



**Standards Committee**

**Wednesday, 4 June 2008 at 3.00 p.m.  
Council Chamber, Runcorn Town Hall**

A handwritten signature in black ink, appearing to read 'David W R', is positioned above a rectangular stamp.

**Chief Executive**

**COMMITTEE MEMBERSHIP**

**Mr Bill Badrock (Chairman)**

**Parish Councillor Ronald Crawford**

**Mr Tony Luxton**

**Councillor Stan Parker**

**Labour**

**Councillor Linda Redhead**

**Liberal Democrat**

**Councillor Kevan Wainwright**

**Labour**

**Councillor Mike Wharton**

**Labour**

*Please contact Lynn Cairns on 0151 471 7529 or e-mail  
[lynn.cairns@halton.gov.uk](mailto:lynn.cairns@halton.gov.uk) for further information.*

*The next meeting of the Committee is on Wednesday, 10 September  
2008*

**ITEMS TO BE DEALT WITH  
IN THE PRESENCE OF THE PRESS AND PUBLIC**

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. MINUTES</b>	
<b>2. DECLARATIONS OF INTERESTS</b>	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda no later than when that item is reached and, with personal and prejudicial interests (subject to certain exceptions in the Code of Conduct for Members), to leave the meeting prior to discussion and voting on the item.	
<b>3. ACTION LIST</b>	<b>1 - 3</b>
<b>4. STANDARDS COMMITTEE - DEVELOPMENTS</b>	<b>4 - 68</b>

***In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.***

## HALTON BOROUGH COUNCIL

STANDARDS COMMITTEE: 4 June 2008

### DRAFT ACTION LIST

The following list is for consideration by the Committee:-

No.	Priority	ACTION	BY	DATE
1	HIGH	Further role play session repeating the 'hearing' on 28 February 2007 with more time allowed - Role of Chair – To maintain impartiality throughout hearing. Facilitate and ensure compliance with procedure. Secure fairness of hearing. (previously 1, 5, 8, 10) Council Solicitor to prepare and circulate flowcharts illustrating the sequence of events and deadlines in relation to hearings. Consider further training involvement by Charles Kerry (Chester) Consider further training involvement by Graeme Creer (Weightmans)	OD	Done – training arranged for 18 June 2008
3	HIGH	Council Solicitor to arrange for Standards Committee members to attend other Council's Standards Committee hearings as a training opportunity.	OD	Done – contact made with Wigan
6	HIGH	Consider cost of training initiatives and make provision in budget for 2008/9. Consider funding sources for training during 2007/8.	OD	No further funding available – training provided from within resources
7	MEDIUM	Develop Standards Committee internet website presence.	OD	June 2008 – further

No.	Priority	ACTION	BY	DATE
				information to be uploaded on new complaints arrangements
9	LOW	Video of interview with Leader of Council and Chief Executive. Further use in conjunction with later training sessions. Explore ways of using training video as part of civic responsibility training in Halton's schools (previously 9, 16) [the new monitoring officer to review the video when in post, taking into account recent changes, to determine what amendments are required]	OD	Video reviewed & now out of date due to new Code, on which training has been given
12	MEDIUM	Council Solicitor and Chair invite Halton's parish council clerks and chairpersons to meeting to explore training needs of parish councillors. Halton's parish council clerks and chairpersons training session of parish clerks and chairpersons (prev 12, 13)	Chair/OD	June 2008 New Parish Councils now set up & to be invited
15	MEDIUM	Explore the idea of small loose-leaf folder for members of the Committee to keep copies of key documents: e.g. Principles, Code of Conduct and Guidance.	Chair/OD	March 2008
16	HIGH	Halton's preparations, arrangements and training for dealing with local filter duties.	OD	Elsewhere

No.	Priority	ACTION	BY	DATE
				on agenda
17		A letter be sent to the Standards Board for England requesting that their method of allocating places on conferences be amended so that, in future, an invitation be sent to the Chairs of all Standards Committees initially and they be provided with the opportunity of taking up this offer by a specified date	OD	2 places booked

**MEETING:** STANDARDS COMMITTEE  
**DATE:** 4<sup>TH</sup> JUNE 2008  
**REPORTING OFFICER:** STRATEGIC DIRECTOR, CORPORATE & POLICY  
**SUBJECT:** STANDARDS COMMITTEE – DEVELOPMENTS  
**WARDS:** BOROUGH WIDE

**1. PURPOSE OF REPORT**

1.1. To bring Members of the Committee up to date with recent developments in the law, and to seek the establishment of an Assessment Sub-Committee and Review Sub-Committee, to agree assessment criteria, to establish a procedure for appointment of a new Independent Member and Parish Member to the Standards Committee and to give consideration to mutual arrangements with other nearby authorities with regard to Independent Members.

**2. RECOMMENDATIONS**

2.1 The report be noted

2.2 That an Assessment Sub-Committee be established comprising of three Standards Committee Members chaired by an independent person.

2.3 That a Review Sub-Committee be established comprising of three Standards Committee Members and chaired by an independent person.

2.4 That the Committee approve the establishment of mutual arrangements with nearby authorities with regard to Independent Members when necessary.

2.5 That the Constitution be amended to reflect the fact that Code of Conduct Complaints are now to be made to the Standards Committee rather than the Standards Board for England

2.6 That Council be asked to approve these recommendations and that any consequential Constitutional changes are made

2.7 That the assessment criteria set out in the guidance document “Local Assessment of Complaints” be adopted.

**3. SUPPORTING INFORMATION**

- 3.1 A copy of Bulletin 38, released by the Standards Board of England since the last meeting of the Committee, is attached as Appendix 1. This provides a helpful summary of the changes in the law and the new requirements upon Councils for the local assessment and determination of complaints.
- 3.2 In addition, the Standards Board for England has issued two sets of guidance, Local Assessment of Complaints, and the Role and Make-up of Standards Committees. These are appended to the Report as Appendix 2 and Appendix 3 respectively.
- 3.3 The Standards Committee (England) Regulations 2008 now require that there must be at least two Parish Members of a Standards Committee when a Council is responsible for Parishes. The requirement that at least 25% of a Standards Committee must be made up of independent members remains.
- 3.4 To take account of these changes, Members will recall that the last meeting of this Committee recommended to the Council that the Constitution be amended to provide for a further independent member and Parish Member of this Committee. The Council approved this recommendation on 16<sup>th</sup> May last, and a press advertisement has now been placed to seek a further independent member. In addition, the Cheshire Association of Local Councils has written to the Clerks and/or Chairs of all six Parish Councils to seek nominations for the new Parish Member.
- 3.5 Members are asked to agree a procedure for making these appointments following the exercise. It is suggested that the Chair of the Committee and an Elected Member together with the Monitoring Officer interview applicants for the independent member vacancy. The existing Parish Member may well wish to be involved in the interviews for the new Parish Member.
- 3.6 The advertisement for the new Independent Member gave a closing date for applications of 12<sup>th</sup> June 2008. It is hoped that a decision can be made by full Council on 16<sup>th</sup> July 2008. It would be ideal if the new Parish Member could be confirmed at the same time. The Committee is asked to agree that the recommendations of the Interview Panel be referred direct to full Council, given that the next meeting of this Committee is not until 10<sup>th</sup> September 2008.
- 3.7 Section 57A of the Local Government Act 2000 requires that a Standards Committee must appointment a Sub-Committee chaired by an Independent Member to carry out initial assessments of allegations.

It must also appoint a sub-committee chaired by an Independent Member to carry out reviews under Section 57B of the Local Government Act 2000.

- 3.8 Nothing in the regulations requires a Sub-Committee of a Standards Committee to have fixed membership or Chairmanship. In those circumstances, it is recommended that the two Sub-Committees be established comprising of three Standards Committee Members each, both to be chaired by an independent person, but with membership on each occasion that it is necessary to meet, to be drawn from the Standards Committee at that time.
- 3.9 An independent member of one Standards Committee may also sit on other Standards Committees. Independent Members may be temporarily appointed to another Standards Committee to consider a particular assessment, review or hearing or for a particular period of time. For example, it would be appropriate to appoint an Independent Member of a neighbouring Standards Committee for a short period in situations where the permanent Member is unwell or there is a conflict of interest. These appointments do not need to be ratified by a majority of Members of the Council, but proper procedures should be in place to appoint independent members on a temporary basis. It is suggested that this Committee agree to the appointment of Independent Members from other authorities should the need arise for particular cases, and that the method of appointment should be interview by the Chair, an elected Member of the Committee, and the Monitoring Officer.
- 3.10 The Standards Committee is required to publish details of the procedures it will following in relation to any written allegation received about a Member. The Committee or its Assessment Sub-Committee must also develop criteria against which is assesses new complaints and decides what action, if any, to take. The criteria should reflect local circumstances and priorities and be simple, clear and open. They should ensure fairness for both the complainant and the subject member.

Sample assessment criteria are set out on page 12 of Appendix 2 to this report, and it is suggested that the Standards Committee adopt them.

#### **4. POLICY IMPLICATIONS**

- 4.1 There are no specific policy implications, but the recommendations contained in the report will clarify the method by which the Standards Committee will carry out assessments, reviews, and hearings.

#### **5. OTHER IMPLICATIONS**

None



**6. IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

- 6.1 Children and Young People in Halton – None
- 6.2 Employment, Learning and Skills in Halton – None
- 6.3 A Healthy Halton – None
- 6.4 A Safer Halton – None
- 6.5 Halton's Urban Renewal – None

**7. RISK ANALYSIS**

- 7.1 No key issues have been identified which require control measures. It is clear that the processes by which the Standards Committee deals with complaints must be compliant with changing legislation.

**8. EQUALITY AND DIVERSITY ISSUES**

None

**9. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None under the meaning of the Act.

## Contents

### Page 2

Standards Committee (England)  
Regulations 2008: A summary

### Page 8

Complaints from the public

### Page 9

Update on the new local  
reporting system

Forthcoming event

Press toolkit

### Page 10

Statistics

### Welcome to Issue 38 of the *Bulletin*.

Local assessment has arrived. From 8 May 2008, the new, more locally-based standards framework gives standards committees responsibility for the initial assessment of all allegations that a member of their authority may have breached the Code of Conduct. It also gives them responsibility for any subsequent investigations, decisions and sanctions. This is except where cases cannot be handled locally because of their seriousness, conflicts of interest or other public interest reasons.

Detailed regulations prescribe how the revised standards framework will work in practice. We use this *Bulletin* to summarise, in detail, the content of the Standards Committee (England) Regulations 2008. I hope that you find this useful.

As we set out in the last *Bulletin*, the Standards Board has been working hard to produce comprehensive guidance on the new standards framework. Now that the government has confirmed the detail of the regulations, we are reviewing and completing this guidance to make the transition to the new system as smooth as possible for authorities. We have already published a toolkit of template documents on our website to assist you with the local assessment of complaints. We will publish our local assessment guidance on the website by 8 May 2008.

Finally, I am sad to say that this is my final *Bulletin*, as I retire as Chief Executive of the Standards Board in June. My successor, Glenys Stacey, started work in April and looks forward to meeting as many of you as possible. I leave at an exciting time, as the responsibility for upholding high standards of member conduct moves to the heart of local government. I know that you will rise to the challenge. I would like to thank all of you for your commitment and hard work during my time at the Standards Board. It has been a pleasure working with you and I wish you every success in the operation of the new arrangements.



**David Prince**  
Chief Executive

### Contact

Enquiries line: 0845 078 8181

Minicom: 0161 817 5449

[www.standardsboard.gov.uk](http://www.standardsboard.gov.uk)

email: [bulletin@standardsboard.gov.uk](mailto:bulletin@standardsboard.gov.uk)

## Standards Committee (England) Regulations 2008: A summary

The following article summarises in detail the content of the Standards Committee (England) Regulations 2008.

### Composition of standards committees

At least 25% of a standards committee must be made up of independent members. No more than one member of an authority's standards committee can be a member of the executive.

Where an authority must have parish representatives it must now ensure that it has at least two who are not also members of the authority. Previously one was enough.

### Appointments to standards committees

Normally, a person cannot be appointed as an independent member of a standards committee unless:

- the appointment is approved by a majority of the members of the authority
- the appointment is advertised in a local newspaper circulating in the area
- the person has submitted an application to the authority
- the person has not been a member or officer of the authority within the previous five years and is not a relative or close friend of a member or officer of the authority

The new regulations do not change this, but add that advertisements can be placed in any other publications or websites the authority considers appropriate.

However, they do provide that a person who is an independent member of one standards committee may be appointed as an independent

member of another. This is unless they have been a member or officer of it in the preceding five years or are a relative or close friend of a member or officer of that authority.

An independent member of another authority can be appointed for a specific period of time. Alternatively, they can be appointed to deal with a particular allegation or set of allegations against a member. The term of office of such an independent member can then be fixed accordingly.

An authority can adopt whatever procedures it thinks fit to appoint such independent members and members of parish councils. It must consider the Standards Board for England's standards committee guidance, to be published in May, when making these appointments.

Where a person who is appointed as an independent person becomes a member or officer of any authority, or becomes a relative of a member or officer of that authority, they can no longer be a member of the standards committee.

### Sub-committees of standards committees

The standards committee of an authority must appoint a sub-committee chaired by an independent member to carry out initial assessments of allegations. This is under Section 57A of the Local Government Act 2000.

It must also appoint a sub-committee chaired by an independent member to carry out reviews under Section 57B of the Local Government Act 2000. If the standards committee appoints a sub-committee to hold hearings, that sub-committee must be chaired by an independent member. Nothing in the regulations requires a sub-committee of a standards committee to have fixed membership or chairmanship.

## Validity of proceedings

For a meeting of the standards committee to be valid at least three members must be present, one of whom must be an independent member. The independent member must chair the meeting. For a meeting of a standards committee sub-committee to be valid at least three members of the standards committee must be present, including normally at least one elected member and one independent member. In either case, if parish issues are being discussed, one of the three members present must be a parish representative. An independent member must usually chair a sub-committee meeting.

No member who took part in the initial assessment of an allegation can attend a sub-committee meeting that is considering a review of a decision to take no further action on a matter.

At least one parish or town council representative must attend a standards committee meeting, or a standards committee sub-committee meeting, convened to consider a matter relating to a member of a parish or town council.

## Application of the Local Government Act 1972

The existing rules about publicity and access to documents apply, except that initial assessment hearings and reviews are excluded from the scope of Part VA of the Local Government Act 1972. They are replaced with the following requirements:

- After the meeting, the sub-committee must produce a written summary. The written summary must record the main points considered, the conclusions reached and the reasons for them. It must be prepared having considered the Standards Board for England's standards committee guidance, which is to be published in May.

- The sub-committee may also give the name of any member subject to allegations unless such disclosure is not in the public interest or would prejudice any investigation. The record must be available for inspection by members of the public at the offices of the authority for six years after the meeting and must be given to any parish or town council involved.

## Written allegations

Standards committees must publish details of the address or addresses that written allegations should be sent to. Standards committees themselves can choose how they do this. They must also take reasonable steps to ensure that the public are kept aware of address details and that any changes to them are published promptly.

In addition, standards committees must publish details of the procedures they will follow.

A standards committee must take account of relevant guidance issued by the Standards Board when complying with these obligations.

## Modification of duty to provide written summaries to members subject to allegations

Under Section 57C(2) of the Local Government Act 2000, a standards committee must take reasonable steps to give a written summary of the complaint to the member subject to the allegation. The new regulations provide that this duty does not arise if the standards committee decides that giving a written summary would be contrary to the public interest. Standards committees also need not provide a written summary if it would prejudice any person's ability to investigate the allegation.

The standards committee must take account of any guidance issued by the Standards Board when reaching a decision. It may also consider any advice received from the monitoring officer or any ethical standards officer concerned.

Once the monitoring officer or ethical standards officer has advised the standards committee that it would no longer be against the public interest or prejudicial to any investigation, a written summary must be provided. In any event this must be done before any consideration by the standards committee or sub-committee of a report or recommendation from a monitoring officer or ethical standards officer about that allegation.

### **Modification of Section 63 of the Local Government Act 2000**

Section 63 of the Local Government Act 2000 has been modified so that the confidentiality requirements in that section are applied to information gathered by the monitoring officer in the course of an investigation. The monitoring officer can disclose this information if it is for the purposes of carrying out their functions under the legislation, or for enabling a standards committee, a sub-committee or an appeals tribunal to do so.

### **Referral of matters to a monitoring officer for other action**

There may be occasions where a matter is referred to a monitoring officer by a sub-committee of a standards committee or an ethical standards officer, with a direction to take steps other than carry out an investigation. The sub-committee can only make such a referral after consulting the monitoring officer. Other action can include arranging training, conciliation or anything else that appears appropriate.

The monitoring officer must submit a written report to the sub-committee or ethical standards officer within three months, giving details of what action has been taken or is proposed to be taken. If the standards committee is not satisfied with the action specified in the report, it must give a further direction to the monitoring officer.

If the ethical standards officer concerned is not satisfied with the action specified in the report, they may ask the monitoring officer to publicise a statement. This statement should be published in at least one newspaper circulating in the area of the authority concerned. This should give details of the direction given by the ethical standards officer, the reasons why the ethical standards officer is dissatisfied with the action taken, and the monitoring officer's response to those reasons.

### **Referral of matters to a monitoring officer for investigation**

Where a matter is referred to the monitoring officer for investigation, the monitoring officer must inform the following parties that the matter has been referred for investigation:

- any member subject to an allegation
- the person who made the allegation
- the standards committee of any other authority concerned
- any parish or town council or other authority concerned

The monitoring officer must also consider any relevant guidance issued by the Standards Board, and must comply with any relevant direction given by it.

The monitoring officer can make enquiries of anyone and require them to provide information or explanations that the monitoring officer thinks necessary. In addition, they may require any of the authorities concerned to provide advice and assistance as reasonably needed, and, except for parish and town councils, to meet the reasonable costs of doing so.

If any of the authorities concerned is a parish council, the monitoring officer may require its responsible authority to meet any reasonable costs it incurs. The monitoring officer may also require any of the authorities concerned to allow reasonable access to documents they possess,

which the monitoring officer may find necessary to conduct the investigation.

Following an investigation, a monitoring officer must make one of the following findings:

- Finding of failure – there has been a failure to comply with the Code of Conduct of the authority concerned or, as the case may be, of any other authority concerned.
- Finding of no failure – there has not been a failure to comply with the Code of Conduct of the authority concerned or, as the case may be, of any other authority concerned.

The monitoring officer must prepare a written report concerning the investigation and findings. They must then send that report to the member subject to the allegation and refer the report to the standards committee. The report can also be sent to any other authority that the member belongs to, if they request it. The monitoring officer must refer the report to the standards committee in instances where an investigation report is sent to the monitoring officer by an ethical standards officer.

**References back from the monitoring officer**

In cases referred to a monitoring officer for investigation after an initial assessment, the monitoring officer can refer that matter back to the standards committee concerned if:

- 1) as a result of new evidence or information, the monitoring officer believes both of the following:
  - The matter is materially more or less serious than may have seemed apparent to the standards committee when it made its decision on the initial allegation.
  - The standards committee would have made a different decision had it been

aware of that new evidence or information.

- 2) the member subject to the allegation has died, is seriously ill or has resigned from the authority concerned, and the monitoring officer believes that it is consequently no longer appropriate to continue with an investigation

If a matter is referred back to a sub-committee under this regulation, the sub-committee must make a decision as if the matter had been referred to it for initial assessment. It can remove the ability of the monitoring officer to refer the matter back again.

**Consideration of reports by standards committee**

Where a monitoring officer refers a report to the standards committee of any authority, it must consider that report and make one of the following findings:

- Finding of acceptance – it accepts the monitoring officer’s finding of no failure to comply with the Code of Conduct.
- The matter should be considered at a hearing of the standards committee.
- The matter should be referred to the Adjudication Panel for England for determination.

A standards committee can only refer a case to the Adjudication Panel if:

- 1) it decides that the action it could take against the member would be insufficient were a finding of failure to be made
- 2) the President or Deputy President of the Adjudication Panel has agreed to accept the referral

The standards committee must give written notice of a finding of acceptance to the parties involved, as soon as possible after making it. It must arrange for the decision to be published in at least one local newspaper and, if the committee deems it appropriate, on its website and any other publication. If the member subject to the allegation requests that the decision not be published, then the standards committee must not publish it anywhere.

### **Hearings by a standards committee**

A standards committee can conduct a hearing using whatever procedures it considers appropriate in the circumstances. But the meeting must be conducted with regard to relevant guidance issued by the Standards Board.

The hearing must be held within three months of the date of which the monitoring officer has received a report referred by an ethical standards officer or the date that the report is completed, if it was prepared by the monitoring officer.

If it cannot be held within three months of the above, it must be held as soon as possible thereafter.

The hearing must not be held until at least 14 days after the date that the monitoring officer sent the report to the member subject to the allegation, unless the member concerned agrees to the hearing being held earlier.

Any member who is the subject of a report being considered by the standards committee must be given the opportunity to present evidence and make representations at the hearing orally. Alternatively, they can make representations in writing, personally or through a representative. The representative can be a barrister, solicitor or, with the consent of the standards committee, anyone else.

A standards committee may arrange for witnesses that it thinks appropriate to attend and a member subject to an allegation may arrange to call any number of witnesses. It may also place a limit on the number of witnesses a member calls if it believes that the number is unreasonable.

If the member subject to the allegation fails to attend a hearing, the standards committee may make a decision in their absence. This is unless it is satisfied that there is sufficient reason for the member subject to the allegation failing to attend. It may alternatively adjourn the hearing to another date.

A standards committee may, at any stage prior to the conclusion of the hearing, adjourn the hearing and require the monitoring officer to seek further information. Alternatively, it may require the monitoring officer to carry out further investigation on any point it specifies. However, the standards committee cannot adjourn the hearing more than once.

If a standards committee receives a report from an ethical standards officer, it may adjourn the hearing at any stage before it concludes, and refer it back to the ethical standards officer for further investigation. It must set out its reasons for doing this.

The ethical standards officer must respond to the request within 21 days and can accept or refuse it. If the request is refused, the standards committee must continue the hearing within three months or as soon as possible thereafter.

### **Standards committee findings**

Following a hearing, a standards committee will make one of the following findings about the member subject to the allegation:

- The person had not failed to comply with the Code of Conduct.

- The person had failed to comply with the Code of Conduct but that no action needs to be taken.
- The person had failed to comply with the Code of Conduct and that a sanction should be imposed.

If the member subject to the allegation is no longer a member of any authority, the committee can only censure that person. Otherwise, it must impose any one or a combination of the following sanctions:

- Censure.
- Restriction for up to a maximum of six months of that member's access to the premises and/or resources of the authority. This is provided that any such restrictions are reasonable and proportionate to the nature of the breach, and do not unduly restrict the person's ability to perform their functions as a member.
- Partial suspension of that member for up to a maximum of six months.
- Suspension of that member for up to a maximum of six months.
- A requirement that the member submit a written apology in a form specified by the standards committee.
- A requirement that the member undertake training as specified by the standards committee.
- A requirement that the member undertake conciliation as specified by the standards committee.
- Partial suspension of the member for up to a maximum of six months or until such time as the member submits a written apology in a form specified by the standards committee.

- Partial suspension of the member for up to a maximum of six months or until such time as the member undertakes any training or conciliation specified by the standards committee.
- Suspension of the member for up to a maximum of six months or until such time as the member submits a written apology in a form specified by the standards committee.
- Suspension of the member for up to a maximum of six months or until such time as that member undertakes such training or conciliation as the standards committee specifies.

Normally any sanction imposed must start immediately following its imposition. However, the standards committee can decide that any sanction will start on any specified date up to six months after the imposition of that sanction.

### **Notification of standards committee findings**

The notification provisions under the new regulations are similar to the ones under the previous regulations. All interested parties, including the Standards Board, should be notified of a decision along with the reasons for it. The standards committee must arrange for a notice to be published in a local newspaper and, if the committee thinks it appropriate, on its website and any other publication. If the member concerned is found not to have failed to comply with the Code of Conduct, a summary must not be published anywhere if the member so requests.

Where the standards committee finds that the member has failed to comply with the Code, the notice to the member concerned must include the right to appeal in writing against the decision to the President of the Adjudication Panel for England.

### **Appeals**

The member who is the subject of a finding can



ask for permission to appeal within 21 days of receiving notification of the committee's decision. They can also apply for the suspension of any sanction imposed until such time as any appeal is decided.

Any appeal must specify whether the appeal is against the finding or the sanction or both. It must also specify:

- the grounds of the appeal
- whether any application for suspension of any sanction is made
- whether the person consents to the appeal being dealt with in writing only

The application for permission to appeal or to suspend a sanction will be decided by the President of the Adjudication Panel for England. In the absence of the President this will be decided by the Deputy President, unless they consider that special circumstances render a hearing desirable.

If permission is refused, or if a suspension of a sanction is not granted, the notice given to the member concerned will give the reasons.

The conduct of appeals, the composition of appeals tribunals and the procedures to be followed are essentially the same as under the previous regulations.

### **Outcome of appeals**

Where an appeals tribunal dismisses a standards committee's finding, the committee's decision, including any sanction imposed, will cease to have effect from the date of the dismissal.

Where an appeals tribunal upholds the finding of a standards committee that there has been a breach of the Code of Conduct but that no sanction should be imposed, it may confirm the committee's decision to impose no sanction. Alternatively, it may impose any sanction which was available to that standards committee.

Where an appeals tribunal upholds a standards committee's finding, or part of a finding, that there has been a breach of the Code of Conduct, it may confirm any sanction imposed by that committee. Alternatively, it may substitute any other sanction which was available to that standards committee.

Normally any sanction imposed must start immediately following its imposition by the appeals tribunal. However, an appeals tribunal can decide that any sanction imposed should start on any specified date up to six months after the imposition of that sanction.

The appeals tribunal must arrange for a summary of its decision to be published in one or more newspapers circulating in the area of the authorities concerned.

### **Complaints from the public**

As local authorities prepare to receive and assess complaints about member conduct, we are passing on our advice about dealing with complaints from members of the public. Although these formed the majority of the complaints we received, the fact that most members of the public are not specialists in local government, the Code of Conduct or in making a complaint means that they will need support.

Our experience suggests that if members of the public do not understand the process, including the possible or likely outcomes if their complaint is upheld, then they are more likely to be unhappy about the outcomes of cases. Feedback we have received also suggests that not all local authorities are making information readily available on how to make a complaint. This will be a statutory requirement from May this year.

In short, our key recommendations based on our experience of dealing with complaints from the public are:

- Complaint materials should be easily available and the complaint process should be made very clear from the start.
- Complaint materials and responses to complaints need to be clear and concise. They should explain exactly what can and cannot be done, including an outline of the powers available.
- Complaint materials should assume complainants are unfamiliar with how to make a complaint, the Code of Conduct and the authority's complaint process.

## Update on the new local reporting system

In the last issue of the *Bulletin* we provided a brief overview of the new reporting mechanism that monitoring officers will use to notify us about local activity relating to the standards framework each quarter.

We aim to launch the system on 8 May 2008. To ensure that it works well, we have recently carried out some external testing. We advertised for volunteers in the ACSeS (Association of Council Secretaries and Solicitors) bulletin and were delighted by the number of monitoring officers who got in touch and expressed an interest.

Each volunteer was asked to submit a mock quarterly return using real, but anonymised, case information and to report back on their experience. The exercise has proven invaluable and the feedback has been encouraging. Aside from some issues with speed that are being attended to, monitoring officers have confirmed that the system is easy to use and that the questions being asked are clear and understandable.

The next stage for us is to implement some of the tweaks and improvements suggested by our external testers and to compile a user guide to accompany the system launch documentation.

All monitoring officers will be contacted via email ahead of the introduction of the new system, with information about how to log on and instructions about how and when to submit their return.

In addition to the user guide, we plan to provide telephone and email support to monitoring officers who are making information returns. This will ensure that the process is as uncomplicated and painless as possible.

## Forthcoming event

### The National Association of Local Councils Conference 2008

Winter Gardens, Eastbourne  
Tuesday 20 to Thursday 22 May 2008

At this year's National Association of Local Councils (NALC) event, we will have policy staff on hand to answer your questions at exhibition stand four.

Our new Chief Executive Glenys Stacey, and independent Board Member Councillor Shirley Flint, will also be delivering a presentation and answering questions.

## Press toolkit

The Standards Board's press office is preparing a toolkit to help local authority press offices deal with media interest in referrals, investigations and hearings once the local framework comes into effect.

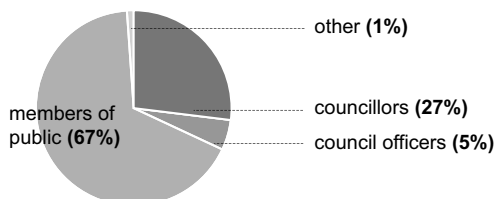
It will include advice on how to publicise the changes in the ethical framework, raise awareness of standards committees' work, and offer help on dealing with enquiries about complaints and investigations reactively. The toolkit will also include FAQs, guidelines, templates for press releases and best practice advice. The toolkit is currently being drafted in light of the regulations, and will be issued directly to local authority press offices.

### Referral and investigation statistics

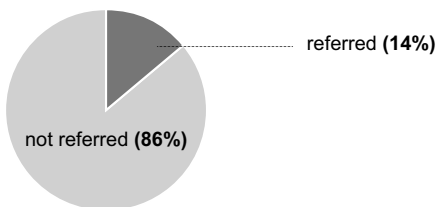
The Standards Board for England received 3,624 allegations between 1 April 2007 and 31 March 2008, compared to 3,549 during the same period in 2006-2007.

The following charts show referral and investigation statistics during the above dates.

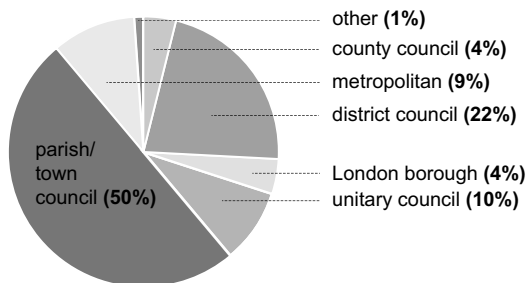
Source of allegations received



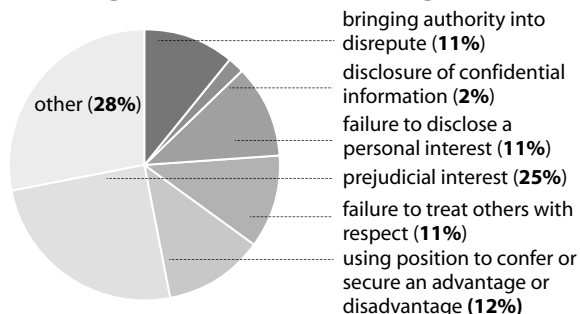
Allegations referred for investigation



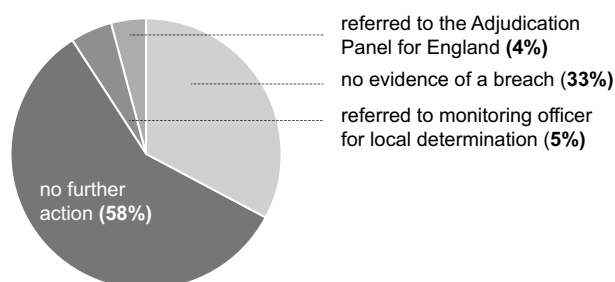
Authority of subject member in allegations referred for investigation



Nature of allegations referred for investigation



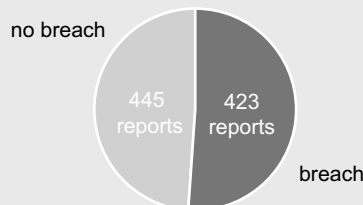
Final findings



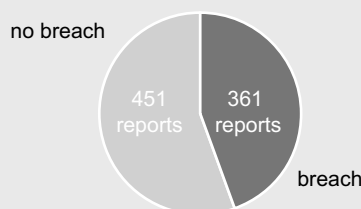
### Local investigation statistics

For the period 1 April 2007 to 31 March 2008, ethical standards officers referred 291 cases for local investigation, which is 55% of all cases referred for investigation. Since 1 April 2007 there have been eight appeals to the Adjudication Panel for England following standards committee hearings. Since November 2004 we have referred 1,097 cases for local investigation – please see below for a statistical breakdown of the cases that have been determined.

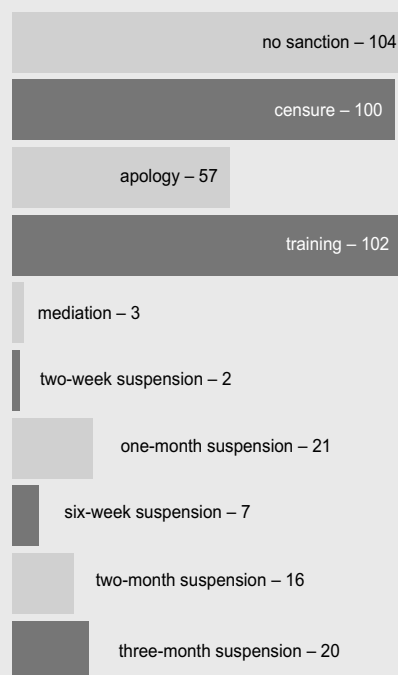
Monitoring officers' recommendations following local investigations



Standards committee hearings



Standards committee determinations



# LOCAL ASSESSMENT OF COMPLAINTS

## Contents

introduction

pre-assessment

assessment

decision

review

other issues to consider



# contents

<b>introduction</b>	<b>3</b>
Regulations	4
Background	4
Responsibilities	4
<b>pre-assessment</b>	<b>7</b>
Publicising the complaints system	7
The submission of complaints and accessibility	7
Acknowledging receipt of a complaint	9
Pre-assessment reports and enquiries	10
<b>assessment</b>	<b>11</b>
Initial tests	11
Developing assessment criteria	11
<b>decision</b>	<b>13</b>
Initial assessment decisions	13
Referral for local investigation	13
Referral to the Standards Board for England	13
Referral back to a standards committee from the Standards Board for England	15
Referral for other action	15
Decision to take no action	17
Notification requirements – local assessment decisions	18

# contents

<b>review</b>	<b>20</b>
Reviews of 'no further action' decisions	20
Notification requirements – reviews of local assessment decisions	20
<b>other issues to consider</b>	<b>22</b>
Access to meetings and decision making	22
Withdrawing complaints	22
Multiple and vexatious complaints	23
Case history	24
Confidentiality	25
Anonymous complaints	25
Members with conflicts of interest	26
Officers with conflicts of interest	27
Personal conflicts	27
Complaints about members of more than one authority	28

# introduction

This guidance is designed to help members and officers in relevant authorities who are involved in the assessment of complaints that a member may have breached the Code of Conduct.

It details each stage of the assessment of complaints and offers suggestions for effective practice. In addition, it provides a toolkit of useful document templates that may be used or adapted by authorities as required.

The guide is aimed primarily at members of standards committees and monitoring officers, but will also provide a useful reference tool for all members and officers involved in the assessment of complaints.

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
- passenger 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

Each authority must develop effective procedures to fulfil its legislative requirements. Members and officers involved in the assessment of complaints must take this guidance into account when doing so.

You can contact the Standards Board for England on **0845 078 8181** or email **[enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk)**

# introduction

## Regulations

The Standards Board for England has issued this guidance to reflect the Standards Committee (England) Regulations 2008 (the regulations) in respect of the local assessment of complaints. These regulations derive from the Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007.

The regulations set out the framework for the operation of a locally based system for the assessment, referral, investigation and hearing of complaints of member misconduct. Under the regulations, standards committees must take this guidance into account.

The regulations do not cover joint working between authorities. The government plans to issue more regulations to provide a framework for authorities to work jointly on the assessment, referral, investigation and hearing of complaints of misconduct by their members.

## Background

More than 100,000 people give their time as members of authorities. The majority do so with the very best motives, and they conduct themselves in a way that is beyond reproach. However, public perception tends to focus on a minority who in some way abuse their positions or behave badly.

Anyone who considers that a member may have breached the Code of Conduct may make a complaint to that member's local

standards committee. Each complaint must then be assessed to see if it falls within the authority's legal jurisdiction. A decision must then be made on whether some action should be taken, either as an investigation or some other form of action.

When a matter is referred for investigation or other action, it does not mean that the committee assessing the complaint has made up its mind about the allegation. It simply means that the committee believes the alleged conduct, if proven, may amount to a failure to comply with the Code and that some action should be taken in response to the complaint.

The process for dealing with matters at a local level should be the same for all members. It must be fair and be seen to be fair.

## Responsibilities

The assessment of complaints that a member may have breached the Code of Conduct is a new function for standards committees. It was previously undertaken centrally by the Standards Board for England.

Where a member is the subject of an allegation, we shall refer to that member as a **subject member**.

We shall use the term **independent member** to describe a person – not a member or officer of that or any other relevant authority – who is appointed to an authority's standards committee. Independent members work with the



# introduction

authority to develop and maintain standards of conduct for members and are appointed under Section 53 of the Local Government Act 2000 and Regulation 5 of the regulations. At least 25% of the members of a standards committee must be independent members.

In order to carry out its functions efficiently and effectively, the standards committee must establish sub-committees. Creating sub-committees will allow the separate functions involved in the handling of cases to be carried out without conflicts of interest. These functions are:

- the **initial assessment** of a complaint received by the standards committee
- any **request** a standards committee receives from a complainant **to review its decision to take no action in relation to a complaint**

The standards committee must establish a sub-committee which is responsible for assessing complaints that a member may have breached the Code. We shall refer to this as the **assessment sub-committee**.

The assessment sub-committee will need to consist of no less than three members of the standards committee, including an independent member. They must also be chaired by an independent member.

A complainant may make a request for a review of a standards committee's decision where it decides to take no further action on a complaint. The standards committee must establish a sub-committee which is

responsible for carrying out these reviews. We shall refer to this as the **review sub-committee**.

This committee will also need to consist of no less than three members of the standards committee, including an independent member. They must also be chaired by an independent member.

There should be a minimum of three independent members on the standards committee to ensure that there is an independent member available without a conflict of interest for both the assessment and review sub-committees.

The standards committee can then effectively carry out these statutory functions, allowing for the situation of one independent member of the standards committee being absent or unavailable.

If the authority is responsible for any parish or town councils there should also be a minimum of three parish or town council representatives on the standards committee. This will ensure that there is a parish or town council representative available without a conflict of interest for both the assessment and review sub-committees when a complaint is considered about a member of a parish or town council.

The assessment and review sub-committees are not required to have fixed membership or a fixed chair.

Standards committee members who have been involved in decision making on the

# introduction

initial assessment of a complaint must not take part in the review of that decision. This is to minimise the risk of conflicts of interest and ensure fairness for all parties.

Standards committee members involved in a complaint's initial assessment, or in a review of a standards committee's previous decision to take no further action, can take part in any subsequent standards committee hearing.

The purpose of the initial assessment decision or review is simply to decide whether any action should be taken on the complaint – either as an investigation or some other action. The assessment and review sub-committees make no findings of fact. Therefore, a member involved at the initial stage or the review stage may participate in a subsequent hearing, because a conflict of interest does not automatically arise.

# pre-assessment

## Publicising the complaints system

Each authority is required to publish a notice detailing where Code of Conduct complaints should be sent to. This is to ensure that members of the public are aware of the change of responsibility for handling Code complaints and what the process entails. If an authority is responsible for parish and town councils, the notice should make this clear.

The complaints system may be publicised through:

- an authority's website
- advertising in one or more local newspapers
- an authority's own newspaper or circular
- notices in public areas such as local libraries or authority reception areas

It is important that the public notice reaches as many people as possible so that members of the public know how to complain if necessary.

The standards committee must also continue to publicise regularly the address that misconduct complaints should be sent to. In addition, the standards committee needs to alert the public to any changes in such arrangements.

Authorities need to think carefully about how publicity for their complaints system is worded. This is to ensure that members of the public are clear about how to complain, who to complain to, and if there may be an alternative to a formal complaint to the standards committee.

Authorities should also consider whether their constitution requires an amendment to reflect the introduction of the local assessment of complaints. The constitution should make it clear that the citizen's right is to complain to the local standards committee and not to the Standards Board for England.

The standards committee must publish, in whatever manner it considers appropriate, details of the procedures it will follow in relation to any written allegation received about a member.

## The submission of complaints and accessibility

There are two main ways in which authorities can set up procedures for the submission of complaints that a member may have breached the Code of Conduct:

- Authorities may choose to integrate the making of Code complaints into the existing complaints framework. This will mean that when a complaint is received, it can be analysed to decide which of the complaints processes is most appropriate. The authority can then advise the complainant accordingly.
- Authorities may choose to develop a separate process for Code complaints so the process for such complaints is distinct from all other complaints.

When deciding which option is most appropriate, authorities should consider that some complainants will not know where to direct their complaint.

# pre-assessment

Some complaints may also need to be considered through more than one of an authority's complaint processes.

Officers dealing with incoming complaints will need to be alert to a complaint that a member may have breached the Code. If a written complaint specifies or appears to specify that it is in relation to the Code, then it should be passed to the assessment sub-committee for consideration.

Where an authority is responsible for parish and town councils, it should make this clear. It should also consider whether a separate complaint form or section of a complaint form should be used.

Where an existing complaint system is used, complaint forms may need to be amended to take into account complaints under the Code. Alternatively, authorities that choose to develop a separate system for the submission of Code complaints may produce a separate complaint form for this.

Without using a separate complaint form, authorities may find it sufficient to give clear guidelines as to the information that complainants need to provide.

This should include:

- the complainant's name, address and other contact details
- complainant status, for example, member of the public, fellow member or officer

- who the complaint is about and the authority or authorities that the member belongs to
- details of the alleged misconduct including, where possible, dates, witness details and other supporting information
- equality monitoring data if applicable, for example nationality of the complainant
- a warning that the complainant's identity will normally be disclosed to the subject member. **Note:** in exceptional circumstances, if it meets relevant criteria and at the discretion of the standards committee, this information may be withheld.

Complaints must be submitted in writing. This includes fax and electronic submissions. However, the requirement for complaints to be submitted in writing must be read in conjunction with the Disability Discrimination Act 1995 and the requirement to make reasonable adjustments.

An example of this would be in assisting a complainant who has a disability that prevents them from making their complaint in writing. In such cases, authorities may need to transcribe a verbal complaint and then produce a written copy for approval by the complainant or the complainant's representative.

Authorities should also consider what support should be made available to

# pre-assessment

complainants where English is not the complainant's first language.

When a complaint is addressed to the authority's monitoring officer, the monitoring officer should determine whether the complaint should be directed to the assessment sub-committee or whether another course of action is appropriate. If the complaint is clearly not about member conduct, then the monitoring officer does not have to pass it to the assessment sub-committee.

A complaint may not necessarily be made in writing, for example it may be a concern raised with the monitoring officer verbally. In such cases, the monitoring officer should ask the complainant whether they want to formally put the matter in writing to the standards committee. If the complainant does not, then the monitoring officer should consider the options for informal resolution to satisfy the complainant.

## Acknowledging receipt of a complaint

The monitoring officer has the discretion to take the administrative step of acknowledging receipt of a complaint and telling the subject member that a complaint has been made about them. When considering whether to do so, they should bear in mind the standards committee's procedures with regard to withholding summaries. Please see the section on **Notification requirements** on **page 18** for further information.

The notification can say that a complaint has been made, and state the name of the

complainant (unless the complainant has requested confidentiality and the standards committee has not yet considered whether or not to grant it) and the relevant paragraphs of the Code of Conduct that may have been breached. It should also state that a written summary of the allegation will only be provided to the subject member once the assessment sub-committee has met to consider the complaint, and the date of this meeting, if known.

If a monitoring officer chooses to tell a subject member, the monitoring officer will need to be satisfied that they have the legal power to disclose the information they choose to reveal. In particular, the monitoring officer will need to consider any of the restrictions set out in Section 63 of the Local Government Act 2000 and as modified by Regulation 12 of the regulations. These are the provisions which deal with restrictions on disclosure of information. Additionally, the impact of the Data Protection Act 1998 should be considered.

Only the standards committee has the power, under Section 57C(2) of the Local Government Act 2000, as amended, to give a written summary of the allegation to a subject member.

The administrative processes that the authority adopts should be agreed with the standards committee as part of the processes and procedures that they must publish.

# pre-assessment

## Pre-assessment reports and enquiries

Authorities may decide that they want the monitoring officer, or other officer, to prepare a short summary of a complaint for the assessment sub-committee to consider. This could, for example, set out the following details:

- whether the complaint is within jurisdiction
- the paragraphs of the Code of Conduct the complaint might relate to, or the paragraphs the complainant has identified
- a summary of key aspects of the complaint if it is lengthy or complex
- any further information that the officer has obtained to assist the assessment sub-committee with its decision – this may include:
  - a) obtaining a copy of a declaration of acceptance of office form and an undertaking to observe the Code
  - b) minutes of meetings
  - c) a copy of a member's entry in the register of interests
  - d) information from Companies House or the Land Registry
  - e) other easily obtainable documents

Officers may also contact complainants for clarification of their complaint if they are unable to understand the document submitted.

Pre-assessment enquiries should not be carried out in such a way as to amount to an investigation. For example, they should not extend to interviewing potential witnesses, the complainant, or the subject member.

Officers should not seek opinions on an allegation rather than factual information as this may prejudice any subsequent investigation. They should also ensure their report does not influence improperly the assessment sub-committee's decision or make the decision for it.

# assessment

## Initial tests

Before assessment of a complaint begins, the assessment sub-committee should be satisfied that the complaint meets the following tests:

- it is a complaint against one or more named members of the authority or an authority covered by the standards committee
- the named member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time
- the complaint, if proven, would be a breach of the Code under which the member was operating at the time of the alleged misconduct

If the complaint fails one or more of these tests it cannot be investigated as a breach of the Code, and the complainant must be informed that no further action will be taken in respect of the complaint.

## Developing assessment criteria

The standards committee or its assessment sub-committee will need to develop criteria against which it assesses new complaints and decides what action, if any, to take. These criteria should reflect local circumstances and priorities and be simple, clear and open. They should ensure fairness for both the complainant and the subject member.

Assessing all new complaints by established criteria will also protect the committee members from accusations of bias. Assessment criteria can be reviewed and amended as necessary but this should not be done during consideration of a matter.

In drawing up assessment criteria, standards committees should bear in mind the importance of ensuring that complainants are confident that complaints about member conduct are taken seriously and dealt with appropriately. They should also consider that deciding to investigate a complaint or to take other action will cost both public money and the officers' and members' time. This is an important consideration where the matter is relatively minor.

Authorities need to take into account the public benefit in investigating complaints which are less serious, politically motivated, malicious or vexatious. Assessment criteria should be adopted which take this into account so that authorities can be seen to be treating all complaints in a fair and balanced way.

To assist in developing the criteria for accepting a complaint or for deciding to take no further action on it, a standards committee or assessment sub-committee may want to ask itself the following questions and consider the following response statements. These will provide a good foundation for developing assessment criteria in the context of local knowledge and experience:



# assessment

**Q: Has the complainant submitted enough information to satisfy the assessment sub-committee that the complaint should be referred for investigation or other action?**

If the answer is **no**: “The information provided was insufficient to make a decision as to whether the complaint should be referred for investigation or other action. So unless, or until, further information is received, the assessment sub-committee is taking no further action on this complaint.”

**Q: Is the complaint about someone who is no longer a member of the authority, but is a member of another authority? If so, does the assessment sub-committee wish to refer the complaint to the monitoring officer of that other authority?**

If the answer is **yes**: “Where the member is no longer a member of our authority but is a member of another authority, the complaint will be referred to the standards committee of that authority to consider.”

**Q: Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?**

If the answer is **yes**: “The matter of complaint has already been subject to a

previous investigation or other action and there is nothing more to be gained by further action being taken.”

**Q: Is the complaint about something that happened so long ago that there would be little benefit in taking action now?**

If the answer is **yes**: “The period of time that has passed since the alleged conduct occurred was taken into account when deciding whether this matter should be referred for investigation or further action. It was decided under the circumstances that further action was not warranted.”

**Q: Is the complaint too trivial to warrant further action?**

If the answer is **yes**: “The matter is not considered to be sufficiently serious to warrant further action.”

**Q: Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?**

If the answer is **yes**: “The matter appears to be simply malicious, politically motivated or tit-for-tat, and not sufficiently serious, and it was decided that further action was not warranted”.

The assessment criteria that the standards committee adopts should be made publicly available.



# decision

## Initial assessment decisions

The assessment sub-committee should complete its initial assessment of an allegation within an average of 20 working days, to reach a decision on what should happen with the complaint.

The assessment sub-committee is required to reach one of the three following decisions on a complaint about a member's actions in relation to the Code of Conduct:

- referral of the complaint to the monitoring officer of the authority concerned, which under section 57A(3) of the Local Government Act 2000, as amended, may be another authority
- referral of the complaint to the Standards Board for England
- no action should be taken in respect of the complaint

New rules have been made about what the assessment sub-committee must do when a decision has been made. Please see the section on **Access to meetings and decision making** on **page 22** for further information.

The time that the assessment sub-committee takes to carry out its initial assessment of a complaint is key in terms of being fair to the complainant and the subject member. It is also in the public interest to make a timely decision within an average of 20 working days. The assessment sub-committee should

therefore aim to achieve this target wherever possible.

## Referral for local investigation

When the assessment sub-committee considers a new complaint, it can decide that it should be referred to the monitoring officer for investigation.

The monitoring officer must write to the relevant parties informing them of the decision and, if appropriate, advising who will be responsible for conducting the investigation. Please see the section on **Notification requirements** on **page 18** for further information.

## Referral to the Standards Board for England

In most cases, authorities will be able to deal with the investigation of complaints concerning members of their authorities and, where relevant, the parish and town councils they are responsible for. However, there will sometimes be issues in a case, or public interest considerations, which make it difficult for the authority to deal with the case fairly and speedily. In such cases, the assessment sub-committee may wish to refer a complaint to the Standards Board to be investigated by an ethical standards officer.

If the assessment sub-committee believes that a complaint should be investigated by the Standards Board, it must take immediate steps to refer the matter. It would be helpful if the assessment

# decision

sub-committee let us know the paragraph or paragraphs of the Code of Conduct that it believes the allegation refers to and the reasons why it cannot be dealt with locally.

We may accept cases for investigation by an ethical standards officer, take no action, or refer cases back to the standards committee which referred them. When deciding which of these actions to take, we will be principally concerned with supporting the ethical framework nationally and locally.

We will take the following matters into account in deciding which cases we should accept in the public interest:

- Does the standards committee believe that the status of the member or members, or the number of members about whom the complaint is made, would make it difficult for them to deal with the complaint? For example, is the member a group leader, elected mayor or a member of the authority's cabinet or standards committee?
- Does the standards committee believe that the status of the complainant or complainants would make it difficult for the standards committee to deal with the complaint? For example, is the complainant a group leader, elected mayor or a member of the authority's cabinet or standards committee, the chief executive, the monitoring officer or other senior officer?
- Does the standards committee believe that there is a potential conflict of interest of so many members of the standards committee that it could not properly monitor the investigation?
- Does the standards committee believe that there is a potential conflict of interest of the monitoring officer or other officers and that suitable alternative arrangements cannot be put in place to address the conflict?
- Is the case so serious or complex, or involving so many members, that it cannot be handled locally?
- Will the complaint require substantial amounts of evidence beyond that available from the authority's documents, its members or officers?
- Is there substantial governance dysfunction in the authority or its standards committee?
- Does the complaint relate to long-term or systemic member/officer bullying which could be more effectively investigated by someone outside the authority?
- Does the complaint raise significant or unresolved legal issues on which a national ruling would be helpful?
- Might the public perceive the authority to have an interest in the outcome of a case? For example if the authority could be liable to be judicially reviewed if the complaint is upheld.
- Are there exceptional circumstances which would prevent the authority or its

# decision

standards committee investigating the complaint competently, fairly and in a reasonable period of time, or meaning that it would be unreasonable for local provision to be made for an investigation?

We will normally inform the monitoring officer within ten working days whether we will accept a case or whether we will refer it back to the standards committee, with reasons for doing so. There is no appeal mechanism against our decision.

## **Referral back to a standards committee from the Standards Board for England**

If we decline to investigate a complaint referred to us, we will normally send it back to the authority's standards committee with the reasons why. The standards committee must then decide what action should be taken next.

The assessment sub-committee must again take an assessment decision and should complete this within an average of 20 working days.

This may be a decision not to take any further action, to refer the matter for local investigation, or to refer the matter for some other form of action. As the assessment sub-committee initially decided that the matter was serious enough to be referred to the Standards Board for investigation, it is likely that it will still think that it should be investigated.

However, if the circumstances of the complaint have changed since the

assessment sub-committee's original decision, it may be reasonable to take a different decision. This decision will again need to be communicated to relevant parties in the same way as the original decision was. Please see the section on **Notification requirements** on **page 18** for further information.

If we decline to investigate a case referred to us, we may, in the circumstances, offer guidance or give a direction to the standards committee, which may assist with the standards committee's decision.

In exceptional circumstances, we may decide to take no further action on a complaint referred to us by a standards committee. This is likely to be where circumstances have changed so much that there would be little benefit arising from investigation or other action, or because we do not consider that the complaint discloses a breach of the Code of Conduct.

## **Referral for other action**

When the assessment sub-committee considers a new complaint, it can decide that other action to an investigation should be taken and it can refer the matter to the monitoring officer to carry this out. It may not always be in the interests of good governance to undertake or complete an investigation into an allegation of misconduct. The assessment sub-committee must consult its monitoring officer before reaching a decision to take other action.

# decision

The suitability of other action is dependent on the nature of the complaint. Certain complaints that a member has breached the Code of Conduct will lend themselves to being resolved in this way. They can also indicate a wider problem at the authority concerned. Deciding to deal pro-actively with a matter in a positive way that does not involve an investigation can be a good way to resolve matters that are less serious. Other action can be the simplest and most cost effective way of getting the matter resolved, helping the authority to work more effectively, and of avoiding similar complaints in the future.

The assessment sub-committee can choose this option in response to an individual complaint or a series of complaints. The action decided upon does not have to be limited to the subject member or members. In some cases, it may be less costly to choose to deal with a matter in this way rather than through an investigation, and it may produce a more effective result.

It is not possible to set out all the circumstances where other action may be appropriate, but an example is where the authority to which the subject member belongs appears to have a poor understanding of the Code and authority procedures. Evidence for this may include:

- a number of members failing to comply with the same paragraph of the Code
- officers giving incorrect advice
- failure to adopt the Code
- inadequate or incomplete protocols for use of authority resources

Other action may also be appropriate where a breakdown in relationships within the authority is apparent, evidence of which may include:

- a) a pattern of allegations of disrespect, bullying or harassment
- b) factionalised groupings within the authority
- c) a series of 'tit-for-tat' allegations
- d) ongoing employment issues, which may include resolved or ongoing employment tribunals, or grievance procedures

The assessment sub-committee is encouraged to consider other action on a practical basis, taking into account the needs of their own authority and of the parish and town councils which they serve. Everyone involved in the process will need to understand that the purpose of other action is not to find out whether the member breached the Code – the decision is made as an alternative to investigation. If the monitoring officer embarks on a course of other action, they should emphasise to the parties concerned that no conclusion has been reached on whether the subject member failed to comply with the Code.

Complaints that have been referred to the monitoring officer for other action should not then be referred back to the standards committee if the other action is perceived to have failed. This is unfair to the subject member, and a case may be jeopardised if it has been discussed as part of a mediation process. There is also a difficulty with defining 'failure' in terms of

# decision

the other action undertaken. The decision to take other action closes the opportunity to investigate and the assessment sub-committee should communicate this clearly to all parties.

Standards committees may find it helpful to introduce a requirement for the parties involved to confirm in writing that they will co-operate with the process of other action proposed. An example of this would be writing to the relevant parties outlining:

- what is being proposed
- why it is being proposed
- why they should co-operate
- what the standards committee hopes to achieve

However authorities choose to take this forward, the important thing is that all parties are clear about what is, and what is not, going to happen in response to the complaint.

The following are some examples of alternatives to investigation:

- arranging for the subject member to attend a training course
- arranging for that member and the complainant to engage in a process of conciliation
- instituting changes to the procedures of the authority if they have given rise to the complaint

Standards committees may find that resolving a matter in this way is relatively

quick and straightforward compared to a full investigation.

## Decision to take no action

The assessment sub-committee can decide that no action is required in respect of a complaint. For example, this could be because the assessment sub-committee does not consider the complaint to be sufficiently serious to warrant any action. Alternatively, it could be due to the length of time that has elapsed since the alleged conduct took place and the complaint was made. The decision reached by the assessment sub-committee and the reasons for it should adhere to the assessment criteria that the standards committee or assessment sub-committee have agreed.

It is important to underline that where no potential breach of the Code of Conduct is disclosed by the complaint, no matter what its source or whoever the subject member, no action can be taken by the standards committee in respect of it. The matter of referral for investigation or other action therefore does not arise.

The complainant should be advised of their right to ask for a review of a decision to take no action. They should be told that they can exercise this right by writing to the standards committee with their reasons for requesting a review. The complainant should be advised of the date by which their review request should be received by the standards committee.

# decision

That date is 30 working days after the initial assessment decision is received.

## **Notification requirements – local assessment decisions**

If the assessment sub-committee decides to take no action over a complaint, then as soon as possible after making the decision it must give notice in writing of the decision and set out clearly the reasons for that decision. Where no potential breach of the Code is disclosed, the assessment sub-committee must explain in the decision notice what the allegation was and why they believe this to be the case. This notice must be given to the relevant parties.

The relevant parties will be the complainant and the subject member. If the subject member is a parish or town councillor, their parish or town council must also be notified. We suggest that the standards committee sends out its decision notice within five working days of the decision being made.

If the assessment sub-committee decides that the complaint should be referred to the monitoring officer or to the Standards Board for England, it must send a summary of the complaint to the relevant parties. It should state what the allegation was and what type of referral it made, for example whether it referred the complaint to the monitoring officer or to the Standards Board for investigation. The decision notice must explain why a particular referral decision has been made. After it has made its decision, the assessment sub-committee does not have

to give the subject member a summary of the complaint, if it decides that doing so would be against the public interest or would prejudice any future investigation.

This could happen where it is considered likely that the subject member may intimidate the complainant or the witnesses involved. It could also happen where early disclosure of the complaint may lead to evidence being compromised or destroyed. The assessment sub-committee needs to take such possibilities into account when developing with its monitoring officer any process that notifies a member about a complaint made against them.

The assessment sub-committee should take advice from the monitoring officer in deciding whether it is against the public interest to inform the subject member of the details of the complaint made against them. It should also take advice from the monitoring officer in deciding whether informing the subject member of the details of the complaint would prejudice a person's ability to investigate it.

The monitoring officer will need to carry out an assessment of the potential risks to the investigation. This is to determine whether the risk of the case being prejudiced by the subject member being informed of the details of the complaint at that stage may outweigh the fairness of notifying the subject member. An example of this is allowing the subject member to preserve any evidence. The monitoring officer should then advise the assessment sub-committee accordingly.



# decision

The assessment sub-committee can use its discretion to give limited information to the subject member if it decides this would not be against the public interest or prejudice any investigation. Any decision to withhold the summary must be kept under review as circumstances change.

# review

## Reviews of 'no further action' decisions

If the assessment sub-committee decides not to take any action on a complaint, then the complainant has a right of review over that decision.

The review sub-committee must carry out its review within a maximum of three months of receiving the request. We recommend that the review sub-committee adopts a policy of undertaking the review within the same timescale as the initial assessment decision is taken, aiming to complete the review within an average of 20 working days.

The review must be, and must be seen to be, independent of the original decision. Members of the assessment sub-committee who made the original decision must not take part in the review of that decision. A separate review sub-committee, made up of members of the standards committee, must consider the review.

The review sub-committee should apply the same criteria used for initial assessment. The review sub-committee has the same decisions available to it as the assessment sub-committee.

There may be cases where further information is made available in support of a complaint that changes its nature or gives rise to a potential new complaint. In such cases, the review sub-committee should consider carefully if it is more appropriate to pass this to the assessment sub-committee to be handled as a new

complaint. In this instance, the review sub-committee will still need to make a formal decision that the review request will not be granted.

For example, a review may be more appropriate if a complainant wishes to challenge that:

- not enough emphasis has been given to a particular aspect of the complaint
- there has been a failure to follow any published criteria
- there has been an error in procedures

However, if more information or new information of any significance is available, and this information is not merely a repeat complaint, then a new complaint rather than a request for review may be more suitable.

## Notification requirements – reviews of local assessment decisions

If the standards committee receives a review request from the complainant, it must notify the subject member that it has received the request. We recommend that all relevant parties are notified when a review request is received.

When the review sub-committee reviews the assessment sub-committee's decision it has the same decisions available to it that the assessment sub-committee had. It could be decided that no action should be taken on the complaint. In this case, the review sub-committee must, as soon as



# review

possible after making the decision, give the complainant and the subject member notice in writing of both the decision and the reasons for the decision. If the subject member is a parish or town councillor, the review sub-committee must also give written notice to the parish or town council.

If it is decided that the complaint should be referred to the monitoring officer or to the Standards Board for England, the standards committee should write to the relevant parties telling them this and letting them have a summary of the complaint. The decision notice must explain why that particular referral decision has been made.

We recommend that the review sub-committee sends out its decision notice within five working days of the decision being made.

# other issues to consider

## Access to meetings and decision making

Initial assessment decisions, and any subsequent review of decisions to take no further action on a complaint, must be conducted in closed meetings. These are not subject to the notice and publicity requirements under Part 5 of the Local Government Act 1972.

Such meetings may have to consider unfounded and potentially damaging complaints about members, which it would not be appropriate to make public. As such, a standards committee undertaking its role in the assessment or review of a complaint is not subject to the following rules:

- rules regarding notices of meetings
- rules on the circulation of agendas and documents
- rules over public access to meetings
- rules on the validity of proceedings

Instead, Regulation 8 of the regulations sets out what must be done after the assessment or review sub-committee has considered a complaint. The new rules require a written summary to be produced which must include:

- the main points considered
- the conclusions on the complaint
- the reasons for the conclusion

The summary must be written having regard to this guidance and may give the name of the subject member unless doing so is not in the public interest or would prejudice any subsequent investigation.

The written summary must be made available for the public to inspect at the authority's offices for six years and given to any parish or town council concerned. The summary does not have to be available for inspection or sent to the parish or town council until the subject member has been sent the summary.

In limited situations, a standards committee can decide not to give the written summary to the subject member when a referral decision has been made and, if this is the case, authorities should put in place arrangements which deal with when public inspection and parish or town council notifications will occur. This will usually be when the written summary is eventually given to the subject member during the investigation process. Please see the section on **Notification requirements** on **page 18** for further information.

Review of a decision to take no further action on a complaint is not subject to access to information rules in respect of local government committees.

In addition, authorities must have regard to their requirements under Freedom of Information and Data Protection legislation.

## Withdrawing complaints

There may be occasions when the complainant asks to withdraw their complaint prior to the assessment sub-committee having made a decision on it.

# Other issues to consider

In these circumstances, the assessment sub-committee will need to decide whether to grant the request. It would be helpful if the assessment sub-committee had a framework by which to consider such requests. The following considerations may apply:

- Does the public interest in taking some action on the complaint outweigh the complainant's desire to withdraw it?
- Is the complaint such that action can be taken on it, for example an investigation, without the complainant's participation?
- Is there an identifiable underlying reason for the request to withdraw the complaint? For example, is there information to suggest that the complainant may have been pressured by the subject member, or an associate of theirs, to withdraw the complaint?

## Multiple and vexatious complaints

An authority may receive a number of complaints from different complainants about the same matter. Authorities should have procedures in place to ensure that they are dealt with in a manner that is a practical use of time and resources.

A number of complaints about the same matter may be considered by the assessment sub-committee at the same meeting. If so, an officer should be asked to present one report and recommendation that draws together all the relevant

information and highlights any substantively different or contradictory information. However, the assessment sub-committee must still reach a decision on each individual complaint and follow the notification procedure for each complaint.

Unfortunately, a small number of people abuse the complaints process. Authorities may want to consider developing a policy to deal with this. For example, they could bring it within the scope of any existing authority policies on vexatious or persistent complainants, or take action to limit an individual's contact with the authority.

However, standards committees must consider every new complaint that they receive in relation to the Code of Conduct. If the standards committee has already dealt with the same complaint by the same person and the monitoring officer does not believe that there is any new evidence, then a complaint does not need to be considered.

A person may make frequent allegations about members, most of which may not have any substance. Despite this, new allegations must still be considered as they may contain a complaint that requires some action to be taken.

Even where restrictions are placed on an individual's contact with the authority, they cannot be prevented from submitting a complaint.

Vexatious or persistent complaints or complainants can usually be identified through the following patterns of

# other issues to consider

behaviour, which may become apparent in the complaints process:

- repeated complaints making the same, or broadly similar, complaints against the same member or members about the same alleged incident
- use of aggressive or repetitive language of an obsessive nature
- repeated complaints that disclose no potential breach of the Code
- where it seems clear that there is an ulterior motive for a complaint or complaints
- where a complainant refuses to let the matter rest once the complaints process (including the review stage) has been exhausted

There are ways that authorities can reduce the resources expended. For example, they can allow a vexatious complainant to deal with only one named officer or refuse email communication. Authorities can also include a statement in their referrals criteria that malicious or tit-for-tat complaints are unlikely to be investigated unless they also raise serious matters. This will allow authorities to decide not to investigate or take other action on such complaints if appropriate.

## Case history

Authorities should consider developing a complaints management system. Records of all complaints and their outcomes

should be retained in line with the authority's records management policy. This policy may need to be amended to reflect the authority's new responsibilities in the local assessment of complaints.

Documents that relate to complaints that the assessment sub-committee decided not to investigate should be kept for a minimum of 12 months after the outcome of any review that has been concluded. This is in case of legal challenges, and also in order to meet the Standards Board for England's monitoring requirements.

Authorities should set a time limit for records retention after the outcome of any hearing or result of further action in respect of a complaint is known. This should be set in accordance with the authority's own file retention policy and in accordance with the principles of data protection.

Authorities should keep details of cases in a format that is easy to search by complainant name, by member name, and by authority where an authority is responsible for parish and town councils. Authorities may also want to search by paragraph of the authority's Code of Conduct.

Old cases may be relevant to future complaints if they show a pattern of behaviour. Authorities will also be able to identify complaints about the same matter that have already been considered by the standards committee.

# Other issues to consider

Authorities will need to consider records management alongside the law on keeping records of committees.

circumstances, standards committees may wish to request medical evidence of the complainant's condition.

## Confidentiality

As a matter of fairness and natural justice, a member should usually be told who has complained about them. However, there may be instances where the complainant asks for their identity to be withheld. Such requests should only be granted in exceptional circumstances and at the discretion of the assessment sub-committee. The assessment sub-committee should consider the request for confidentiality alongside the substance of the complaint itself.

In certain cases, such as allegations of bullying, revealing the identity of the complainant may be necessary for investigation of the complaint. In such cases the complainant may also be given the option of requesting a withdrawal of their complaint.

When considering requests for confidentiality, the assessment sub-committee should also consider whether it is possible to investigate the complaint without making the complainant's identity known.

Authorities should develop criteria by which the assessment sub-committee will consider requests for confidentiality. These may include the following:

- The complainant has reasonable grounds for believing that they will be at risk of physical harm if their identity is disclosed.
- The complainant is an officer who works closely with the subject member and they are afraid of the consequences to their employment or of losing their job if their identity is disclosed (this should be covered by the authority's whistle-blowing policy).
- The complainant suffers from a serious health condition and there are medical risks associated with their identity being disclosed. In such

If the assessment sub-committee decides to refuse a request by a complainant for confidentiality, it may wish to offer the complainant the option to withdraw, rather than proceed with their identity being disclosed. In certain circumstances, the public interest in proceeding with an investigation may outweigh the complainant's wish to have their identity withheld from the subject member. The assessment sub-committee will need to decide where the balance lies in the particular circumstances of each complaint.

## Anonymous complaints

Authorities should publish a statement setting out how complaints received anonymously will be dealt with. The assessment sub-committee may decide that an anonymous complaint should only be referred for investigation or some other action if it includes documentary or

# other issues to consider

photographic evidence indicating an exceptionally serious or significant matter. If so, this needs to be included in the standards committee's assessment criteria.

## Members with conflicts of interest

**Note:** this section does not deal with any interests which may arise under the Code of Conduct, which members must also keep in mind and deal with as appropriate.

A member of the standards committee who was involved in any of the following decisions **can** be a member of the committee that hears and determines the complaint at the conclusion of an investigation:

- the initial assessment decision
- a referral back for another assessment decision
- a review of an assessment decision

The assessment decision relates only to whether the complaint discloses something that needs to be investigated or referred for other action. It does not determine whether the conduct took place or whether it was a breach of the Code. The standards committee hearing the case will decide on the evidence before it as to whether the Code has been breached and, if so, if any sanction should apply.

The assessment process must be conducted with impartiality and fairness. There may be cases where it would not be

appropriate for a member to be involved in the process, even if not disqualified from doing so by law. Any member who is a complainant or one of the following should not participate in the assessment process:

- anyone closely associated with someone who is a complainant
- a potential witness or victim relating to a complaint

In certain situations, a standards committee member might initially be involved with the initial assessment of a case that is then referred to the Standards Board for England or to the authority's monitoring officer. The case might then be referred back to the standards committee to consider again. In such circumstances, the member may continue their participation in the assessment process.

However, a standards committee member who is involved at these assessment stages of the process, either initially or following a referral back from the Standards Board or monitoring officer, must not participate in the review of that decision.

Authorities should ensure that their standards committee has sufficient independent members, and parish or town representatives where applicable, for the framework to operate effectively. This should allow for circumstances where members are unable to participate for reasons of conflict of interest.



# Other issues to consider

## Officers with conflicts of interest

An officer who has previously advised a subject member or who has advised the complainant about the issues giving rise to a complaint should consider whether they can properly take part in the assessment process. For example, a conflict of interest could mean that the officer will not be able to:

- draft letters
- prepare reports
- contact complainants
- attend the final hearing of that complaint

The officer should also consider whether they should stand aside due to their prior involvement, which has been such that others involved may view them as biased. Officers should take legal advice if they have any doubts.

If the officer has taken part in supporting the assessment or hearing process then they should not be involved in the investigation of that matter. This is so that the officer can minimise the risk of conflicts of interest that may arise and ensure fairness for all parties.

The monitoring officer should act as the main adviser to the standards committee unless the monitoring officer has an interest in a matter that would prevent them from performing the role independently.

If the monitoring officer is unable to take part in the assessment process, their role

should be delegated to another appropriate officer of the authority, such as the deputy monitoring officer. Similarly, the role of any other officer who is unable to take part in the assessment process should be taken by another officer.

Smaller authorities may find it useful to make reciprocal arrangements with neighbouring authorities. This is to ensure that an experienced officer is available to deputise for the monitoring officer if they are unable to take part in the assessment process.

## Personal conflicts

Members and officers should take care to avoid any personal conflicts of interest arising when participating in the consideration of a complaint that a member may have breached the Code of Conduct. The provisions of the authority's Code relating to personal and prejudicial interests apply to standards committee members in meetings and hearings.

Anyone who has a prejudicial interest or who is involved with a complaint in any way should not take part in the assessment or review sub-committee. Decisions made in an assessment or review sub-committee should not be influenced by anything outside the papers and advice put before the members in that committee. The members should not discuss complaints with others who are not members of the committee which deals with the assessment or review. Discussions between members should only take place at official meetings.

# other issues to consider

Authorities should have clear guidelines in place on when a member or officer should not take part in the assessment of a complaint because of personal interests. These may include consideration of the following:

- The complaint is likely to affect the well-being or financial position of that member or officer or the well-being or financial position of a friend, family member or person with whom they have a close association.
- The member or officer is directly or indirectly involved in the case in any way.
- A family member, friend or close associate of the member or officer is involved in the case.
- The member or officer has an interest in any matter relating to the case. For example, it concerns a member's failure to declare an interest in a planning application in which the member or officer has an interest. This is despite the fact that the outcome of any investigation or other action could not affect the decision reached on the application.

## Complaints about members of more than one authority

The introduction of the local assessment of complaints may raise an issue relating to what should happen if a complaint is made against an individual who is a member of more than one authority – often known as a dual-hatted member.

In such cases, the member may have failed to comply with more than one authority's Code of Conduct. For example, an individual who is a member of a district council and a police authority may be the subject of complaints that they have breached the Code of both authorities.

As such, it would be possible for both the assessment sub-committee of the district council and the assessment sub-committee of the police authority to receive complaints against the member.

Where a complaint is received about a dual-hatted member, the monitoring officer of the authority should check if a similar allegation has been made to the other authority, or authorities, on which the member serves.

Decisions on which standards committee should deal with a particular complaint must then be taken by the standards committees themselves, following discussion with each other. They may take advice as necessary from the Standards Board for England.

This will allow for a cooperative approach, including sharing knowledge and information about local circumstances, and cooperation in carrying out investigations to ensure resources are used effectively.

Authorities should also consider whether they need to establish a data sharing protocol with other relevant authorities. The government and the Information Commissioner's Office have produced guidance on such protocols. Visit [www.ico.gov.uk](http://www.ico.gov.uk) for further details on the work of the Information Commissioner.



## **Contents**

**Introduction**

**Functions of standards committees**

**Size and composition**

**Independent members**

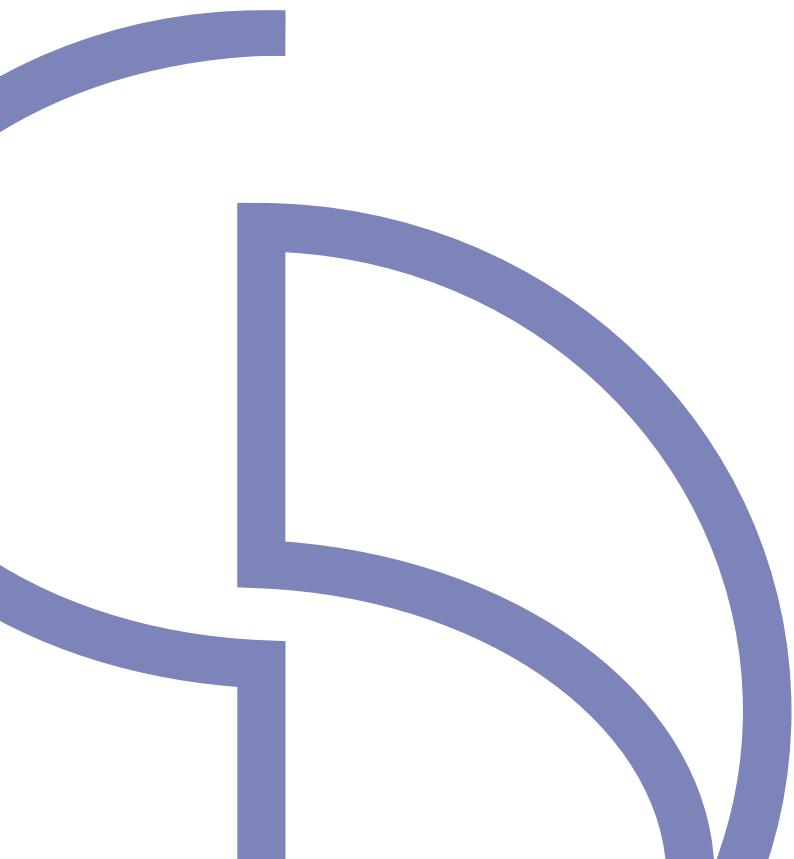
**Parish and town council representatives**

**Other members**

**Supporting standards committees**

**Operation of standards committees**

# **THE ROLE AND MAKE-UP OF STANDARDS COMMITTEES**



# contents

<b>introduction</b>	<b>2</b>
<b>functions of standards committees</b>	<b>3</b>
Adopting the Code of Conduct	4
Publicising adoption of the Code of Conduct	5
Training members on the Code of Conduct	5
Monitoring the effectiveness of the Code of Conduct	6
Giving standards committees a wider role	6
Granting dispensations	7
Politically restricted posts	8
<b>size and composition of standards committees</b>	<b>9</b>
<b>independent members</b>	<b>10</b>
Choosing an independent member	10
Skills and competencies of independent members	12
Recruiting independent members from another standards committee	13
Ceasing to be an independent member	13
The role of the chair	13
Induction of independent members	14
Remuneration for independent members	15
Indemnities for independent members	15
Complying with the Code of Conduct and the register of members' interests	15
<b>parish and town council representatives</b>	<b>16</b>
Choosing parish and town council representatives	16
<b>other members of standards committees</b>	<b>17</b>
Executive members on the standards committee	17
Elected members on the standards committee	17
Substitute members	17
<b>supporting standards committees</b>	<b>19</b>
The role of the monitoring officer	19
<b>operation of standards committees</b>	<b>20</b>
Validity of meetings	20
Agendas and reports for standards committee meetings	20

# introduction

This guidance is on the Standards Committee (England) Regulations 2008 (the regulations). It gives our view on the role and make-up of standards committees. The regulations are mandatory. This guidance must be taken into account by your authority. It 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 and Welsh police authorities
- fire and rescue authorities (including fire and civil defence authorities)
- the London Fire and Emergency Planning Authority
- passenger 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 regulations 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 regulations.

You may also like to consult our guidance **Local assessment of complaints** available from our website [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk).

You can contact the Standards Board for England on **0845 078 8181** or email [enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk)

# functions of standards committees

The main role of a standards committee is to promote and maintain high standards of conduct throughout its authority. One of the aims of setting up a standards committee is to create a sense of 'ethical well-being' in the authority.

The Standards Board for England believes there needs to be a culture of high standards in every authority. Each authority has the opportunity to reinforce its position as a leader in standards of conduct, setting an example to other bodies it works with, and to the community at large.

Standards committees, and indeed monitoring officers, are at the heart of the standards framework. They promote, educate and support members in following the highest standards of conduct and ensuring that those standards are fully owned locally.

Standards committees have a key role to play in creating an ethical organisation and setting an example for their councils. Indeed, creating and maintaining an ethical organisation is not just about adopting and enforcing the Code. It is also about relationships, both internally between members and authority staff, and externally with members of the public and other stakeholders. It is about how the authority relates to the community and other stakeholders, and improves the service it provides.

Standards committees have the following functions:

## Main functions

- to promote and maintain high standards of conduct for members
- to help members to follow the Code of Conduct

## Specific functions

- to give the council advice on adopting a local Code
- to monitor the effectiveness of the Code
- to train members on the Code, or arrange for such training
- to assess and review complaints about members
- to conduct determinations' hearings
- to grant dispensations to members with prejudicial interests
- to grant exemptions for politically restricted posts

The functions set out in this section should be included in the committee's 'terms of reference'. Standards committees can also undertake other functions as they consider appropriate.

The Audit Commission has recommended that authorities set up audit committees. The role of the standards committee should complement the role of the audit committee. While the audit committee

# functions of standards committees

should oversee the financial processes, standards committees should take the lead on promoting good ethical conduct. It is important that committees are clear about their roles and responsibilities, and that there are clear distinctions in their terms of reference. This will avoid confusion, disputes and possible duplication.

If you change the terms of reference of your standards committee, you must send a copy of the amended terms of reference to us. We are happy for you to email this to us at [enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk)

## Adopting the Code of Conduct

Your authority must have adopted a local Code of Conduct by 1 October 2007, or as soon as possible after this date. In order to adopt a Code your standards committee must become familiar with the Model Code. Your local Code must include all of the provisions of the Model Code, and these cannot be changed. All of the provisions in the Model Code automatically apply, even if you do not adopt them all in your local Code. Your authority may also adopt extra provisions in its Code to suit local circumstances as long as those provisions are consistent with the Model Code.

You can amend and readopt your local Code at any time as long as it still contains all of the mandatory provisions of the Model Code.

We believe that all members should be judged by the same standards. If you add provisions to the Model Code, you should be aware that members will be

assessed against these extra provisions. If you do add extra provisions, we advise you obtain legal advice to make sure these provisions can be enforced and do not breach any relevant law or regulation, such as the Human Rights Act.

Standards committee members can act as examples to other members by supporting the adoption of the Code, and by discussing ethical issues widely with their colleagues. They should lead by example in declaring the existence and nature of their interests at meetings, and by supporting and promoting attendance at training events. This will help keep the principles which govern the conduct of members and the Code at the centre of the authority's culture and values.

## Publicising adoption of the Code of Conduct

When your authority has adopted a Code of Conduct or a revised Code, the monitoring officer must publish a notice in one or more local newspapers. This notice should say that a Code has been adopted and that it is available for public inspection. If your council publishes its own paper and prints a notice in that paper, it must also print a notice in another local paper. The notice must say that it can be seen by members of the public at all reasonable hours. We would expect you to place the notice on your website, with links to your complaints' process and forms.

Parish and town councils have the same duty as principal authorities to publish a notice in one or more local newspapers

# functions of standards committees

when they have adopted the Code. Your authority can help the parish and town councils in your area to do this. Advertising can be expensive, so bear in mind that one advertisement can publicise Codes for several authorities in your area, for example, several parish and town councils.

If you decide to do this, the advertisement could simply list the authorities in the area that have adopted the Code and where it is available for the public to view. The advertisement should be placed in a publication covering all of the authority's area. Your authority can also advertise the Code on its website. But it must additionally publish its Code in one local newspaper, which excludes the newspaper in your own council.

If you make amendments to your Code, you must send a copy of the Code you have adopted to the Standards Board for England. If you add provisions to the Model Code, you should highlight any changes before sending them to us.

We are happy for you to email amended Codes to us at [enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk)

## Training members on the Code of Conduct

Standards committees are responsible for training members on matters relating to the Code of Conduct, or for arranging appropriate training to be provided. Training is an excellent way for your authority to set out the standards of conduct it expects from its members.

The training should ensure that members know about the workings and implications of the Code, as they are required to sign an undertaking to comply with it.

It would be good practice for standards committees to issue guidance notes or memos through their minutes to run alongside the Code. These could include guidance or protocols on local issues and an explanation of any extra provisions proposed to be added to the Code. This guidance could also be included in a members' handbook and placed on your website.

If your authority is responsible for any parish or town councils, it must also make sure that training is available to members of those councils. You may want to consult county associations to see if they provide any training.

We strongly encourage different tiers of local government to work together on ethical matters, particularly with training. This is because all members should know their rights and responsibilities, regardless of the type of authority.

Standards committees may like to base the training around some examples of potential ethical misconduct. This will allow members to see some of the provisions in action. Case summaries of completed investigations into misconduct are available on our website at [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk).

Alternatively, you can consult our *Case Review* publication which is also available on our website.

# functions of standards committees

Monitoring officers should be able to provide their standards committee with the training materials published by the Standards Board.

## Monitoring the effectiveness of the Code of Conduct

Standards committees need to monitor how effectively members are adhering to the Code of Conduct, the type of complaints received and how quickly these complaints are dealt with. This will help identify where problems are and what should be included in future guidance and training. Monitoring officers may provide overview reports to the committee highlighting these issues.

Monitoring officers will also make quarterly and annual returns to the Standards Board for England on the operation of the Code in their authority and the standards framework locally.

The Standards Board consulted authorities to determine how they will tell us that the local arrangements are working. We have designed a monitoring system based on what standards committees need locally. The system enables authorities to provide information to the Standards Board as simply as possible. Authorities will be able to use the system locally for their own records, to keep standards committees informed of the authority's ethical activities.

## Giving standards committees a wider role

The Local Government Act 2000 allows your authority to give the standards committee extra functions to give them a wider governance role. Some standards committees do take on extra functions.

These may include:

- dealing with the protocol for members and authority employees' relations
- receiving reports on complaints procedures and/or reports from the Local Government Ombudsman or external auditors
- setting up the independent remuneration panel
- commenting on recommendations on members' allowances
- advising the council on the appointment of independent members

We believe that giving standards committees wider-reaching responsibilities is a positive step and will help promote confidence in local democracy. It will also provide a workload which is regular and interesting, and should in turn aid the recruitment and retention of independent members.

Authorities should review their constitutions regularly, at least once every five years. A constitution should be a living document provided to members, available



# functions of standards committees

to the public and staff, and placed on your website. You may want to consider making the standards committee responsible for ensuring the constitution is designed to reduce the opportunity for misconduct and to promote effective governance. This will also mean that processes are properly accountable to both members and the public, and that relations with outside organisations are properly managed.

A wider role for standards committees can also be valuable for the following reasons:

- a work programme prevents ethics slipping off the agenda
- periodic ethical audits highlight any systemic weaknesses
- standards committees provide a useful structure for learning from the experiences and cases in other authorities
- standards committees can provide support to relevant officers when faced with a highly politicised environment

## Granting dispensations

Members can apply to their standards committee for a dispensation to allow them to attend meetings where they would otherwise be excluded because they have a prejudicial interest. This can happen when more than 50% of the council or a committee would be prevented from taking part in a meeting because of prejudicial interests, or when the political balance of the council or committee would be upset.

Dispensations must be applied for in writing individually, and not as a group or authority. If the standards committee approves the application, it must grant the dispensation in writing and before the meeting is held.

Only the standards committee can grant the dispensation and will do so at its discretion. Standards committees will need to balance public interests when granting dispensations. They will have to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of authority members. If a failure to grant a dispensation will result in an authority or committee not achieving the minimum number of members required for the group, this may be sufficient grounds for granting a dispensation.

However, paragraph 12(2) of the 2007 Model Code of Conduct enables members to represent their community and speak on issues important to the community and themselves, even when they have a prejudicial interest. This is to support members' roles as community advocates.

If members have a prejudicial interest, under paragraph 12(2), they will be able to make representations, answer questions or give evidence relating to that business. This is provided that members of the public are also allowed to attend the meeting for the same purpose.



# functions of standards committees

**Note:** there is a problem with the drafting of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002. The political balance criterion for granting dispensations is linked to an authority being able to comply with its duty under the Local Government and Housing Act 1989.

This duty requires the appointment of committees that reflect the overall political balance of an authority. However, the duty does not arise in relation to individual meetings, either of the authority or its committees. For this reason, it is difficult to envisage circumstances in which the criterion would be met.

## **Politically restricted posts**

The Local Government and Public Involvement in Health Act 2007 imposed new duties in relation to politically restricted posts under the Local Government and Housing Act 1989 on standards committees. These are outside the scope of this guidance, but should be included in the standards committee's terms of reference.

# size & composition

You must have at least three people on your standards committee. It must include at least two members of the authority and at least one independent member. At least 25% of the members of the standards committee must be independent members.

Please see the section on **Parish and town council representatives** on **page 16** for further information.

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

If your authority has executive arrangements, you are permitted to have one executive member on the standards committee. However, this executive member must not be the elected mayor or leader.

As the standards committee carries out a number of functions including the assessment of complaints and determination hearings, we recommend that your authority has at least six members on your standards committee. This is because different members will be required to carry out the different functions to avoid conflicts of interest.

If your authority is responsible for any parish or town councils, at least two representatives from those parish or town councils must be appointed to your standards committee and they cannot also be members of your authority. A parish or town council representative must sit on the standards committee at all times when parish matters are being discussed.

# independent members

Independent members are important in helping increase public confidence in local government. They provide a clear signal that the standards committee acts fairly and impartially. Independent members also bring a wider perspective from their outside experiences. There is no limit to the number of independent members you can have on your standards committee. Indeed some authorities may wish to have a majority of independent members.

Your authority decides how to select independent members and how long an independent member should sit on the 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 re-appointing 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.

## Choosing an independent member

Independent members must be chosen in a fair and open way.

A person can only be an independent member if that person:

- has not been a member or employee

of your authority within the five years before the date of appointment

- is not a member or officer of that or any other relevant authority. Please see the section **Recruiting independent members from another standards committee** on **page 13** for further information on when this does not apply
- is not a relative or close friend of a member or employee of your authority
- has applied for the appointment
- has been approved by a majority of the members of the council
- the position has been advertised in at least one newspaper distributed in your authority's area, and in other similar publications or websites that the authority considers appropriate. The decision on which other publications or websites to use may be something that the authority delegates to the standards committee.

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

# independent members

- 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. The Standards Board for England's publication the *Case Review 2007* includes a section on defining a close associate, which might be helpful in identifying a close friend. The *Case Review 2007* is available at [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk).

The regulations require a majority of all members of the authority to approve the appointment. However, we believe that in practice, a report only needs to go to full council when selecting independent members. If so, we recommend that the monitoring officer ensures the majority of members approve, not just those attending the meeting.

We recommend that the power to assist the recruitment of independent members is delegated to the standards committee by the authority and is included in the committee's terms of reference. A standards committee may appoint a sub-committee to take on some of its functions, for example, if your standards committee is asked to advise members of the council on the appointment of independent or parish members. If so, then the standards committee may set up a sub-committee of suitably trained members to shortlist and interview candidates and make recommendations to council. The sub-committee may find it

helpful to have the monitoring officer and a human resources officer present to provide advice and assistance.

An individual's membership of a political party does not automatically bar them from being an independent member of a standards committee. However, the more politically active an independent member is the less likely they will be seen as being independent. You should consider public perception before making an appointment of this sort.

If you are finding it difficult to attract suitable people to become independent members, you should review the criteria in your advertisement to make sure they are reasonable. For example, you should make sure that the time you are asking the member to invest is reasonable for the role.

You may also want to consider additional methods of attracting candidates. This could include:

- placing articles in the local press about the role of an independent member
- placing advertisements on your website or on your local radio station
- placing flyers in libraries, adult learning centres or places of worship
- advertising through other authorities' partnerships or through the local voluntary or community sector
- approaching your citizen's panel
- the personal approach. For example,

# independent members

contacting neighbouring authorities which may have more suitable candidates than they can appoint.

- approaching a person who is an independent member of a standards committee of a different authority. This person may also be appointed as an independent member of the standards committee of your authority. This is unless they were a member or officer of your authority within the five years preceding the appointment, or are a relative or a close friend of a member or officer of your authority.

Remember that all the selection criteria for the position will still apply, so even if you approach someone directly, they must still make a formal application.

We recommend that the application form includes sections on:

- personal details
- qualifications
- summary of experience
- relevant expertise/skills

Accepting a CV with an application form may make the process easier for busy candidates. You may also want to consider online applications. We recommend that the monitoring officer should be involved throughout the recruitment process to advise the panel and the authority.

## Skills and competencies of independent members

The competencies you should look for in an independent member include:

- a keen interest in standards in public life
- a wish to serve the local community and uphold local democracy
- high standards of personal integrity
- the ability to be objective, independent and impartial
- sound decision making skills
- questioning skills
- leadership qualities, particularly in respect of exercising sound judgment
- the ability to act as the chair of an assessment or review sub-committee or a determination hearing

Please see the section **The role of the chair** on **page 13** for further information on acting as a chair.

You should assess candidates looking for these qualities in interviews and any other assessment process you carry out. You also need to ensure that your authority complies with its duties under the Equality Act 2006. The human resources department of your authority may be able to advise you further on this matter.

# independent members

For further information on the recruitment of independent members, you may want to look at the recruitment pack produced by the Association of Council Secretaries and Solicitors (ACSeS). The pack provides practical advice on how to set about recruiting independent members, together with their roles and responsibilities. The pack can be downloaded at [www.acses.org.uk](http://www.acses.org.uk)

## Recruiting independent members from another standards committee

An independent member of one standards committee may also sit on other standards committees. For example, the member can sit on county and district, or county, police and fire authorities' standards committees.

Independent members may also be temporarily appointed to another standards committee to consider a particular assessment, review or hearing or for a particular period of time. For example, it would be appropriate to appoint an independent member of a neighbouring standards committee for a short period in situations where the permanent member is unwell or if there is a conflict of interest. These appointments can be made without needing to advertise the position. The appointments do not need to be ratified by a majority of the members of the authority, but proper procedures should be in place to appoint independent members on a temporary basis.

Independent members appointed on a temporary basis cannot have been a member or officer of that authority in their

five years before the appointment, and cannot be a close friend or a relative of a member or officer of that authority. They must also comply with the Code of Conduct of each authority whose standards committee they sit on.

## Ceasing to be an independent member

Under the regulations, any person appointed as an independent member who becomes a member or officer of an authority, or a relative of a member or officer of that authority, will no longer be able to be an independent member of that authority's standards committee.

## The role of the chair

It is a legal requirement that the chair of the standards committee must be an independent member. It is important for the chair to be independent because of the key role they play in the business of the standards committee. By being independent, the chair can ensure that the standards committee's business is conducted in such a way that no one can question its integrity.

Authorities should aim to select a person who will command the respect of members and the local community. We recommend that the decision on who should be appointed as chair be taken by the full council or delegated to the standards committee. You may also choose to appoint an independent vice chair for the reasons discussed in the section on **Size and composition** on [page 9](#).



# independent members

An effective chair will ensure that the business of the meeting is completed while allowing a fair and balanced debate and any professional advice to be taken into account. The chair may summarise the points put to the committee, and will ensure that the meeting is run correctly from a procedural point of view. They will also ensure that the decisions made are accurately recorded. The chair is responsible for keeping order and adjourning meetings where necessary. They should also have a good level of assertiveness. It is also the chair's responsibility to ensure that members of the public and press leave the meeting when a private report is being considered. Please see the section **Skills and competencies of independent members** on **page 12** for further information.

Preliminary matters will often arise in relation to hearings. The chair, with the advice of the monitoring officer, may make initial process decisions in relation to such matters. However, it is important that the hearing committee or sub-committee considers and approves such arrangements.

Ultimately, it is the way the chair operates independently, and is seen to operate independently, that should enhance confidence in the integrity of the standards committee. It is also the chair's status as an independent member, a role drawn from outside the authority and independent from the authority that should provide a clear signal that the committee is fair.

## Induction of independent members

While it is not mandatory, we recommend that an induction programme should be provided for independent members. This should include training on the Code of Conduct and the functions of standards committees. Inductions should also include attendance at authority meetings, such as meetings of planning and licensing committees and the full council. If authorities are operating executive arrangements, then attendance at cabinet meetings and overview and scrutiny committee meetings should be part of the induction.

Independent and parish representatives should also receive a copy of the authority's constitution. In addition, they should receive a copy of the Code of Conduct that has been adopted by your authority, the protocol for member/officer relations and any other protocol in use.

The constitution should also include the authority's scheme of delegations of functions. Whistle-blowing policies, any policies and procedures under the Equality Act 2006, and the authority's anti-bullying policy should also be included. It may be helpful to add an A-Z of people in the authority, a list of authority services and the municipal calendar.

There are a number of regional independent member organisations. Many authorities use a mentoring system to assist new independent members of standards committees. In some parts of the country regional groups of independent

# independent members

members have been established. Information relating to these will be helpful as may a list of useful websites.

To find out if there is a regional group of independent members in your area you should contact the Standards Board for England. The Association of Independent Members of Standards Committees in England (AIMSce) may also be able to provide support. Information about AIMSce can be found at [www.aimsce.org.uk](http://www.aimsce.org.uk) Authorities may also want to consider making members' IT facilities available to both their independent and parish representatives.

## Remuneration for independent members

Authorities must introduce an annual scheme for the payment of a basic allowance to their members, based on the recommendations of an independent remuneration panel. The annual scheme can also extend to the payment of other allowances, including a co-optee's allowance. A co-optee's allowance relates to a person who is not a member of the authority but is a member of a committee or sub-committee, for example an independent member of a standards committee.

We recommend that independent members should be able to claim for financial loss, travel and subsistence. This will help attract those people that may have been deterred from the role because of the costs involved. Each authority must consider the recommendations of its panel

as to whether it should provide for the payment of a co-optee's allowance and of travelling and subsistence expenses.

## 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 all authorities include independent members in their indemnity arrangements.

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

Independent members must sign an undertaking to comply with the Code of Conduct and disclose their interests in the register of members' interests maintained by the monitoring officer, in the same way as other members. Complaints about the conduct of independent members must be treated in the same way as that of other members.



# parish and town council representatives

If your 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.

A standards committee with 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. You may wish to increase the number further to avoid situations where the parish or town council representative is conflicted out, and to prevent the parish or town council representatives from feeling isolated. It will also avoid meetings having insufficient members, if the parish or town council representative is not present when issues affecting parish or town councils are discussed.

This will bring the recommended total number of people on your standards committee to nine members.

Having nine members means that you can meet the requirement of having a different parish or town council representative when the committee's sub-committees carry out each of the separate assessment and review functions. Please see our guidance **Local assessment of complaints** for further information.

Your council must consult parish and town councils within its area to help decide if there should be a parish sub-committee to deal with some of its functions relating to

parish and town council matters. Any parish sub-committee must include at least one parish or town council representative and at least one independent member. In addition, your council must consult parish and town councils to determine how many parish and town council representatives are needed and how long they should serve on the committee.

## Choosing parish and town council representatives

Your authority must decide how to recruit and appoint parish or town council representatives. Your parish and town council representative should have the trust of town and parish councils in your area, so you should involve them in the selection procedure.

If you are finding it difficult to find a parish or town council representative, your local county association of local councils may be able to help you. For example, the county association may be able to give you a list of possible candidates. They may also be prepared to conduct an election process for you.

This process should receive the support of the parish and town councils in the area and show that you want to appoint standards committee members in a fair and open way.

# other members

## **Executive members on the standards committee**

If the authority is operating executive arrangements, the standards committee does not need to include a member of the executive. However, you should consider whether it is appropriate to appoint an executive member. Appointing an executive member might show that the committee is supported and respected by all parts of the authority. Not having an executive member could reflect a degree of independence from the political leadership of the authority. Nevertheless, this is ultimately a decision for the authority.

## **Elected members on the standards committee**

Standards committees need not reflect the political balance of the authority. This is because the standards committee should be above party politics and its members need to have the respect of the whole authority, regardless of the governing political party. It may be helpful to remind elected members of this when committee appointments are being made.

It would be useful for your standards committee to include members who are supported by all political parties, 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. Elected members on standards committees should not be subject to a party whip. In other words, they 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.

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.

## **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. This is often done to maintain the political composition.

However, we do not recommend the use of substitutes for standards committees. Standards committees are not intended to operate along party political lines and therefore it is not necessary to ensure a political balance.

In instances where all your independent members are unavailable, you would be

# other members

able to substitute your independent members with independent members from another authority. Please see the section on **Recruiting independent members from another standards committee** on **page 13** for further information.

It should also be noted that nothing in the regulations requires a sub-committee of a standards committee to have fixed membership or chairmanship.

# supporting standards committees

## The role of the monitoring officer

Your monitoring officer plays an important role in helping the standards committee to carry out its functions. The monitoring officer should have the necessary knowledge, skills and experience to do this. They are the link between your members and the standards committee. Your monitoring officer also plays an important role in the relationship between parish and town councillors and the standards committee.

Under the Local Government Act 2000, monitoring officers are responsible for investigating allegations and they receive directions to carry out actions other than an investigation. It is for this reason that they are well placed to monitor the effectiveness of the Code of Conduct. Please see our guidance **Local assessment of complaints** for further information on other action.

Monitoring officers must also maintain the register of members' interests. Monitoring officers may appoint deputies to help them fulfil their roles. They may, for example, appoint a deputy to conduct an investigation on their behalf, or to write a report to the standards committee.

Your monitoring officer may also want to arrange training on standards matters for standards committees or for other members. Under the Code, members must have regard to the advice of the monitoring officer when it is given as part of the monitoring officer's statutory duties.

# operation of standards committees

## Validity of meetings

The requirements in relation to membership and composition of standards committees are set out in the section on **Size and composition** on **page 9** of this guidance. All members of sub-committees must be drawn from and appointed by the standards committee.

A standards committee **must** appoint a sub-committee to:

- assess new complaints
- review decisions to take no action over a complaint

A standards committee **can** appoint a sub-committee to:

- consider a monitoring officer's final investigation report
- consider determination hearings

For the meeting of the sub-committee to be valid at least three members of the standards committee must be present throughout. These three members must include at least one member of the authority and one independent member, who must be the chair.

Meetings of the standards committee also have to meet the requirements set out above to be valid. The requirement to have an independent chair does not apply to other sub-committees of the standards committee.

A member of an assessment sub-committee cannot be present at the

review sub-committee meeting when it considers a complaint that the assessment sub-committee decided no action should be taken on. Please see our guidance **Local assessment of complaints** for further information.

If the standards committee appoints a sub-committee to consider matters relating to parish and town councils, and the members of those councils, the sub-committee must have at least three members who are present throughout the meeting, including a parish or town council representative and an independent member.

At least one parish and town council representative must be present when matters relating to parish and town councils are being discussed by any meeting of the standards committee or one of its sub-committees.

## Agendas and reports for standards committee meetings

Standards committee agendas should be open for inspection five days before the meeting and a copy should be sent to parish and town councils that the authority is responsible for. Meetings of the assessment and review sub-committees are closed and therefore agendas for these meetings do not come under this rule. Many councils place agendas on their website.

Copies of meeting reports should also be available for inspection. If the monitoring officer is a **proper officer** they can decide

# standards operation of committees

to exclude the whole report or any part of it, if they believe the meeting where the report(s) will be discussed is unlikely to be open to the public. These might include confidential or exempt items, or parts of reports that if disclosed might be in breach of the Data Protection Act.

If the chair believes, by reason of special circumstances specified in the minutes, that an item should be considered as a matter of urgency, this can be considered, despite it not having appeared on the agenda for the meeting.

Meeting minutes should be available for six years after the meeting, unless they relate to a part of the meeting that the public was excluded from, in which case they should not be made available.

Please see our guidance [Local assessment of complaints](#) for further information on access to meetings of the assessment and review sub-committees.