

Article 9 – The Standards Committee

*References: Sections 53-55 and Section 81(5) Local Government Act 2000
Part 10, sections 183 to 203 of the Local Government and
Public Involvement in Health Act 2007*

9.01 Standards Committee

The Council Meeting will establish a Standards Committee.

9.02 Composition

The Standards Committee will be composed of at least:-

- Six non-executive councillors, comprising two from each political group
- Seven persons who are not councillors, or officers, of the borough known as Independent Members.

9.03 Independent Members

- (a) Independent Members will be entitled to vote at meetings;
- (b) One of the Independent Members will chair the Committee;
- (c) Independent Members of the Standards Committee serve for a fixed term of office of four years;
- (d) Those Independent Members appointed subsequent to May 2008, are limited to two consecutive full fixed terms of office;
- (e) If an Independent Member of the Standards Committee should resign or otherwise leave office before the end of their term, any replacement independent member would serve the remainder of that four year term of office;
- (f) Independent Members are re-appointed by Council on an annual basis during the four year term so that Council is able to take appropriate action in any circumstances where an Independent Member is not properly performing his or her duties;
- (g) Independent Members are appointed following public advertisement seeking interest placed prior to the expiry of a fixed term of office, or earlier if a vacancy should arise;
- (h) The Chief Executive and Director of Corporate Governance and Monitoring Officer carry out a selection process from those responding to public advertisement and make recommendations for appointment to the Council;

[comment: 9.03 (c)- (h) reflect the recommendations from the Special Committee (Constitution Review) from its meeting on 26 November 2007 agreed by the Council at its ordinary meeting on 29 January 2008]

- 9.04 The Standards Committee will have the following roles and functions.
- (a) Promoting and maintaining high standards of conduct by councillors, faith and parent governor representatives and other co-opted members;
 - (b) Assisting councillors and co-opted members to observe the Local Code of Conduct for Members;
 - (c) Advising the Council on the adoption and revision of the Local Code of Conduct for Members;
 - (d) Monitoring the operation of the Local Code of Conduct for Members;
 - (e) Advising, training or arranging to train councillors and co-opted members on matters relating to the Local Code of Conduct for Members;
 - (f) Considering and making recommendations to the Council, as necessary, on ethical issues affecting the Council as a whole;
 - (g) Granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Local Code of Conduct for Members.
 - (h) Granting and supervising exemptions from political restriction in respect of any post by the current holder of that post;
 - (i) Considering and giving direction to the Council on any requests that a post be politically restricted;
 - (j) To be consulted by and respond to the Local Government Ombudsman if s/he believes that a complaint s/he is considering relates partly to a matter which may be of concern to the Committee;
 - (k) To appoint a minimum of three Sub-Committees, each of no less than three persons and including at least two Independent Members, drawn from the Standards Committee to carry out any of the roles and functions set out in paragraphs [l] to [p] below.
 - (l) To make an initial assessment of any written complaint received alleging breach of the Local Code Of Conduct by any councillor or co-opted member and to either refer the matter to the Monitoring Officer for investigation, refer the allegation to the Standards Board for England if appropriate, or, to decide that no action should be taken in respect of the complaint;

- (m) If a decision is made under (l) above that no action should be taken, to take reasonable steps to give notice in writing of the decision and the reasons for this to the person who made the allegation and to the councillor or co-opted member who is the subject of the allegation;
- (n) To have the discretion where the subject of the allegation is no longer a councillor or co-opted member of the London Borough of Barnet but is of another relevant authority (as defined by the Local Government and Public Involvement in Health Act 2007) to refer the allegation to the monitoring officer of that authority;
- (o) To carry out a review of a decision that no action be taken in respect of an allegation in circumstances where the person who made the allegation has subsequently made a written request for a review of that decision within thirty days of the date of the notice of the original decision;
- (p) Following an investigation and receipt of a report by the Monitoring Officer or Officer appointed by the Monitoring Officer to carry out such investigation and prepare such report into an alleged breach of the Code of Conduct, to make a decision as to whether or not, on a balance of probabilities, there has been a breach of the Code of Conduct and, if there has been, to consider whether it is appropriate to impose a sanction and, if so, to decide upon a suitable sanction, or, alternatively, whether it is appropriate to refer the case to the Adjudication Panel for England if the sanctions available to the Standards Committee are deemed insufficient.