

STANDARDS COMMITTEE

1.1. General

A Committee of the Council established to make recommendations in relations to ethics and the standards of conduct expected of elected and co-opted members of Thanet District Council and the Town and Parish Councils established in the administrative area of Thanet District Council.

1.2 Membership, Chairmanship and Quorum

Number of Members	Twelve members comprising five District Councillors, four Independent Members and the three Town/Parish Representatives
Substitute Members Permitted	No
Political Balance Rules apply	No
Appointments/Removals from Office	By resolution of full Council. Appointment of Independent Members must be supported by not less than 50% of full Council
Restrictions on Membership	Cabinet Leader ineligible
Restrictions on Chairmanship/Vice-Chairmanship	Only an Independent Member can be elected Chairman and Vice Chairman.
Quorum	Three - including the Independent Member (and one Town/Parish Representative if Parish matters are to be considered)
Number of ordinary meetings per Council Year	Meetings will be called as required
Standing Sub Committees	Referrals Sub Committee, Review Sub Committee and Standards Sub Committee

1.3 Terms of Reference

1. Recommending to Council for approval the terms of the Code of Conduct for Members and any alterations or amendments thereto.
2. Recommending to Council for approval the terms of the Code of Conduct for Officers and any alterations or amendments thereto.
3. Recommending to Council for approval the terms of any other codes or protocols relating to matters of conduct, ethics or propriety, including without limitation the Protocol on Member/Officer Relations and the Protocol on the Guidance of Planning Committee Members and Officers and any alterations or amendments thereto.
4. Receiving the recommendations of the Constitution Review Working Party Working and recommending to Council the terms of the Constitution for Governance of Thanet District Council

5. Promoting and maintaining high standards of conduct by elected and co-opted members.
6. Monitoring and keeping under review the codes and protocols referred to in sub- paragraphs 1 to 3 above.
7. Assisting elected and co-opted members to observe the codes and protocols referred to in sub-paragraphs 1 to 3 above.
8. Advising on training or arranging training for elected and co-opted members on matters relating to the adopted Members Code of Conduct.
9. So far as permitted by law, granting dispensations to elected and co-opted members from the requirements relating to interests set out in the adopted Members Code of Conduct.
10. Responsibility for establishing the following Sub Committees to carry out the following functions:-
 - 10.1 A Standards (Referrals and Review) Sub Committee with responsibility for determining whether a complaint alleging a failure to comply with the Members Code of Conduct is to be referred to the Monitoring Officer for investigation or other action or referred to the Standards Board For England;
 - 10.2 A Standards (Hearings) Sub Committee with responsibility for considering reports referred to it by the Standards Committee and conducting hearings in relation thereto.
11. Taking reasonable steps to provide a written summary of a complaint alleging a failure to comply with the Members Code of Conduct to the member who is the subject of the complaint including responsibility for determining not to provide a written summary on the grounds that to do so would be contrary to the public interest or would prejudice any person's investigation of the complaint.
12. Determining whether a 'finding of failure' report by or on behalf of the monitoring officer or a report referred to the monitoring officer by an ethical standards officer pursuant to Sections 64(2) or (4) of the Local Government Act 2000 is to be referred to the Standards (Hearings) Sub Committee or to a First Tier Tribunal.
13. The exercise of the responsibilities set out in sub-paragraphs 1 to 11 above in relation to the Town and Parish Councils established in the administrative area of Thanet District Council and the elected and co-opted members of those Councils and for this purpose any reference in these Terms of Reference to the 'Members Code of Conduct' shall where the context so requires include any of the Members Codes of Conduct from time to time adopted by any of the Town and Parish Councils established in the administrative area of Thanet District

Council.

- 14 Responsibility for the overview of the Council's complaints procedure including ombudsman investigations.
- 15 Responsibility for the overview of the Council's members and officers whistle-blowing policies.

1.4 Delegations

The matters referred to in sub-paragraphs 5 to 15 (inclusive) above.

1.5. Notes

1. The role and composition of the Standards Committee is regulated by the Standards Committee (England) Regulations 2008.
2. The power to appoint members to the Standards (Referrals and Review) and Standards (Hearings) Sub-Committees has been delegated to the Monitoring Officer. Members are appointed for a single meeting/hearing only.
3. The Standards Committee has resolved to delegate the duty referred to in Section 57C (2) of the Local Government Act 2000 (duty to provide a written summary of a complaint to the Standards (Referrals and Review) Sub Committee (Minute 6/2008 refers).

2. STANDARDS (REFERRALS AND REVIEW) SUB COMMITTEE

2.1. General

A Sub Committee of the Standards Committee established to conduct:

- (i) an initial assessment of a complaint alleging that an elected or co-opted Member of the Council or of a Town or Parish Council established in the administrative area of Thanet District Council failed to comply with the Code of Conduct for elected and co-opted Members adopted by their Council and to determine whether any further action should be taken on the complaint; and
- (ii) a review of any decision of the Sub-Committee (acting as a Referrals Sub-Committee conducting an initial assessment of a complaint) to take no further action in respect of a complaint alleging that an elected or co-opted Member of the Council or of a Town or Parish Council established in the administrative area of Thanet District Council failed to comply with the Code of Conduct for elected and co-opted Members adopted by their Council.

2.2 Membership, Chairmanship and Quorum

Number of Members	Three members of the Standards Committee including in all cases an Independent Member and in the case of a complaint against a town or parish councillor, at least one Town/Parish Representative
Substitute Members Permitted	No
Political Balance Rules apply	No
Appointments/Removals from Office	The Monitoring Officer is authorised to appoint members on a per meeting in accordance with the requirements of The Standards Committee (England) Regulations 2008
Restrictions on Membership	Reserved to members of the Standards Committee. A member who has sat on the Sub Committee conducting an initial assessment of a complaint may not sit on the Sub Committee if it required to conduct a review of the decision of the Sub Committee on relation to the initial assessment of the complaint
Restrictions on Chairmanship	The chairman of any meeting must be one of the Independent Members.
Quorum	Three - including one Independent Member and one Town/Parish Representative if the complaint concerns a Town or Parish Councillor.
Number of ordinary meetings per Council Year	Meetings will be called as required

2.3 Terms of Reference

As a Referrals Sub Committee:

1. When required to do so to conduct the initial assessment of a complaint alleging that an elected or co-opted Member of the Council or of a Town or Parish Council establishes in the administrative district of Thanet failed to comply with the Code of Conduct for elected and co-opted Members adopted by their Council and determine whether to:
 - (i) Refer the complaint to the Standards Board for England; or
 - (ii) Refer the complaint to the Monitoring Officer with a direction that it be investigated; or
 - (iii) Refer the complaint to the Monitoring Officer with a direction to take steps other than carrying out an investigation; or
 - (iv) Take no further action in respect of the complaint; or

- (v) Where the complaint is in respect of a person who is no longer a member of Thanet District Council or one of the Town or Parish Council's established in Thanet but is still a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), to refer the allegation to the Monitoring Officer of that other relevant authority
2. To determine a request from a complainant that his identity be kept confidential.
 3. To discharge the duty imposed on the Standards Committee to take reasonable steps to provide a written summary of a complaint to the member who is the subject of the complaint including responsibility for determining not to provide a written summary on the grounds that to do so would be contrary to the public interest or would prejudice any person's investigation of the complaint.
 4. To produce a written summary of its consideration of a complaint to include the main points considered, its conclusion on the complaint and the reasons for that conclusion and to make arrangements to ensure that such summary is available for inspection by members of the public at the Council Offices for a period of six years beginning with the date of the meeting that considered the complaint

As a Review Sub Committee:

5. When required to do so to conduct a review of a decision of the Sub Committee (acting as a Referrals Sub-Committee conducting an initial assessment of a complaint) to take no further action in respect of a complaint alleging that an elected or co-opted Member of the Council or of a Town or Parish Council establishes in the administrative district of Thanet failed to comply with the Code of Conduct for elected and co-opted Members adopted by their Council, and determine whether to:
 - (vi) Refer the complaint to the Standards Board for England; or
 - (vii) Refer the complaint to the Monitoring Officer with a direction that it be investigated; or
 - (viii) Refer the complaint to the Monitoring Officer with a direction to take steps other than carrying out an investigation; or
 - (ix) Uphold the decision of the Referrals Sub Committee to take no further action in respect of the complaint; or
 - (x) Where the complaint is in respect of a person who is no longer a member of Thanet District Council or one of the Town or Parish Council's established in Chiltern but is still a member of another relevant authority (as defined in Section 49 of the Local

Government Act 2000), to refer the allegation to the Monitoring Officer of that other relevant authority

6. To produce a written summary of its consideration of the review of the decision of a Referrals Sub Committee in relation to a complaint to include the main points considered, its conclusion on the review and the reasons for that conclusion and to make arrangements to ensure that such summary is available for inspection by members of the public at the Council Offices for a period of six years beginning with the date of the meeting that conducted the review.

2.4 Delegations

All matters in the Terms of Reference are fully delegated.

2.5. Notes

1. These Terms of Reference were approved by the Standards Committee on xxxxx 20101 (Minute xx/ 2010 refers)
2. The power to appoint Members to the Sub-Committee has been delegated by the Standards Committee to Monitoring. Members are appointed for a single meeting/hearing only.
2. The Standards Committee has also agreed to delegate the duty referred to in Section 57C (2) of the Local Government Act 2000(as amended) (duty to provide a written summary of a complaint) to the Referrals Sub Committee (Minute 6/2008 refers)
3. The arrangements made by the Sub-Committee to secure the discharge of its duty to publish a written summary if its decision on review are that the Monitoring Officer will place a copy of such decision on deposit for inspection by members of the public at the offices of Thanet District Council.

3. STANDARDS (HEARINGS) SUB COMMITTEE

3.1. General

A Sub Committee of the Standards Committee established to conduct hearings into allegations that a district, town or parish council or a co-opted members of a district, town or parish council failed to comply with the terms of the Code of Conduct for elected or co-opted Members or that a district councillor or co-opted member of the Council failed to comply with an adopted local or non-statutory Code or Protocol governing the ethical conduct of elected or co-opted members.

3.2 Membership, Chairmanship and Quorum

Number of Members	Three members of the Standards Committee including in all cases an Independent Member and in the case of a complaint against a town or parish councillor, at least one Town/Parish Representative
Substitute Members Permitted	No
Political Balance Rules apply	No
Appointments/Removals from Office	The Monitoring Officer is authorised to appoint members on a per meeting in accordance with the requirements of The Standards Committee (England) Regulations 2008.
Restrictions on Membership	Reserved to members of the Standards Committee
Restrictions on Chairmanship/Vice-Chairmanship	The chairman of any meeting must be one of the Independent Members .
Quorum	Three - including one Independent Member and one Town/Parish Representative if the complaint concerns a Town or Parish Councillor.
Number of ordinary meetings per Council Year	Meetings will be called as required

3.3 Terms of Reference

1. To hold a hearing and make a determination in relation to a ‘finding of failure’ report referred to it by the Standards Committee
2. To hold a hearing and make a determination in relation to a report from an ethical standards officer referred to it by the Standards Committee.
3. To hold a hearing and make a determination in relation to a complaint referred to it by the Standards Committee alleging a breach of any local or non-statutory Code or Protocol governing the ethical conduct of elected or co-opted members from time to time adopted by the Council
4. In any case where the Sub Committee determines that a member has failed to comply with the Members Code of Conduct or with any local or non-statutory Code or Protocol governing the ethical conduct of elected or co-opted members, to determine whether to take no further action or impose a sanction
5. To give notice in writing of any of its determinations in compliance with Regulation 20 of the Standards Committee (England) Regulations 2008.

3.4 Delegations

All matters in the Terms of Reference are fully delegated.

3.5 Notes

1. The power to appoint Members to the Sub-Committee has been delegated by the Standards Committee to the Monitoring Officer. Members are appointed for a single meeting/hearing only.