

operation of a joint standards committee

Providing information to the Standards Board under sections 66B&C of the Local Government Act 2000

The Standards Board can demand periodic returns from authorities and information from them relating to the functions of standards committees and monitoring officers. Therefore any joint arrangements should ensure that responsibility for compiling returns and responding to requests for information is properly identified within the administrative arrangements agreed between the authorities.

Where there is a joint arrangement in place, the monitoring officer of the lead authority will be required to submit information about the composition of the standards committee.

Case information, even where the case was dealt with by a joint standards committee, must be submitted by the monitoring officer at the authority to which the subject member belongs.

Schedule 1

MODEL TERMS OF REFERENCE FOR JOINT STANDARDS COMMITTEES IN ENGLAND

[This document provides the terms of reference for a joint standards committee of relevant authorities in the form of a template for a model constitution. It is written in broad terms so that it can be used by authorities of the same type, or by authorities of different types. In some instances alternative approaches are offered, or authorities may wish to use this model as the basis for discussions leading to the production of a different document.]

1) Definitions

In this Constitution:

“the Act” means the Local Government Act 2000

“the Constituent Authorities” means

(a) *[insert name]*

(b) ... *[etc]*

“Executive”, “Executive Member”, “Elected Mayor” and “Executive Leader” have the same meaning as in the Act

“Independent Member” has the same meaning as in the Standards Committee Regulations

“the Joint Standards Committee” means the *[insert name]*

“Monitoring Officers” means the officers designated by the Constituent Authorities under section 5 of the Local Government and Housing Act 1989 and any deputy nominated by them acting

where they are unable to do so owing to absence or illness

“Proper Officer” has the same meaning as in the Local Government Act 1972

“the Regulations” means the Standards Committee (Further Provisions) (England) Regulations 2009

“Relevant Authority” has the same meaning as in the Act

“Scheme of Allowances” means any scheme of allowances made under the Local Authorities (Members Allowances) Regulations 2003

“the Standards Committee Regulations” means The Standards Committee (England) Regulations 2008

2) Constitution and Terms of Reference

2.1) The Constituent Authorities, in exercise of their powers under the Regulations, have each determined to establish a joint standards committee, to be known as the *[insert name]* to exercise those functions conferred by or under Part 3 of the Act or Part 1 of the Local Government and Housing Act 1989 set out in this Constitution.

2.2) The Joint Standards Committee is the standards committee to which written allegations under section 57A (1) of the Act may be sent *[either]* for all the Constituent Authorities *[or]* for the following Constituent Authorities: *[insert names]*.

Schedule 1

[It is important that each constituent authority is clear about whether it, or the joint committee, will receive written allegations, and that the process for publicising, receiving and submitting written allegations is clear and effective.]

- 2.3) This Constitution contains the Terms of Reference of the Joint Standards Committee for the purposes of Regulation 15 of the Regulations and section 53 (9) of the Act.
- 3) Functions to be exercised by the Joint Standards Committee
- 3.1) The Joint Standards Committee may exercise the functions set out in Appendix 1.
- 3.2) Any Standards Committee established by any of the individual Constituent Authorities may not exercise any function set out in Appendix 1.
- 4) Membership of the Joint Standards Committee
- [The following version is for a joint committee where at least one constituent authority is responsible for parish councils. If no constituent authority has this responsibility then 4.1 (b) and 4.5 should be deleted and the other sub-paragraphs renumbered]*
- 4.1) The Joint Standards Committee shall consist of:
- a) *[insert number]* members of

the Constituent Authorities, appointed by those authorities in accordance with paragraph 4.2;

- b) *[insert number]* members of parish councils for which any of the Constituent Authorities is responsible, appointed in accordance with paragraph 4.5;
- c) *[insert number which must be at least 25% of the total membership of the committee]* Independent Members, appointed in accordance with paragraph 4.6.

4.2) Subject to paragraphs 4.3 and 4.4, the following Constituent Authorities shall appoint the following numbers of members of those authorities to be members of the Joint Standards Committee:

- a) *[Name of Constituent Authority] : [number] members*
- b) *[etc]*

4.3) Appointment of Executive Members

- a) No more than one of the members of the Constituent Authorities appointed under paragraph 4.2 shall be a member of the Executive of any of the Constituent Authorities.

Schedule 1

b) If an Executive Member has previously been appointed to and is still a member of the Joint Standards Committee then no further appointment of an Executive Member will be valid.

c) Otherwise, if the Constituent Authorities seek to appoint more than one Executive Member then only one appointment will be valid and the other Constituent Authorities will be required to make a new appointment. The valid appointment shall be agreed between the Constituent Authorities or in default of agreement shall be made annually in turn by each of the Constituent Authorities in the order set out in paragraph 4.2 starting with the Constituent Authority named in paragraph 4.2 (a).

[Alternative: provide as follows but amend annually – Only [insert name of Constituent Authority] may appoint a member of the executive of any of the Constituent Authorities as a member of the Joint Standards Committee.]

4.4) None of the members of the Constituent Authorities appointed under paragraph 4.2 shall be the Elected Mayor or

Executive Leader of any of the Constituent Authorities.

4.5) The Constituent Authorities that are responsible for parish councils shall each appoint [insert number] members of the parish councils for which they are responsible, who are not also members of any of the Constituent Authorities, to be members of the Joint Standards Committee.

[Alternatively – The following Constituent Authorities shall appoint the following numbers of members of the parish councils for which they are responsible, who are not also members of any of the Constituent Authorities, to be members of the Joint Standards Committee:

a) *[Name of Constituent Authority] : [number] members*

b) *[etc]*

4.6) The following Constituent Authorities shall appoint the following numbers of Independent Members (in accordance with the provisions of the Standards Committee Regulations) to be members of the Joint Standards Committee:

a) *[Name of Constituent Authority] : [number] members*

Schedule 1

b) [etc]

- 4.7) A person who is disqualified under Part 5 of the Local Government Act 1972 or by the decision of a Case Tribunal under Part 3 of the Act for being a member of a relevant authority shall be disqualified for membership of the Joint Standards Committee.

5) Tenure of office and casual vacancies

5.1) A member of the Joint Standards Committee will hold office until one of the following occurs:

- a) He or she resigns by giving written notice to the proper officer of the Constituent Authority that appointed him or her;
- b) He or she is removed or replaced by the Constituent Authority that appointed him or her;
- c) He or she is disqualified for membership of the Joint Standards Committee;
- d) He or she ceases to be eligible for appointment to the Joint Standards Committee in the capacity in which he or she was appointed;
- e) The Constituent Authority which appointed him or her ceases to participate in the Joint Standards Committee.

[Options – We recommend that the appointing authority be given the power to replace a member under (b) but it is not essential. It is possible, instead, for all members, or a class of members such as independent members, to be appointed for a fixed term. In that case (b) would read:

b) He or she [option – , being an independent member/parish council member/member of a constituent authority] has held office for a period of [insert period] years.]

5.2) A casual vacancy shall be filled as soon as possible by the Constituent Authority which appointed the member of the Joint Standards Committee whose membership has ceased.

6) Sub Committees

6.1) The Joint Standards Committee shall appoint Sub Committees in so far as is necessary to exercise its functions under Part 3 of the Act and may establish Sub Committees for other purposes in the exercise of its functions.

6.2) Each person appointed as a member of a Sub Committee must be a member of the Joint Standards Committee.

6.3) The Joint Standards Committee will determine the membership and terms of reference of the Sub Committee, and the

Schedule 1

- quorum for its meetings, when it is appointed.
- 6.4) If the Joint Standards Committee appoints more than one Sub Committee to exercise one or more of its functions then it shall ensure that the Proper Officer of the Constituent Authority providing support to the Joint Standards Committee allocates particular matters to a Sub Committee first on the basis of the availability of the members required to constitute the Sub Committee, and thereafter by rotation, and summonses meetings accordingly.
- 7) Meetings and proceedings
- 7.1) The meetings and proceedings of the Joint Standards Committee shall be conducted in accordance with the rules set out in Appendix 2.
- 7.2) The Joint Standards Committee will adopt standing orders or rules of procedure for the conduct of its meetings. The standing orders or rules of procedure must be consistent with the requirements of the Act, the Standards Committee Regulations and the rules set out in Appendix 2. They may provide for different procedures to be followed when the Joint Standards Committee or a Sub Committee is exercising different functions.
- 8) Monitoring Officers
- 8.1) The Monitoring Officers will agree and keep under review a protocol about how they will exercise their functions in relation to the matters dealt with by the Joint Standards Committee.
- 8.2) The initial protocol is set out in Appendix 3. The Monitoring Officers will inform the Joint Standards Committee and the Constituent Authorities of any changes to the protocol.
- 9) Support
- 9.1) The Joint Standards Committee will appoint one of the Constituent Authorities to provide accommodation and professional, technical, administrative and clerical support for its meetings.
- 9.2) The Joint Standards Committee will keep the appointment under review and may from time to time make a new appointment having regard to the geographical area that it covers and to the interests of economy, efficiency and effectiveness.
- [Alternatively the Constitution may provide for the rotation of the support function. Where this is done appropriate arrangements will need to be made for dealing with on-going cases]*

Schedule 1

For the period stated in column 1 of the following table, the Constituent Authority identified in Column 2 shall be appointed to provide accommodation and professional, technical, administrative and clerical support for its meetings.

Table	
Column 1	Column 2
Period	Constituent Authority
<i>[insert period, eg 1 June 2009 to 31 May 2009. Consider whether to rotate quarterly, six monthly, annually or less frequently.]</i>	<i>[Insert name] [etc]</i>
[etc]	

9.3) The Proper Officer appointed by the Constituent Authority for the time being providing such support will discharge the proper officer functions under the Local Government Act 1972 that relate to the meetings of the Committee. He or she will therefore prepare agendas and minutes and summaries of meetings and arrange for notices and other communications to and from the Joint Standards Committee to be given and received, save in so far as one of the Monitoring Officers agrees to undertake this activity.

10) Expenses of Joint Standards Committee

10.1) The expenses of the Joint Standards Committee and of the discharge of functions relating to matters dealt with by the Joint Standards Committee will be defrayed by the Constituent Authority providing support and by any Constituent Authority whose Monitoring Officer has dealt with or exercised his or her functions in relation to such matters.

10.2) The other Constituent Authorities will make payments to the Constituent Authority that has incurred expenses under paragraph 10.1, to defray them in such proportions as the Constituent Authorities shall all agree or in the case of disagreement as shall be determined by a single arbitrator agreed on by the Constituent Authorities, or, in default of agreement, appointed by the Secretary of State for Communities and Local Government.

10.3) In determining the allocation of expenses the Constituent Authorities or any arbitrator appointed under paragraph 11.2 will have regard to the principles set out in Appendix 4.

10.4) The Constituent Authority for the time being providing support will report to the Joint Standards Committee at least annually on such expenses, on their

Schedule 1

allocation between the Constituent Authorities and on the financial provision made by the Constituent Authorities to cover present and future expenses. The Joint Standards Committee may notify the Constituent Authorities if it considers that the financial provision is or is likely to be inadequate.

11) Allowances

11.1) The Constituent Authorities will review the Schemes of Allowances for their members, will consult each other for the purposes of the review, and will seek [*Option* - (with a view to ensuring that all members of the Joint Standards Committee of the same type and whose responsibilities are, in principle, the same, should have broadly the same entitlement)]:

- a) To reach agreement as to which members of the Joint Standards Committee should receive allowances, the level of allowances, and whether related attendance or activity should affect, either directly or by reason of any calculations that are performed, the entitlement to allowances;
- b) [*Option, if the joint committee appoints Independent Members* – To determine which Constituent Authority will pay any

allowances to Independent Members appointed by the Joint Committee;]

c) To ensure that no member of the Joint Standards Committee is paid more than one allowance, or more than one enhanced allowance, on account of such attendance or activities;

d) To ensure that the agreement reached is reflected in the Constituent Authorities' Schemes of Allowances.

11.2) An agreement reached under paragraph 11.1 shall not bind the Constituent Authorities so as to prejudice the legality of their decisions, or compromise their decision-making processes, under the Local Authorities (Members Allowances) Regulations 2003.

12) Withdrawal from the Joint Standards Committee

12.1) A Constituent Authority may cease to participate in the Joint Standards Committee by resolution to that effect taking effect on the date of the next annual meeting of the Constituent Authority, and communicated in writing to the Proper Officer the time being providing support to the Joint Standards Committee at least six [alternative – nine or twelve] months before the date on which it is to take effect.

Appendix 1

[Part 1]

Functions to be exercised by the Joint Standards Committee

[Option 1: all functions]

The Joint Standards Committee may exercise all the functions of a standards committee of a Constituent Authority conferred under Part 3 of the Act and Part 1 of the Local Government and Housing Act 1989.

[Option 2: some functions]

[Select from, or adapt, the following list. The phrase "all related actions and determinations" includes decisions about how meetings should be held and all the pre and post meeting paperwork, notifications and publicity.]

The Joint Standards Committee may exercise all the functions of a standards committee of a Constituent Authority relating to:

- 1) The general and specific functions set out in section 54 of the Act, namely:
 - a) promoting and maintaining high standards of conduct by the members and co-opted members of the authority;
 - b) assisting members and co-opted members of the authority to observe the authority's code of conduct;
 - c) advising the authority on the adoption or revision of a code of conduct;
 - d) monitoring the operation of the authority's code of conduct, and
- e) advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct
- 2) Publishing the address or addresses to which written allegations should be sent and the procedures to be followed (under Regulation 10 of the Standards Committee Regulations).
- 3) Receiving written allegations under section 57A of the Act and deciding what action, if any, to take, in relation to them, and all related actions and determinations.

[The Committee that "received" the complaints must decide how to respond to them. Administratively, other constituent authorities may provide an address to which complaints are sent, but they must then forward them directly to the Committee that will decide them.]
- 4) Receiving requests for a review under section 57B of the Act, deciding what action, if any, to take, and all related actions and determinations.
- 5) Receiving a report from a Monitoring Officer under Regulation 13 of the Standards Committee Regulations on the actions taken or proposed to comply with a direction to take steps other than carrying out an investigation, determining whether it is satisfied with the action specified in the report, and all related actions and determinations.
- 6) Receiving references back from a

Appendix 1

Monitoring Officer under Regulation 16 of the Standards Committee Regulations in relation to a matter referred for investigation, deciding what action, if any, to take, and all related actions and determinations.

- 7) Receiving reports from a Monitoring Officer under Regulation 14 of the Standards Committee Regulations, following investigation by the Monitoring Officer (as defined in the Standards Committee Regulations), considering the report and making findings under Regulation 17, and all related actions and determinations.
- 8) Receiving reports from a Monitoring Officer under Regulation 15 of the Standards Committee Regulations, following investigation by or on behalf of an Ethical Standards Officer, considering the report and making findings under Regulation 17, and all related actions and determinations.
- 9) Conducting hearings under Regulation 18 of the Standards Committee Regulations, making findings, imposing sanctions (if it finds that a sanction should be imposed), and all related actions and determinations including determining what action, if any, to take if there is an appeal and whether (and if so, how) to be represented at an appeal hearing.
- 10) In relation to written allegations made before the 8 May 2008, receiving reports from a Monitoring Officer under Regulation 5 of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 , following investigation by or on behalf of an Ethical Standards Officer or Monitoring Officer, deciding whether to accept a Monitoring Officer's finding of no failure to comply with the Code of conduct, conducting a hearing under Regulation 6, making findings, imposing sanctions (if it finds that a sanction should be imposed), and all related actions and determinations including determining what action, if any, to take if there is an appeal and whether (and if so, how) to be represented at an appeal hearing if the opportunity is given.
- 11) Considering recommendations of Case Tribunals and taking related action.
- 12) Receiving requests for dispensations from members and co-opted members wishing to take part in the business of a Relevant Authority despite having a prejudicial interest, under Part 4 of the Regulations, deciding whether to grant a dispensation, and all related actions and determinations.
- 13) Receiving any other notices or notifications, determining what action, if any, to take and all related actions and determinations.
- 14) Considering applications for exemption from political restriction or for directions to include a post in a list of politically restricted posts under section 3 of the Local Government and Housing Act 1989, making determinations and taking all related action.

Appendix 1

[Other functions]

In addition to the specific and general functions, section 54 of the Local Government Act 2000 allows a Standards Committee to exercise such other functions as the authority consider appropriate. These then become Standards Committee functions which may be exercised by Joint Standards Committees under the Regulations. In so far as these functions are conferred by or under Part 3 of the Act, or Part 1 of the Local Government and Housing Act 1989, they may be allocated to the Joint Standards Committee.

Some authorities have conferred other functions on Standards Committees under section 54, such as overview of internal and external audit (now more likely to be an Audit Committee function, overview of the whistle blowing policy, overview of complaints handling and Ombudsman investigations, and oversight of the constitution. These functions may not be allocated to a Joint Standards Committee and may remain with the Constituent Authorities Standards Committee, or be reallocated.]

The Constituent Authorities have decided that it is appropriate that the Joint Standards Committee should exercise the following additional functions:

[Select from, or adapt, the following list]

- 1) Sending returns to the Standards Board for England under section 66B of the Act in relation to the functions of the Joint Standards Committee.
- 2) Providing information to the Standards

Board for England under section 66C of the Act in relation to the functions of the Joint Standards Committee.

- 3) Considering recommendations from a case tribunal under section 80 of the Act that relate to the functions of the Joint Standards Committee.

Appendix 2

Rules for the conduct of meetings and proceedings

1) Meetings

- 1.1) The Joint Standards Committee shall in every year hold an annual meeting.
- 1.2) The first Meeting held after the 31 May in any year shall be the annual meeting.
- 1.3) The Joint Standards Committee may hold such other meetings as they may determine.
- 1.4) The provisions of the Local Government Act 1972 and the Standards Committee Regulations (and transitionally the Relevant Authorities (Standards Committee) Regulations 2001 and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003), relating to giving a summons to attend the meeting, giving notice of time and place of the meeting, admission of the public and press to meetings, access to agendas and reports, preparation of and access to minutes of the meeting (or a written summary), access to background papers and the timing and conduct of hearings, that apply to a standards committee of a Relevant Authority, shall apply to the Joint Standards Committee.

2) Appointment of chair and vice-chair

[The style "chair" or "chairman" is a matter of choice.]

- 2.1) Subject to paragraph 2.4, the Joint Standards Committee shall at their annual meeting appoint a chair and a vice-chair from among the independent members of the Joint Standards Committee.
- 2.2) The chair and vice-chair shall, unless they resign their office or cease to be independent members of the Joint Standards Committee, continue in office until their successors become entitled to act.
- 2.3) In the case of an equality of votes in respect of the appointment of a chair or the appointment of a vice-chair, the person presiding at the meeting shall give a casting vote in addition to any other vote he or she may have.
- 2.4) The chair and vice-chair must be independent members.
- 2.5) Subject to paragraph 2.4, if a casual vacancy occurs in the office of chair or vice-chair of the Joint Standards Committee the vacancy shall be filled by the appointment by the Joint Standards Committee of one of their members at the next meeting and the person so appointed shall hold office until the next annual meeting.

3) Conduct of meetings

Appendix 2

- 3.1) At a meeting of the Joint Standards Committee the chair if present shall preside.
 - 3.2) If the chair is absent from a meeting of the Joint Standards Committee the vice-chair shall preside.
 - 3.3) If both the chair and vice-chair are absent, another independent member of the Joint Standards Committee, chosen by the members of the Joint Standards Committee present at the meeting, shall preside.
- 4) Quorum
- 4.1) No business shall be transacted at a meeting of the Joint Standards Committee unless at least [insert number- at least three] members are present.
 - 4.2) Where a meeting is convened to exercise functions specified in sections 57A or 57B of the Act or in regulations 17 to 20 of the Standards Committee Regulations:
 - a) At least one member of one of the Constituent Authorities must be present:
 - b) [if relevant] If the matter relates to a member or former member of a parish council, at least one parish council member must be present.
- 5) Proceedings of meetings
- 5.1) All questions coming or arising before a meeting of the Joint Standards Committee shall be decided by a majority of the members of the joint committee present and voting at that meeting.
 - 5.2) The minutes of the proceedings of each meeting of the Joint Standards Committee shall be drawn up and shall be signed at the next ensuing meeting of the Joint Standards Committee by the person presiding at that next meeting.
 - 5.3) A copy of the minutes of the proceedings of each meeting of the Joint Standards Committee shall be sent to the proper officer of each Constituent Authority within 14 days after the date of the meeting at which they were signed.
 - 5.4) The names of the members present at each meeting of the Joint Standards Committee shall be recorded in the minutes of the proceedings of that meeting.
- 6) Sub Committees
- 6.1) Paragraphs 1 to 5 apply to meetings of Sub Committees of the Joint Standards Committee with the following modifications.
 - 6.2) References to the Joint Standards Committee should be read as references to the Sub Committee.

Appendix 2

6.3) Sub Committees will not hold an annual meeting.

6.4) The chair and vice chair of the Sub Committee may be appointed by the Joint Standards Committee when it appoints the Sub Committee or at any time thereafter but if it does not do so then the Sub Committee will make the appointments at its first meeting.

[Alternative - The Sub Committee will not appoint a chair or vice chair to hold office for more than one meeting but will appoint an independent member to chair each meeting as the first item of business at that meeting. In the case of an equality of votes in respect of the appointment of a chair lots will be drawn.]

6.5) The quorum for a Sub Committee meeting will be determined by the Joint Standards Committee when it appoints the Sub Committee but shall not be less than three.

6.6) For the avoidance of doubt, by virtue of Regulation 8 (5) (a) of the Standards Committee Regulations the provisions of Part 5 A of the Local Government Act 1972 do not apply to a Sub Committee considering an allegation received under section 57A (1) of the Act or reviewing a

decision under section 57A (1) of the Act, and the provisions of Regulation 8 (5) (b) do not apply.

[The joint committee may wish to draw up its own more detailed rules of procedure for meetings, following a model similar to one of the Constituent Authorities. This might include the arrangements for substitute members. The committee should also draw up rules of procedure for hearings, taking into account the provisions given by the Standards Board for England.]

Appendix 3

Protocol for the exercise of Monitoring Officer functions

- 1) This protocol has been agreed by the Monitoring Officers of the Constituent Authorities as a way of defining their relationship with the Joint Standards Committee and describing how they will exercise their statutory functions.
- 2) The objective is to ensure that the Constituent Authorities, the Joint Standards Committee, any other Standards Committee appointed by the Constituent Authorities, and the Monitoring Officers all:
 - 1) exercise their functions as effectively, efficiently and economically as possible
 - 2) demonstrate a strong ethical framework and structure within the authorities
 - 3) demonstrate innovation and best practice, strong outcomes for the community (including through partnership working), performance well above minimum accepted levels, and excellent value for money.
- 3) The Monitoring Officers necessarily retain personal responsibility for their statutory functions under sections 5 and 5A of the Local Government and Housing Act 1989 and Part 3 of the Local Government Act 2000. They may arrange for their functions under sections 5 or 5A to be performed by a member of their staff, nominated as their deputy for the purposes of those sections, but only if they are unable to act owing to absence or illness. It appears that such nomination is also effective for the purposes of Part 3, and therefore in these protocols "Monitoring Officer" includes a deputy acting in those circumstances.
- 4) Under section 82A of the Local Government Act 2000 the Monitoring Officer may delegate some, but not all, Part 3 functions ("the Delegable Functions") to a person whom he or she has nominated. The criterion is that the Monitoring Officer considers that in a particular case he or she ought not to perform those functions.
- 5) The Delegable Functions are:
 - 1) Receiving a reference from a Standards Committee under section 57A of the Act and a direction to take steps other than an investigation, dealing with it and reporting further to the Standards Committee.
 - 2) Receiving a reference from a Standards Committee under section 57A of the Act and dealing with it by conducting an investigation, making a finding and reporting to the Standards Committee.
 - 3) Receiving a reference from an ESO under section 60 (2) or (3) of the Act and a direction to take steps other than an investigation, dealing with it and reporting further to the ESO.
 - 4) Receiving a reference from an ESO under section 60 (2) or (3) of the Act and dealing with it by

Appendix 3

- conducting an investigation, making a finding and reporting to the Standards Committee.
- 5) Receiving a reference from an ESO under section 64 (2) or (4) of the Act following an investigation by the ESO, sending a copy of the ESO's report to the subject member and referring the report to the Standards Committee.
 - 6) The other functions under Part 3 cannot be delegated to a nominated person (the "Non-delegable Functions"). These include:
 - 1) Receiving a reference from an ESO following a finding of "no failure to comply" or "no action" and deciding whether to send it to any member or officer of the authority.
 - 2) Receiving a copy of an ESO's interim report and deciding whether to send it to the Standards Committee and/or any member or officer of the authority.
 - 3) Receiving notice of a decision of an interim case tribunal.
 - 4) Maintaining the register of interests.
 - 7) The Monitoring Officer also has "Non-statutory Functions": activities that are incidental to the specific statutory duties and help promote good standards of conduct, including:
 - 1) Giving general advice to members and officers of the authority.
 - 2) Ensuring that the authority complies with its responsibilities under Part 3 of the Act.
 - 8) The Monitoring Officer also has "Standards Committee Functions": activities to assist the Standards Committee in the exercise of its functions, including:
 - 1) Advising the Standards Committee on the exercise of its general and specific functions under section 54 of the Act (promoting and maintaining high standards of conduct, assisting members to observe the Code of Conduct, advising on the Code, monitoring the operation of the Code and advising and training members on it).
 - 2) Advising the Standards Committee on the exercise of its specific functions under the Act.
 - 3) Attending and advising at meetings of the Standards Committee or a Sub Committee:
 - i) Assessing a written allegation
 - ii) Reviewing the assessment of a written allegation
 - iii) Considering reports from Monitoring Officer following (a) and ESO investigation (b) a MO investigation (c) other action by the MO

Appendix 3

- iv) Conducting a hearing
- v) Considering requests for dispensations
- vi) Exercising other functions.

9) The Monitoring Officers have agreed that these functions will be allocated in the following way:

- 1) They will each exercise the Non-delegable and Non-statutory functions relating to their authority.
- 2) They will consider in each case whether or not they ought to perform the Delegable Functions personally, and if they decide that they will not:

[Insert text - Options include a lead authority offering this service, pooling spare capacity or joint procurement of external assistance.]

- 3) In so far as the Standards Committee functions relate to the Joint Standards Committee [or list the functions in question] then they will be discharged by

[Option 1 - the Monitoring Officer for [insert name of Lead Authority].

Option 2 – the Monitoring Officer for the Constituent Authority which the Joint Standards Committee has appointed to provide accommodation and technical, professional, administrative and

clerical support for its meetings.

Option 3 – for the period stated in column 1 of the following table, the Monitoring Officer for the Constituent Authority identified in Column 2.

Table	
Column1	Column 2
Period	Constituent Authority
<i>[insert period, eg 1 June 2009 to 31 May 2009. Consider whether to rotate quarterly, six monthly, annually or less frequently.]</i>	<i>[Insert name] [etc]</i>
<i>[etc]</i>	

- 10) The Monitoring Officers will cooperate to achieve the objectives of this protocol. They recognise that the operation of this protocol will need to be amended and refined and will keep it under review. Any changes will be reported to the Joint Standards Committee and the Constituent Authorities.

Appendix 4

Allocation of expenses

The Constituent Authorities will have regard to the following principles in determining the allocation of expenses:

[Select from the following. Delete references to parish councils if not relevant.]

- Any expenses directly attributable to:
 - an investigation or other action taken following a reference to a Monitoring Officer
 - consideration of a report by an ESO or a Monitoring Officer following an investigation or other action
 - any hearing
 - any appealwill be allocated to the Constituent Authority of which the subject member or co-opted member is a member, or which is responsible for the subject parish council member or co-opted member.
- Expenses directly attributable to the assessment or review of assessment of written allegations will be allocated pro rata to the number of written allegations received against members or co-opted members of each Constituent Authority (or for which the Constituent Authority is responsible).
- Expenses relating to allowances paid to members of the Joint Standards Committee [Option, if the joint committee appoints Independent Members – , apart from allowances paid to Independent Members appointed by the Joint Standards Committee] by reason of their attendance at meetings

and other related activities will be allocated pro rata to the number of members appointed by the authorities [Or will be allocated to the Constituent Authority which appointed the member to whom the allowance was paid].

- Expenses [Or Other expenses] will be shared equally between the Constituent Authorities.
[Or]
- Expenses [Or Other expenses] will be shared in the following proportions:
[Name of authority] : [insert] %
[etc]
[Or]
- Expenses [Or Other expenses] will be shared pro rata to the number of written allegations received against members or co-opted members of each Constituent Authority (or for which the Constituent Authority is responsible).

Schedule 2

CHECKLIST (NOT TO FORM PART OF CONSTITUTION)

In order to decide which options to select, the Constituent Authorities will need to decide:

- 1) The name of the Joint Standards Committee.
- 2) Whether the Joint Standards Committee is to receive written allegations for assessment.
- 3) Whether any of the Constituent Authorities is responsible for parish councils.
- 4) The number of members of the Joint Standards Committee.
- 5) The number of members appointed from each of the Constituent Authorities.
- 6) The number of parish council members appointed by each of the Constituent Authorities.
- 7) Whether the Joint Standards Committee or the Constituent Authorities will appoint Independent Members, and, in either case, how many.
- 8) Whether any of the Constituent Authorities is to have the sole right to appoint an executive member, or whether this right is to be allocated by agreement (or in default, in turn on an annual basis), or by some other means.
- 9) Whether a Constituent Authority should be able to replace a member they have nominated, or whether the appointment should be for a period of time (subject to continuing eligibility).
- 10) Which Constituent Authority is to provide support and proper officer functions, and whether this is for an indefinite period or by rotation.
- 11) Whether, in principle, all Joint Standards Committee members of the same type, and with the same responsibilities, should be entitled to the same allowance.
- 12) What period of notice is needed to withdraw from the joint committee.
- 13) Whether the joint committee is to exercise all relevant functions, and, if not, which it is to exercise.
- 14) Whether the joint committee is to exercise the same functions for all Constituent authorities.
- 15) Whether the joint committee is to exercise other Part 3 functions, and, if so, which.
- 16) The quorum for Committee meetings.
- 17) Whether Sub Committees are to have standing or ad hoc chairs/chairmen.
- 18) How expenses are to be shared: in particular whether:
 - 18.1) the authority concerned should bear the whole cost of their investigations, hearings and appeals;
 - 18.2) assessment costs should be allocated pro rata to the number of complaints per authority;
 - 18.3) allowances should be paid by the nominating authority;
 - 18.4) other expenses (e.g. training) are to be shared equally or in some other proportion.

Schedule 2

The Monitoring Officers will need to decide:

- 1) Which options for the discharge of delegable functions by nominated officers they prefer.
- 2) Who is to advise the Joint Standards Committee, and for how long.

The Joint Committee will need to decide:

- 1) The number, composition and terms of reference of sub committees.
- 2) The quorum for Sub Committee meetings
- 3) Whether it should have more detailed procedural rules for meetings, and if so which.
- 4) The procedural rules for hearings.
- 5) Assessment and review criteria and other policies.