

SLOUGH BOROUGH COUNCIL

REPORT TO: Audit & Corporate Governance Committee **DATE:** 10th June 2015

CONTACT OFFICER: Kevin Gordon, Assistant Director, Professional Services and Monitoring Officer
Shabana Kauser, Senior Democratic Services Officer
(For all Enquiries) (01753) 787503

WARDS: All

PART I **FOR DECISION**

APPOINTMENT OF STANDARDS DETERMINATION SUB-COMMITTEE

1. Purpose of Report

- 1.1 To appoint and seek agreement to the membership of the Standards Determination Sub Committee

2. Recommendations/Proposed Action

- 2.1 The Committee is requested to resolve that a Standards Determination Sub-Committee be appointed comprising five Members of the Committee to be selected at random subject to it including three elected Members, if possible on a politically proportionate basis, and two Co-opted Independent Members.

3. Slough Joint Wellbeing Strategy Priorities

- 3.1 It is important that the investigation and determination of complaints about Member misconduct is carried out within a framework which gives the public confidence that such matters will be dealt with in a manner which will provide an efficient, effective and impartial process in the handling of ethical issues.

4. Other Implications

- 4.1 This report does not have any legal, financial or staffing implications.
- 4.2 The Localism Act 2011 places the Council under a statutory duty to establish an ethical framework:
- Under section 27(2) it must adopt a code of conduct dealing with the conduct that is expected of members and co-opted members when they are acting in that capacity,
 - Under Section 28 (6) it must have in place arrangements under which allegations of breach of the code can be investigated and decisions made upon the allegations,

5. Supporting Information

Background

- 5.1 The Council agreed at its meeting on 21st April 2015 that the Standards Advisory Committee be disbanded and its terms of reference subsumed into the terms of reference of the Audit & Risk Committee with effect from 19th May 2015. The re-named Audit & Corporate Governance Committee has a wide remit which includes Standards and the Ethical Framework.

Standards Determination Sub Committee

- 5.2 It was also agreed that a Standards Determination Sub-Committee be established to determine allegations of breaches of the Member's Code of Conduct, on a reference from the Monitoring Officer, and to undertake any detailed work necessary on the Code of Conduct. As the parent Committee, it is the Audit & Corporate Governance Committee that appoints the Sub-Committee. The full Terms of Reference for the Sub-Committee, as approved by Council, is included at Appendix A.
- 5.3 The Standards Determination Sub-Committee does not have a fixed membership and will be convened as necessary from the membership of the Audit & Corporate Governance Committee. The Sub-Committee will comprise five Members, of whom a maximum of three shall be elected Members drawn on a politically proportionate basis, wherever possible. If an opposition Member is not available, the three elected Members will be appointed from the same political party. No more than two members of the Sub Committee should be Co-opted Independent Members. The Sub-Committee will elect a Chair at its hearing/meeting. The Chair will be an elected member.

Complaints Process

- 5.4 In its approved complaints process, the Council has agreed arrangements to delegate to the Monitoring Officer the initial decision on whether a complaint requires investigation, subject to consultation with the Independent Person. In appropriate cases the Monitoring Officer may seek to resolve the complaint informally without the need for a formal investigation. When a complaint is referred for investigation, the Investigating Officer's report is reviewed by the Monitoring Officer, who will either send it for determination to a Standards Determination Sub-Committee set up for the purpose, or decide that no further action is required.

First meeting of the Determination Sub Committee

- 5.5 Since the appointment of the Committee on 19th May 2015, a complaint has been referred by the Monitoring Officer for determination. The first meeting of the Audit & Corporate Governance Committee is scheduled for 8th July 2015, it is therefore necessary that the Committee meet to appoint the Determination Sub-Committee to determine the complaint at the earliest opportunity. It is proposed that the Sub-Committee for this hearing be selected randomly from the membership of the Audit & Corporate Governance Committee, within the parameters detailed in paragraph 5.3.

6. Appendices

A Standards Determination Sub-Committee, Terms of Reference

7. Background Papers

Report to Council of 21st April 2015 – establishment of Audit & Corporate Governance Committee,

Article 10 of the Council's Constitution – Audit & Corporate Governance Committee

Standards Determination Sub-Committee

1. Terms of Reference

The Sub-Committee is established to

- determine complaints following an investigation.
- give detailed consideration to revisions to the Code of Conduct as necessary for recommendation to the Committee.

2. Following a hearing the Sub-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.

3. If the Sub-Committee makes a finding under paragraph 2(c) in respect of a person who is no longer a Member of any authority that the Committee has responsibility for it shall censure that person.

4. If the Sub-Committee makes a finding under paragraph 2(c) in respect of a person who is a serving Member of any authority that the 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.

5 Appointment and Composition of the Sub-Committee

- (a) The Sub Committee will be convened as necessary from the membership of the Audit and Corporate Governance Committee. The Sub-Committee will therefore not have a fixed membership.
- (b) The Sub-Committee shall comprise five Members, of whom a maximum of three shall be elected members **drawn on a politically proportionate basis, wherever possible. If an opposition Member is not available, the three Members will be appointed from the same political party.** No more than two should be Co-Opted Independent Members of the Audit and Corporate Governance Committee.
- (c) The Sub-Committee shall elect a Chair at each hearing/meeting. The Chair will be an elected Councillor.
- (d) The appointment and composition of the Sub-Committee shall increase to include a Parish Member (observer) of the Audit and Corporate Governance Committee where the Sub-Committee is considering a report or recommendations that relate to a Parish Council Member.

6 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.

7 Frequency of Meetings

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