

THE STANDARDS COMMITTEE

TERMS OF REFERENCE

1. To promote and maintain high standards of conduct by Members and co-opted Members of Milton Keynes Council.
2. To assist parish councils within Milton Keynes to promote and maintain high standards of conduct by their Members and co-opted Members.
3. To grant dispensations in respect of requests made under s33 Localism Act 2011.
4. To establish and maintain arrangements under which allegations against all such Members can be investigated and decided upon in accordance with the requirements of Chapter 7 (Standards) of the Localism Act 2011 within the following framework:

- (a) That the Monitoring Officer be delegated the authority to determine, after consultation with the Independent Person, whether or not a complaint merits a formal investigation, in line with any policy set by the Standards Committee.**

Explanatory Note (Procedure Agreed by the Standards Committee):

The Monitoring Officer will consult with the Independent Person on the matter and may:

- (i) Reject the complaint, with reasons;*
- (ii) Explore informal resolution of the matter;*
- (iii) Investigate the matter (or appoint an investigator to investigate the matter); or*
- (iv) Refer the matter to an Assessment Sub Committee where the complaint is:*
 - 1. very serious;*
 - 2. a conflict of interest has arisen;*
 - 3. the matter is particularly complex;*
 - 4. the matter is potentially going to attract a high level of public interest*
 - 5. the matter is politically sensitive; or*
 - 6. Any other substantial reason.*

- (b) That Assessment Sub-Committees be established and be delegated power, after consultation with the Independent Person and, if a Parish matter, in consultation with a co-opted Parish Member, to determine whether or not a complaint merits referral to the monitoring officer to undertake a formal investigation or other action.**

- (c) That Hearing Sub-Committees be established and, after consultation with the Independent Person and, if a Parish matter, in consultation with a co-opted Parish Member:
- (i) be delegated power to undertake a hearing to determine whether or not a Member has failed to comply with the Code of Conduct; and
 - (ii) be delegated such of the Council's powers as can be delegated to take decisions in respect of a Member who is found on hearing to have failed to comply with the Code of Conduct.
- (d) That Appeals Sub-Committees be established and be delegated power, after consultation with the Independent Person and, if a Parish matter, in consultation with a co-opted Parish Member, to adjudicate on appeals against the findings of Hearing Sub-Committee on the grounds that;
- The procedure has been wrongly applied;
 - New evidence has come to light since the hearing which, if disclosed to the panel, may result in a different outcome; or
 - The Committee has misdirected itself in law
- (e) That the Monitoring Officer be appointed as the Proper Officer to receive and administer complaints of failure to comply with the Code of Conduct.

Membership

- (a) **Appointment.** The Standards Committee will consist of 10 Members appointed by the Council, at or as soon as reasonably practicable after the Annual Council meeting, in accordance with the proportionality rules of the Local Government and Housing Act 1989.

There shall be the power to co-opt between two and four Members who shall be parish councillors within Milton Keynes but who may not otherwise be members of Milton Keynes Council.

- (b) **Chair.** The Chair and Vice-Chair of the Committee shall be appointed annually by that committee at its first meeting following the Annual Council meeting and before proceeding to any other business.
- (c) **Quorum.** Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of the Committee unless at least three members are present.

Functions

The Standards Committee will exercise the following functions and those matters which flow from them, which are not executive functions by virtue of Schedule 1 or 2 to the Functions Regulations (as may be currently amended), as listed below.

In acting under the Committee's Terms of Reference and in exercising responsibility for those functions listed below, the Authority's Procedure Rules, any limitations on authority placed by Council and all legislative requirements and applicable rules of law must be complied with.

<i>Function</i>	<i>Provision of Act or Statutory Instrument</i>
A. Functions relating to standards of conduct by Members and co-opted Members of Milton Keynes Council and the parish councils within the Borough	Chapter 7 of the Localism Act 2011