

## Halton Borough Council

### Terms of Reference of the Assessment Sub-Committee

#### To be approved by the Standards Committee

1. Terms of Reference
  - a. The Assessment Sub-Committee is established to receive allegations that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct.
  - b. Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:
    - i. refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or directing that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
    - ii. refer the allegation to the Standards Board for England;
    - iii. decide that no action should be taken in respect of the allegation; or
    - iv. where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.
  - c. Upon completion of an investigation by or on behalf of the Monitoring Officer, the Sub-Committee shall be responsible for determining whether:
    - i. it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
    - ii. the matter should be referred for consideration at a hearing before the Sub-Committee of the Standards Committee; or
    - iii. the matter should be referred to the Adjudication Panel for determination.
  - d. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) or 2(c) above, the Sub-Committee shall state its reasons for that decision.
  - d. The Sub-Committee shall consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post

and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.

- e. The Sub-Committee shall, upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.

2. 2. Composition of the Assessment Sub-Committee

The Assessment Sub-Committee shall comprise 3 members, of whom 1 shall be an independent co-opted member of the Standards Committee, who shall chair the Sub-Committee, and 2 elected members of the Authority. When the Assessment Sub-Committee considers a matter relating to the conduct of a person in his/her capacity as a Parish or Town Councillor, the Sub-Committee shall comprise 4 members, the additional member being, a Parish Council representative.

3. Quorum

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

4. Frequency of Meetings

The Sub-Committee shall meet as and when required.