

## **STANDARDS COMMITTEE**

### **1. AIMS AND OBJECTIVES**

Within the Terms of Reference of, and under the powers and authority delegated to the Committee, to exercise the Council's functions in matters relating to standards of conduct within the Council.

### **2. CONSTITUTION & POWERS**

- i) The Standards Committee will comprise seven Members of the Council and the following co-opted, non-voting Members who will act in an advisory capacity:
  - two Independent Persons (as defined by Section 28 of the Localism Act) (or such other number appointed by the Council); and
  - a Parish Council representative.
- ii) Political balance will apply to the Council's membership.
- iii) The quorum of the Standards Committee will be three voting Members.
- iv) Substitution arrangements will not apply.
- v) The Standards Committee will establish a Hearings Sub-Committee, consisting of three Members of the Committee, to undertake the functions set out below (political balance will apply). In accordance with Section 7(a) of the Localism Act, the Independent Person(s) must be consulted before a decision is made on an investigated allegation.

### **3. TERMS OF REFERENCE**

- (1) To promote and maintain high standards of conduct and to assist Members and Co-opted Members to observe the Code of Conduct, and to:
  - advise the Council on the adoption or revision of the Code;
  - monitor the operation of the Code; and
  - provide advice and training.
- (2) To promote and maintain high standards of conduct in Town/Parish Councils and to assist Town/Parish Councils to observe the Code of Conduct, and to:
  - advise Town/Parish Councils on the adoption or revision of Codes of Conduct;
  - monitor the operation of their Codes; and
  - provide advice and training to Town/Parish Councillors.

- (3) To determine applications for dispensations which have been made by Members of the Borough Council on the following grounds:
  - a) where it is considered that the dispensation is in the interests of persons living in the authority's area;
  - b) where it is considered that it would be otherwise appropriate to grant a dispensation; and
  - c) where the Monitoring Officer has exercised his/her right, under the powers delegated to him/her, to refer the matter to Committee for determination.
- (4) To prepare, monitor and review Codes and Protocols to support the Code of Conduct and recommend to Council accordingly.
- (5) To consider reports from the Monitoring Officer on the number of complaints received under the Code of Members' Conduct and the decisions taken by the Monitoring Officer in consultation with the Independent Person(s) on such complaints.
- (6) To consider and determine the appropriate action on matters referred by the Monitoring Officer in relation to the assessment of complaints where the Monitoring Officer has been unable to exercise his/her delegated powers.
- (7) To receive summary reports from the Monitoring Officer:
  - a) on complaints that have been investigated where 'no breach' of the Code has been found to have occurred; and
  - b) on complaints where a 'breach' of the Code has been found but where it has been possible for a local resolution to be agreed.
- (8) To adopt procedures for the hearing of cases of a 'breach of the Code' finding upon investigation to be undertaken by the Hearings Sub-Committee.

#### **4. HEARINGS SUB-COMMITTEE TERMS OF REFERENCE**

- (1) To hear cases, including that of Town/Parish Council Members and Co-opted Members, of an alleged breach of the Member Code of Conduct following a report of the Investigating Officer.
- (2) In respect of Members of the Borough Council, where it has been determined that a Member has failed to comply with the authority's Code of Conduct, to impose one or more of the following, if appropriate:
  - Censure.
  - Reporting findings to Council.
  - Recommending to the Member's Group Leader that the Member be removed from a Committee (in respect of non-aligned Members this would need to be recommended to Council).
  - Removing the Member from an Outside Body appointment.
  - Withdrawing facilities provided to the Member by the Council e.g. email/website/internet access.
  - Excluding the Member from all or part of the premises of the Council (with the exception of meeting rooms).
  - Requesting the Member to undertake actions deemed appropriate e.g. training, issue of an apology.

- (3) In respect of the Members of Town/Parish Councils, within the area of Tewkesbury Borough Council, where it has been determined that a Member/Co-opted Member has failed to comply with the authority's Code of Conduct, to impose one or more of the following, if appropriate:
- Censure.
  - Reporting the findings to the Town/Parish Council.
  - Recommending that the Town/Parish Council:
    - Remove the Member from any Outside Bodies to which they have been appointed.
    - Withdraw facilities provided by the Council to the Member.
    - Exclude the Member from the Council premises (except meeting rooms).
    - Request the Member to undertake actions deemed appropriate e.g. training, issue of an apology.

## **5. DELEGATED POWERS**

Subject to the General Provisions, and Scheme of Delegation to Officers, to determine all matters within the Terms of Reference of the Committee/Sub-Committee.

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