

**RECRUITMENT PACK FOR  
APPOINTMENT OF INDEPENDENT  
MEMBERS**

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Dear

**APPOINTMENT OF INDEPENDENT MEMBER TO THE STANDARDS COMMITTEE**

Thank you for your recent enquiry about becoming an Independent Member of the Standards Committee. I am very pleased that you have expressed an interest in the position.

I enclose some further information and an application form. With this letter you should receive:

- 1 The current Code of Conduct for Members.
- 2 Current Terms of Reference for the Standards Committee
- 3 A guide to Part III of the Local Government Act 2000 - Local Authorities (produced by the Standards Board).
- 4 An application and reference form.
- 5 The criteria that will be used in the selection process.

You may also find it helpful to refer to the Standards Board's website which is [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk).

The appointment process is as follows:

You must return the application form together with reference form duly completed by .....

Your application will then be considered and a shortlist of candidates for interview will be produced. You will be notified if you have been short listed and invited for interview.

Interviews will be held on \_\_\_\_\_ and will take place at Rossendale Borough Council, Futures Park, Bacup, OL13 OBB.

The interview will take the traditional form of questions and answers. There will not be any other tests or activities.

If you want to know anything more about the process, please contact Stuart Sugarman, Executive Director, Business – 01706 252447

## **The Role of the Independent Member**

There is an allowance payable to the appointed Independent Chairman and Independent Vice-Chairman of the Standards Committee but no allowance is attached to any other Independent Members appointed to the Standards Committee. The Council will reimburse travel and subsistence expenses.

The role of independent members on the committee is considered so important by the Government that the committee will not be able to conduct any business unless at least one independent member is present and the Chair of the Standards Committee must always be an Independent Member. Our committee currently comprises seven elected Members, 2 Members of Whitworth Town Council and 3 Independent Members.

The business of the committee includes monitoring the effectiveness of the Code of Conduct and arranging training for members on this and similar issues. The full terms of reference are enclosed.

The committee also currently considers individual complaints about Members' conduct.. The committee is also required to play an active role in receiving and evaluating complaints against Members following the implementation of the Local Government and Public Involvement in Health Act 2007. There are Sub-Committees that deal with complaints about Member's Conduct and the Assessment Procedure is attached as **Appendix A**.

The Standards Committee meets at least 4 times per year to deal with the business before it and sets a work programme for the year. Meetings may be held at relatively short notice when it is necessary to consider complaints. Please note that independent members of the committee must not now be, nor during the last five years have been a Member or employee of the Council. In addition, you are not eligible for appointment as an Independent Member of the Standards Committee if you are currently an Officer or Member of any other relevant authority, which includes parish, district, county and unitary councils as well as Police and Fire Authorities. Anyone related to, or a close friend of, any Member or employee of the Council is also excluded.

I hope that having read this letter and the material enclosed with it, you will wish to apply to join the Standards Committee in discharging its important role. If you would like to be considered, please complete the form and return it to me. If you would like to talk about what would be involved, please do not hesitate to contact me.

Yours sincerely

Stuart Sugarman  
**Executive Director, Business**

## Independent Members

Independent members are important in helping increase public confidence in local government. They provide a clear signal that the standards committee acts fairly and impartially. Independent members also bring a wider perspective from their outside experiences. There is no limit to the number of independent members you can have on your standards committee. Indeed some authorities may wish to have a majority of independent members. Your authority decides how to select independent members and how long an independent member should sit on the committee. We recommend that you set a fixed period of four years. This will be long enough for them to gain an understanding of the committee, the authority and its workings, but not so long that they could be perceived as losing their independence. When re-appointing an independent member, you should bear in mind that we recommend that independent members should serve no longer than two terms, which is a maximum of eight years. It may be helpful for independent members to be appointed for differing lengths of time so that the experience they gain is not all lost simultaneously.

The regulations require a majority of all members of the authority to approve the appointment. However, we believe that in practice, a report only needs to go to full council when selecting independent members. If so, we recommend that the monitoring officer ensures the majority of members approve, not just those attending the meeting.

We recommend that the power to assist the recruitment of independent members is delegated to the standards committee by the authority and is included in the committee's terms of reference. A standards committee may appoint a sub-committee to take on some of its functions, for example, if your standards committee is asked to advise members of the council on the appointment of independent or parish members. If so, then the standards committee may set up a sub-committee of suitably trained members to shortlist and interview candidates and make recommendations to council. The sub-committee may find it helpful to have the monitoring officer and a human resources officer present to provide advice and assistance.

An individual's membership of a political party does not automatically bar them from being an independent member of a standards committee. However, the more politically active an independent member is the less likely they will be seen as being independent. You should consider public perception before making an appointment of this sort. If you are finding it difficult to attract suitable people to become independent members, you should review the criteria in your advertisement to make sure they are reasonable. For example, you should make sure that the time you are asking the member to invest is reasonable for the role.

You may also want to consider additional methods of attracting candidates. This could include:

- placing articles in the local press about the role of an independent member
- placing advertisements on your website or on your local radio station
- placing flyers in libraries, adult learning centres or places of worship
- advertising through other authorities' partnerships or through the local voluntary or community sector
- approaching your citizen's panel
- the personal approach. For example, contacting neighbouring authorities

which may have more suitable candidates than they can appoint.

- approaching a person who is an independent member of a standards committee of a different authority. This person may also be appointed as an independent member of the standards committee of your authority. This is unless they were a member or officer of your authority within the five years preceding the appointment, or are a relative or a close friend of a member or officer of your authority.

## **GENERAL PRINCIPLES OF HOLDING PUBLIC OFFICE (THE RELEVANT AUTHORITIES (GENERAL PRINCIPLES) ORDER 2001)**

The ten general principles (set out below) underpin the Members' Code of Conduct.

### **Selflessness**

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

### **Honesty and Integrity**

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

### **Objectivity**

3. Members should make decisions on merit, including when making appointments awarding contracts, or recommending individuals for rewards or benefits.

### **Accountability**

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

### **Openness**

5. Members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

### **Personal Judgement**

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

### **Respect for Others**

7. Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

### **Duty to Uphold the Law**

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

### **Stewardship**

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

### **Leadership**

10. Members should promote and support these principles by leadership and by example and should act in a way that secures or preserves public confidence.

## **ROLE AND FUNCTION OF THE STANDARDS COMMITTEE**

The Council is required by law to establish a Standards Committee.

### **TERMS OF REFERENCE OF THE STANDARDS COMMITTEE**

#### **Roles and Functions**

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) Granting dispensations to Councillors and Co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Maintaining an overview of the Council's Constitution in respect of Contract Procedure Rules, Financial Regulations and Codes of Conduct;
- (h) Receiving complaints about breaches of the Members' Code of Conduct;
- (i) Appointing Assessment Sub-Committees, Review Sub-Committees and Standards Panels in relation to the local assessment of complaints against Members for breach of the Members' Code of Conduct;
- (j) Agreeing assessment criteria in respect of the local assessment of complaint of breaches of the Members' Code of Conduct;
- (k) Reviewing from time to time the said assessment criteria;
- (l) Dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter;
- (m) Considering applications from local authority employees from exemption from political restriction in respect of their posts;
- (n) Where appropriate, issuing directions requiring the inclusion of a post in the list of politically restricted posts;



- o) Giving general advice on the application of criteria for designation of a politically restricted post;
- p) Reviewing any issues referred by the Chief Executive, Deputy Chief Executive or the Executive Director of Resources or the Executive Director or Regulatory Services;
- q) Monitoring the Constitution and make recommendations to the Full Council in respect of any proposed amendments;
- r) Monitoring Council policies on 'Whistleblowing' and the Anti-Fraud and Anti-Corruption Strategy and the Council's complaints process;
- s) Monitoring the Council's Corporate Governance arrangements, and receive reports from the Council's Governance Champions;
- (t) Agreeing joint working on Standards Joint Committees;
- (u) To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice;
- (v) To deal with other functions delegated to the Committee by the Council in accordance with section 54(3) of the Local Government Act 2000, in accordance with any Regulations made under that Act as set out in Section 9;
- (w) To exercise functions (a) to (l) in relation to Whitworth Town Council and the Members of Whitworth Town Council.

## **STANDARDS COMMITTEE**

### **APPOINTMENT OF INDEPENDENT MEMBER**

The Council is required to have a Standards Committee to oversee the standards and ethics of elected, co-opted and independent members. Meetings are usually held during the evening and take place at the Council Chambers, Hardman Mill at 6.30pm. The Committee's role includes local determination of complaints against Members that may have breached the Code of Conduct as well as advising and raising awareness on issues relating to ethics and conduct.

If you are interested in playing a key role in enhancing local democracy and maintaining and enhancing standards and ethics in your local area, you are invited to apply for the position as an independent member of the Standards Committee.

#### **A person can only be an independent member if that person:**

- has not been a member or employee of the authority within the five years before the date of your appointment
- is not a member or officer of that or any other relevant authority
- is not a relative or close friend of a member or employee of your authority
- has applied for the appointment
- has been approved by a majority of the members of the council
- the position has been advertised in at least one newspaper distributed in your authority's area, and in other similar publications or websites that the authority considers appropriate. The decision on which other publications or websites to use may be something that the authority delegates to the standards committee.

The regulations say that a 'relative' means:

- a partner (a spouse, civil partner or someone a person lives with in a similar capacity)
- a parent
- a parent of a partner
- a son or daughter
- a stepson or stepdaughter
- the child of a partner
- a brother or sister
- a brother or sister of a partner
- a grandparent
- a grandchild
- an uncle or aunt
- a nephew or niece
- the partners of any of the people mentioned above

The regulations do not provide a specific definition of a close friend. The Standards Board for England's publication the *Case Review 2007* includes a section on defining a close associate, which might be helpful in identifying a close friend. The *Case Review 2007* is available at [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk).

**The closing date for applications is**

**Interviews will be held within 4 – 6 weeks of the closing date.**

### **Appointment**

Upon the selection of the most suitable candidate from those applicants interviewed, the Panel will submit a report to the Standards Committee, which will then report to Full Council recommending the appointment of that person.

## **INDEPENDENT MEMBERS OF STANDARDS COMMITTEE**

### **Selection Criteria**

The ideal candidate for the position of independent member of the Standards Committee will:

- 1 Have a broad range of experience, possibly in public, private, voluntary or charitable sector employment or service including self-employed, employed and voluntary positions.
- 2 Have good analytical skills and be able to demonstrate clarity of thought. The ability to assimilate information quickly and arrive at balanced judgments.
- 3 Have independence of mind, objectivity and impartiality.
- 4 Be a resident within the district.
- 5 Have a commitment to the general principles governing the conduct of Councillors generally and matters of probity and integrity in particular.
- 6 Have good interpersonal skills, including good communication skills both written and oral and the ability to co-operate with others in a committee setting. Tact and diplomacy in handling sensitive matters.

### **Desirable additional criteria are:**

- 1 Experience of dealing with matters of the kind, which will be the concern of the Standards Committee in other contexts.
- 2 Working knowledge / experience of local government or some other aspects of the public service and/or of large, complex organisations at a senior level and substantial awareness and understanding of the political process
- 3 Knowledge/ experience of procedures for meetings  
A preference will be given to applications from residents within the area.

You should demonstrate in your application how you meet the above criteria, as this will assist the short-listing process.

### **Means of assessment: - application form and by interview.**

#### **NOTE:**

1. Meetings will normally be held in the evening but occasionally be held in the daytime and/or at short notice. The successful appointee will therefore need to be flexible in being able to attend such meetings on occasion at short notice.

#### **NOTE: ELIGIBILITY FOR APPOINTMENT**

- 1 A person who has:
  - Within the last five years been a Member or Officer of the Council  
or
  - who is a relative or close friend of a Member or Officer of the Council  
or
  - who is currently an Officer or Member of any other relevant authority (this includes parish, district, county and unitary councils and Police and Fire Authorities)

## INDEPENDENT MEMBER OF STANDARDS COMMITTEE

PERSON SPECIFICATION	Essential	Desirable
<b>Qualifications:</b> · No specific qualifications or background is required		
<b>Knowledge &amp; Skills:</b> · <ul style="list-style-type: none"> <li>• A keen interest in standards of public life</li> <li>• A wish to serve the local community and uphold local democracy</li> <li>• High standard of personal integrity</li> <li>• The ability to be objective, independent and impartial</li> <li>• Sound decision making skills</li> <li>• Questioning skills</li> <li>• Leadership qualities, particularly in respect of exercising sound judgement</li> <li>• The ability to act as Chair of an assessment or review sub-committee or a termination hearing</li> </ul>	<ul style="list-style-type: none"> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> </ul>	
<b>Experience:</b> <ul style="list-style-type: none"> <li>• A demonstrable interest in local issues</li> <li>• Experience in committee working/weighing evidence and dealing with ethical issues</li> <li>• An interest in public service and local government in particular</li> <li>• Live and/or work in the area</li> </ul>	<ul style="list-style-type: none"> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> </ul>	
<b>Competencies:</b> <ul style="list-style-type: none"> <li>• A person in whose impartiality and integrity the public can have confidence</li> <li>• Understand and comply with confidentiality requirements</li> <li>• Able to make a significant contribution to the work of the committee</li> </ul>	<ul style="list-style-type: none"> <li>✓</li> </ul>	<ul style="list-style-type: none"> <li>✓</li> <li>✓</li> </ul>
<b>Other requirements:</b> To formally agree to observe the Local Code of Conduct for Members including completing a Declaration of Financial interest and Other Interests. This register is available to be viewed by members of the public on request Able to attend programmed meetings and <b>ad hoc sub-committees</b> if required, and devote preparation time for each meeting Must not be disqualified from standing for election as a councillor, i.e. been adjudged bankrupt or been sentenced to a term of imprisonment for a period of not less than three months in the past five years Must not currently have and must not enter into any contractual relations with the council under which he/she will gain personally Will have disclosed to the council any matter in his/her background which, if not became public, might cause the council to reconsider the appointment Will not be an active member of any political party or have a public profile in relation to political activities Will not have been an officer or a member of the council within five years of the date of his/her written application Will not currently hold office as an Officer or Member of any relevant authority Committed to the four year term of office		

## **INDEPENDENT MEMBER OF STANDARDS COMMITTEE**

### **ROLE DESCRIPTION**

**Responsible to:**     **The Standards Committee and to the Council**

**Liaison with:**       **Members of the Standards Committee, Officers and Members of the Council, key stakeholders within the community.**

1.     To attend regularly and participate in meetings of the Standards Committee and any sub-committees (NOTE: meetings will normally be held during the evening but ad-hoc meetings of a sub-committee may be held during the daytime and may occasionally be called at short notice).
- 2     To participate in and/or chair hearings in relation to complaints of member misconduct under the Code of Conduct.
- 3     To actively promote ethics and standards within the Council.
- 4     To develop and apply knowledge of the Code of Conduct in relation to matters brought before the Standards Committee, including the determination of allegations of member misconduct.
- 5     To analyse and exercise fair and impartial judgement on conduct issues and to set standards of ethical behaviour.
- 6     To provide a view on the governance of the Council from an external perspective which will better enable the Committee to advise the Council on conduct issues. To develop a sound understanding of the ethical and wider regulatory framework within which the Council operates and to contribute to the overall effectiveness of the full scope of the work of the Committee.
- 7     To be aware of the views of the local community on ethical standards and to reflect these in the activities of the Committee.
- 8     Be prepared to undertake training and to participate in training events organised by the committee to promote awareness of the Code of Conduct.
- 9     To attend meetings of the Council and civic and other functions in order to raise the profile of ethics and standards within the authority.
- 10    In the absence of the Chairman, to participate in any forum established for independent Members of the Standards Committee.

## **Protocol for Independent Members of the Standards Committee**

1. This Protocol applies to you as an independent member of the Standards Committee. In addition, the Protocols for Members of the Standards Committee and Sub-Committee and Chair of the Standards Committee (where relevant) also apply to you.
2. You are expected to demonstrate a high degree of personal integrity and to have an appreciation of the ethical standards required of people holding public office.
3. You should not engage in any behaviour which a member of the public with knowledge of the relevant facts would reasonably regard as compromising your position. For example, you should discuss invitations to events with the Monitoring Officer.
4. Whilst membership of a political party (including a branch of such a party) is not prohibited (but see paragraph 5 below), you may not:
  - (a) be an officer of the party or participate in the general management thereof;
  - (b) be a member of any committee or sub-committee of the party;
  - (c) stand for election to public office, either on behalf of a political party or as an independent;
  - (d) nominate, second or assent to the nomination of any candidate for election to public office;
  - (e) canvass on behalf of a political party or on behalf of a person who is, or who proposes to be, a candidate for election to public office; or
  - (f) be a member or an officer of the Council or of any other relevant authority (see paragraph 7 below).

For the avoidance of doubt, you will need to cease such activities or involvement when appointed to the Standards Committee.

5. In accordance with its Council's Equality Policy, the Council has a duty as a public authority under the Race Relations Amendment Act 2000 to:
  - eliminate unlawful discrimination;
  - promote equality of opportunity; and
  - promote good relations between persons of different groups

and this precludes you from being a member of any political party whose constitution, aims, objectives or pronouncements are inconsistent with this duty.

6. Membership on the Council's Standards Committee does not preclude you from being an independent member of another relevant authority's standards committee.
7. A 'relevant authority' is defined in section 49(6) of the Local Government Act 2000. It includes all local authorities and other public bodies e.g. fire authorities and police authorities.

If in doubt seek advice from Stuart Sugarman, Monitoring Officer  
Tel: 01706 252447 Email: [stUARTSUGARMAN@ROSSENDALEBC.GOV.UK](mailto:stUARTSUGARMAN@ROSSENDALEBC.GOV.UK)

## **THE ROLE OF CHAIR OF STANDARDS COMMITTEE**

It is a legal requirement that the chair of the standards committee must be an independent member. It is important for the chair to be independent because of the key role they play in the business of the standards committee. By being independent, the chair can ensure that the standards committee's business is conducted in such a way that no one can question its integrity.

Authorities should aim to select a person who will command the respect of members and the local community. We recommend that the decision on who should be appointed as chair be taken by the full council or delegated to the standards committee. You may also choose to appoint an independent vice chair in case the chair is unable to attend.



## **INDEPENDENT MEMBERS OF STANDARDS COMMITTEE**

### **NOTES ON ELIGIBILITY**

#### **By regulations:**

a person may not be appointed as an independent member of a Standards Committee of an authority or sub-committee of the Standards Committee unless the appointment is:

- (a) approved by a majority of the Members of the authority;
- (b) advertised in one or more newspapers circulating in the area of the authority;
- (c) of a person who has submitted an application to the authority;
- (d) of a person who has not within the period of five years immediately preceding the date of the appointment been a Member or Officer of the authority and;
- (e) of a person who is not a relative or close friend of a Member or Officer of the authority.

[The Relevant Authorities (Standards Committee) Regulations 2001: Statutory Instrument 2001 No. 2812]

#### **By primary legislation:**

A Standards Committee of a relevant authority in England or a Police Authority in Wales must include:

- (a) at least two members of the authority, and
- (b) at least one person who is not a member, or an officer, of that or any other relevant authority

#### **NOTE:**

- 1 Provided at least one Independent Member on the Standards Committee is not a member or officer of that or any other relevant authority, it would technically be possible for some or all of the remaining Independent Members to be officers or members of other relevant authorities, provided that they are not officers or members of the appointing authority and have not been officers or members of the appointing authority in the preceding five years. However, it would not be good practice to make such appointments as the Standards Committee would be in-quorate unless the Independent Member who is not a member or officer at any relevant authority is present at the meeting.
- 2 The Standards Board's view is that it would be possible to be appointed as an Independent member to more than one authority

**APPLICATION FOR THE POSITION OF  
INDEPENDENT MEMBER  
OF THE STANDARDS COMMITTEE**

Individuals who wish to be considered for the appointment as an Independent Member of the Standards Committee of Rossendale Borough Council are requested to provide the following information to support their application. All information provided will be treated in the strictest confidence and will only be used for the purposes of selecting committee members. Please feel free to use a separate continuation page if you wish to expend upon your answer to any question outlined below.

1. **PERSONAL DETAILS:** **Name:**

**Address:**

**National Insurance Number:**

**Contact details:**

**Daytime Telephone Number:**

**Daytime Fax Number/e-mail Address:**

- 1 **QUALIFICATIONS** (Please list in particular any qualifications which you think are relevant to the position of Independent Member of the Standards Committee)
- 2 **SUMMARY OF EXPERIENCE** (Please give a brief account of your experience including career, public and voluntary work together with the nature of your current and most recent occupation)
- 3 **RELEVANT EXPERTISE/SKILLS** (Please outline briefly any knowledge or expertise which you believe would be particularly relevant to your role as an Independent Member of the Standards Committee having regard to the selection criteria for the position)
- 4 Why do you wish to be considered for membership of the Standards Committee and what particular attributes do you believe you would bring to the work of the Committee?
- 5 Please provide any additional information you may wish to give in support of your application:
6. **References will be taken up for all applicants who are invited for interview**

1. <b>Name:</b> .....	2. <b>Name</b> .....
<b>Address:</b> ..... ..... ..... .....	<b>Address:</b> ..... ..... ..... .....
<b>Telephone No</b> .....	<b>Telephone No</b> .....

I wish to apply to be an Independent Member of Rossendale Borough Council's Standards Committee.

In submitting this application, I declare that:

- I am not and have not during the past five years been a Member or Officer of the Council I am not related to, or a close friend of, any Member or Officer of the Council
- I am not currently an Officer or Member of any other relevant authority (this includes parish, district, county and unitary councils and Police and Fire Authorities)
- I am not actively engaged in local party political activity or have a public profile in relation to political activities

Signed .....

Date .....

Please return this application for in the envelope provided by

addressed to:

**Mr S Sugarman**  
**Executive Director, Business**  
Rossendale Borough Council  
Futures Park  
Bacup  
OL13 0BB

## APPENDIX A

### ROSSENDALE BOROUGH COUNCIL

### PROCEDURE FOR THE ASSESSMENT, REFERRAL AND INVESTIGATION OF COMPLAINTS OF BREACH OF THE CODE OF CONDUCT

#### Introduction

1. This procedure applies when a complaint is received that a Councillor, Co-opted Member or Parish Councillor has or may have failed to comply with the Members Code of Conduct.
2. The person making the complaint will be referred to as “the complainant” and the person against whom the complaint is made will be referred to as the “subject member.”
3. The procedure will also apply if a complaint is referred back to the Standards Committee by the Standards Board for England.
4. No Member or Officer will participate in any stage of the assessment process if he or she has or may have any personal conflict of interest in the matter.

#### Assessment Sub-Committee

5. Upon receipt of a complaint that a Councillor, Co-opted Member or Parish Councillor has failed or may have failed to comply with the Members Code of Conduct, the Monitoring Officer will liaise with the Committee and Members Services Manager or her representative to convene as soon as possible and in any event within 20 working days a meeting of an Assessment Sub-Committee.
6. The Assessment Sub-Committee will comprise three members of the Standards Committee, including an Independent Member who will act as Chairman. Where the complaint relates to a Parish Councillor, the Assessment Sub-Committee will include a parish member of the Standards Committee. The Sub-Committee will be convened on an ad hoc basis, and members will be appointed by the Monitoring Officer or her representative on a rotational basis, taking account of availability, and on the basis that so far as possible the Assessment Sub-Committee will not include a councillor of the same group as the subject member or the complainant.
7. The Assessment Sub-Committee will be advised by the Monitoring Officer, the Deputy Monitoring Officer or another Legally qualified officer .
8. The purpose of the Assessment Sub-Committee will be to decide whether any action should be taken on the complaint, either as an investigation or some other action. The Assessment Sub-Committee will not make any findings of fact.
9. The Assessment Sub-Committee will receive in advance of the meeting a copy of the complaint, together with a pre assessment report prepared by the Monitoring Officer or her representative which will set out the following details:

- Whether the complaint is within the jurisdiction of the Standards Committee;
- The paragraphs of the Code of Conduct the complaint may refer to, or the paragraphs the complainant has identified;
- A summary of key aspects of the complaint if it is lengthy or complex;
- Any further information that the Officer has obtained to assist the Assessment Sub-Committee with its decision. This may include minutes of meetings, a copy of a member's entry in the register of interests, information from Companies House or the Land Registry, or other easily obtainable documents;
- Any clarification obtained by the Officer from the complainant if the complaint was unclear.

It should be noted, however, that pre-assessment inquiries will be limited, and will not be carried out in such way as to amount to an investigation.

### **The Assessment Process**

10. The Assessment Sub-Committee will first consider whether the complaint meets the following tests:

- The complaint is against one or more named members or co-opted members of the Council or a parish council within its district;
- The subject member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time;
- The complaint, if proven, would be a breach of the Code of Conduct under which the subject member was operating at the time of the alleged misconduct.

If the complaint fails and one or more of these tests, then it cannot be investigated as a breach of the Code of Conduct the decision of the Assessment Sub-Committee must be that no further action will be taken. The complainant must be informed that no further action will be taken in respect of the complaint.

11. If the complaint meets the above tests, then the Assessment Sub-Committee will proceed to consider whether to refer it to the Monitoring Officer, to refer it to the Standards Board for England, or whether no action should be taken. In making its decision, the Sub-Committee will take account of Assessment Criteria which are to be approved by the Standards Committee, and which will from time to time be reviewed by the Standards Committee.

12. The Assessment Sub-Committee will, unless there are exceptional circumstances, reach a decision within 20 working days of receipt of the complaint.

13. If the Assessment Sub-Committee decides to take no action over a complaint, then it will arrange for notice of that decision, including the reasons for it, to be given to the complainant, the subject member, and, if the subject member is a parish councillor, to the clerk to the relevant parish council. This will be done within five working days after the date of the meeting.

14. If the Assessment Sub-Committee decides to refer the complaint to the Monitoring Officer or to the Standards Board for England, it will arrange for a summary of the complaint to be sent to the complainant and the subject member stating what the

allegation is, and the type of referral that has been made. This will be done within five working days after the date of the meeting.

15. However, the Assessment Sub-Committee may decide not to give the subject member a summary of the complaint if it considers that doing so would or might be against the public interest or would or might prejudice any future investigation. In considering this, the Sub-Committee will take advice from the Monitoring Officer, and will consider in particular whether it is likely that the subject member or other person may seek to intimidate, or influence or pressurise the complainant or any witnesses involved or whether early disclosure of the complaint may lead to evidence being compromised or destroyed. The Sub-Committee will balance whether the risk of the case being prejudiced by the subject member being informed of the details of the complaint at that stage may outweigh the fairness of notifying the subject member.

### **The Review Process**

16. If the Assessment Sub-Committee decides not to take any action on a complaint, then the complainant has a right to request a review of that decision, and will be so advised when notified of the decision.
17. When a request for review is received, the Monitoring officer will liaise with the Committee and Members Services Officer or her representative to convene as soon as possible and in any event within 20 working days a meeting of a Review Sub-Committee. The subject member will be informed when a review has been received
18. The Review Sub-Committee will comprise three members of the Standards Committee, including an Independent Member who will act as Chairman. None of these Members will have been members of the Assessment Sub-Committee that considered the original complaint. Where the complaint relates to a Parish Councillor, the Review Sub-Committee will include a parish member of the Standards Committee. The Sub-Committee will be convened on an ad hoc basis, and members will be appointed by the Monitoring Officer or her representative on a rotational basis, taking account of availability, and on the basis that so far as possible the Review Sub-Committee will not include a councillor of the same group as the subject member or the complainant.
19. In addition to the documents referred to in paragraph 9 above, the Review Sub-Committee shall have a copy of the Assessment Sub-Committee's decision notice, but will consider the complaint afresh, using the Assessment Criteria referred to in paragraph 11 above. The Review Sub-Committee has the same range of decisions available to it as the Assessment Sub-Committee and will follow the process outlined above in paragraphs 10-15 above.
20. Where on a request for review further information is made available in support of a complaint that changes its nature or gives rise to a potential new complaint, the Review Sub-Committee will consider if it is more appropriate to pass this to an Assessment Sub-Committee as a new complaint. In this instance, the Review Sub-Committee will make a formal decision that the review request will not be granted. Within 5 working days of making its decision both the complainant and the subject member will be provided with notice in writing of both the decision and reasons for the decision. In the event that a Parish Councillor is involved the Parish Council will be informed.

## **Withdrawing Complaints**

21. If a complainant asks to withdraw the complaint prior to the Assessment Sub-Committee having made a decision on it, the Assessment Sub-Committee will decide whether or not to grant the request. In making its decision, the Sub-Committee will consider:

- Whether the public interest in taking some action on the complaint outweighs the complainant's wish to withdraw it;
- Whether the complaint is such that action can be taken on it without the complainant's participation;
- Whether there is an identifiable underlying reason for the request to withdraw the complaint, and in particular whether there is any evidence that the complainant may have been intimidated, influenced or pressurised by the subject member or other person to withdraw the complaint, or any witnesses involved may have been intimidated, influenced or pressurised.

## **Confidentiality**

22. If a complainant has asked for his or her identity to be withheld, this request will be considered by the Assessment Sub-Committee at the same time as it considers the complaint.

23. As a matter of fairness and natural justice, the subject member should usually be told who has complained about them. However, in exceptional circumstances, the Assessment Sub-Committee may grant confidentiality if it is satisfied that the complainant has reasonable grounds for believing that he or she or any witness involved will be at risk of physical harm, or his or her employment will be jeopardised if his or her identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the complainant's identity being disclosed.

24. The Assessment Sub-Committee will also take into account whether it would be possible to refer the complaint without making the complainant's identity known, and, in particular, whether the complainant's participation would be required if the complaint were referred.

25. If the Assessment Sub-Committee decides to refuse a request by a complainant for confidentiality, it may offer the complainant the option to withdraw, rather than proceed with his or her identity being disclosed. The Assessment Sub-Committee will balance whether the public interest in taking action on a complaint may outweigh the complainant's wish to have his or her identity withheld from the subject member

## **Complaints about Members of more than one Authority**

26. Where a complaint is received about a councillor, a co-opted Member or parish councillor who is known to be a member of another authority, for example, the County Council, the Monitoring Officer will before the meeting of the Assessment Sub-Committee establish whether a similar allegation has been made to the other authority. In the light of information from and in co-operation with the other authority, the Assessment Sub-Committee will consider which authority should deal with the complaint.