

JOINT STANDARDS COMMITTEE

Constitutional Arrangements

- 1) The Joint Standards Committee consists of five Members of Maldon District Council, two Local Council representatives. The Independent Person (or Reserve) shall be notified of and invited to attend meetings and may participate in the discussion, and one Independent Person. The Independent Person has no voting rights.
- 2) Maldon District Council Members will be appointed at the Annual Meeting of the Council in line with the rules on political proportionality.
- 3) Local Council ~~Member~~ representatives will be nominated by the Essex Association of Local Councils (EALC) as co-opted members (with voting rights) and serve for a period of no more than two years subject to remaining elected and pending further nomination. ~~Independent Persons will be appointed by Council and will not have voting rights.~~
- 4) 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.
- 5) Group Leaders may not be members of the ~~Joint Standards~~ Committee.
- 6) The Chairman and Vice-Chairman of the Committee shall be ~~a Maldon District Councillor~~ elected ~~appointed~~ at the first and special meeting of the Committee held on the day of the Annual Meeting of the Council. All members of the Committee will be notified of and invited to participate in the election of the Chairman and Vice-Chairman.
- ~~7) There will be one Vice-Chairman who shall be a Maldon District Councillor and shall be elected by the Committee.~~
- ~~8) 7)~~ The Vice-Chairman shall deputise for the Chairman in his or her absence.
- ~~9) 8)~~ The quorum for meetings of the ~~Standards~~ Committee shall be ~~at least~~ three voting Members.
- ~~10) Members, which must include one District Councillor and one Local Council member.~~
- ~~11) 9)~~ 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.

Roles and Functions of the ~~Joint~~ Standards Committee:

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 in Part 9 of the Council's Constitution.

Procedural Arrangements

APPENDIX 1

The Joint Standards Committee will conduct its proceedings in accordance with the relevant Procedure Rules set out in Part 8 of the Council's Constitution and also the adopted Conduct Complaints Process annexed here. The Committee will meet as and when required.

ADD Additional Paragraph –

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 20 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 Officers present.

To exercise on behalf of the Council the following roles and functions:

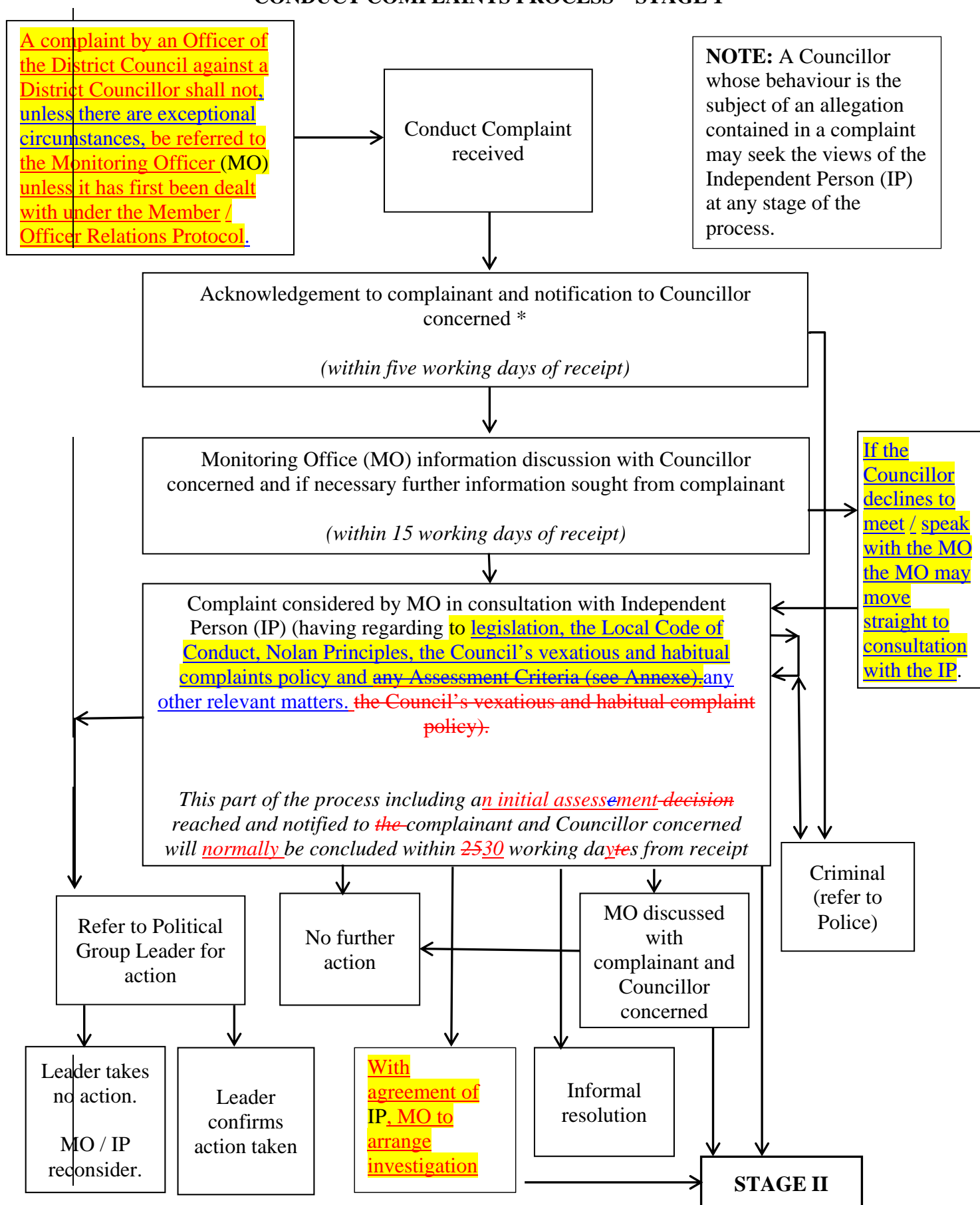
- 1) Promoting and maintaining high standards of conduct by Members and co-opted members (with or without voting rights) of the District Council and also Parish/Town (Local) Councils, and considering relevant issues to enable the Committee to fulfil this role;
- 2) Advising and assisting ~~Local Council(s) and~~ 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 ~~in accordance with any the authority agreed assessment criteria;~~
- 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~~Members and co-opted ~~M~~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 ~~M~~members where an investigation is undertaken to consider whether an allegation that there has been~~alleging~~ a breach of the Member Code of Conduct ~~referred to it by the Monitoring Officer~~ is made out~~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 hHearing; 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 hHearing; or

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- (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, within 28 working days, provide written notice of its findings including and the reasons for its decision to the subject Member and the complainant in the form of a decision notice;
- 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 Ceouncillors;
- 13) Informing the Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints;
- 14) Developing and adopting:
- ~~(a) — Assessment Criteria for dealing with complaints against councillors;~~
- ~~(b)~~(a) Arrangements for dealing with complaints against councillors and publicising the arrangements;
- ~~(c)~~(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 LocalParish Council) for information;
 - Recommending to Council that the Mmember concerned be issued with a formal censure or reprimand (or to the LocalParish Council);
 - Recommending to the Mmember's Group Leader (or in the case of ungrouped members, recommend to 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 Mmember be removed from, or removed from any particular posts or responsibilities they hold;
 - Instructing the Monitoring Officer to (or recommend that the Local Parish Council) arrange training for the member;
 - Removing (or recommend to the LocalParish Council that the Mmember be removed) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the LocalParish Council);
 - Withdrawing (or recommend to the LocalParish Council that it withdraws) facilities provided to the Mmember by the Council, such as a computer, website and/or email and internet access; or
 - Excluding (or recommend that the LocalParish Council exclude) the Mmember 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 to elected and co-opted Members in respect of Disclosable Pecuniary Interests, Other Pecuniary Interests and Non-Pecuniary Interests.

- 17) Determining arrangements for the remuneration of the Independent Person(s).
- ~~17)~~ 18) Making recommendations to the Council in relation to the appointment of the Independent Person(s).

CONDUCT COMPLAINTS PROCESS – STAGE 1



* The acknowledgement will be sent by the recipient of the complaint and the letter then passed to the MO to deal with. In circumstances where the letter of complaint covers both a complaint regarding a Member and a complaint regarding a Council service, the acknowledgement may respond to the complaint regarding the Council service and the complainant will be informed that the complaint regarding the Member will be passed to the MO for response.