

Standards Committee Terms of Reference

Composition

- 2.5.1 This Committee will comprise up to 13 elected Members, other than the Leader or any other Member of the Cabinet, and up to 8 co-opted non-voting Members, 50% of whom shall be serving town, parish or city Members from within the Council's area who are not Members or officers of the Council.
- 2.5.2 Appointments to the Committee will be made annually by the Council having regard to the rules on political proportionality.
- 2.5.3 The term of office for co-opted non-voting Members will normally be 4 years.
- 2.5.4 Co-opted non-voting Members will be eligible for re-appointment for additional terms.
- 2.5.5 Substitutes will be permitted in accordance with Part 4 of the Constitution.

Roles and Function

- 2.5.6 The Standards Committee is responsible for:
- promoting and maintaining high standards of conduct by elected and co-opted Members and officers;
 - assisting the elected and co-opted Members to observe the Members' code of conduct;
 - advising the Council on the adoption or revision of the Members' code of conduct and the arrangements for dealing with Member complaints of misconduct which the Council is required to make under Section 28 of the Localism Act 2011;
 - monitoring and advising the Council about the operation of its code of conduct in the light of best practice and any changes in the law;
 - advising, and, through the Member Development Group, arranging to train elected and co-opted Members on matters relating to the Members' code of conduct and ensuring that Members are aware of the standards expected of them under the code;
 - granting dispensations to elected and co-opted Members from requirements relating to interests;
 - overseeing the operation of the Council's arrangements for dealing with misconduct complaints against Members and co-opted Members of Wiltshire Council, and parish, town and city Members in Wiltshire;
 - overview of the whistle blowing policy;
 - overview of corporate complaints handling and Ombudsman investigations;
 - reviewing the implementation of recommendations made by the Ombudsman;
 - oversight of the Constitution.

Standards Sub-Committees

- 2.5.7 The Standards Committee has the power to appoint such sub-committees as may from time to time be necessary for the efficient discharge of its functions. In particular, the Committee will appoint:

- An Assessment Sub-Committee to determine what action to take in respect of Member complaints under the Council's arrangements;
- A Hearing Sub-Committee to determine what action to take where an investigation into a Member's conduct requested by the Assessment Sub-Committee has indicated a breach of the Code of Conduct has occurred;
- ~~A Review Sub-Committee to determine requests for review under the Council's arrangements;~~
- A Dispensation Sub-Committee to determine requests for dispensation from the requirements relating to interests.

Commented [EK1]: New procedure

2.5.8 For the avoidance of doubt decisions of all Sub-Committees will be made by a simple majority of the elected Wiltshire Council Members present.

Commented [EK2]: Moved from further below as it applies to all three

Assessment Sub-Committee

2.5.9 As it shall consider multiple complaints this Sub-Committee shall comprise 5 elected Members from among the Standards Committee and its substitutes, in case of conflicts arising. The Standards Committee will appoint the members annually, along with a Chairman and Vice-Chairman for the Sub-Committee. The Sub-Committee may include up to 2 non-voting co-opted Members of the Standards Committee on an ad-hoc basis. All other members and substitutes of the Standards Committee will serve as substitutes for the Sub-Committee.

Commented [EK3]: Enables all members to participate as conflicts will be more common, while retaining administrative efficient of known membership and dates of meetings

2.5.10 The above Sub-Committee is not subject to the requirements of political balance, but is subject to a requirement of a maximum of 4 elected Members from any political group. The co-opted members serving on the Sub-Committee will be determined by the proper officer, who in this instance would be a Democratic Services Officer on behalf of the Monitoring Officer.

Commented [EK4]: Max of four to recognise if those subbed out due to conflicts or unavailability can be subbed by members of any political group, and do not inadvertently lead to all five being from the same group

2.5.11 The above Sub-Committee shall meet on a monthly basis and make decisions on all Code of Conduct complaints in accordance with the Council's arrangements under Protocol 12(link).

2.5.12 Members, including co-opted members, may not serve on the Hearing Sub-Committee for a complaint they have previously considered on the Assessment Sub-Committee.

Commented [EK5]: Which means if a standing member of assess sub committee is subbed, as should be common, they could serve on such a hearing

Hearing Sub-Committee and Dispensation Sub-Committee

2.5.13 In each case the above Sub-Committees shall comprise 3 elected Members from whom a chairman will be elected. The Sub-Committees may include up to 2 non-voting co-opted Members of the Standards Committee, one of whom shall be a parish, town or city council representative where the complaint concerns a parish, town or city.

Commented [EK6]: Moved as only applies to these two, not assess

Commented [EK7]: To not restrict use of co-opted members

2.5.14 The above Sub-Committees are not subject to the requirements of political balance, but are subject to the requirement of a maximum of 2 elected Members from any political group. The composition of any sub-committee will be determined by the proper officer, who in this instance would be a Democratic Services Officer on

behalf of the Monitoring Officer on the basis of Member availability, drawing from the Membership of the Committee and its substitutes.

Commented [EK8]: Moved as relates specifically to these two subs

2.5.15 The Hearing Sub-Committee shall make decisions where an investigation into a Code of Conduct Complaint makes a finding of a breach, in accordance with the Council's arrangements under Protocol 12.

Commented [EK9]: For clarity