

## **ARTICLE 9 – THE STANDARDS ADVISORY COMMITTEE (SAC)**

### **Standards Advisory Committee**

1. The Council will establish a Standards Advisory Committee (SAC) as a Committee of the Council.

### **Composition**

2. General

The SAC will comply with the political proportionality rules set out in Section 15 of the Local Government and Housing 1989 Act.

Parish Council business will be conducted through the main committee and this arrangement will be reviewed as necessary.

3. Membership

The Standards Advisory Committee will comprise:

- (a) Six elected Members (not the Leader, Commissioners, Mayor and Deputy Mayor, Chairs and Vice Chairs of Planning and Licensing Committee and Group Leaders)
  - (b) Three persons who are not Members or Officers of the Council or any other body having a Standards Advisory Committee (Independent Members).
  - (c) One Member from each of the three Parish Councils wholly or mainly in the Council's area (a Parish Member).
  - (d) The Council's Independent Person (as an observer).
4. Independent Members, and the Parish Council Members and, in his/her absence, his/her Standing Deputy will not be entitled to vote at meetings.
  5. Parish Members.
    - (a) At least one Parish Member must be present when matters relating to those Parish Councils or their Members are being considered.
    - (b) Each of the Parish Councils will nominate the Parish Council Member to serve on the Committee. In the event of more than one nomination being received in respect of the Parish Council Member the matter will be referred to the Council for agreement on the recommendation of the Standards Advisory Committee.

### **Quorum**

6. The quorum of the Committee shall be a minimum of four Members including at least one Co-opted Member. Where matters solely relating to parish councils or their members are to be considered one of the three Parish Council Members must be present.

## **Chair**

7. The Chair of the Committee will be an elected Member of the Council.

## **Roles and Functions**

8. The SAC will have the following roles and functions:
  - (a) Promoting and maintaining high standards of conduct by Members, (i.e. Elected and Co-opted)
  - (b) Assisting Members to observe the Council's Ethical Framework including the Code of Conduct.
  - (c) Advising the Council on the adoption or revision of the Council's Ethical Framework including the Code of Conduct.
  - (d) Monitoring the operation of the Council's Ethical Framework including the Code of Conduct.
  - (e) Advising, training or arranging to train Members on matters relating to the Council's Ethical Framework including the Code of Conduct.
  - (f) The determination of written complaints made against a Member (including a Parish Council Member) alleging a breach of the Code of Conduct and taking any action that is deemed appropriate and permitted under the Localism Act 2011 and Regulations thereunder.
  - (g) The exercise of (a) to (f) above in relation to the Parish Councils wholly or mainly in its area and the Members of those Parish Councils.
  - (h) Keep under review and make recommendations to the Council on the Whistle-Blowing Policy and Procedure.
  - (i) In conjunction with the Monitoring Officer to produce an Annual Review of work completed and proposed within the purview of the Committee and to submit it to Council for information purposes only.
  - (j) To put in place and keep under review arrangements for monitoring Members' performance.
  - (k) To receive and consider reports on individual Members' performance.
  - (l) To decide any requests from a Member or Officer for indemnity as set out in the Council's adopted Policy on Terms of Indemnity.

## **Working Arrangements**

9. The Committee must meet at least twice a year but may hold such other meetings, as it considers necessary.
10. The Committee will be subject to the statutory access to information provisions. The press and public may be excluded and papers withheld from access only if they meet statutory definitions of exempt or confidential information.

11. All Members of the Council and Members of the press and public can attend the Committee when it is discussing business in Part I of the agenda. When the Committee is discussing exempt or confidential information (Part II) only Members of the Committee and Members of the Council (with the consent of the Committee given by majority resolution) can attend.
12. The Committee will appoint a Determination Sub Committee to determine complaints following an investigation.
13. Agenda and reports will meet and be distributed in accordance with statutory and corporate standards and formats.
14. The Committee and its Sub Committee may require Members of the Council and Officers of the Authority to attend before it to answer questions.
15. The Committee or its Sub Committee may require the production of any document or record in the possession of the Council to be submitted to it, unless to do so would involve a breach of data protection or other statutory provisions.
16. The Committee may require the Monitoring Officer or his/her nominee to investigate on its behalf allegations of impropriety referred to the Committee.
17. The Committee will not take any executive action on behalf of the Council.

### **Determination Sub-Committee**

#### **1. Terms of Reference**

The Sub-Committee is established to consider and determine complaints following an investigation. Following a hearing the Committee will make one of the following findings:

- (a) That the Member who was the subject of the hearing had not failed to comply with the Code of Conduct of the relevant Authority concerned;
  - (b) That the Member who was the subject of the hearing had failed to comply with the Code of Conduct of the relevant Authority concerned, but that no action needs to be taken in respect of the matters which were considered at the hearing; or
  - (c) That the Member who was the subject of the hearing had failed to comply with the Code of Conduct of the relevant Authority concerned and that a sanction should be imposed.
2. If the Sub-Committee makes a finding under paragraph 1(c) in respect of a person who is no longer a Member of any authority that the SAC has responsibility for it shall censure that person.
  3. If the Sub-Committee makes a finding under paragraph 1(c) in respect of a person who is a serving Member of any authority that the Standards Advisory Committee has responsibility for, it shall impose any of, or a combination of, the following sanctions:

- (a) censure of that Member
- (b) restriction for a period not exceeding six months of that Member's access to the premises of the relevant Authority or the resources of the relevant Authority provided that those restrictions:
  - i. are reasonable and proportionate to the nature of the breach;
  - ii. do not unduly restrict the person's ability to perform the functions of a Member.
- (c) that the Member submits a written apology in a form specified by the Sub-Committee;
- (d) that the Member undertakes such training as the Sub-Committee specifies;
- (e) that the Member participate in such conciliation as the Sub-Committee specifies;

#### 4 Appointment and Composition of the Sub-Committee

- (a) The Monitoring Officer is required to establish and/or convene the Sub-Committee from the membership of the SAC Committee as necessary. The Sub-Committee will therefore not have a fixed membership.
- (b) In the case of a complaint against an elected member of the Council the Sub-Committee shall comprise five Members, of whom a maximum of three shall be elected members and no more than two should be Co-Opted Independent Members of the Standards Advisory Committee.
- (c) The Sub-Committee shall elect a Chair at each hearing. The Chair will be an elected Councillor.
- (d) The appointment and composition of the Sub-Committee shall increase to include a Parish Member of the Standards Advisory Committee where the Sub-Committee is considering a report or recommendations that relate to a Parish Council Member.

#### 5 **Quorum**

The quorum for a meeting of the Sub-Committee shall be three Members, two of whom must be elected Members and at least one Independent Member. When considering a matter relating to the conduct of a Member as Parish Councillor at least one Parish Council representative shall also be present to enable the meeting to be quorate.

#### 6 **Frequency of Meetings**

The Sub-Committee shall meet as and when required to enable it to undertake its functions.