

By: Head of Democratic Services and Local Leadership

To: Standards Committee – 22 May 2008

Subject: APPOINTMENT OF STANDARDS SUB COMMITTEES

Classification: Unrestricted

Summary: The Standards Committee needs to appoint Sub Committees for the purposes of carrying out initial assessments of allegations and a separate Sub Committee with a different membership to carry our reviews where the Assessment Sub Committee has decided not to investigate a complaint, if so requested by the original complainant.

FOR DECISION

1. Members will be aware that the responsibility for dealing with alleged breaches of the Code of Conduct by elected and co-opted Members of the Council passed from the Standards Board for England to the local authority on 8th May 2008.
2. When a complaint about an alleged breach of the Code is received, the Standards Committee must appoint an **Assessment Sub Committee** to consider the initial complaint and decide whether, on the basis of the facts presented to it, there appears to have been a breach of the Code of Conduct by the Member concerned and whether it merits investigation. If the Assessment Sub Committee concludes in any particular case that no action should be taken in respect of the allegation, the complainant may ask for that decision to be reviewed by a separate Sub Committee with a different membership to the Assessment Sub Committee. This second Sub Committee is known as the **Review Sub Committee**. Nothing in the Regulations requires a Sub Committee of the Standards Committee to have fixed membership or chairmanship, although the Chairmen of Sub Committees must be selected from amongst the independent members.
3. For a meeting of one of the Sub Committees to be valid, at least three Members of the Standards Committee must be present, including at least one elected Member and one independent Member.
4. Accordingly, the Standards Committee is invited to appoint an Assessment Sub Committee and a separate Review Sub Committee, each comprising at least 3 Members and each with a different membership. The terms of reference of the Assessment Sub Committee will be as follows:

“To consider initial complaints that a Member or co-opted Member is alleged to have breached the Code of Conduct and decide whether, (a) the complaint appears to show a breach of the Code and (b) whether the complaint merits investigation.”

5. The Terms of Reference of the Review Sub Committee will be as follows:

“If so requested by the original complainant, to review any decision of the Assessment Sub Committee to take no action in respect of allegations.

6. Members are reminded of the Committee’s previous decision that officers would approach the Kent Police Authority and the Kent and Medway Fire and Rescue Authority to see if there was a willingness to share independent members between authorities for the purposes of appointing Sub Committees and, if required, hearings following investigations. In addition, the Committee accepted, in principle, the offer from the London Borough of Bromley to share members with that authority for the purposes of Sub Committee membership. This is considered particularly important given the overall size of this Committee, the possibility that one or more Members might at some stage be conflicted out of serving on a particular Sub Committee and the need for Members of the Assessment and Review Sub Committees to be different. Officers will give an oral update on the current situation with regard to these approaches.

RECOMMENDATIONS:

7. The Committee is invited to appoint an Assessment Sub Committee and a Review Sub Committee, each with at least 3 Members; each with at least one elected Member; and each with an independent Chairman.

8. The Committee is also invited to approve the Terms of Reference for the Assessment and Review Sub Committees set out in paragraphs 4 and 5 above.

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