


Non-Executive Report of the: Council 17 July 2019	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance	Classification: Unrestricted
Report of the Standards (Advisory) Committee – Annual Report to Council	

Originating Officer(s)	Mark Norman – Legal Adviser & Deputy Monitoring Officer
Wards affected	All Wards

Executive Summary

To this cover report is attached the Standards (Advisory) Committee’s Annual Report to Council.

It is considered best practice for Council to receive an annual report in relation to standards. The provision of an annual report highlights the importance Council places on the profile of ethical standards across the organisation and affords the opportunity to highlight areas of good practice and identify any requirements for improvement.

Recommendation:

The Council is recommended to:

1. Consider and note the Standards (Advisory) Committee’s Annual Report.

1. REASONS FOR THE DECISIONS

- 1.1 It is considered best practice in many authorities for the full Council to receive an annual report in relation to standards. The provision of an annual report of the Committee’s business will increase the profile of ethical standards across the organisation and affords the opportunity to highlight areas of good practice and identify any requirements for improvement.

2. ALTERNATIVE OPTIONS

- 2.1 Council can make such comment as it sees fit in relation to the Annual Report.

3. DETAILS OF REPORT

- 3.1 The Standards (Advisory) Committee, at its meeting on Thursday 27 June 2019 considered its draft Annual Report. The Committee agreed that it be presented to Council and so Council is now asked to review and note the report.
- 3.2 Council has previously received annual reports from the Council's appointed statutory Independent Person (IP). In accordance with best practice the Standards (Advisory) Committee has now agreed to introduce its own annual reports to Council covering the work of both IP's and the business of the Standards (Advisory) Committee.
- 3.3 This is the first Annual Report of the Advisory Committee which sets out the key issues dealt with by the Committee during the past municipal year and identifies the priorities for 2019/20.
- 3.4 The Annual Report is set out at Appendix 1 to this Cover Report.

4. EQUALITIES IMPLICATIONS

- 4.1 There are no immediate equalities implications arising out of this report.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
- 5.2 Robust ethical governance arrangements help to ensure the proper, efficient and effective discharge of the Council's functions and contribute to compliance with the requirement to achieve best value.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no immediate financial implications resulting from this report.

7. LEGAL COMMENTS

- 7.1 The principal statutory provisions relating to standards of conduct for Members are contained in the Localism Act 2011. Section 27(1) of the 2011 Act provides that the Council must promote and maintain high standards of conduct by Members and Co-opted Members of the authority.
- 7.2 Sections 27 and 28 of the Localism Act require the Council to adopt a Code of Conduct consistent with the Nolan principles of good governance and to appoint at least one Independent Person whose views must be sought and taken into account before the Council makes any decision about an alleged breach of the Code that has been investigated.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Appendix 1 – Annual Report to Council

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

- NONE

Officer contact details for documents:

- N/A

London Borough of Tower Hamlets

Standards (Advisory) Committee – Annual Report to Council

Introduction

1. Council has previously received annual reports from Ms Elizabeth Hall one of the Council's appointed two statutory Independent Persons (IP's). In accordance with best practice the Monitoring Officer has now introduced annual reports to Council covering the work of both IP's and the business of the Standards (Advisory) Committee.

2. This is the first Annual Report of the Advisory Committee which sets out the key issues dealt with by the Committee during the past municipal year and identifies the priorities for 2019/20.

Membership

3. During the municipal year 2018/19 the Committee was comprised of seven elected members and seven independent co-opted members. The Council's Constitution provides that an independent co-opted members be appointed Chair of the Committee.

Elected Members:

- Cllr. Amina Ali
- Cllr. Mohammed Ahabab Hossain
- Cllr. Rajib Ahmed
- Cllr. Gabriela Salva Macallan
- Cllr. Puru Miah
- Cllr. Leema Qureshi
- Cllr. Rabina Khan

Independent Co-opted Members

- Fiona Browne
- Nafisa Adam (Vice Chair)
- Mike Houston
- John Pulford MBE (Chair)
- Daniel McLaughlin (Resigned October 2019)
- Vacancy
- Vacancy

Independent Persons

4. The Council has appointed two statutory Independent Persons (IP's) under the Localism Act 2011. Ms Elizabeth Hall served an initial term of 5 years until June 2018 and has been re-appointed as an IP until 18 September 2021. Ms Rachael Tiffen was appointed in June 2018 and her term of office will expire on 16 January 2022.

5. The principal role of the IP is to give an independent view on governance issues in general and specifically in relation to alleged breaches of the Code of Conduct for Members. Both IP's work closely the Monitoring Officer and her Deputies, considering all complaints and whether an alleged breach of the Code meets the criteria for investigation.

6. It is also a statutory requirement to consult the IP before deciding on the outcome of an investigation into a complaint and whether to impose any sanction. The Member complained about may also at any stage of the process seek a view from the IP and in order to avoid any conflict of interest the Council has appointed two IP's.

7. The Council is fortunate to have appointed two IP's with a sound understanding of the ethical framework who both act as advocates for the Council in promoting ethical standards and high standards of conduct. Although not members of the Standards (Advisory) Committee, they regularly attend meetings and play an important role in the proceedings. Both IP's also contribute to and participate in the Council's mandatory Ethics & Probity training programme. In this report we would like to acknowledge the invaluable work and support of Elizabeth Hall and Rachael Tiffen.

Officers

8. The Committee's lead officers were:

- Asmat Hussain – Corporate Director Governance & Monitoring Officer
- Mark Norman – Legal Adviser & Deputy Monitoring Officer
- Matthew Mannion – Head of Democratic Services
- Antonella Burgio – Democratic Services Officer

Terms of Reference

9. The current terms of reference for the Standards (Advisory) Committee are contained in Part A3 of the Constitution at Paragraph 3.3.14 (Note – to become Part B Section 19 in the revised constitution being considered by Council on 17 July 2019) and Committee Procedures (to be added to the new Part D of the Constitution) and are attached as Appendix A. As part of the 2018/19 work programme, the Committee has agreed proposals for revised terms of reference which provide greater clarity in the operation of the Committee (see 24 below).

Meetings

10. The Standards (Advisory) Committee held four meetings during the 2018/19 municipal year on the following dates:

21 June 2018
24 October 2018
17 January 2019
25 April 2019

Standards (Advisory) Committee Work Programme 2018/19

11. The Committee agreed a work programme at the first meeting of the municipal year in June 2018 and the key areas of business considered during the year are listed below:

Code of Conduct for Members – Complaint Monitoring:

12. The Committee received quarterly monitoring reports on complaints of alleged breach of the Code of Conduct for Members. During the municipal year there were a total of 8 new complaints which were considered by the Monitoring Officer in consultation with the IP.

13. Five of the complaints were made by members of the public, two by local organisations/ businesses and one by a councillor. Following consultation with the IP it was not necessary to refer any of the complaints for investigation, although in 3 of the cases it was agreed that the Monitoring Officer would take separate action for example by arranging training for the member complained about or meeting with them to reinforce the requirements of the Code.

14. The Committee continue to monitor whether there are lessons to take from complaints monitoring and, in particular, feedback from the Committee during the year prompted more detailed recording of the actions taken against each complaint with an emphasis on remedial action and reporting outcomes to the complainant to give assurance that maintaining ethical standards was given full organisational support.

15. **Dispensations:** The Committee received bi-annual reports on dispensations granted by the Monitoring Officer under section 33 of the Localism Act 2011 in respect of disclosable pecuniary interests (DPI's). There is a continuing General Dispensation to all Members to be present, speak and vote where they would otherwise have a DPI in the following matters:

- (a) Housing: where the Councillor (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the particular tenancy or lease of the Councillor (their spouse or partner);
- (b) Council Tax: setting the council tax and related matters including setting precepts and agreeing council tax reduction schemes; and

(c) Determining an allowance, travelling expense, payment or indemnity for Councillors.

16. **A specific dispensation** may also be granted where the Monitoring Officer is satisfied that:

(a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;

(b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;

(c) granting the dispensation is in the interests of persons living in the authority's area; or

(d) it is otherwise appropriate to grant a dispensation.

Any grant of a dispensation must specify the duration of the dispensation up to a maximum of 4 years.

The regular reporting to the Standards (Advisory) Committee allows Members to maintain oversight of any specific dispensations that are granted.

17. Gifts & Hospitality: The Committee received bi-annual reports on the requirement contained in the Code of Conduct to register gifts and hospitality received or declined with an estimated value of £25 or above. The Committee was informed at its meeting in October 2018, that management of the gifts and hospitality procedures had been subject to an internal audit which resulted in substantial assurance being recorded. However, the audit revealed concerns regarding late declarations in 8 of 28 declarations made during the previous year which were registered beyond the 28-day time frame. Additionally, it was noted that there was an absence of declarations for gifts and/or hospitality refused.

18. The Committee received an update report at its meetings in April and June 2019 and was informed of an improved position. During the period between October and April, there had been an increase in the number of registered gifts and hospitality to 38 for the six month period (against 28 for the previous year). Of those, 10 declarations were submitted late which was a lower percentage than previously (8 out of 28). Four of the submitted hospitality offers were either declined or partly declined. A further 9 [check] declarations were recorded in April-May all of which had been declared on time.

19. The Committee noted that acceptance of gifts and hospitality by councillors is not merely an administrative issue. Acceptance can impact on member reputation and on the council as a whole. Members need to show they are acting in the public interest and do not gain personally from receiving gifts.

20. Despite the improvement in reporting, the Committee remained concerned about levels of declarations and agreed that work should continue to raise

awareness of the issue. Subsequent to these discussions all Members have been written to on the issue and information has been placed in the Member bulletin. The Committee will continue to monitor this issue and will receive quarterly update reports.

21. Council Constitution – Member Code of Conduct:

The Member Code of Conduct sets out the professional standards that all Members commit to on taking up office. It clearly communicates expectations to the public and other stakeholders and enables Members to be held to account for their behaviour. Adherence to the Code is vital for ensuring the Council's reputation and in its decision-making processes is maintained and enhanced.

22. In January 2019, the Committee agreed proposals for revisions to the Code of Conduct for Members and revised terms of reference for the Committee. The proposed revisions were confirmed at the Committee's meeting on 20 June 2019 and are included in the Revised Constitution report to Council on 17 July 2019.

23. The proposed revisions to the Code draw on best practice and are designed to improve clarity, particularly in relation to the registration and declaration of interests.

The revisions are summarised below:

- There are new specific provisions about the application and purpose of the Code which replace the introductory section in the existing Code.
- The general principles of conduct in the existing Code are replaced with 2 sections on expectations and rules of conduct. These expand on and are more specific than the general principles of conduct contained in the existing Code and give examples of the seven 'Nolan' principles.
- The statutory definition of members' disclosable pecuniary interests (DPI's) is unchanged but the other interest provisions are revised to update definitions and improve clarity.
- The gifts and hospitality provisions are in a separate section and are amended to clarify that any gift or hospitality declined should be registered.
- The statutory requirement to declare DPI's is unchanged but the other declaration provisions are revised to update definitions and improve clarity.
- There are new separate sections dealing with sensitive DPI's and DPI dispensations.
- Paragraphs 32-33 of the revised Code set out the process for agreeing DPI dispensations. The Committee will also receive reports on dispensations including whether to grant any general dispensations to all Members.
- The access to information provisions are changed slightly to improve clarity.

24. The proposed revised terms of reference for the Committee which draw on best practice and are designed to improve effectiveness are summarised below:

- Membership of the Committee is reduced from 14 to 10 members.
- The role of the Independent Person is specifically referenced.
- The existing functions of the Committee are simplified and clarified.

- The functions are broadened to include a wider standards remit to promote high standards and good practice, and not just investigate problems after they have occurred.
- Duplication with other parts of the Council constitution is removed.
- There is increased flexibility for the Committee to agree procedures.

25. **Councillors Safety:** In October 2018, the Committee received an update report on Personal Safety Guidance as agreed by the Committee which had been published on the Members hub and made available to all councillors following the Council elections in May 2018.

26. All councillors were reminded of the safety practices at the initial open afternoon of the induction programme following the local elections in May 2018. As a consequence many of the councillors identified new venues for holding their surgeries and updated risk assessments were requested and completed by 53 of the 73 proposed venues.

27. **Member Induction 2018:** In October 2018, the Committee was also advised about arrangements that had been implemented for Members induction following the May 2018 local elections which resulted in 28 new Councillors being elected in Tower Hamlets.

28. An extensive induction programme was developed in consultation with Councillors, the General Purposes Committee and all Directorates. The programme ensured that the mandatory training (including ethics & probity) was conducted in a timely manner and that all Members attended.

29. An internal audit was conducted on the induction programme which gave substantial assurance. Learning points included formalising a waiver process and improving the collection of training evaluations. Councillors were also invited to complete a Personal Development Plan (PDP) and meet with the Head of Members Support. Completion of a PDP was not mandatory however it was encouraged to facilitate future plans for Learning and Development.

30. **Mock Hearing Training:**

In March 2019, members of the Committee and relevant officers participated in training on the processes and procedures to follow when undertaking hearings into standards complaints. This was facilitated by an external solicitor and well received by all participants. In particular participants highlighted the clear principles of decision making set out and how it provided practical examples to enable participants to apply those principles in a case study bringing the principles to life.

31. **Local Government Ethical Standards Review:** The Committee on Standards in Public Life (CSPL) conducted a review of local government ethical standards between January and May 2018. The review considered all levels of local government in England and its terms of reference were to:

- examine the structures, processes and practices in local government in England for:
 - maintaining codes of conduct for local councillors

- investigating alleged breaches fairly and with due process
- enforcing codes and imposing sanctions for misconduct
- declaring interests and managing conflicts of interest
- whistleblowing
- assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
- make any recommendations for how they can be improved
- note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation

32. **The Standards in Public Life review**, initiated in January 2018, included a public stakeholder consultation particularly aimed at local authority's standards committees, local authority members and local authority officials, as well as local government think tanks, academics and representative bodies. The Standards Advisory Committee agreed a response to the consultation in March 2018.

33. At its meeting in April 2019 the Committee received a report summarising the main recommendations of the CSPL review which are set out below:

Code of Conduct

- A national model Code that can be adapted by individual authorities is required.
- The Local Government Association should (in consultation with representative groups of councillors and officers) produce a new model rules-based Code which councils should generally follow but with the option to add local variations if needed.
- The same Code should apply across a geographical area with parishes being required to adopt the same Code as the principal authority.
- There should be a presumption that councillor's behaviour in public is within the scope of the Code.
 - The Committee saw this was a notable change and so will seek to ensure that there is emphasis on how this presumption can be supported in preparation of the anticipated legislative changes from CSPL to ensure Members were aware of the implications.
- The Code should also cover circumstances where a member claims to act or gives the impression they are acting as a member.

Interests

- There should be a more comprehensive system for registering and declaring interests going beyond the current statutory minimum, including unpaid directorships; trusteeships, management roles in a charity or body of a public nature; and membership of any organisations that seek to influence opinion or public policy.
- A councillor should be prohibited from participating in a discussion or voting on a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter".

- The criminal offence for non-registration/declaration of Disclosable Pecuniary Interests should be abolished.
- A register of gifts and hospitality should be mandatory, updated at least quarterly and include any gifts and hospitality over £50 or totalling £100 or over from a single source.

Sanctions

- Councils should have the power to suspend members for up to six months without allowances provided the Independent Person agrees there has been a breach of the Code and that a period of suspension is reasonable and proportionate.
- A suspended member should have a right of appeal to the Local Government Ombudsman.
- The Government should clarify if councils may lawfully impose other sanctions.

The Independent Person (IP)

- Councils should have access to at least two IP's.
- If the IP is involved in agreeing to suspend a member they should be given a legal indemnity by the Council.
- IPs should be appointed for a two-year term renewable once.
- Any views expressed by an IP should be included in a published decision notice.

Standards Committees

- Councils should have a standards committee.
- Standards committees should be able to co-opt voting independent members (and parish representatives).

The Monitoring Officer

- The statutory protection for Monitoring Officers should be extended to include any disciplinary action, not just dismissal.

Whistleblowing

- Local authority whistleblowing policies should specify a named contact for the external auditor alongside their contact details, which should be available on the authority's website.
- Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.

Political Groups

- Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.

34. If the Government accepts the CSPL's recommendations this will require changes to the Localism Act 2011 before implementation. In addition, the CSPL identified best practice recommendations directed to local authorities, which CSPL stated any local authority can and should implement, indicating that the CSPL intend to review the implementation of their best practice in 2020.

35. At its meeting in April 2019, the Committee therefore also considered an assessment of the extent to which the Council's current standards arrangements comply with the CSPL best practice recommendations. The assessment indicated substantial compliance but with specific areas requiring further work in order to meet the CSPL recommendations. The Committee will monitor implementation of the best practice recommendations by the Council during the 2019/20 municipal year. The Committee also recommends that innovative methods of communication are sought such as posters and infographics and use of the Member Hub to bring to life how best practice can be adopted in the day to day environment.

36. **Social Media Policy:** At its meeting in April 2019 the Committee also considered proposals for a Council Social Media Policy. Although the Code of Conduct for Members and the Employee Code of Conduct do not specifically address appropriate use of social media, the Council has published policy guidance on the use of social media on its intranet. The Committee consider that there is the opportunity here for innovative methods to convey the principles of the policy and how it can be applied.

37. The Committee received a presentation from the Council's Head of External Communications on the appropriate use of social media by Members and officers. The draft Policy considered by the Committee updates and revises the existing guidance available on the intranet and draws on best practice from other authorities. The Committee provided comments on the proposed Policy which will be considered for adoption by the Council's Corporate Leadership Team.

Future Work Programme for 2019/20

38. The Committee agreed a work programme for 2019/20 at its first meeting of the municipal year on 20 June 2019. The key areas of work for the year will include:

- Quarterly monitoring of complaints of alleged breach of the Code of Conduct for Members.
- Quarterly monitoring of gifts and hospitality registered.
- Bi-annual reports on DPI dispensations.
- Members training programme update.
- Implementation of CSPL best practice recommendations.
- Review of the Member/Officer Protocol.
- Revisions to the Employee Code of Conduct.
- Strengthening Local Democracy.
- DBS checks.
- Practical guidance for Members handling confidential information.
- Members Rights of Access to Information.
- News on ethics matters elsewhere including areas such as good practice, case law, ombudsman and quasi-judicial proceedings and similar.
- Effective use of the Members Bulletin.
- Members attendance at meetings.
- Second annual report to Council.

39. In looking at the 2019/20 work programme it is the Committee's aim to embed behaviours that support the seven principles in public life described in the Nolan report by encouraging Members to apply ethical standards in their day-to-day duties and to look at how these should influence their approach to discharging their responsibilities in their individual and collective capacities.

Conclusion

40. As Chair of the Committee I wish to thank my fellow committee members, both Independent Persons and the Monitoring Officer for their contributions to the Committee's business and their commitment to promoting and maintaining high standards of ethical conduct across the Council. I also wish to thank the officers of the Council for their work in supporting the Committee during the year.

41. I would particularly like to highlight how important it is that the Council has such dedicated co-opted Members who are active contributors to the Committee's discussions and have demonstrated commitment to the role of Standards at the authority. The involvement of co-opted Members should be considered as 'good governance' and we are ahead of many local authorities in this area.

John Pulford MBE
Independent Chair

Standards (Advisory) Committee – Terms of Reference and Procedures

(As agreed at the Standards Advisory Committee on 20 June 2019)

17. Standards Advisory Committee – Terms of Reference

Summary Description: The Committee performs a number of functions to maintain high standards of conduct in public life including promoting the Members Code of Conduct and considering potential breaches of the Code of Conduct.

The Committee may establish Sub-Committees to consider certain matters as set out in the ‘Functions’ below.

The Committee and any of its sub-committees may meet in private in accordance with relevant legislation as advised by the Monitoring Officer. Any meeting or part of a meeting that considers whether or not a complaint should be referred for investigation or, following an investigation should proceed to hearing, shall be held in private and all papers relating to that consideration shall remain confidential.

Membership: 5 elected members of the Council (not including the Mayor or more than 1 Cabinet member),

Co-opted Members

Plus up to 5 independent co-opted members.

Co-opted members will be entitled to vote at meetings under the provisions of section 13(4)(e) of the Local Government and Housing Act 1989. The Standards Advisory Committee (SAC) shall be chaired by an independent co-opted member.

Independent Co-opted members shall be appointed by full Council on the recommendation of the Monitoring Officer. The term of appointment shall be 4 years unless otherwise determined by Council. Co-opted members may serve as many terms of appointment as the Council considers appropriate.

Note – Independent Persons

The Council has appointed two statutory Independent Persons to assist in dealing with complaints of alleged breach of the Code of Conduct for Members under section 28(7) of the Localism Act 2011. They are not co-opted member of the SAC but may attend and observe any meeting of the Committee or a sub-committee established by it.

Functions	Delegation of Functions
1. Promoting and maintaining high standards of conduct by the Mayor, councillors and co-opted members of the Council.	None

2. Advising the Council on the adoption or revision of the Code of Conduct for Members.
3. To monitor and advise the Council about the operation of the Code of Conduct for Members in light of best practice and changes in the law.
4. Advising, training or arranging to train the Mayor, councillors and co-opted members on matters relating to ethics and probity and the Code of Conduct.
5. To appoint sub-committees for the purpose of discharging any of the Committee's functions including the consideration and determination of complaints of breach of the code of Conduct for Members.
6. As requested by the Monitoring Officer, to establish a Dispensations Sub-Committee to advise on any applications for dispensations in relation to participation at a meeting by a member with a Disclosable Pecuniary Interest.
7. To deal with any reports from the Monitoring Officer on any matter relating to standards of conduct.
8. Other functions relating to the standards of conduct of members under any relevant statutory provision or otherwise.

Quorum: A meeting of the Standards Advisory Committee or one of its sub-committees shall only be quorate where at least three members of the Committee or Sub-Committee are present for its duration and such quorum must include at least one councillor and at least one independent co-opted member.

Additional Information:

- Constitution Part A, Section 11 (The Standards Advisory Committee and the Code of Conduct for Members)
- Constitution Part C, Section 31 (The Code of Conduct for Members)
- Constitution Part D, Section 53 (Standards Advisory Committee Procedures)

Standards Advisory Committee Procedures

1. Composition

1.1 The Standards Advisory Committee shall be comprised of 5 Members of the Council (not including the Mayor or more than 1 Cabinet Member) and each political group may appoint up to 3 substitutes, appointed by the Council in accordance with the requirements of political proportionality; and up to 7 persons who are not Members or officers of the Council or any other relevant authority (i.e. Co-opted members).

1.2 The Co-opted member(s) will be entitled to vote at meetings under the provisions of section 13(4)(e) of the Local Government and Housing Act 1989. The Standards Advisory Committee shall be chaired by a Co-opted member.

1.3 The Committee shall establish Hearings and other Sub-Committees in accordance with its terms of reference and these procedures.

2. Appointment of Co-Opted Members

2.1 A person may not be appointed as a Co-opted member of the Standards Advisory Committee or one of its sub-committees unless the appointment is approved by Full Council. The term of appointment shall be for 4 years unless otherwise determined by Council or the Co-optee does not continue to fulfil any required conditions as may be determined by the Authority from time to time. Co-opted members may serve as many terms of appointment as the Council considers appropriate.

3. Roles and Functions

3.1 The Standards Advisory Committee has the following roles:

(a) To recommend to the Monitoring Officer whether or not any complaint of a breach by the Mayor, a Councillor or a co-opted member of the Members Code of Conduct should be referred for investigation by the Monitoring Officer or an investigator appointed by the Monitoring Officer; and where a complaint has been subject to such investigation, to recommend whether or not the complaint should proceed to hearing. Where the Monitoring Officer considers that a complaint should not be subject to investigation or should not proceed to hearing, s/he shall convene an Investigation and Disciplinary Sub-Committee of the Standards Advisory Committee comprising at least 3 different Members of the Standards Advisory Committee (comprising 2 of the co-opted members and 1 Councillor) which shall make the final decision on the matter;

(b) To receive regular quarterly reports from the Monitoring Officer on the numbers of complaints of the Code received, the decisions taken by the Monitoring Officer (in consultation with the Independent Person) on such complaints and investigation outcomes where the investigation determines there was no evidence of a failure to

comply with the code or where the investigation outcome recommends a local resolution;

(c) To convene a Hearings Sub-Committee of 3 Members of the Standards Advisory Committee comprising 2 of the co-opted members and 1 Councillor to consider any matter where the investigation finds evidence of a failure to comply with the Code and a local resolution is not possible or appropriate;

(d) To make such recommendations to Council in respect of the matter as the Hearings Sub-Committee considers appropriate as a result of any matter referred including;

(i) Reporting its findings to Council for information;

(ii) Recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) removal from any or all Committees or Sub-Committees of the Council;

(iii) Recommending to the Mayor removal from the Executive, or from particular Portfolio responsibilities;

(iv) Recommending the Monitoring Officer arrange training for the member;

(v) Recommending removal from outside appointments to which s/he has been appointed or nominated;

(vi) Recommending withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;

(vii) Recommending excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Executive Committee and Sub-Committee meetings;

(viii) Recommending the Member to contact the Council via specified point(s) of contact;

(e) To convene a Hearings (Appeal) Sub-Committee of at least three different Members of the Standards Advisory Committee (comprising 2 of the co-opted members and 1 Councillor) to consider any appeal against a finding of, or sanction recommended by, the Hearings Sub-Committee;

(f) To receive reports on compliance with any recommendation(s) made for sanctions to be applied in respect of any member;

(g) Promoting and maintaining high standards of conduct by the Mayor, Members of the Council, co-opted members including church and parent governor representatives and where the Committee considers that there may be issues of concern recommending that the Monitoring Officer considers and reports on the issues raised;

(h) Assisting the Mayor, Members of the Council, co-opted members including church and other faiths and parent governor representatives to observe the Council's Code of Conduct for Members;

(i) Advising the Council on the adoption or revision of the Code of Conduct for Members;

(j) Monitoring the operation of the Code of Conduct for Members;

(k) Advising, training or arranging to train the Mayor, Members of the Council and co-opted members including church and other faiths and parent governor representatives on matters relating to the Code of Conduct for Members;

(l) To act as an advisory body in respect of any matters referred to the Standards Committee by the Local Strategic Partnership (LSP) or Community Forums in respect of probity issues arising out of the codes and protocols applicable to relevant members of the LSP and Community Forums as set out in the Community Forum handbook and as may be amended from time to time;

(m) To advise on allegations of Member breaches of the Protocols set out in the constitution as may be referred to the Committee by the Monitoring Officer and to make recommendations with regard to such allegations as maybe so referred;

(n) Advising on local protocols for both Officer and Member governance;

(o) To monitor and review Member and Officer Procedures for registering interests and declaring gifts and hospitality;

(p) To receive periodic reports on the Council's Ethical Governance arrangements, on whistle blowing arrangements and complaints; and

(q) As requested by the Monitoring Officer, to establish a Dispensations Sub-Committee to advise on any applications for dispensations in relation to participation at a meeting by a member with a Disclosable Pecuniary Interest.

4. Validity of proceedings

4.1 A meeting of the Standards Advisory Committee or one of its sub-committees shall only be quorate where at least three members of the Committee or Sub-Committee are present for its duration and such quorum must include at least one councillor and at least one co-opted member.

4.2 Part VA of the Local Government Act 1972 applies in relation to meetings of the Standards Advisory Committee or its Sub-Committees as it applies to meetings of the Council.

5. Hearings Sub-Committee and Hearings (Appeal) Sub-Committee

5.1 Any Hearings Sub-Committee or Hearings (Appeal) Sub-Committee shall comprise a minimum of three Members of the Standards Advisory Committee at least two of whom shall be co-opted members.

5.2 The Hearings Sub-Committee shall consider complaints referred to it that the Mayor, an elected or co-opted Member of the Council may have failed to comply with the Council's Code of Conduct for Members or local protocol where the complaint has been subject to an investigation arranged by the Monitoring Officer and shall make recommendations accordingly. The Hearings Sub-Committee shall decide at the outset of the meeting whether it is in the public interest that the Hearing is held in

a public or private session in accordance with relevant statutory guidance as advised by the Monitoring Officer.

5.3 The membership of the Hearings (Appeal) Sub-Committee shall not include any member who served on the Hearings Sub-Committee that considered the same complaint.

5.4 The Independent Person, or if that person is unable to act a reserve Independent Person, shall have the right to attend all meetings of the Hearings Sub-Committee or Hearings (Appeal) Sub-Committee as an observer but may not vote or participate in the decision making.

6. Attendance Requirements

6.1 In the event that any Member of the Committee does not attend three or more consecutive meetings of the Committee, the Committee may draw the attention of the Council to such non-attendance and may recommend that the member concerned be replaced on the Committee.

6.2 The Committee shall not do so without first giving the absent Member an opportunity to make representations (which may be made in writing) as to their non-attendance and any matters they wish the Committee to take into account.

7. Procedures

7.1 The Committee shall maintain these procedures to enable it to discharge the arrangements under its Terms of Reference.

8. Confidentiality

8.1 The Committee and any of its Sub-Committees may meet in private in accordance with the relevant legislation as advised by the Monitoring Officer. Any meeting or part of a meeting that considers whether or not a complaint should be referred for investigation or, following an investigation should proceed to hearing, shall be held in private and all papers relating to that consideration shall remain confidential.