

**Standards Committee – Sub-Committees’ Draft Terms of Reference**

**Assessment Sub Committee**

- a) The Assessment Sub-Committee is established to receive and assess allegations that a Member or Co-opted Member of the City has failed, or may have failed, to comply with the Code of Conduct.
- b) Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee will make an initial assessment of the allegation and will then do one of the following:-
  - (i) refer the allegation to the Monitoring Officer, with an instruction that s/he arrange a formal investigation of the allegation; or
  - (ii) direct the Monitoring Officer to arrange training, conciliation or other appropriate alternative steps; or
  - (iii) decide that no action should be taken in respect of the allegation.
- c) ***The Sub Committee will consist of any three elected Members (voting) and one Co-opted Member (non-voting) to be drawn from the membership of the Standards Committee.***
- d) ***The quorum shall consist of any three elected Members.***
- e) ***The Sub Committee will take into account the views of an Independent Person appointed under the Localism Act 2011.***

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## Hearing Sub Committee

- a) To hear and determine any allegation that a Member has failed, or may have failed, to comply with the Code of Conduct for Members;
- b) Following the hearing, to make one of the following findings:-
  - (i) that the subject Member has not failed to comply with the Code of Conduct;
  - (ii) that the subject Member has failed to comply with the Code of Conduct but that no action needs to be taken in respect of the matters considered at the hearing;
  - (iii) that the subject Member has failed to comply with the Code of Conduct and that a sanction should be imposed.
- c) If the Sub-Committee makes a finding under paragraph b) (iii), it may impose any one of or any combination of sanctions that are available:

If the Hearing Sub-Committee finds that a subject Member has failed to follow the Code of Conduct and that they should be sanctioned, it may impose any one or a combination of the following:-

- censure of that Member;
- withdrawal of City hospitality for an appropriate period;
- removal of that Member from a particular committee or committees.

The option of removal from a particular committee or committees includes sub-committees. The Hearing Sub-Committee will make a recommendation to the relevant appointing body in each case.

The Hearing Sub-Committee has no power to impose any alternative sanctions, although the willingness of a member to co-operate in the matters listed below may have a bearing on any sanction that is imposed:-

- that the Member submits a written apology in a form specified by the Hearing Sub-Committee;
- that the Member undertakes such training as the Hearing Sub-Committee specifies;
- that the Member participates in such conciliation as the Hearing Sub-Committee specifies.

- d) ***The Sub Committee will consist of any three elected Members (voting) and one Co-opted Member (non-voting) to be drawn from the membership of the Standards Committee, provided that Members should not be selected to sit on the Hearing Sub Committee if they sat on the Assessment Sub Committee in relation to the same complaint.***
- e) ***The quorum shall consist of any three elected Members.***
- f) ***The Sub Committee will take into account the views of an Independent Person appointed under the Localism Act 2011.***

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## **Appeal Sub Committee**

### **Appeal process**

~~If a Member is aggrieved by a decision of the Hearing Sub Committee to impose one or more sanctions against him/her, either because he/she does not accept that he/she has breached the Code of Conduct, or because he/she considers that the sanction or sanctions imposed are disproportionate, he/she is entitled to appeal to the Appeal Sub Committee.~~

~~Any such request must be sent in writing to the clerk to the Appeal Sub Committee and received by him/her within 20 working days from the date that the subject Member is informed of the decision of the Hearing Sub Committee. The Appeal Sub Committee will normally complete its review of the decision within an average of 30 working days following receipt of the request.~~

### **Appeal Sub Committee Terms of reference**

- ~~b) To determine any appeal from a Member in relation to a finding of the Hearing Sub Committee that they have breached the Code of Conduct and/or in relation to the sanction imposed,~~
- ~~b) Having due regard to the decision of the Hearing Sub Committee, to substitute any alternative decision for that decision that the Appeal Sub Committee considers is appropriate, being a decision that the Hearing Sub Committee had the power to make.~~

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### **Dispensations Sub (Standards) Committee**

- a) The Dispensations Sub Committee is established to determine written requests for dispensations from Members or Co-opted Members to take part in any discussion and/or vote on a matter in which they have a disclosable pecuniary interest in accordance with section 33 of the Localism Act 2011.
- b) Upon receipt of a written request for a dispensation, a meeting of the Sub Committee will be convened (unless a meeting of the Standards Committee is scheduled to take place within a reasonable timeframe), to consider the details of the request and will then do one of the following:-
  - (i) grant a dispensation (in whole or in part) for a specified period not exceeding four years;
  - (ii) reject the request for a dispensation; or
  - (iii) seek further information regarding the request ahead of further consideration at a newly convened meeting, or in accordance with the City Corporation's urgency provisions (Standing Order No. 41).
- c) The Town Clerk will advise the Member seeking a dispensation of the Sub Committee's decision upon the conclusion of the meeting and will retain a list of action taken in respect of all written requests considered by the Sub Committee.
- d) The Sub Committee will consist of any three elected Members (voting) and one Co-opted Member (non-voting) to be drawn from the membership of the Standards Committee.
- e) The quorum shall consist of any three elected Members.

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