

## Article 9: Ethical Standards functions of the Civic Affairs Committee

### 9.01 Composition

- (a) **Membership.** The Civic Affairs Committee will be composed of at least 13 district councillors [*and at least 2 members of parish councils<sup>1</sup> in the Council's area (Parish Members) who have been co-opted by the Council to advise on the discharge of ethical standards functions*].
- (b) The Council will appoint the **Council Members** proportionally on the recommendation of the groups rather than by automatic acceptance of the group nominations (see Part 5 A – Principles of Proportionality). This is because the ethical standards functions are to be seen as being above party politics and comprised of representatives that command the support of the whole authority.
- (c) The Chairman and Vice-Chairman will be elected by the Committee and the Vice-Chairman will deputise for the Chairman in the Chairman's absence.
- (d) The Civic Affairs Committee will meet at least quarterly and will make an annual report to Full Council on its business.
- (e) **[Parish Members**
- *At least one Parish Member must be present when ethical standards matters relating to parish councils or their members are being considered;*
  - *Parish Members will not be entitled to vote at meetings;*
  - *A district councillor may not be a Parish Member;*
  - *Parish Members may not be closely connected to district councillors;*
  - *Parish Member candidates shall be nominated by parish councils at their Annual Meeting, where an election has been held for that parish council, or at the earliest scheduled parish council meeting after the commencement of the appointments process, nominations to include a statement supporting the candidate, not exceeding one side of A4 paper. In the case of more than the requisite number being nominated by the deadline set, the candidates' statements will be sent with a voting paper to all parish councils in the District and the votes received by the deadline set will determine the candidates to be elected;*
  - *In the event of a tied vote, the successful candidate will be identified by the Monitoring Officer drawing lots;*
  - *The Council will co-opt the candidate elected by the parish councils or identified by the Monitoring Officer drawing lots;*
  - *A Parish Member shall cease to be a member of the committee if he / she is no longer a member of a parish council. Otherwise he / she shall retire after a term of four years' service, but shall be eligible for re-nomination and co-option for a further term or terms;*
  - *A clear and strict deadline will be set for both receipt of nominations and, if a vote is required, voting slips. These deadlines will apply equally to all parish councils, including those of existing or retiring Parish Members.]*
- (f) **Independent Person(s).**
- The Council will appoint one or more Independent Person as required under Section 28(7) of the Localism Act;

<sup>1</sup>

'Parish councils' in this context refers to any parish or community councils within South Cambridgeshire.

- The Independent Person must be appointed through a recruitment process of public advertisement, application, shortlisting, interview and recommendation to Council by an Appointments Panel;
  - Appointment must be by a positive vote of a majority of all members of the Council (not of those present and voting);
  - The Independent Person must meet all criteria specified in the relevant legislation, and any additional criteria which the Civic Affairs Committee may from time to time agree;
  - The Independent Person will work alongside the Monitoring Officer to initially consider complaints that a member has breached the Code of Conduct and to decide on an appropriate course of action for that complaint as set out in the Complaints flow-chart in Part 5 of this Constitution;
  - The Independent Person may attend meetings of the Civic Affairs Committee when ethical standards issues are on the agenda, and of its sub-committees or panels established to consider ethical standards matters, but will not be entitled to vote at meetings;
  - An Independent Person shall retire after four years but shall be eligible for re-appointment for a further term or terms.
- (g) **Removal of a Council Member:** The Council reserves the right to remove any Member from the Civic Affairs Committee if it considers that it is no longer in the best interests of the Council for that member to remain. Any such motion shall be carried only if at least two thirds of the members present at the Council meeting are in favour (Standing Order 2.2). The Council may remove a Council Member from the Civic Affairs Committee if that member has missed four consecutive meetings of the body concerned (Standing Order 18.2).
- (h) **[Removal of a Parish Member:** *The Council reserves the right to remove any Parish Member from the Civic Affairs Committee if it considers that it is no longer in the best interests of the Council, the parish councils and the residents of South Cambridgeshire for that member to remain. Written notice of motion, giving reasons, signed by or on behalf of at least fifteen parish councils from within South Cambridgeshire, or by five members of the Civic Affairs Committee, must be delivered to the Monitoring Officer not later than seven working days before the date of the Council meeting. Any such motion shall be carried only if at least two thirds of the members present at the Council meeting are in favour (Standing Order 2.2). The Council may remove a Parish Member from the Civic Affairs Committee if that member has missed four consecutive meetings of the body concerned (Standing Order 18.2).]*
- (i) **Quorum and Deputies.**
- The quorum for any meeting of the Civic Affairs Committee or any sub-committee of the Civic Affairs Committee shall be three members *[of whom at least one shall be a Parish Member if ethical standards matters relating to parish councils or parish councillors are being considered]*. For hearings panels under the hearing procedure described in Part 5 of this Constitution, the number of members on the panel shall be three.
  - Except in the case of hearings panels, normally where the number of members of any sub-committee is less than the number of the committee, any Civic Affairs Committee member *[or Parish Member]* who is not a member of the sub-committee may be appointed by the equivalent sub-committee member to act as his or her deputy in his or her place to attend and (in the case of District Council members) vote at any meeting of the sub-committee; the minutes of any sub-committee meeting shall record deputised attendance.

### **9.02 Sub-Committees of the Civic Affairs Committee**

The Civic Affairs Committee may appoint sub-committees to:

- consider an Investigating Officer's final report
- consider determination hearings (the "Hearings Panel") in accordance with the hearings procedure set out in Part 5 of the Constitution
- determine any matter relating to parish councils or Parish Members (the "Parish councils sub-committee")

At least three members of the Civic Affairs Committee must be present throughout a meeting of any sub-committee for it to be valid. *[These three members must include at least one parish member if the matter relates to parish council ethical standards.]*

### **9.03 Role and Function**

The Civic Affairs Committee will have the following ethical standards role and functions:

- (a) Promote and maintain high standards of conduct by councillors and co-opted members;
- (b) Assist the councillors and co-opted members to observe the Members' Code of Conduct;
- (c) Advise the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitor the operation of the Members' Code of Conduct;
- (e) Advise, train or arrange to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) Receive the investigation report of the Investigating Officer on any matter which had been referred by the Monitoring Officer for investigation and make a decision on whether it agrees with the report's findings;
- (g) Hold hearings to determine complaints in which an investigation report has held that the Code of Conduct has been breached (in accordance with the hearings procedure set out in Part 5 of the Constitution) and, where appropriate, to impose a sanction on a councillor;
- (h) Maintain an overview of dispensations granted to councillors and co-opted members from requirements relating to interests set out in Members' Code of Conduct;
- (i) The exercise of (a) to (h) above in relation to the parish councils in its area and the members of those parish councils;
- (j) Receiving reports from time to time from the Monitoring Officer concerning the operation of Members' Code of Conduct and in respect of his / her statutory functions under the Local Government and Housing Act 1989;
- (k) Advise the Council upon and monitor the contents of and requirements for all codes, protocols and other procedures relating to standards of conduct throughout the Council, including the Member-Officer Relations Protocol and the Officer Code of Conduct; and
- (l) Maintain an overview of the Council's 'whistle-blowing' policy.

The Civic Affairs Committee's roles and functions relating to Electoral Arrangements are set out in Part 3, Table 1 of this Constitution.