

ARTICLE 9 - THE STANDARDS COMMITTEE

Standards Committee

1. The Council will establish a Standards Committee under Section 102 of the Local Government Act 1972 and Section 28 of the Localism Act 2011. The Committee shall be known as the Epping Forest District Council Standards Committee.

Membership

2. The Committee shall have nine members appointed by the Council at its annual meeting in accordance with Section 15 of the Local Government and Housing Act 1989 (pro rata). 1 member may be a member of the Cabinet nominated by the Leader of the Council.
3. Parish/Town Councils affiliated to the Committee may nominate one co-opted non-voting Parish/Town Councillor each, or elect to share a nomination.

Chairman and Vice Chairman

4. The Chairman and Vice Chairman will be elected by the Council at its Annual Meeting or by the Committee. The Vice-Chairman shall deputise for the Chairman in their absence.

Independent Persons

5. The Council shall appoint at least one Independent Person within the meaning of Section 28(6) and (7) of the Localism Act 2011 to give a view to the Committee on issues relating to complaints made regarding alleged breach of the Councillors' Code of Conduct. Independent Persons shall be invited to attend Standards Committee meetings and shall declare any interests and to respect confidentiality and observe the Council's Procedures, Codes and Protocols in their workings with the Council

Terms of Reference

6. The Standards Committee will have the following roles and functions:
 - (a) promoting and maintaining high standards of conduct by Councillors and Co-Opted Members;
 - (b) assisting Councillors and Co-Opted Members to observe the Members' Code of Conduct;
 - (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
 - (d) monitoring the operation of the Members' Code of Conduct;
 - (e) advising, training or arranging to train Councillors and Co-Opted Members on matters relating to the Members' Code of Conduct
 - (f) considering dispensations to Councillors and Co-Opted Members (including Parish and Town Councillors) from requirements relating to interests set out in the Members' Code of Conduct
 - (g) dealing with any reports referred from or on behalf of the Monitoring Officer on any matter, including investigations relating to Councillor conduct;

(h) the exercise of (a) to (g) above in relation to the Parish Councils wholly or mainly in its area and the members of those Parish Councils either directly or through joint arrangements from time to time agreed; and

(i) adjudication on complaints regarding the operation of District Council protocols annexed to the Constitution.

Revised ToR agreed at Council 28 July 2015

Complaints Subcommittee

7. The Committee may appoint a Complaints Subcommittee to conduct any Hearing into an allegation that a Member or Co-opted Member has breached the Authority's Code of Conduct. Such a subcommittee shall be the minimum of three members of the Standards Committee.
8. A Parish Councillor will be invited to be co-opted as non-voting member when dealing with a complaint against a Parish Councillor.

Complaints Sub Committee - Terms of Reference

9. The Complaints subcommittee will undertake the following functions:
 - (a) To conduct any Hearing into an allegation that a Member or Co-opted Member has breached the Authority's Code of Conduct.
 - (b) Following a Hearing, make one of the following findings:
 - (i) That the Member has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the Hearing; or
 - (ii) That the Member has failed to comply with the Code of Conduct but that no further action needs to be taken in respect of the matters considered at the Hearing; or
 - (iii) That the Member has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed.
 - (c) Following any finding under (b)(iii) above, the Subcommittee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions as are available to it by law or policy.
 - (d) After making a finding, providing written notice of its findings and the reasons for its decision to the Member and complainant

Complaints and Complaints Subcommittee Hearings Procedures, Complaints Assessment Criteria and Investigation Procedure

10. The conduct of complaint processes shall be approved by the Standards Committee and reviewed periodically and shall at all times accord with relevant statutory provisions.