PART 3 – RESPONSIBILITY AND FUNCTIONS

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COMMITTEE	**JOINT STANDARDS**
MEMBERSHIP	Eight elected Members appointed annually. Political balance provisions apply. Non-voting Members: • Two representatives of Parish / Town Councils nominated by the Essex Association of Local Councils • Independent Person (or Reserve)
	NB The Chairperson and Vice-Chairperson of the Joint Standards Committee be appointed not from the same political group (Council 23 June 2020 – Minute No. 1009 refers).
LEAD OFFICER	Monitoring Officer
OFFICERS / UNITS PRIMARILY REPORTING	Monitoring Officer
SUB-COMMITTEE	None

1. TERMS OF REFERENCE

1) Promoting and maintaining high standards of conduct by Members and co-opted members (with or without voting rights) of the District Council and also Parish / Town (Local) Councils, and considering relevant issues to enable the Committee to fulfil this role;

2) Advising and assisting Councillors to maintain high standards of conduct and to make recommendation to Local Councils on improving standards or actions following a finding of a failure by a Local Councillor to comply with the Code of Conduct;

3) Advising the Council and Local Councils on the adoption or revision of the applicable Member Code of Conduct;

4) Receiving and considering referrals from the Monitoring Officer into allegations of misconduct;

5) Receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Member Code of Conduct;

6) Advising, training or arranging to train Councillors and co-opted Members on matters relating to the Member Code of Conduct;

7) Assisting Councillors and co-opted Members to observe the Member Code of Conduct;

8) Conducting hearings and determining complaints as necessary about District and Local Councillors and co-opted Members where an investigation is undertaken to consider whether an allegation that there has been a breach of the Member Code of Conduct has been undertaken;

9) Following a hearing the Joint Standards Committee is able to make one of the following findings:

   (a) That the Member has not failed to comply with the Member Code of Conduct and no further action needs to be taken in respect of the matters considered at the hearing; or

   (b) That the Member has failed to comply with the Member Code of Conduct but that no further action needs to be taken in respect of the matters considered at the hearing; or

   (c) That the Member **has failed** to comply with the Member Code of Conduct and that a sanction and/or an informal resolution should be imposed in respect of the matters considered at the hearing;

10) After making a finding at a hearing the Committee shall, through the Monitoring Officer, provide written notice of its findings immediately. Detailed reasons for its decision shall be given to the subject Member and the complainant in the form of a decision notice within 10 days of the hearing;

11) Advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council;

12) Maintaining oversight of the Council's arrangements for dealing with complaints against Councillors;

13) Informing the Council and the Head of Paid Service of relevant issues arising from the determination of Code of Conduct complaints;

14) Developing and adopting:

   (a) Arrangements for dealing with complaints against councillors and publicising the arrangements;

   (b) Such other provisions and procedures as may be required;

15) The Committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions in accordance with the approved Complaints Procedure. The following list is an indication of the actions or combination of actions available:

   - Reporting its findings to Council (or to the Local Council) for information;
   - Recommending to Council that the Member concerned be issued with a formal censure or reprimand (or to the Local Council);
   - Recommending to the Member's Group Leader (or in the case of ungrouped Members, recommend to the Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
   - Recommending to the Leader of the Council that the Member be removed from, or removed from any particular posts or responsibilities they hold;

- Instructing the Monitoring Officer to (or recommend that the Local Council) arrange training for the member;
- Removing (or recommend to the Local Council that the Member be removed) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Local Council);
- Withdrawing (or recommend to the Local Council that it withdraws) facilities provided to the Member by the Council, such as a computer, website and/or email and internet access; or
- Excluding (or recommend that the Local Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

16) Granting dispensations relating to the effects of declaring interests under the Members Code of Conduct when a request for a dispensation is referred by the Monitoring Officer.

17) Determining arrangements for the remuneration of the Independent Person(s).

18) Recommending to the Council on the appointment of the Independent Person(s).

2. OPERATING PROTOCOL

1 The Committee will meet in accordance with arrangements determined by the Council and these are described in Article 6 of this Constitution.

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.

3 In all other respects and as appropriate, the Council and Committee Procedure Rules will apply.

Article 7 (Standards arrangements) of the Articles of the Constitution should be read in conjunction with these Terms of Reference.