions of the Local Government Act 1972 and the Standards Committee Regulations (and transitionally the Relevant Authorities (Standards Committee) Regulations 2001 and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003), relating to giving a summons to attend the meeting, giving notice of time and place of the meeting, admission of the public and press to meetings, access to agendas and reports, preparation of and access to minutes of the meeting (or a written summary), access to background papers and the timing and conduct of hearings, that apply to a standards committee of a Relevant Authority, shall apply to the Joint Standards Committee.

2) Appointment of chair and vice-chair

[The style “chair” or “chairman” is a matter of choice.]

- 2.1) Subject to paragraph 2.4, the Joint Standards Committee shall at their annual meeting appoint a chair and a vice-chair from among the independent members of the Joint Standards Committee.
- 2.2) The chair and vice-chair shall, unless they resign their office or cease to be independent members of the Joint Standards Committee, continue in office until their successors become entitled to act.
- 2.3) In the case of an equality of votes in respect of the appointment of a chair or the appointment of a vice-chair, the person presiding at the meeting shall give a casting vote in addition to any other vote he or she may have.
- 2.4) The chair and vice-chair must be independent members.
- 2.5) Subject to paragraph 2.4, if a casual vacancy occurs in the office of chair or vice-chair of the Joint Standards Committee the vacancy shall be filled by the appointment by the Joint Standards Committee of one of their members at the next meeting and the person so appointed shall hold office until the next annual meeting.

3) Conduct of meetings

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- 3.1) At a meeting of the Joint Standards Committee the chair if present shall preside.
 - 3.2) If the chair is absent from a meeting of the Joint Standards Committee the vice-chair shall preside.
 - 3.3) If both the chair and vice-chair are absent, another independent member of the Joint Standards Committee, chosen by the members of the Joint Standards Committee present at the meeting, shall preside.
- 4) Quorum
- 4.1) No business shall be transacted at a meeting of the Joint Standards Committee unless at least [insert number- at least three] members are present.
 - 4.2) Where a meeting is convened to exercise functions specified in sections 57A or 57B of the Act or in regulations 17 to 20 of the Standards Committee Regulations:
 - a) At least one member of one of the Constituent Authorities must be present:
 - b) [if relevant] If the matter relates to a member or former member of a parish council, at least one parish council member must be present.
- 5) Proceedings of meetings
- 5.1) All questions coming or arising before a meeting of the Joint Standards Committee shall be decided by a majority of the members of the joint committee present and voting at that meeting.
 - 5.2) The minutes of the proceedings of each meeting of the Joint Standards Committee shall be drawn up and shall be signed at the next ensuing meeting of the Joint Standards Committee by the person presiding at that next meeting.
 - 5.3) A copy of the minutes of the proceedings of each meeting of the Joint Standards Committee shall be sent to the proper officer of each Constituent Authority within 14 days after the date of the meeting at which they were signed.
 - 5.4) The names of the members present at each meeting of the Joint Standards Committee shall be recorded in the minutes of the proceedings of that meeting.
- 6) Sub Committees
- 6.1) Paragraphs 1 to 5 apply to meetings of Sub Committees of the Joint Standards Committee with the following modifications.
 - 6.2) References to the Joint Standards Committee should be read as references to the Sub Committee.

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6.3) Sub Committees will not hold an annual meeting.

6.4) The chair and vice chair of the Sub Committee may be appointed by the Joint Standards Committee when it appoints the Sub Committee or at any time thereafter but if it does not do so then the Sub Committee will make the appointments at its first meeting.

[Alternative - The Sub Committee will not appoint a chair or vice chair to hold office for more than one meeting but will appoint an independent member to chair each meeting as the first item of business at that meeting. In the case of an equality of votes in respect of the appointment of a chair lots will be drawn.]

6.5) The quorum for a Sub Committee meeting will be determined by the Joint Standards Committee when it appoints the Sub Committee but shall not be less than three.

6.6) For the avoidance of doubt, by virtue of Regulation 8 (5) (a) of the Standards Committee Regulations the provisions of Part 5 A of the Local Government Act 1972 do not apply to a Sub Committee considering an allegation received under section 57A (1) of the Act or reviewing a

decision under section 57B of the Act, and the provisions of Regulation 8 (5) (b) and (c) do apply.

[The joint committee may wish to draw up its own more detailed rules of procedure for meetings, following a model with which one of the Constituent Authorities is familiar. This might include the arrangements for substitute members. It should also draw up rules of procedure for hearings, taking into account the advice given by the Standards Board for England.]

Appendix 3

Protocol for the exercise of Monitoring Officer functions

- 1) This protocol has been agreed by the Monitoring Officers of the Constituent Authorities as a way of defining their relationship with the Joint Standards Committee and describing how they will exercise their statutory functions.
- 2) The objective is to ensure that the Constituent Authorities, the Joint Standards Committee, any other Standards Committee appointed by the Constituent Authorities, and the Monitoring Officers all:
 - 1) exercise their functions as effectively, efficiently and economically as possible
 - 2) demonstrate a strong ethical framework and structure within the authorities
 - 3) demonstrate innovation and best practice, strong outcomes for the community (including through partnership working), performance well above minimum accepted levels, and excellent value for money.
- 3) The Monitoring Officers necessarily retain personal responsibility for their statutory functions under sections 5 and 5A of the Local Government and Housing Act 1989 and Part 3 of the Local Government Act 2000. They may arrange for their functions under sections 5 or 5A to be performed by a member of their staff, nominated as their deputy for the purposes of those sections, but only if they are unable to act owing to absence or illness. It appears that such nomination is also effective for the purposes of Part 3, and therefore in these protocols “Monitoring Officer” includes a deputy acting in those circumstances.
- 4) Under section 82A of the Local Government Act 2000 the Monitoring Officer may delegate some, but not all, Part 3 functions (“the Delegable Functions”) to a person whom he or she has nominated. The criterion is that the Monitoring Officer considers that in a particular case he or she ought not to perform those functions.
- 5) The Delegable Functions are:
 - 1) Receiving a reference from a Standards Committee under section 57A of the Act and a direction to take steps other than an investigation, dealing with it and reporting further to the Standards Committee.
 - 2) Receiving a reference from a Standards Committee under section 57A of the Act and dealing with it by conducting an investigation, making a finding and reporting to the Standards Committee.
 - 3) Receiving a reference from an ESO under section 60 (2) or (3) of the Act and a direction to take steps other than an investigation, dealing with it and reporting further to the ESO.
 - 4) Receiving a reference from an ESO under section 60 (2) or (3) of the Act and dealing with it by

Appendix 3

- conducting an investigation, making a finding and reporting to the Standards Committee.
- 5) Receiving a reference from an ESO under section 64 (2) or (4) of the Act following an investigation by the ESO, sending a copy of the ESO's report to the subject member and referring the report to the Standards Committee.
 - 6) The other functions under Part 3 cannot be delegated to a nominated person (the "Non-delegable Functions"). These include:
 - 1) Receiving a reference from an ESO following a finding of "no failure to comply" or "no action" and deciding whether to send it to any member or officer of the authority.
 - 2) Receiving a copy of an ESO's interim report and deciding whether to send it to the Standards Committee and/or any member or officer of the authority.
 - 3) Receiving notice of a decision of an interim case tribunal.
 - 4) Maintaining the register of interests.
 - 7) The Monitoring Officer also has "Non-statutory Functions": activities that are incidental to the specific statutory duties and help promote good standards of conduct, including:
 - 1) Giving general advice to members and officers of the authority.
 - 2) Ensuring that the authority complies with its responsibilities under Part 3 of the Act.
 - 8) The Monitoring Officer also has "Standards Committee Functions": activities to assist the Standards Committee in the exercise of its functions, including:
 - 1) Advising the Standards Committee on the exercise of its general and specific functions under section 54 of the Act (promoting and maintaining high standards of conduct, assisting members to observe the Code of Conduct, advising on the Code, monitoring the operation of the Code and advising and training members on it).
 - 2) Advising the Standards Committee on the exercise of its specific functions under the Act.
 - 3) Attending and advising at meetings of the Standards Committee or a Sub Committee:
 - i) Assessing a written allegation
 - ii) Reviewing the assessment of a written allegation
 - iii) Considering reports from Monitoring Officer following (a) and ESO investigation (b) a MO investigation (c) other action by the MO

Appendix 3

- iv) Conducting a hearing
 - v) Considering requests for dispensations
 - vi) Exercising other functions.
- 9) The Monitoring Officers have agreed that these functions will be allocated in the following way:
- 1) They will each exercise the Non-delegable and Non-statutory functions relating to their authority.
 - 2) They will consider in each case whether or not they ought to perform the Delegable Functions personally, and if they decide that they will not:

[Insert text - Options include a lead authority offering this service, pooling spare capacity or joint procurement of external assistance.]
 - 3) In so far as the Standards Committee functions relate to the Joint Standards Committee [or list the functions in question] then they will be discharged by

[Option 1 - the Monitoring Officer for [insert name of Lead Authority].

Option 2 – the Monitoring Officer for the Constituent Authority which the Joint Standards Committee has appointed to provide accommodation and technical, professional, administrative and

clerical support for its meetings.

Option 3 – for the period stated in column 1 of the following table, the Monitoring Officer for the Constituent Authority identified in Column 2.

Table	
Column1	Column 2
Period	Constituent Authority
<i>[insert period, eg 1 June 2009 to 31 May 2009. Consider whether to rotate quarterly, six monthly, annually or less frequently.]</i>	<i>[Insert name] [etc]</i>
[etc]	

- 10) The Monitoring Officers will cooperate to achieve the objectives of this protocol. They recognise that the operation of this protocol will need to be amended and refined and will keep it under review. Any changes will be reported to the Joint Standards Committee and the Constituent Authorities.

Appendix 4

Allocation of expenses

The Constituent Authorities will have regard to the following principles in determining the allocation of expenses:

[Select from the following. Delete references to parish councils if not relevant.]

- Any expenses directly attributable to:
 - an investigation or other action taken following a reference to a Monitoring Officer
 - consideration of a report by an ESO or a Monitoring Officer following an investigation or other action
 - any hearing
 - any appealwill be allocated to the Constituent Authority of which the subject member or co-opted member is a member, or which is responsible for the subject parish council member or co-opted member.
- Expenses directly attributable to the assessment or review of assessment of written allegations will be allocated pro rata to the number of written allegations received against members or co-opted members of each Constituent Authority (or for which the Constituent Authority is responsible).
- Expenses relating to allowances paid to members of the Joint Standards Committee *[Option, if the joint committee appoints Independent Members – ,* apart from allowances paid to Independent Members appointed by the Joint Standards Committee] by reason of their attendance at meetings

and other related activities will be allocated pro rata to the number of members appointed by the authorities *[Or will be allocated to the Constituent Authority which appointed the member to whom the allowance was paid].*

- Expenses *[Or Other expenses]* will be shared equally between the Constituent Authorities.
[Or]
- Expenses *[Or Other expenses]* will be shared in the following proportions:
[Name of authority] : [insert] %
[etc]
[Or]
- Expenses *[Or Other expenses]* will be shared pro rata to the number of written allegations received against members or co-opted members of each Constituent Authority (or for which the Constituent Authority is responsible).

Schedule 2

CHECKLIST (NOT TO FORM PART OF CONSTITUTION)

In order to decide which options to select, the Constituent Authorities will need to decide:

- 1) The name of the Joint Standards Committee.
- 2) Whether the Joint Standards Committee is to receive written allegations for assessment.
- 3) Whether any of the Constituent Authorities is responsible for parish councils.
- 4) The number of members of the Joint Standards Committee.
- 5) The number of members appointed from each of the Constituent Authorities.
- 6) The number of parish council members appointed by each of the Constituent Authorities.
- 7) Whether the Joint Standards Committee or the Constituent Authorities will appoint Independent Members, and, in either case, how many.
- 8) Whether any of the Constituent Authorities is to have the sole right to appoint an executive member, or whether this right is to be allocated by agreement (or in default, in turn on an annual basis), or by some other means.
- 9) Whether a Constituent Authority should be able to replace a member they have nominated, or whether the appointment should be for a period of time (subject to continuing eligibility).
- 10) Which Constituent Authority is to provide support and proper officer functions, and whether this is for an indefinite period or by rotation.
- 11) Whether, in principle, all Joint Standards Committee members of the same type, and with the same responsibilities, should be entitled to the same allowance.
- 12) What period of notice is needed to withdraw from the joint committee.
- 13) Whether the joint committee is to exercise all relevant functions, and, if not, which it is to exercise.
- 14) Whether the joint committee is to exercise the same functions for all Constituent authorities.
- 15) Whether the joint committee is to exercise other Part 3 functions, and, if so, which.
- 16) The quorum for Committee meetings.
- 17) Whether Sub Committees are to have standing or ad hoc chairs/chairmen.
- 18) How expenses are to be shared: in particular whether:
 - 18.1) the authority concerned should bear the whole cost of their investigations, hearings and appeals;
 - 18.2) assessment costs should be allocated pro rata to the number of complaints per authority;
 - 18.3) allowances should be paid by the nominating authority;
 - 18.4) other expenses (e.g. training) are to be shared equally or in some other proportion.

Schedule 2

The Monitoring Officers will need to decide:

- 1) Which options for the discharge of delegable functions by nominated officers they prefer.
- 2) Who is to advise the Joint Standards Committee, and for how long.

The Joint Committee will need to decide:

- 1) The number, composition and terms of reference of sub committees.
- 2) The quorum for Sub Committee meetings
- 3) Whether it should have more detailed procedural rules for meetings, and if so which.
- 4) The procedural rules for hearings.
- 5) Assessment and review criteria and other policies.

Checklist for consideration of Joint Standards Committees and their Constitution

1) The name of the Joint Standards Committee

To be confirmed.

2) Whether the Joint Standards Committee is to receive written allegations for assessment

Members need to consider whether written allegations should be received by each respective Authority. This may allow for a clearer process for Members of the public to follow in order to identify which Authority their complaint relates to. Alternatively it may be seen as more efficient to have one address for the receipt of the complaint.

3) Whether any of the Constituent Authorities are responsible for parish councils.

Shropshire and Wrekin Fire and Rescue Authority has no responsibility for parish councils; Telford & Wrekin Council has responsibility for twenty six parish and town councils with approximately two hundred and seventy parish and town councillors.

4) The number of members of the Joint Standards Committee

To be confirmed.

5) The number of members appointed from each of the Constituent Authorities

Currently Telford & Wrekin Council has four Independent Members, eight elected members and four parish council representatives. The Fire Authority currently has two Independent Members (with two vacant Independent Member posts) and four elected Members.

6) The number of parish council members appointed by each of the Constituent Authorities

There are no parish representatives to be appointed from Shropshire and Wrekin Fire and Rescue Authority. There are currently four parish council representatives for Telford & Wrekin Council.

It is suggested that all four parish council representatives are appointed to the Joint Standards Committee in order to meet the obligations for a parish council representative to be involved in all parish council matters, including the assessment and review of complaints concerning parish councillors.

7) Whether the Joint Standards Committee or the Constituent Authorities will appoint Independent Members, and, in either case, how many.

This depends on whether the Standards Committees will retain their own separate functions or whether the Joint Standards Committee will undertake all Standards Committee functions for each respective Authority. If the former is the case it is suggested that Standards Committees retain their own Authority to undertake a selection process and recommend the appointment of an independent member from their own respective main Authority. If, however, the Joint Standards Committee is to undertake all Standards functions for each respective Authority, then it is suggested that the Joint Standards Committee is made responsible for undertaking the interview process and making the recommendation which will need to be accepted then by each of the respective main Authorities as a joint appointment.

8) Whether any of the Constituent Authorities is to have the sole right to appoint an executive member, or whether this right is to be allocated by agreement (or in default, in turn on an annual basis), or by some other means.

The Telford & Wrekin Council operates executive arrangements and the terms of reference state that a maximum of one member of the executive may be appointed to Telford & Wrekin Councils Standards Committee. Shropshire and Wrekin Fire and Rescue Authority do not have an executive system. It is suggested that there is no change to the current process adopted by Telford & Wrekin Council of the appointment of up to one member of the executive on the Standards Committee and accordingly that executive member would also form part of any Joint Standards Committee.

9) Whether a Constituent Authority should be able to replace a member they have nominated, or whether the appointment should be for a period of time (subject to continuing eligibility).

It is suggested that either of the constituent Authorities should be able to replace a member they have nominated as and when they wish to do so. Any appointment should be for that current municipal year or the remainder thereof.

10) Which Constituent Authority is to provide support and proper officer functions, and whether this is for an indefinite period or by rotation.

The Committee may decide that there should be one Authority to undertake the administrative functions for the Committee, in all probability this would be Telford & Wrekin Council. There may be resource issues as a result which would need to be examined. This would also depend upon the terms of reference of the Joint Standards Committee as to how much work was to be undertaken on a joint basis and how much undertaken by respective individual Standards Committees.

11) Whether, in principle, all Joint Standards Committee members of the same type, and with the same responsibilities, should be entitled to same allowance.

The Committee's views are sought on this; ultimately it will be a matter for Independent Remuneration Panel.

12) What period of notice is needed to withdraw from the Joint Committee

We do not recommend that there is any set notice period, but we would recommend that a period of no less than three months notice is given in order to allow each respective Authority to undertake the necessary changes to their constitution and structures to perform the functions which would previously have been undertaken by the Joint Standards Committee.

13) Whether the Joint Committee is to exercise all relevant functions, and, if not, which it is to exercise.

This is a matter for the Committee.

14) Whether the Joint Committee is to exercise the same functions for all Constituent Authorities

This is a matter for the Committee to make recommendations and for the respective Authorities to decide.

15) Whether the Joint Committee is to exercise Part 3 functions, and, if so, which.

This is a matter for the Committee to make recommendations and for the respective Authorities to decide.

16) The quorum for Committee meetings.

The quorum should reflect the legal requirements in terms of the size of the Committee, to ensure that an independent member is the Chair of the Committee, that an elected member is present and that if the matter relates to parish council issues that a parish council representative is also present. It may also be the case that members may wish to add that there must be at least one member from each respective Authority present at the Joint Committee meetings.

17) Whether Sub Committees are to have standing or ad hoc chairs/chairmen.

Officers recommend that ad hoc Chair of the Committees are selected. This is in order to ensure that the added resources provided the Joint Committee can be fully utilised and accordingly that timescales for hearings can be met.

18) How expenses are to be shared: in particular whether:

a) the authority concerned should bear the whole cost of their investigations, hearings and appeals;

It is suggested that the costs of investigation should be born by whichever respective Authority the member was acting for when the alleged conduct took place.

b) assessment costs should be allocated pro rata to the number of complaints per authority;

It is suggested that assessment costs should be allocated pro rata to the number of complaints per Authority.

c) allowances should be paid by the nominating authority;

It is suggested that allowances should be paid by the nominating authority.

d) other expenses (e.g. training) are to be shared equally or in some other proportion.

It is suggested that the current arrangement is continued whereby Telford & Wrekin Council will continue to provide training, and the Shropshire and Wrekin Fire and Rescue Authority will make payment per member for the training or one payment if the training is provided separately by Legal Services.

The Monitoring Officers will need to decide:

- 1) which options for the discharge of delegable functions by nominated officers they prefer.
- 2) Who is to advise the Joint Standards Committee, and for how long.

The Joint Committee will need to decide:

- 1) The number, composition and terms of reference of sub committees.
- 2) The quorum for sub committee meetings
- 3) Whether it should have more detailed procedural rules for meetings, and if so which.
- 4) The procedural rules for hearings.
- 5) Assessment and review criteria and other policies.

The Standards Committee The Audit Committee

Explanatory Comment

The Standards Committee has an important role in ensuring and promoting good ethical conduct of Councillors and officers. The Audit Committee has an important role in overseeing financial processes, audit and risk management. They both support good governance in the public sector, with particular reference to local government.

(Section 53-55 and Sections 81(5), Local Government Act 2000)
(CIPFA Position Statement –“Audit Committee Principles in Local Government”)

9.01 Standards Committee

The full Council will establish a Standards Committee.

9.02 Composition

Political Balance

The Standards Committee will be politically balanced as per the political balance rules in **section 15 of the Local Government & Housing Act 1989**.

- a) **Membership** - The Standards Committee will be composed of:
 - eight Councillors, excluding the Leader and only one of whom may be a member of the Cabinet;
 - four persons who are not Councillors or Officers of the Council or any other body having a Standards Committee (independent members);
 - at least three parish council representatives (who are not members of the Council)
- b) **Independent Members** – Independent members will be appointed in accordance with guidance issued. Independent members will be entitled to vote at meetings;
- c) **Chairing the Committee** – The Chairman must be an Independent Member of the Committee and should either have previous knowledge or have received training on standards, regulation and ethical issues.
- d) **Quorum** – The quorum for a meeting of the Standards Committee shall be three which must include one of the independent members.

- e) **Training** – In addition to the Chairman’s training outlined above, all members of the Committee should be properly trained to fulfil their role, including awareness of standards, ethics and governance.
- f) **Sub-committees** –

Terms of Reference of the Referrals Sub-Committee

As approved by the Standards Committee

1. Terms of Reference
 - a. The Referrals Sub-Committee is established to receive allegations that a member of the Authority has failed, or may have failed, to comply with the Authority’s Code of Conduct.
 - b. Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:
 - i. refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or directing that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
 - ii. refer the allegation to the Standards Board for England;
 - iii. decide that no action should be taken in respect of the allegation; or
 - iv. where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- c. Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall be responsible for determining whether:
 - i. it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
 - ii. the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or
 - iii. the matter should be referred to the Adjudication Panel for determination.
- d. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) or 2(c) above, the Sub-Committee shall state its reasons for that decision.
- d. The Sub-Committee shall consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.
- e. The Sub-Committee shall, upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.

2. Composition of the Referrals Sub-Committee

The Referrals Sub-Committee shall comprise 4 members, of whom at least 1 shall be an independent member of the Standards Committee (and one of whom shall chair the Sub-Committee), and at least 2 elected members of the Authority. When the Referrals Sub-Committee considers a matter relating to the conduct of a person in his/her capacity as a Parish or Town Councillor, the Sub-Committee shall also include a Parish or Town Council representative.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent member as Chairman, and at least one elected member of the Council and at least one Parish or Town Council representative when considering a matter relating to the conduct of a member as Parish or Town Councillor.

Terms of Reference of the Review Sub-Committee

As approved by the Standards Committee

1. Terms of Reference
 - a. The Review Sub-Committee is established to review, upon the request of a person who has made an allegation that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct, a decision of the Referrals Sub-Committee that no action be taken in respect of that allegation.
 - b. Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Referrals Sub-Committee and shall then do one of the following:
 - i. refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or specifying that he/she take an alternative action as permitted by Regulations;
 - ii. refer the allegation to the Standards Board for England;
 - iii. decide that no action should be taken in respect of the allegation; or
 - iv. where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.
 - c. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) above, the Sub-Committee shall state its reasons for that decision.

2. Composition of the Review Sub-Committee

The Review Sub-Committee shall comprise 4 members, of whom at least 1 shall be an independent member of the Standards Committee (and one of whom shall chair the sub-committee), and at least two shall be elected members of the Authority. When the Referrals Sub-Committee considers a matter relating to the conduct of a person in his/her capacity as a Parish or Town Councillor, the Sub-Committee shall also include a Parish or Town Council representative.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent member as Chairman, and at least one elected member of the Council and at least one Parish or Town Council representative when considering a matter relating to the conduct of a member as Parish or Town Councillor.

4. Frequency of Meetings

The Review Sub-Committee shall meet as and when required to enable it to undertake the review of any decision of the Referrals Sub-Committee within 3 months of the receipt of the request for such a review from the person who made the allegation.

9.03 Role and Function

The Standards Committee will have the following roles and functions:

- a) promoting and maintaining high standards of conduct by Councillors, parish councillors and co-opted members, (including church and parent governor representatives);
- b) assisting the Councillors, parish councillors and co-opted members (including church and parent governor representatives) to observe the Members' Code of Conduct;
- c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- d) monitoring the operation of the Members' Code of Conduct;
- e) advising, training or arranging training in relation to the Code of Conduct;
- f) granting dispensations to Councillors, co-opted members (including church and parent governor representatives) from requirements relating to interests set out in the Members' Code of Conduct;

- g) receiving allegations that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct
- h) establish sub-committees of the standards committee to make initial assessments of complaints received by the Standards Committee alleging a breach of the Members' Code of Conduct;
- i) establish sub-committees to consider requests received by the Standards Committee to review decisions to take no action in relation to a complaint made to its sub-committee set out at paragraph (g) above
- i) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by a sub-committee of the Standards Committee or an ethical standards officer to the Monitoring Officer and setting up hearings sub-committees to deal with those reports as and when required
- k) in conjunction with the operation of the Standards Board for England, the Standards Committee will work within the existing policy and procedures for handling of issues relating to probity and matters of an ethical nature.
- l) consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act
- m) advising the Council on the appointment of independent members taking account of guidance issued by the Standards Board for England
- n) selecting and recruiting Parish Council representatives to serve on the Standards Committee taking account of guidance issued by the Standards Board for England

Standards Committee

Quorum - 3

The quorum must include at least two Members of the Fire Authority and one Independent Member.

Members – 8

4 Members of the Fire Authority and 4 Independent Members

Fire Authority Members

Andrew Davies (Conservative)
Clive Mason (Labour)
Chris Mellings (Liberal Democrat)
David Minnery (Conservative)

Independent Members

Paul Brereton
Michael Tebbutt

Currently 2 seats are vacant

Chair

The Chair of the Committee must be an Independent Member.

Meeting Dates

2009

2 March 2009
29 June 2009 cancelled
July 2009 meeting to be confirmed
26 October 2009

All meetings take place at 5.15 pm in the Conference Room at Brigade Headquarters, unless otherwise advised.

Terms of Reference

To promote and maintain a high standard of conduct by Members, to oversee the Register of Members' Interests and to oversee the effectiveness of the Authority's procedures for investigating and responding to complaints about Members

To advise the Authority on the adoption or revision of the Members' Code of Conduct

To assist Members to observe the Members' Code of Conduct

To advise, train, or arrange to train Members on matters relating to the Members' Code of Conduct

To develop, maintain and monitor the operation of such Code

To issue advice to Members on the treatment of personal interests and on conduct matters generally

To consider and grant, or otherwise, dispensations in respect of Members interests

To establish sub-committees of the Standards Committee to make initial assessments of complaints received by the Standards Committee alleging a breach of the Members' Code of Conduct.

To establish sub-committees of the Standard Committee to consider requests received by the Standards Committee to review decisions to take no action in relation to a complaint made to its sub-committee as set out above.

To consider and act on any report from the Monitoring Officer on any matter which is referred to the Monitoring Officer.

To exercise such functions as are required under the Fire Authority's procedures for local investigation of referred complaints and for the local determination of allegations of misconduct

To consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act

To exercise such other functions as the Authority considers appropriate

NB

Please note that the various Procedures relating to Local Investigations and Determinations and Dispensations are set out in Section 4 of the Handbook.

Standards Committee Referrals Sub-Committee

Quorum - 3

The quorum for a meeting of the Sub-Committee shall be 3 Members, with an Independent Member as Chair, and at least one elected Member of the Authority.

Composition – 4

The Referrals Sub-Committee shall comprise 4 Members, of whom at least 1 shall be an Independent Member of the Standards Committee, and at least 2 elected Members of the Authority.

Chair

The Chair of the Sub-Committee shall be an Independent Member.

Meeting Dates

The Referrals Sub-Committee shall meet on an ad hoc basis as and when required.

Terms of Reference

- a The Referrals Sub-Committee is established to receive allegations that a Member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct.
- b Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:
 - i refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or directing that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
 - ii refer the allegation to the Standards Board for England;
 - iii decide that no action should be taken in respect of the allegation; or
 - iv where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- c Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall be responsible for determining whether:
 - i it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
 - ii the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or
 - iii the matter should be referred to the Adjudication Panel for determination.
- d Where the Sub-Committee resolves to do any of the actions set out in Paragraph b or c above, the Sub-Committee shall state its reasons for that decision.
- e The Sub-Committee shall consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.
- f The Sub-Committee shall, upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.

Standards Committee Review Sub-Committee

Quorum - 3

The quorum for a meeting of the Review Sub-Committee shall be 3 Members, with an Independent Member as Chair, and at least one elected Member of the Authority.

Composition – 4

The Review Sub-Committee shall comprise 4 Members, of whom at least 1 shall be an Independent Member of the Standards Committee, and at least 2 elected Members of the Authority.

Chair

The Chair of the Sub-Committee shall be an Independent Member.

Meeting Dates

The Review Sub-Committee shall meet on an ad hoc basis as and when required.

Terms of Reference

- a The Review Sub-Committee is established to review, upon the request of a person who has made an allegation that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct, a decision of the Referrals Sub-Committee that no action be taken in respect of that allegation.
- b Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Referrals Sub-Committee and shall then do one of the following:
 - i refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or specifying that he/she take an alternative action as permitted by Regulations;
 - ii refer the allegation to the Standards Board for England;
 - iii decide that no action should be taken in respect of the allegation; or

- iv where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- c Where the Sub-Committee resolves to do any of the actions set out in Paragraph b above, the Sub-Committee shall state its reasons for that decision.