

The Standards Committee Explanatory Note

The Standards Committee deals with issues of conduct which includes assessing and determining complaints against Members, granting dispensations regarding Members' interests and promoting high ethical standards generally. The Standards Committee consists of six Councillors, two Parish Council representatives from Rottingdean Parish Council and four independent Members, none of whom are Councillors or Officers of the Council or any other body having a Standards Committee. All Members of the Standards Committee are entitled to vote at meetings. The Chair of the Standards Committee must be an independent Member, not an elected Councillor. Standards Committees are not subject to the political balance rules in section 15 of the Local Government and Housing Act 1989.

Delegated Functions

The Standards Committee will have the following delegated functions:

Setting standards of conduct throughout the City Council

1. promoting and monitoring high standards of conduct within the Council;
2. advising the Council on the adoption or revision of Codes of Conduct for Members and Officers;
3. monitoring the operation of the Council's Codes of Conduct, associated registers and declarations of interests;
4. responsibility for the overview of internal and external audit in so far as it relates to standards of conduct;
5. responsibility for the overview of the whistleblowing policy;
6. at the request of the Governance Committee, to review parts of the constitution and make recommendations to the Governance Committee and the Council.
7. receiving and considering reports or recommendations of the Monitoring Officer;
8. responsibility for the overview of complaints handling and Ombudsman investigations;

Building capacity to meet high standards of conduct

9. advising, training or arranging to train Members and Officers on probity and ethical matters including Code of Conduct issues;
10. granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in the Code of Conduct;

11. supporting the Monitoring Officer in his/her statutory role and issuing guidance on his/her role;

12. supporting the Chief Finance Officer in his/her statutory role and issuing guidance on his/her role;

Enforcing standards of conduct

13. In relation to any written allegation that a Member, Co-opted Member or Independent Person (or former Member, Co-opted Member or Independent Person) of the Council or any of its Committees or Sub-Committees has failed, or may have failed, to comply with the Code of Conduct for Members:-

(a) assessing what action to take in relation to the allegation;

(b) dealing with any request for review of an assessment decision to take no action;

(c) receiving and making a determination in relation to any investigation report referred to the Committee;

14. determining and implementing appropriate action on other matters referred to the Council or Committee by the Standards Board for England or the Monitoring Officer;

15. appointing Sub-Committees (panels) to carry out the assessment, review and determination processes and for any other purposes connected with the function of dealing with complaints. For the avoidance of doubt, the appointment of such panels shall not be subject to the approval of the Governance Committee and such appointments may be made on a task and finish basis or on an ongoing basis.

Political Restriction

16. discharging the functions conferred on standards committees by section 3A of the Local Government and Housing Act 1989 in relation to the grant and supervision of exemptions from political restriction;

General

17. discharging any other functions conferred by law on standards committees;

Functions in relation to bodies other than the City Council

18. exercising the above-mentioned functions in relation to Rottingdean Parish Council and the Members of that Parish Council, so far as the functions are relevant to them;

19. exercising the functions of the Council in relation to the ethical framework and standards of conduct of joint Committees and other bodies;

Procedure

The Standards Committee may develop its own procedures and protocols for dealing with matters of conduct.

The Standards Panels (Known as Assessment Panels, Assessment Review Panels and Hearing Panels) Explanatory Note

These Panels are Sub-Committees of the Standards Committee and their main roles are to (a) assess allegations that Members have breached the Code of Conduct, (b) deal with any requests for review of assessment decisions to take no action and (c) hear cases and make determinations in relation to any allegations which are referred to them after investigation. They have been set up in accordance with Guidance from the Standards Board for England and the requirements of the relevant Regulations. Each Panel consists of Members drawn from the Standards Committee. Differently constituted Panels are set up to deal with cases involving Brighton & Hove City Council and cases involving Rottingdean Parish Councillors. The latter Panels, as required, include a Parish Councillor. The Sub-Committees are to be known as Assessment Panels, Assessment Review Panels or Hearing Panels, as appropriate.

Delegated Functions

1. To conduct assessment, assessment review and determination hearings in relation to allegations of breaches of the Code of Conduct for Members received by or referred to the Standards Committee or the Monitoring Officer under Part III of the Local Government Act 2000 as amended and regulations made thereunder;

2. In relation to the hearing panel that deals with Brighton & Hove City Council matters-

To hear and determine any applications from Members (including Co-Opted Members with voting rights) of Brighton & Hove City Council for dispensation under the Relevant Authorities (Standards Committee) (Dispensation) Regulations.

3. In relation to the hearing panel that deals with Rottingdean Parish Council matters -

To hear and determine any applications from Members of Rottingdean Parish Council for dispensation under the Relevant Authorities (Standards Committee) (Dispensation) Regulations.

4. To discharge any of the functions of the Standards Committee in connection with the above functions, as appropriate to the circumstances.

NB: The proceedings of the Panels are governed by procedures approved by the Standards Committee from time to time.

