

STANDARDS OF MEMBERS' CONDUCT: CHANGES TO THE CONSTITUTION**Part 1: Summary of the Constitution**

Section 3 **amend** second paragraph to read:

Councillors have to comply with a code of conduct to ensure high standards in the way they undertake their duties.

Section 6 **omit** reference to Standards Committee

Section 8 in sub-paragraph (k) **replace** "Standards Committee" by "Monitoring Officer"

Part 2: The Articles of the Constitution

Article 3, section 3.0.1(c) **amend** to read "the Monitoring Officer if they consider that a Member has acted in breach of the Code of Conduct"

Article 9, section 9.08 **amend** reference to the Standards Committee to read

- the Adjudication & Review Sub-Committee when it is conducting an investigation or hearing;

Part 3: Responsibility for Functions

Section 1.2, Table of Functions: Committees

Governance Committee

under "Appointments and dismissals" – **omit** reference to interviewing and appointing candidates for appointment as Independent Person for the Standards Committee

add new sub-heading "Members' conduct" and **insert** below it

General

- To promote and maintain high standards of conduct by the members and co-opted members of the authority
- To assist members and co-opted members of the authority to observe the authority's code of conduct
- Through the Standards Sub-Committee, to hear, determine and report upon any allegation of breach of the code of conduct, including the application of any permitted sanction

Council, 28 March 2011**Members' code of conduct**

- To advise the authority on the adoption or revision of a code of conduct

Guidelines for members in dealing with staff

- To advise the authority on the adoption or revision of the Guidelines on members dealing with staff

Protocol on probity in planning

- To advise the authority on the adoption or revision of the Protocol on Probity in Planning

Whistleblowing Policy and Procedure

To monitor and evaluate complaint numbers and general types made in respect of the Council Whistleblowing policy and procedure and to make any recommendations for improvement to staff and/or Cabinet

Standards Committee - **Delete** the whole entry

Section 1.2, Table of Functions: Sub-Committees

Standards – **Delete** existing entry

Appointments Sub-Committee – Add new bullet point “To make recommendations to Council about the appointment of Independent Persons for Standards matters”

Adjudication & Review Sub-Committee - Add new section “Members’ conduct - To consider allegations of breaches by Members of the Code of Conduct and the appropriate sanction, if any, to be applied in consequence of a finding that the Code has been breached”

Hearings Panels - Add new section “Members’ conduct - To deal with complaints about breaches by Members of the Code of Conduct”

Section 3 Functions delegated to staff

In (aa)Committee Administration and Member Support Manager **amend** the words beginning at line 4 to read “Adjudication and Review Committee and Licensing Committee: including but not limited to”

Section 6 Proper officer functions: Functions of Statutory Officers

Amend 2 Functions of the Monitoring Officer, section (c) to read:

To conduct investigations as directed by the Adjudication & Review Sub-Committee (or its Hearings Panel) into alleged breaches by members of the code of conduct and to report upon them to the Sub-Committee. This function will also be carried out by Deputy Monitoring Officers.

Council, 28 March 2011

Part 4: Rules of procedure

ACCESS TO INFORMATION PROCEDURE RULES

In rule 1, **delete** “, and the Standards Committee (England) Regulations 2008”

In the Appendix:

Amend the italicised heading above section 3 to read:

The provisions of this legislation are modified in their application to meetings of the Cabinet as follows:

Delete the whole of section 4

COMMITTEE PROCEDURE RULES

In rule 7(c), **amend** second paragraph to read:

This rule shall not apply to meetings of Hearings Panels, the Licensing Sub-Committee or the Standards Sub-Committee, or where the rules of natural justice, human rights and compliance with the Members’ Code of Conduct or similar legal principles prevent a Member from attending.

COUNCIL PROCEDURE RULES

In rule 1, part 2(i) **delete** “, the Standards Committee”

In rule 2(h) **delete after** “and from the Member Champion for Standards”, the words “in respect of the Standards Committee”

Note: recommendations for changes in the following protocols will follow when proposals for the new Code of Conduct are submitted:

Protocol on gifts and hospitality

Protocol on member/officer relations

Protocol on probity in planning matters

Staff code of conduct