

## PART 3D FUNCTIONS OF THE STANDARDS COMMITTEE

### 1. INTRODUCTION

The Council is required by the Local Government Act 2000 to have Standards Committee to carry out certain functions relating to the standard of conduct of its members and other matters relating to ethical standards prevalent within the Council.

### 2. MEMBERSHIP

The membership of the Standards Committee shall consist of eight as follows:

- (a) three Councillors of the ~~Borough District~~ Council
- (b) ~~five~~four persons who are not Councillors or Officers of the Council or any other body having a standards committee (Independent Representatives) one of whom must be appointed as Chairman
- (c) ~~three~~one members of ~~a~~parish councils in the ~~Borough District~~ (Parish Representatives).

### 3. FUNCTIONS

3.1. To undertake the following functions:

- (a) promoting and maintaining high standards of conduct by Councillors and co-opted members of the Council and to undertake the general functions of a standards committee as set out in Part 2 of the Local Government Act 2000 namely:
- (b) assisting the councillors and co-opted members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of its codes of Conduct;
- (d) monitoring the operation of the Council's codes of Conduct;
- (e) advising, training or arranging to train councillors and co-opted members on matters relating to its codes of Conduct;
- (f) granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) 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 an Ethical Standards Officer approved by the National Standards Board for England to the Monitoring Officer;
- (h) to formulate and recommend to the Council local protocols governing

the council's internal and external conduct, including the whistle-blowing policy;

- (i) insofar as it relates to the committee's terms of reference, to have a general oversight of the Council's Constitution and its rules;
- (j) to give advice and guidance to Members on Members' interests;
- (k) to grant dispensations to Councillors and co-opted members, in accordance with the relevant regulations, from requirements relating to interests set out in the Council's member code of conduct;

(l) to receive allegations that a member has not complied with the Code of Conduct and determine how such allegations should be dealt with.

~~(lm)~~ to consider and determine allegations of breaches of the Council's member code of conduct referred to it by the Standards Board or not otherwise dealt with by the Standards Board and to determine such sanction as it considers appropriate following a finding of misconduct or to recommend the Council to impose a sanction;

~~(mn)~~ to consider, determine and apply such sanctions as are available to it in relation to any breach of code or protocol of the council which is not also a breach of the Code of Members' Conduct;

~~(no)~~ to receive and act on reports from:

- (i) case tribunals of the Adjudication Panel
- (ii) Ethical Standards Officers
- (iii) the Monitoring Officer

~~(op)~~ to have oversight of complaints handling and Ombudsman investigations;

~~(pq)~~ to liaise with external agencies, in particular the Local Government Ombudsman and the District Auditor, in connection with any matter within the Committee's terms of reference;

~~(qr)~~ the exercise of the above in relation to the parish councils in Cheltenham and the members of those parish councils;

~~(rs)~~ to determine, where it is unclear, which officer posts are subject to political restrictions under Section 2 of the local Government and Housing Act 1989.

3.2. To appoint a Chairman and Vice-Chairman of the Committee when a casual vacancy occurs.

3.3. To present an annual report to full Council

## **The Standards (Initial Assessment) Sub-Committee**

### **1. Terms of Reference**

- 1.1 The Standards (Initial Assessment) Sub Committee shall be responsible for the exercise of the powers of the Standards Committee in relation to the initial assessment of written allegations made under section 57A of the Local Government Act 2000 provided that:
- (1) The sub-committee shall comprise of three members to include an independent member, a borough councillor, and where a complaint to be assessed concerns a parish councillor, a parish councillor also;
  - (2) No member of the Standards Committee may take part in the business of the sub-committee unless he/she has participated in such training as may be prescribed by the Standards Committee from time to time in connection with the assessment of complaints;
  - (3) The composition of the sub committee on any particular occasion shall be determined by the Monitoring Officer in consultation with the Chairman of the committee. Subject to any statutory prohibition or restriction all members of the committee shall be entitled to sit on the sub-committee.

### **2. Delegation of Powers**

- 2.2 The Standards Committee delegates to the Standards (Initial Assessment) Sub-Committee the power to determine the initial assessment of all written complaints made under section 57A of the Local Government Act 2000.

## **The Standards (Review) Sub-Committee**

### **1. Terms of Reference**

- 1.1 The Standards Committee delegates to the Standards (Review) Sub Committee the power to determine the review of decisions made by the Standards (Initial Assessment) Sub Committee provided that:
- (1) The Sub Committee shall comprise of three members to include an independent member, a borough councillor, and where a complaint to be assessed concerns a parish councillor, a parish councillor also;
  - (2) No member of the Standards Committee shall take part in the business of the Sub Committee unless he/she has participated in such training as may be prescribed by the Standards Committee from time to time in connection with the assessment of complaints;
  - (3) The composition of the sub committee on any particular occasion shall be determined by the Monitoring Officer in consultation with the Chairman of the committee. Subject to any statutory prohibition or restriction all members of the committee shall be entitled to sit on the sub-committee.

## **The Standards (Determination of Complaints) Sub-Committee**

### **1. Terms of Reference**

- 1.1 The Standards (Determination of Complaints) Sub-Committee shall be responsible for the exercise of the powers of the Standards Committee in relation to the determination of complaints referred to it under the provisions of the Local Government Act 2000 provided that:
- (1) The sub-committee shall comprise of three members to be drawn from the membership at any given time of the Standards Committee;
  - (2) No member of the Standards Committee may take part in the business of the sub-committee unless he has participated in such training as may be prescribed by the Standards Committee from time to time in connection with the determination of complaints;
  - (3) The quorum of the sub-committee shall be three members, to include at least one independent member appointed under s53 of the Local Government Act 2000, one parish representative where a complaint to be determined relates to a parish councillor, and one borough councillor;
  - (4) The composition of the sub-committee on any particular occasion shall be determined by the Standards committee.

### **2. Delegation of Powers**

- 2.2 The Standards Committee delegates to the Standards (Determination of Complaints) Sub-Committee the power to hear and determine any complaint referred to the Council by the Standards Board for England under the provisions of the Local Government Act 2000.