

## 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.
- (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 of the Committee are to be seen as being above party politics and the Committee should be 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) **Independent Person(s).**
  - The Council will appoint one or more Independent Person as required under Section 28(7) of the Localism Act;
  - The Independent Person must be appointed through a recruitment process of public advertisement, application, shortlisting, interview and recommendation to Council;
  - 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 three years but shall be eligible for re-appointment for a further term or terms.
- (f) **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).
- (g) **Quorum and Substitutes.**
  - The quorum for any meeting of the Civic Affairs Committee or any sub-committee of the Civic Affairs Committee shall be three members. For hearings panels under the hearing procedure described in Part 5 of this Constitution, the number of members on the panel shall be three.

- In the case of hearings panels any Civic Affairs Committee member may be appointed to a panel if they have received the appropriate training and may substitute for other hearing panel members if necessary.

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

The Civic Affairs Committee may appoint sub-committees to, *inter alia*:

- 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

At least three members of the Civic Affairs Committee must be present throughout a meeting of any sub-committee for it to be valid.

### 9.03 Role and Function

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

- Promote and maintain high standards of conduct by councillors and co-opted members;
- Assist the councillors and co-opted members to observe the Members' Code of Conduct;
- Advise the Council on the adoption or revision of the Members' Code of Conduct;
- Monitor the operation of the Members' Code of Conduct;
- Advise, train or arrange to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
- 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;
- 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;
- Maintain an overview of dispensations granted to councillors and co-opted members from requirements relating to interests set out in Members' Code of Conduct;
- The exercise of (a) to (h) above in relation to the parish councils in its area and the members of those parish councils;
- 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;
- 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
- Maintain an overview of the Council's 'whistle-blowing' policy.

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