

An Introduction to the Role of the Standards Committee.

The Standards Hearings Procedure

Standards Committee

Promote and Maintain High
Standards of Conduct

Nolan Principles

SEVEN PRINCIPLES OF PUBLIC LIFE

Holders of public office should uphold the following seven principles:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Standards Committee

- Article 8 of the Constitution
- Membership
 - No more than nine
 - Seven elected members
 - Two Town/Parish Reps
- Up to two Independent Persons
- Quorum five
- Town/Parish Reps and Independent person can take part in discussions but not vote

The role of the Standards Committee

1. Promote and maintain high standards of conduct by the members and co-opted members of the Council;
2. Assist Members and co-opted members of the Council to observe the Members' Code of Conduct;
3. Advise full Council on the adoption or revision of the Members' Code of Conduct;
4. Monitor the operation of the Members' Code of Conduct;
5. Advise, train or arrange training for members and co-opted members on matters relating to the Members' Code of Conduct;
6. Grant dispensations to District Council Members and co-opted Members from the requirements relating to interests set out in the Members' Code of Conduct;
7. Deal with any reports relating to complaints from the Monitoring Officer;
8. Provide the same functions (other than the grant of dispensations) in relation to parish councils and members of the parish councils as in relation to Torrige District Council and members of Torrige District Council;

The standards Committee shall have the following powers when dealing with and deciding upon a complaint:-

- (a) To issue a censure to a Councillor;
- (b) To request that a Councillor issue a written apology;
- (c) To recommend that a Councillor undergo appropriate training;
- (d) To recommend to the relevant Group Leader and to Full Council and/or a Parish/Town Council that other action be taken against a Councillor;
- (e) Publication of the findings of the Standards Committee including media statements or press releases, publication on the Council's website and inclusion of details in the Members Bulletin;
- (f) Report the findings of the Standards Committee to full Council;
- (g) Recommend to the Councillor's group leader (or in the case of ungrouped Councillors, recommend directly to full Council) that he/she be removed from any or all committees or sub-committees of the Council;
- (h) Recommend to full Council that the Councillor be removed from their role as Lead Member if applicable;
- (i) Recommend to full Council that the Councillor be removed from all outside bodies to which they have been appointed or nominated by full Council;
- (j) Recommend to full Council the withdrawal of certain facilities provided to the Councillor by the Council as may be reasonable in the circumstances;
- (k) Recommend to full Council that the Councillor be excluded from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending full Council, committee and sub-committee meetings or put in place such restrictions on access to staff as may be reasonable in the circumstances;
- (l) Recommend to full Council the suspension, withdrawal or reduction of a Councillor's Voluntary Grant Budget for a period of time following the finding of breach.

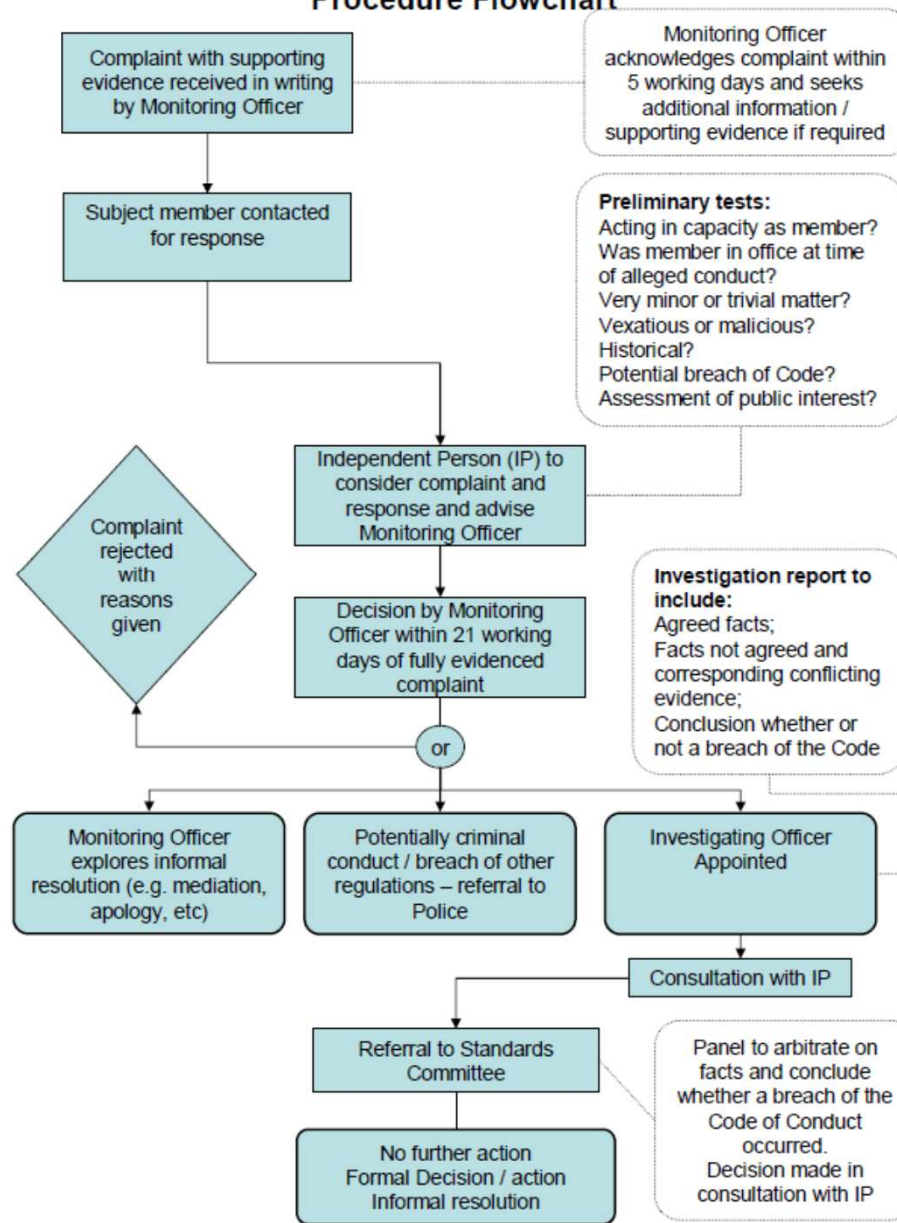
Complaints

- Requirement for an authority to have arrangements in place to:-
- Investigate complaints;
- Decisions on allegations to be made;
- Voluntary standards committee

Role of Independent Persons

- LA must appoint at least one IP;
- IP's views to be sought, and taken into account before it makes its decision on an allegation that it has decided to investigate

Appendix 4 Torrige District Council – Councillor Complaints Procedure Flowchart



Register of Members

- Establish and maintain a register of members interests;
- Make the register available for inspections;
- Publish the register on the council's website

Code of Conduct

- Must include appropriate provisions for registering and disclosing:-
- Pecuniary interests;
- Interests other than pecuniary interests

Pecuniary Interests

- Within 28 days of becoming a member must disclose:-
- Employment, office, trade, profession or vocation that the member carries on for profit or gain
- Contract between the member and the members LA under which goods or services are to be provided or works are to be executed

Interests Continued

- Beneficial Interest in land within the LA area
- In these circumstances member is prohibited from participating in the discussion at the meeting, or voting on any matter to their interest or from taking any steps in relation to the issue unless a dispensation has been granted.

Two Exceptions

- Sensitive Interests
- Dispensations

[Example: "I have a disclosable pecuniary interest on Item XX because this planning application relates to my property" or "I have a personal interest in Item XX because the land is to be leased to the Parish Council and I am a Parish Councillor"].

In terms of participating in the meetings, the Code states that if the interest is a;

- **disclosable pecuniary interest the Councillor can't participate in the discussion, can't vote and must leave the room unless they have obtained a dispensation from the council's Monitoring Officer or Standards Committee.**

[It is a criminal offence for a Councillor to be involved in the discussion and / or vote on a matter in which they have a disclosable pecuniary interest]

- **personal interest the Councillor can be involved in the discussion and / or vote on the matter.**

Social Media

- It is recommended that – Cllrs think before you press send!
- Blurred identities- could it be thought that you are acting as a member?
- Code of Conduct can apply so observe the same rules
- Predetermination/bias/defamation/data protection rules - all apply to social media.
- More popular - would guidance for Cllrs be useful?

- Any Questions?

HEARINGS

A CONSISTENT PROCEDURE

SUMMARY OF HEARING PROCEDURE

- MEMBERS OF THE HEARING COMMITTEE ARE INTRODUCED TO THOSE PRESENT BY THE CHAIRMAN

- THIS HEARING IS TO CONSIDER AN ALLEGED FAILURE TO COMPLY WITH THE CODE OF CONDUCT

- THIS IS HOW THE COMMITTEE WILL MANAGE THE VARIOUS STAGES OF THE PROCEEDINGS

FINDINGS OF FACT

DID THE MEMBER FAIL TO FOLLOW THE CODE?

- EITHER YES
- OR NO

IF THE MEMBER FAILED TO FOLLOW THE CODE, WHAT SANCTIONS SHOULD APPLY?

PAGE ONE –
FINDINGS OF
FACT

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- The purpose of this stage is to establish the facts of the case.
- This may be achieved by agreement of all parties or may be complicated by disagreement.
- In the case of the latter the Committee will need to listen to the evidence, question this as necessary and deliberate in private to reach their decision.

- Where the facts are not agreed, the Investigator will be invited to make representations in support of his report and to call witnesses.
- The Member, or his/her representative, may cross-examine any witnesses called by the Investigator.

- The Member, or his/her representative, will then be invited to make representations in support of his/her view of the facts and call witnesses.
- The Member may also address any matters of evidence identified.
- The Investigator may cross-examine any witnesses called by the Member.

- At an appropriate time, with the permission of the Chairman, the Investigator or the Member may make further representations or re-question a witness on matters arising from their evidence.
- At any time the committee may question any of the people involved or any of the witnesses.

- The Committee will now consider the facts and this will be done in private.
- Would all parties please leave the room.

PAGE TWO –
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MEMBER FAIL
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Either

- the Member **has** failed to follow the Code
- or
- the Member **has not** failed to follow the Code.

One of these must be true

- The Committee has considered the facts and has found as follows:
- [The Chairman will read out the findings of the Committee regarding the facts.]
- Neither the Investigator nor the Member may make any further representations regarding the facts.

- The Committee will now hear representations as to whether or not the Member failed to follow the Code.
- Would the Investigator please begin?

- Based on the facts it has found the committee will then hear representations as to whether or not the Member has failed to comply with the Code of Conduct.

- The Member will be invited to give reasons why the Committee should decide that he/she has not failed to comply with the Code of Conduct.

- The Committee will then consider any verbal or written representations from the Investigator upon this point.

- The Committee may, at any time, question anyone involved on any point they raise in their representations.

- The Member will be invited to make any final relevant points.

- The Committee will now consider the representations and this will be done in private – would all parties please leave the room.

- IF THE MEMBER HAS FAILED TO FOLLOW THE CODE, THEN WHAT SANCTION OR SANCTIONS SHOULD APPLY

- The Committee has considered the representation of Stage 2 and has found as follows:
- [The Chairman will read out the findings of the Committee regarding whether or not the member failed to follow the Code.]

- If the Committee decides that the member has **not** failed to follow the Code of Conduct, the committee can move on to consider whether it should make any recommendations to the authority.

REACH

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CHAIRMAN:

- The Committee will now hear representations as to whether any sanctions should be applied.

Representations are then made by:

- The Investigator
- The Member or their representative

- The Committee will now consider the representations and this will be done in private – would all parties please leave the room.

- The Committee has considered the representations of Stage 3 and has found as follows:
- [The Chairman will read out the findings of the Committee regarding any sanctions that it may feel appropriate.]

- A written copy of the Committee's findings will be sent by post to the Member, within 10 working days.

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HARMAN:

- This hearing is now closed.