# PART 2 – ARTICLES OF THE CONSTITUTION

## ARTICLE 7 – STANDARDS ARRANGEMENTS

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

### 1. COMPOSITION

a. The JSC consists of eight elected Members of Maldon District Council, two Local Council representatives and one Independent Person (IP). The IP (or Reserve) - shall be notified of and invited to attend meetings and may participate in the discussion. The IP 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 (including substitutes) by the Essex Association of Local Councils. The representatives will act 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. IPs will be appointed by the Council. IPs shall be appointed for a period of four years, with the option of re-appointment for a further four years; no IP may serve more than two terms of office.

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

e. Group Leaders may not be members of the Committee.

f. The Chairperson and Vice-Chairperson 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 Chairperson and Vice-Chairperson shall not be appointed from the same political group.

g. The Vice-Chairperson shall deputise for the Chairperson 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 Parish Councils shall be permitted for Local Council Members.

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

2.1 The JSC 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 JSC are set out elsewhere in this part of the Council's Constitution.

## 3. PROCEDURAL ARRANGEMENTS:

3.1 The JSC 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 IP 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 within five working days 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 MO shall send a copy of this complaints process to the Councillor. The Leader of the Council and relevant Political Group Leader 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 ten working days of receipt of the complaint. If the subject Councillor declines to co-operate with the MO within 15 working days of receipt of the complaint without good reason, then the MO may move directly to consult with the 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 taking into account the public interest test (see below as a footnote[1]). A conclusion will normally

[1] Public Interest Test

- The seriousness of the alleged breach taking into consideration that minor breaches do not always require that action should be taken and if an

be reached within 15 working days of receipt of the complaint, and the respective parties notified. Options for conclusion at this stage are:

- No further action.
- Informal resolution, which may include reference to Political Group Leader for action (MO / IP to reconsider if no action taken).
- Refer to Police (if potential criminal issues involved).
- Formal investigation to be commenced within five working days of the receipt of the request and completed in a timely manner.

**Stage II**

1. Formal investigation outcomes:

    - NO BREACH
        - No further action.
        - Copy of report and findings to all parties including IP.
        - Report to JSC Members for information.

    - BREACH
        - Following investigation the MO / IP consider and pursue possible informal resolution, with a report afterwards to JSC for information.
        - **JSC Hearing** to determine if there is a breach of the Code of Conduct and to impose any sanctions (which may also be convened if there is a failure to achieve informal resolution under Stage II)

- Hearing findings to be notified to all parties immediately and any rationale/detailed reasoning for decision to be provided within seven working days of the hearing. Decision notice to be published on Council's website as soon as is practicable after notification if there is a breach of the Code of Conduct. In the case of a finding of no breach the decision notice shall only be published at the request of the Councillor the subject of the complaint.

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individual incident is deemed minor whether it forms part of a pattern of behaviour;

- Whether the complaint is politically motivated or is "tit for tat";
- When the alleged conduct took place and whether it could be fairly investigated;
- Whether the Councillor is still in office;
- Whether the Member deliberately sought personal gain for themselves or another person at the public expense;
- Whether the circumstances of the breach are such that a Member has misused a position of trust or authority and caused harm to another;
- Whether the breach was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity.