

## **PART 2 – ARTICLES OF THE CONSTITUTION**

### **ARTICLE 7 – STANDARDS ARRANGEMENTS**

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The Council has established a Joint Standards Committee with all Parish and Town Councils in the Maldon District.

#### **1. COMPOSITION**

- a. The Joint Standards Committee consists of eight elected Members of Maldon District Council and two Local Council representatives and one Independent Person. The Independent Person (or Reserve) - shall be notified of and invited to attend meetings and may participate in the discussion. The Independent Person has no voting rights.
- b. Maldon District Council Members will be appointed at the Annual Meeting of the Council in line with the rules on political proportionality.
- c. Local Council Member representatives will be nominated by the Essex Association of Local Councils (EALC) as co-opted members (without voting rights) and serve for a period of no more than two years subject to remaining elected and pending further nomination.
- d. Independent Persons will be appointed by Council. Independent Persons shall be appointed for a period of four years, with the option of re-appointment for a further four years; no Independent Person may serve more than two terms of office.

The current Independent Person is Mr J Mitchell and the reserve Independent Person is Ms K Payne.

- e. Group Leaders may not be members of the Committee.
- f. The Chairman and Vice-Chairman of the Committee shall be elected at the first and special meeting of the Committee held on the day of the Annual Meeting of the Council. The Chairman and Vice-Chairman shall not be appointed from the same political group.
- g. The Vice-Chairman shall deputise for the Chairman in his or her absence.
- h. The quorum for meetings of the Committee shall be three voting Members.
- i. Substitutes shall be permitted for District Council Members to maintain political balance, and named substitutes as nominated by the EALC shall be permitted for Local Council Members.

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### **2. ROLES AND FUNCTIONS OF THE JOINT STANDARDS COMMITTEE:**

- 2.1 The Joint Standards Committee will promote and maintain high ethical standards of conduct by Councillors in the District of Maldon. It will hold Councillors to account where it determines that Councillors' conduct has fallen short of what is to be expected or otherwise required of them pursuant to the applicable Council's adopted Code of Conduct. Further details on the role and functions of the Joint Standards Committee are set out elsewhere in this part of the Council's Constitution.

### **3. PROCEDURAL ARRANGEMENTS:**

- 3.1 The Joint Standards Committee will conduct its proceedings in accordance with the relevant Procedure Rules set out in Part 4 of this Constitution and the adopted Conduct Complaint Process set out below. The Committee will meet as and when required.
- 3.2 When dealing with matters deemed to be private / confidential where the public is to be excluded from the meeting, it is essential that the Committee's work is confined to the Members of the Committee only at the time, and circulation of papers will be restricted accordingly. Notwithstanding Procedure Rule 19 and the general acceptance of the practice which enables Members to attend meetings of other Committees, private sessions of meetings of this Committee should proceed only with the appointed Members, the Independent Person and required support of Officers present.

### **4. CODE OF CONDUCT COMPLAINTS PROCESS – WRITTEN SUMMARY**

#### **Stage I**

1. If a complaint has been made by an Officer of the District Council against a District Councillor, it shall not normally be referred to the Monitoring Officer (MO) unless it has first been dealt with under the [Member / Officer Relations Protocol](#).
2. Upon receipt of complaint, an initial assessment will be undertaken by the MO to establish the exact nature of the complaint and whether there is a potential breach of the Code of Conduct.

Informative: It is the normal practice of this Council to disclose the identity of the complainant to the councillor who is the subject of the complaint unless there are good reasons for the identity of the complainant to remain confidential.

3. All complaints will be acknowledged and the Councillor complained of notified within five working days of receipt. The Leader of the Council will be notified of all complaints against District Councillors and generally kept advised.
4. The MO will seek further information as required from either the Councillor complained of or the complainant within 15 working days of receipt of the complaint. If the subject Councillor declines to co-operate with the MO without good reason,

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then the MO may move directly to consult with the Independent Person (IP) – this in itself could constitute a separate breach of the Code of Conduct.

5. The MO will then consider the complaint in discussion with the IP and reach a conclusion as to the likelihood of a breach of the Code and a way forward. A conclusion will normally be reached within 25 working days of receipt of the complaint, and the respective parties notified. Options for conclusion at this stage are:
  - No further action.
  - Refer to Political Group Leader for action (MO / IP to reconsider if no action taken).
  - Informal resolution.
  - Refer to Police (if potential criminal issues involved).
  - MO / IP decide to put straight to **investigation** (internal) and then Stage II **Hearing**.
  - Move to Stage II (with or without further discussion with parties to complaint).

### Stage II

1. Refer to Joint Standards Committee (JSC) – two possible decisions / outcomes:
  - **Investigation** (and Group Leader informed).
  - No further action (all parties including IP to be notified immediately and rationale / detailed reasoning to be provided within 10 working days of the decision).
2. **Investigation** outcomes:
  - NO BREACH
    - No further action.
    - Copy of report and findings to all parties including IP.
    - Report to JSC for information.
  - BREACH
    - MO / IP consider and pursue possible **informal resolution**
    - **JSC Hearing** (which may also be convened to hear outcome of Stage I investigation by MO or a failure to achieve informal resolution under Stage II)
3. **Hearing** findings to be notified to all parties immediately and any rationale/detailed reasoning for decision to be provided within 10 working days of the hearing. Decision notice to be published on Council's website as soon as is practicable after notification.