

Appendix 1 – Standards Committee 24th October 2022 Agenda Item 9

Remit of Standards Committee

Council A

The Standards Committee will have the following roles and functions:-

- (a) To promote and maintain high standards of conduct and ethical governance by Members and co-opted Members of the Council.
- (b) To appoint Sub-Committees with delegated power to consider investigation reports; to conduct hearings (including the imposition of sanctions); at the request of the complainant, to review decisions of the Monitoring Officer to take no action on a complaint; and at the request of the subject member, to review findings of failure to comply with the Code of Conduct and action taken in respect thereof.
- (c) To grant dispensations to Members and co-opted Members from requirements relating to interests set out in the Code of Conduct for Members and co-opted Members.
- (d) To exercise any functions which the Council may consider appropriate from time to time

Council B

The Governance and Ethics Committee will have the following Terms of Reference:

- a. Shall be an advisory body, comprising Councillors, dealing with governance, ethics and constitutional arrangements.
- b. Shall, where appropriate, consider and advise the Council on matters relating to the Council's governance and Constitution, including standards of conduct, the timetable of meetings, the administrative and procedural arrangements for implementing new legislation and the terms of reference of or scheme of delegation to Council bodies.
- c. Shall consider and advise the Council on elections and electoral arrangements, including boundary reviews, and polling districts, places and stations, where these are not the sole responsibility of the Returning Officer.
- d. Be consulted, and may offer feedback for consideration, on elections and electoral arrangements that are the sole responsibility of the Returning Office.
- e. Shall advise Full Council on the adoption or revision of the Councillors' Code of Conduct and Councillors' Allowances Scheme.
- f. Shall liaise between the Council and the Ombudsman;
- g. Shall advise the Council on the conferment of the title of Honorary Alderman or Freedom of the City;
- h. Shall advise the Council on the making, amendment, revocation or re-enactment of bylaws and the promotion of or opposition to local or personal Bills in Parliament.
- i. Promoting and maintaining high standards of conduct by Elected Members and coopted Members;
- j. Making recommendations to the Council on the appointment of "independent persons" under the Localism Act 2011;

k. Approving and revising the Complaints Protocol which will set out the detailed procedures for considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co-opted Members;

l. Considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co-opted Members in accordance with the Complaints Protocol;

Responsibility for Functions

m. Monitoring the operation of the Code of Conduct for Elected and Co-opted Members and making appropriate recommendations to the relevant body;

n. At the request of the member or co-opted member concerned, reviewing any decision of the Monitoring Officer not to grant a dispensation in relation to disclosable pecuniary interests in accordance with Section 33 of the Localism Act 2011;

o. Monitoring the operation of the Code of Conduct for Employees and making appropriate recommendations to the relevant body;

p. Considering any other matters which are relevant to the ethical governance of the Council, its Members or Employees.

Council C

Governance and Ethics (Hearings) Sub-Committee The Sub-Committee shall conduct hearings into allegations that a Councillor has breached the Code of Conduct for Councillors of the relevant authority in accordance with the arrangements for such hearings approved by the Council.

5. Standards and General Purposes Committee Terms of Reference General

The purpose of the Standards and General Purposes Committee is to oversee and develop the Council's Councillor Code of Conduct and the overall standards of conduct and ethics of Members and co-opted Members of Buckinghamshire Council.

The Standards and General Purposes Committee will have the roles and responsibilities as set out in the Terms of Reference below.

Number of ordinary meetings per Council Year At least 2 per year

- 1.1. Responsibility for all standards and ethical matters in relation to Members and co-opted Members of the Council (not including the Officer Code of Conduct or other personnel matters) including promoting and maintaining high standards of conduct by Members and co-opted Members of the Council.
- 1.2. Keep the Councillor Code of Conduct and where appropriate the Planning Protocol under review and make recommendations to Council on any amendment or revisions to the Code and Protocol when appropriate.
- 1.3. Monitor the operation of the Councillor Code of Conduct, and where appropriate, the Planning Protocol.
- 1.4. Assist Members and co-opted Members of the Council to observe the Councillor Code of Conduct, and where appropriate, the Planning Protocol.

- 1.5. Advise, train or arrange training for councillors and co-opted members of the Council, including assisting Parishes to train their own councillors, on matters relating to the appropriate Councillor Code of Conduct and/or the Planning Protocol. 104 13 August 2021
- 1.6. Give general guidance and advice to councillors and co-opted members of the Council on councillor's interests and keep under review the Register of Interests maintained by the Monitoring Officer.
- 1.7. Grant dispensations to councillors and co-opted members from requirements relating to interests as set out in the Councillor Code of Conduct, and where appropriate, the Planning Protocol. This function has also been delegated to the Monitoring Officer in relation to all grounds of dispensation with a power to refer back to the Standards and General Purposes Committee.
- 1.8. Exercise the Council's functions under Chapter 7 (sections 26 to 37) of the Localism Act 2011 relating to Ethical Standards.
- 1.9. Give general guidance and advice to councillors and co-opted members of the Council on gifts and hospitality.
- 1.10. Keep the Council's Arrangements for Dealing with Standards Complaints under review and make recommendations to Council on any amendment or revisions to the Arrangements when appropriate.
- 1.11. In accordance with the Council's Arrangements for Dealing with Standards Complaints, to assess and / or refer for investigation allegations of misconduct on the part of councillors and co-opted members of the Council, or Parish and Town councillors if requested by the Monitoring Officer.
- 1.12. The determination of allegations of misconduct on the part of councillors and co-opted members of the Council, or Parish and Town councillors.
- 1.13. Make recommendations to Council with regard to the appointment of Independent Persons.
- 1.14. Overview of the Council's Protocol on Member / Officer Relations.
- 1.15. Receive an annual report from the Monitoring Officer detailing complaints received, complaints dealt with and resolutions achieved.
- 1.16. Support the Monitoring Officer in discharging his / her role in respect of standards of conduct and behaviour.
- 1.17. Recommend changes to the Council's Constitution including those referred by Audit and Governance Committee to full Council which includes ensuring all significant amendments are proposed in writing before being agreed.
- 1.18. Consider electoral arrangements and any relevant issue referred to it by the Chief Executive, Section 151 Officer, Chief Internal Auditor or Monitoring Officer.
- 1.19. Receive on behalf of the Council reports issued by the Local Government Ombudsman into investigations that the Council's actions have amounted to maladministration causing injustice.
- 1.20. Exercise any functions in relation to parishes, parish meetings and parish councils including changing the name of a parish.

- 1.21. Make, amend or revoke bylaws by recommendation to Full Council.
- 1.22. Deal with all other non-executive functions which are not reserved to full Council and which are not otherwise delegated.

Council D

The Standards Committee will have the following roles and functions:-

1. promoting and maintaining high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor Representatives;
2. assisting Councillors and Co-opted Members and Church and Parent Governor Representatives to observe the Members' Code of Conduct;
3. advising the Council on the adoption or revision of the Members' Code of Conduct;
4. monitoring the operation of the Members' Code of Conduct;
5. advising, training or arranging to train Councillors and Co-opted Members and Church and Parent Governor Representatives on matters relating to the Members' Code of Conduct;
6. To determine in accordance with the Council's arrangements whether a Council Member has failed to comply with the Council's Code of Conduct for Members and, if so, to determine what action (if any) to take in respect of the Council member.
7. To delegate such of the Council's powers as can be delegated to take decisions in respect of a Council Member who is found on a hearing in accordance with the Council's arrangements to have failed to comply with the Council's Code of Conduct.

For Members, such action to include –

- publication of the findings of the Standards (Hearing) Sub-Committee in respect of the Subject Member's Conduct;
 - Reporting the findings of the Standards (Hearing) Sub-Committee to Council, for information;
 - Recommendation to Council that the Subject Member should be censured; • Recommendation to the Subject Member's Group Leader (or in the case of ungrouped members of the Council) that the Subject Member should be removed from any or all committees or sub-committees of the Council;
 - Recommendation to the Leader of the Council that the Subject Member should be removed from the Executive, or removed from their portfolio responsibilities;
 - Instructing the Monitoring Officer to arrange training for the Subject member;
 - Withdrawal facilities provided to the Subject member by the Council, such as a computer, website and/or email or internet access; or
 - placing such restrictions on the Subject Members access to Council staff, buildings or parts of buildings as may be reasonable in the circumstances.
8. Dispensations: To grant dispensations from Section 31(4) of the Localism Act 2011 (after consultation with the Independent Person); if having regard to all relevant circumstances, the Standards Committee:

(a) Considers that Granting the dispensation is in the interests of persons living in the Council's area; (b) Considers that it is otherwise appropriate to grant a dispensation;

9. To determine appeals against the Monitoring Officer's decision on the grant of dispensation.