

Annual Council Meeting	Agenda Item: 7
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Meeting Date	16 May 2012
Report Title	Political Balance, Committees, Terms of Reference and Appointments
Portfolio Holder	Leader
SMT Lead	Director of Corporate Services
Head of Service	Interim Head of Legal and Democratic Services
Lead Officer	Democratic and Electoral Services Manager
Key Decision	No
Classification	Open
Forward Plan	Reference number: n/a

Recommendation	<ol style="list-style-type: none"> 1. The Council is asked to agree the political balance calculation as set out in Appendix I. 2. The Council is asked to agree to establish the Committees set out in Appendix II, with the terms of reference as set out in Appendix III, for the 2012/13 Municipal Year. 3. The Council is asked to allocate seats to those Committees and to agree the appointment of Members to those Committees, in accordance with the wishes of Group Leaders, as set out in Appendix IV (to be tabled at Council). 4. The Council is asked to agree the Chairman and Vice-Chairman of those Committees, as set out in Appendix V (to be tabled at Council).
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Purpose of Report and Executive Summary

- 1.1 This report presents the Council with the tasks it needs to consider to establish Committees and to appoint Members to those Committees.
- 1.2 Firstly, the Council is asked to agree the political balance calculation, to reflect that additional seats are now available due to the change in the way in which the Standards Committee is to be constituted. (This is subject to a separate report on the agenda). The Standards Committee now needs to be included in the political balance calculation.
- 1.3 Secondly, the Council is asked to agree to establish Committees, and to confirm their terms of reference.

- 1.4 Thirdly, the Council is asked to appoint Members to the available seats on those Committees, in accordance with the wishes of the respective Group Leaders, and to agree the Chairmanship/Vice-Chairmanship of those Committees.

2 Background

Political Balance

- 2.1 Section 15 of the Local Government and Housing Act 1989 requires Local Authorities to review the allocation of seats on committees at the annual meeting, or as soon as possible after it (set out in Appendix I). Once the Council has agreed the allocation of Committee places between the political groups the Council must then appoint the nominees of the political groups to the committees.
- 2.2 Political groups on the Council are formed in accordance with the Local Government (Committees and Political Groups) Regulations 1990 when 2 or more Councillors must notify the Proper Officer of their wish to be treated as a group.

The following principles apply to the allocation of seats:

- (a) That not all seats on the body to which appointments are being made are allocated to the same political group;
- (b) That the majority of seats on each Committee is allocated to a particular group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) Subject to (a) and (b), that, when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority's membership; and
- (d) Subject to (a) and (c), that the number of seats on each committee is as far as possible in proportion to the group's membership of the authority.

Sub-committees are also governed by the political balance rules, but it is not necessary to add up all the sub-committee seats and then allocate them in proportion. As far as this is predictable, the allocation of seats on each sub-committee should reflect the proportional representation of the political groups on the Council.

- 2.3 Each of the political groups are entitled to a certain number of seats on committees. This is based on their percentage representation on the Council as a whole, as detailed in Appendix I. This is then required to be manually adjusted to ensure that the number of seats allocated to a particular group matches and does not exceed their entitlement.
- 2.4 To ensure overall political balance the Labour Group needed to gift two seats to the Independent Group. These have been made in respect of the Audit Committee and the Policy Overview Committee.

Establishment of Committees and Allocation of Seats

- 2.5 The Council must establish:
- (a) At least one Overview and Scrutiny Committee
 - (b) A Committee under the Licensing Act 2003
- The Council may also establish other Committees
- 2.6 As part of the previous review of the Constitution carried out during the last municipal year, a number of changes were made to the committees of the Council and to their terms of reference.
- 2.7 As Members will be aware, there is a need to review the arrangements for the Standards regime and as such, it is proposed that a Standards Committee is established, with terms of reference as ***set out in the report on this matter.***
- 2.8 At the previous Council meeting, there was some discussion regarding the need for recommendations on Licensing and Hackney Carriage matters to be considered by the Council. The reason that the recommendations are considered by the Council is because the Council has not given delegated authority to the Committee to make decisions. ***The Council may wish to consider reviewing the terms of reference of the General Licensing Committee to give such delegations.***
- 2.9 Appendix II sets out the terms of reference of Committees as currently agreed by the Council.

3 Proposal

- 3.1 The Council is asked to agree the recommendations set out on page 1 of this report. The Council may also wish to review the terms of reference of the General Licensing Committee, as outlined in paragraph 2.8 above.

4 Alternative Options

- 4.1 Council can decide to change the number and size of Committees, however, this will have an impact on the number of seats available on the Council and will therefore require the political balance to be re-calculated to reflect this. Members are encouraged to make Officers aware in advance of the meeting of any proposals of this nature. Any changes to the terms of reference of Committees also need to be approved by Council.

5 Consultation Undertaken or Proposed

- 5.1 All Group Leaders have been made aware of this report and have been asked to advise Democratic Services of their nominations to seats on Committees for their respective Groups. This will be circulated at the Council meeting.

6 Implications

Issue	Implications
Corporate Plan	Becoming a High Performing Organisation.
Financial, Resource and Property	The cost of servicing the Council's committees will be met within existing budgets. The establishment of any additional Committees would have financial and human resource implications.
Legal and Statutory	The report has been prepared in consultation with the Interim Head of Legal and the relevant legislation has been included in the body of the report.
Crime and Disorder	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.
Sustainability	None identified at this stage.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report

- Appendix I: Political Balance Calculation
- Appendix II: Terms of Reference of Committees
- Appendix III: Nominations to Committees
- Appendix IV: Chairman and Vice-Chairman

8 Background Papers

Reports to Annual Council May 2011.

Political Balance Calculation 2012/13

Party Group		Conservative		Labour		Independent Grp		Total	
Number of members		32		13		2		47	
Overall proportionality		0.680851		0.276596		0.042553		1	
Total entitlement		68.765957		27.93617		4.297872		100.999999	
Total Rounded Entitlement		69		28		4		102.000000	
	Size of Committee	Strict Entitlement	Rounded Entitlement	Strict Entitlement	Rounded Entitlement	Strict Entitlement	Rounded Entitlement	Strict Entitlement	Rounded Entitlement
Committees									
Planning Committee	17	11.5744681	11	4.70212766	5	0.72340426	1	17.000000	17
General Licensing Committee	10	6.80851064	7	2.76595745	3	0.42553191	0	10.000000	10
Policy Overview Committee	13	8.85106383	9	3.59574468	4	0.55319149	0	13.000000	13
Scrutiny Committee	11	7.4893617	8	3.04255319	3	0.46808511	0	11.000000	11
Audit	9	6.12765957	6	2.4893617	3	0.38297872	0	9.000000	9
General Purposes	9	6.12765957	6	2.4893617	3	0.38297872	0	9.000000	9
Emergency Committee	6	4.08510638	4	1.65957447	2	0.25531915	0	6.000000	6
Standards Committee	11	7.4893617	8	3.04255319	3	0.46808511	0	11.000000	11
Licensing Act 2003	15	10.212766	10	4.14893617	4	0.63829787	1	15.000000	15
Total Seats	101	68.7659574	69	27.9361702	30	4.29787234	2	101.000000	101

To achieve overall balance, the Labour Group has gifted 2 seats to the Independent Group. These have been gifted in respect of the Audit Committee and Policy Overview Committee.

3.2 RESPONSIBILITY FOR COUNCIL FUNCTIONS

The Council's terms of reference are set below. The Committees listed in Part 3.2.2 below are expected to determine, by resolution, all matters falling within their functions. They may also delegate to Officers as they consider appropriate to ensure the efficient management of the Council's business. The delegation of functions should be read in conjunction with the list of delegations to Officers.

Council/Committee	Membership	Functions	Delegation of function
PART 3.2			
Council	47 Members	<p>The Council has responsibility for all non-Executive functions. Functions which have not been delegated remain the sole responsibility of the Council.</p> <ol style="list-style-type: none"> 1. To adopt and approve amendments to the policy and budget framework; 2. Adopting and changing the Constitution; this includes financial transactions, accounting, tenders and the publication and availability of information; 3. Approving or adopting the policy framework and the budget; This is set out in Article 3 of the Constitution; 4. Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive functions which is covered by the policy framework budget where the decision maker is minded to make it in a matter which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget, 5. To appoint (and remove) the Leader and to note the Leader's 	

Council/Committee	Membership	Functions	Delegation of function
		<p>appointments to the Cabinet and their terms of reference;</p> <p>6. Agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;</p> <p>7. Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;</p> <p>8. Changing the name of the area, conferring the title of Honorary Alderman or Freeman of the Borough;</p> <p>9. To adopt the Codes of Conduct for Members and Officers;</p> <p>10. To adopt a Members' Allowances Scheme, after considering the report of the Independent Members Allowances Panel;</p> <p>11. To appoint the Head of Paid Service and Returning Officer;</p> <p>12. To resolve any matters requiring Member involvement, relating to local elections, electoral registration, revisions of electoral boundaries, orders in respect of parishes and related matters pertaining to the Borough or Parish Councils;</p> <p>13. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;</p> <p>14. All local choice functions set out in Part 3 of the Constitution which the Council decides should be undertaken by itself rather than the Executive;</p>	

Council/Committee	Membership	Functions	Delegation of function
		<p>16. To make arrangements for the discharge of functions by officers under section 101 of the Local Government Act 1972;</p> <p>17. All other matters which, by law, must be reserved to Council.</p>	

PART 3.2.1 LIST OF NON-EXECUTIVE FUNCTIONS

Schedule from Local Authorities Functions and Responsibilities) (England) Regulations 2000 to be inserted here

PART 3.2.2 COMMITTEES

Audit Committee	9 Members	<p>1. Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements;</p> <p>2. Seek assurances that action is being taken on risk-related issues identified by auditors and inspectors;</p> <p>3. Be satisfied that the authority's assurance statements, including the Statement on Internal Control, properly reflect the risk environment and any actions required to improve it;</p> <p>4. Approve (but not direct) internal Audit's strategy and Annual Audit Plan and monitor performance against them;</p> <p>5. Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary;</p> <p>6. Receive the annual report of the Head of Internal Audit;</p>	
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Council/Committee	Membership	Functions	Delegation of function
		<p>7. Consider the reports of external audit and inspection agencies;</p> <p>8. Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted;</p> <p>9. Review the financial statements, external auditor's opinion and reports to Members, and monitor management action in response to the issues raised by external audit;</p> <p>10. Approve the Annual Statement of Accounts;</p> <p>11. Present an annual report to the Executive on exceptions and highlights throughout the year.</p>	
Emergency Committee	6 members, to include the Group Leaders subject to political balance.	To act on behalf of the Council, if necessary, in cases where it is not possible to call an extraordinary Council Meeting, subject to a full report to the next available meeting for information.	
General Licensing Committee	10 Members	<p>1. To review and make recommendations to Council upon policy in licensing matters under the Miscellaneous Provisions Act 1982 Schedule 3 (Sex Establishments) and Miscellaneous Provisions Act 1982 Schedule 4 (Street Trading) and the statement of principles;</p> <p>2. To discharge the Council's functions as a Licensing Authority under the Miscellaneous Provisions Act 1982, within agreed policies;</p> <p>3. To arrange for the delegation of any of the licensing functions exercisable by the Committee to an</p>	See delegations to the Heads of Legal and Service Delivery

Council/Committee	Membership	Functions	Delegation of function
		<p>Officer of the Licensing Authority subject to the limitations set out in Schedule 3 and Schedule 4 of the Miscellaneous Provisions Act 1982;</p> <p>4. To consider enforcement action against Hackney Carriage and Private Hire Vehicle Operators under the Local Government Miscellaneous Provisions Act 1976 and Town Police Clauses Act 1984;</p> <p>5. To discharge functions under Part C of Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000;</p> <p>6. To exercise the Council's functions under any of the relevant statutory provisions relating to Health and Safety at Work etc. Act 1974, as far as they are the responsibility of the District Council, as specified in Section C of Schedule 1 of the local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).</p> <p>7. To make recommendations to Council on matters relating to the Council's responsibilities in respect of Hackney Carriage and Private Hire Vehicles.</p> <p>8. To consider the further issues and implications of the possible introduction of a transport token/voucher scheme. (Minute No. 283/9/01)</p>	
General Purposes Committee	9 Members	<p>1. All matters relating to the Council's responsibilities as an employer.</p> <p>2. Consider and make decisions on non-executive matters in respect of</p>	

Council/Committee	Membership	Functions	Delegation of function
		<p>staff terms and conditions, and the pension scheme. This will include: - the requirement to have a schedule discretionary decisions for the operation of the pension scheme by the pension administrators. The changes to the LGPS that took effect in April 2008, including such aspects as the formula for calculating pension contributions, have not yet been incorporated into the Swale discretions; changes to the pay scales required following a review of the reward strategy; and changes to update the policies related to market supplements, pay protection and job evaluation required following the review of the reward strategy, to consider and make decisions on non-executive matters in respect of staff terms and conditions, and the pension scheme.</p> <p>3. To consider amendments to the Constitution and to make recommendations on amendments or changes to full Council.</p>	
<p>General Purposes Committee - Appointments Sub-Committee</p>	<p>7 Members – to be selected from the General Purposes Committee</p>	<p>To agree the appointments of Directors and Heads of Service.</p> <p>To make recommendations and, where permitted by legislation, to take decisions in accordance with the provisions of Local Authorities (Standing Orders) Regulations 1993, in matters concerning the Head of Paid Service, Chief Officers, Section 5 Officer (Monitoring Officer) and Section 151 (Chief Finance) Officer. This includes appointments, Dismissals, and Disciplinary matters.</p>	
<p>Licensing Act 2003 Committee</p>	<p>15 Members</p>	<p>1. To review and make recommendations to Council upon policy in relation to licensing matters under the Licensing Act 2003 and the statement of licensing policy;</p>	

Council/Committee	Membership	Functions	Delegation of function
		<p>2. To discharge the Council's functions as a Licensing Authority under the Licensing Act 2003, within agreed policy;</p> <p>3. To arrange for the discharge of any of the licensing functions exercisable by the Committee to an Officer of the Licensing Authority subject to the limitations set out in Section 10(4) of the Licensing Act 2003;</p> <p>4. To review and make recommendations to Council upon policy in relation to licensing matters under the Gambling Act 2005 and the statement principles;</p> <p>5. To discharge the Council's functions as a Licensing Authority under the Gambling Act 2005, within agreed policy;</p> <p>6. To arrange for the delegation of any of the licensing functions exercisable by the Committee to an Officer of the Licensing Authority subject to the limitations set out in Section 154 of the Gambling Act 2005.</p>	
<p>Licensing Act 2003 Committee Licensing Sub-Committee</p>	<p>3 Members selected from the Licensing Committee</p>	<p>Licensing Act 2003: To consider and determine:</p> <ol style="list-style-type: none"> 1. Application for a personal licence if objection made. 2. Application for a personal licence where a person has unspent convictions – all cases. 3. Application for a premises/club premises licence if a representation is made. 4. Application for a provisional statement if representation is made. 5. Application to vary the DPS if the police object. 6. Application for the transfer of premises licence if the police object. 	<p>See delegations to the Head of Legal and Head of Service Delivery.</p>

Council/Committee	Membership	Functions	Delegation of function
		<p>7. Application for interim authority if the police object. 8. Application to review a premises/club premises licence – all cases. 9. Decision to object when the Council is a consultee and not the Licensing Authority. 10. Application for a temporary event notice when the police object.</p> <p>Gambling Act:</p> <p>1. Application for a premises licence where representations have been received; 2. Application to vary a premises licence where representations have been received; 3. Application to transfer a licence where representations have been received; 4. Application for a provisional statement where representations have been received; 5. Review of a premises licence; 6. Application for club gaming machine permits where representations have been received; 7. Cancellation of a club gaming machine permit; 8. Application for more than 4 gaming machine permits in a licensed premises.</p>	
Planning Committee	17 Members	<p>To make decisions under the Town and Country Planning Act 1990 (as amended) and Planning (Listed Buildings and Conservation Areas) Act 1990:</p> <p>(a) Refusals; (b) The granting of permission, or approval; (c) Applications for listed building and conservation area consent; (d) Resolution to make and confirm tree preservation orders; (e) Orders under Section 215 relating to maintenance of waste</p>	See delegations to Head of Planning.

Council/Committee	Membership	Functions	Delegation of function
		<p>land and resolution to prosecute for non-compliance with an order;</p> <p>(f) Resolution to serve enforcement notices and listed building enforcement notices and service of "stop notices", or resolution to prosecute in the case of failure to comply with any type of confirmed order;</p> <p>(g) Resolution to serve a repairs notice and to carry out urgent works to preserve listed buildings under Sections 48 and 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990;</p> <p>(h) Resolution to prosecute for the unauthorised display of advertisements.</p> <p>(i) Agreements under Section 106 of the Town and Country Planning Act 1990 (as amended);</p> <p>(j) Notices under Section 79 of the Building Act 1984; (Minute Nos. 404/7/85 and 443/9/87 refers)</p> <p>(k) To respond to consultations on County Matter applications and on all other consultations for developments to be carried out by and/or determined by other Authorities, Agencies or Government Departments;</p> <p>(l) The determination of applications for development to be carried out by the Borough Council.</p> <p>(m) To resolve to make an Article 4 Direction;</p> <p>(n) To resolve to make an 'Area of Special Control' under the Advertisement Regulations;</p> <p>(o) To resolve to secure the preservation of a building under Sections 3 and 4 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or such other relevant legislation as may be enacted hereafter;</p> <p>(p) To resolve to revoke a planning permission;</p>	

Council/Committee	Membership	Functions	Delegation of function
		<p>(q) To resolve to accept a Purchase Notice;</p> <p>(r) To resolve to serve a discontinuance order;</p> <p>(s) To determine other related planning matters including conservation, tree preservation, advertisement control, building preservation and functions the subject of agency; and</p> <p>(t) To resolve to designate a Conservation Area and to review existing designations.</p> <p>NOTE</p> <p>(i) that in cases where the Committee is minded to make a decision that would be contrary to officer recommendation and contrary to policy and/or guidance, the Chairman should invite the Head of Planning to consider if the application should be deferred to the next meeting of the Committee or if there should be a short adjournment for Officers to consider the views of the Planning Committee and to give further advice.</p> <p>If the application is deferred, at that next meeting, the Head of Planning should advise Members of the prospects of such a decision if challenged on appeal and if it becomes the subject of an application for costs.</p> <p>(ii) that in cases where the Committee determines an application contrary to officer recommendation, a full record should be made of the reasons for rejecting the recommendation.</p>	
<p>Planning Committee - Site Visits Sub-Committee</p>	<p>Planning Committee Members</p> <p>Ward Members</p>	<p>To visit sites the subject of planning applications, as directed by the Planning Committee, and report back to the subsequent Planning Committee. See Planning Committee procedural rules.</p>	

Council/Committee	Membership	Functions	Delegation of function
	are invited to attend.		
Policy Overview Committee	13 Members	<p><u>General role</u> Within their terms of reference, the Committees will:</p> <ul style="list-style-type: none"> (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions; (ii) make reports and/or recommendations to the full Council and/or the Cabinet and/or any policy or joint committee, in connection with the discharge of any functions; (iii) consider any matter affecting the area or its inhabitants; and (iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet and/or any policy committee. <p>(a) Policy - development and review. The Committees may:</p> <ul style="list-style-type: none"> (i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues; (ii) conduct research, community and other consultation in the analysis of policy issues and possible options; (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options; (iv) question members of the Cabinet and Committees and Chief Officers about their views on issues and proposals affecting the area; 	

Council/Committee	Membership	Functions	Delegation of function
		<p>and (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.</p> <p>(c) The Policy Overview and Scrutiny Committees shall exercise overall responsibility for any finances made available to them.</p> <p>(d) Annual Report – the Policy Overview and Scrutiny Committees must report annually to the full council on their work and make recommendations for future work programmes and amended working methods if appropriate.</p>	
Scrutiny Committee	11 Members	<p><u>General role</u> Within their terms of reference, the Committees will:</p> <ul style="list-style-type: none"> (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions; (ii) make reports and/or recommendations to the full Council and/or the Cabinet and/or any policy or joint committee, in connection with the discharge of any functions; (iii) consider any matter affecting the area or its inhabitants; and (iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet and/or any policy committee. <p>Scrutiny – The Committees may:</p> <ul style="list-style-type: none"> (i) review and scrutinise the decisions made by, and performance of, the Cabinet 	

Council/Committee	Membership	Functions	Delegation of function
		<p>and Committees and Council Officers both in relation to individual decisions and over time;</p> <p>(ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;</p> <p>(iii) question Members of the Cabinet and/or Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;</p> <p>(iv) make recommendations to the Cabinet or appropriate Committee or Council arising from the outcome of the scrutiny process;</p> <p>(v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Policy Overview and Scrutiny Committees and local people about their activities and performance;</p> <p>and</p> <p>(vi) question and gather evidence from any person (with their consent).</p> <p>(vii) consider Councillor Call for Action requests in accordance with the Councillor Call for Action Protocol contained in Part 5 of this Constitution</p> <p>(viii) in accordance with Section 19 of The Police and Justice Act 2006, to act as the Council's "Crime and</p>	

Council/Committee	Membership	Functions	Delegation of function
		<p>Disorder Committee” in terms of reviewing and scrutinising decisions made, or other actions taken, in connection with the responsible authorities discharge of their Crime and Disorder functions.</p> <p>(c) The Policy Overview and Scrutiny Committees shall exercise overall responsibility for any finances made available to them.</p> <p>(d) Annual Report – the Policy Overview and Scrutiny Committees must report annually to the full council on their work and make recommendations for future work programmes and amended working methods if appropriate.</p>	

PLEASE NOTE THAT THE EXISTING ARRANGEMENTS ARE INCLUDED BELOW FOR COMPLETENESS

THESE WILL BE REPLACED IN JULY WHEN THE NEW STANDARDS REGIME IS IMPLEMENTED

<p>Standards Committee</p>	<p>Eleven Members comprising of: - 3 independent members (people who are not councillors or officers), - 2 parish councillors and - 6 borough councillors. The chairman and vice chairman are to be independent members.</p>	<p>(a) To promote and maintain high standards of conduct by Councillors and Co-opted Members</p> <p>(b) To assist Councillors and Co-opted Members to observe the Members' Code of Conduct</p> <p>(c) To advise the Borough and Parish Councils on the adoption and amendment of Local Codes of Conduct</p> <p>(d) To monitor the operation of the Members' Code of Conduct</p> <p>(e) To advise on training, or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct</p> <p>(f) To grant dispensations to</p>	<p>Standards Committee Procedure Rules</p>
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Council/Committee	Membership	Functions	Delegation of function
		<p><i>Councillors and Co-opted Members from requirements relating to interests as set out in the Members' Code of Conduct</i></p> <p><i>(g) To act as the Council's interface with Standards for England and to deal with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer</i></p> <p><i>(h) to assess; review and determine written complaints about Member behaviour where it is alleged that a breach of the Local Code of Conduct has occurred and the taking of any necessary action available under the Local Government Act 2000 (as amended by the 2007 Act) and the Standards Committee Regulations 2008</i></p> <p><i>(i) (a) to (h) apply to Parish Councils in the Borough and the members of those Parish Councils</i></p> <p><i>(j) To monitor and keep under review the corporate complaints procedures and complaints related to Councillors, Co-opted Members or to Officers' conduct</i></p> <p><i>(k) To monitor and promote protocols and standards of behaviour for Councillors, Co-opted Members and Officers of the Borough Council</i></p> <p><i>(l) To monitor and review procedures for Councillors, Co-opted Members and Officers relating to working arrangements with outside organisations</i></p> <p><i>(m) To monitor and review procedures for Councillors, Co-opted Members and Officers relating to the acceptance of gifts and hospitality and the declaration of interests.</i></p>	

Council/Committee	Membership	Functions	Delegation of function
		<p><i>(n) To receive a report on a quarterly or six monthly basis on the meeting attendance levels of each Councillor.</i></p> <p><i>(o) To keep under review local protocols/operating framework for the consideration of complaints and assessment criteria.</i></p> <p><i>(p) To be responsible for the Council's whistle blowing policy</i></p> <p><i>(q) To consider any application received from any officer of the Authority for an exemption in relation to a post held by them from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989. The Committee may direct the Authority that the post should not be considered to be a politically restricted post and should be removed from the list maintained by the Authority under section 2(2) of the Act</i></p> <p><i>(r) To consider whether a post should be included in the list of politically restricted posts maintained by the Authority under Section 2(2) of the Local Government and Housing Act 1989</i></p>	
<p>Standards Committee - Standards Referrals Sub Committee</p>	<p>Three Members, to include an independent member and a parish/town council representative if a parish matter.</p> <p>The Chairman is to be an independent member.</p>	<p>1 To receive and consider allegations of failure to observe the relevant Code of Conduct for Members by any member(s) of Swale Borough Council and of town and parish councils within Swale Borough</p> <p>Upon receipt of each allegation of breach of the Code of Conduct and any accompanying report by the Monitoring Officer, the Sub-Committee will make an initial assessment of the allegation and will then do one of the following</p> <p>a) Refer the allegation to the Monitoring Officer for investigation;</p> <p>b) Refer the allegation to the Standards Committee of another relevant authority;</p>	<p>Standards Committee Procedure Rules</p>

Council/Committee	Membership	Functions	Delegation of function
		<p>c) Refer the matter to Standards for England;</p> <p>d) Refer the allegation to the Monitoring Officer for other action <u>or</u></p> <p>e) Decide that no action should be taken in respect of the allegation.</p> <p>2. To consider allegations of failure to observe any local protocol adopted by Swale Borough Council by any member(s) or members of Swale Borough Council with delegated powers to: -</p> <p>a) Refer the allegation to the Monitoring Officer for investigation;</p> <p>b) Refer the allegation to the Monitoring Officer for action short of formal investigation and adjourn consideration of the allegation until completion of such action; or</p> <p>c) Decide that no action should be taken in respect of the allegation.</p> <p>3. Where the Sub-Committee has directed the Monitoring Officer to arrange training, conciliation or such other appropriate alternative steps as are permitted by the Standards Committee (England) Regulations 2008, the Monitoring Officer must within 3 months, beginning with the day on which the direction was received, or as soon as practicable thereafter, submit a written report to the Sub-Committee, giving details of the action taken or proposed to comply with the direction. If the Sub-Committee is not satisfied with the action specified in the report, it must give a further direction to the Monitoring Officer. If the Sub-Committee is satisfied with the action specified in the report, it must give written notice to that effect to the:-</p> <ul style="list-style-type: none"> • subject member • complainant • parish council clerk concerned (if any) <p>4. To make recommendations to the Standards Committee to secure</p>	

Council/Committee	Membership	Functions	Delegation of function
		<i>improved standards of conduct and to secure the effective handling of allegations of misconduct by members of Swale Borough Council and of town and parish council within Swale Borough.</i>	
Standards Committee - Standards Appeals Sub Committee	<p>Three Members to include an independent member and a parish/town council representative if a parish matter. The Chairman is to be an independent member.</p> <p>Members should not have sat on the Assessment Sub-Committee that made the original assessment decision</p>	<p>1 To consider any request received within the specified time period from the complainant to review the Standards Referrals Sub Committee decision that no action should be taken in respect of allegations of failure to observe the relevant Code of Conduct for Members, by any member(s) of Swale Borough Council and of town and parish councils within Swale Borough, or any local protocol adopted by Swale Borough Council, with delegated powers to:</p> <p>a) Refer the allegation to the Monitoring Officer for investigation;</p> <p>b) Refer the allegation to the Standards Committee of another relevant authority;</p> <p>c) Refer the matter to Standards for England;</p> <p>d) Refer the allegation to the Monitoring Officer for other action or</p> <p>e) Decide that no action should be taken in respect of the allegation</p>	Standards Committee Procedure Rules
Standards Committee - Standards Consideration and Pre-Hearing Sub-Committee	<p>Three Members, to include an independent member and a parish/town council representative if a parish matter. The Chairman is to be an independent member.</p>	<p>1. To receive investigating officer reports pursuant to Section 57A(2)(a), 57A(3), 60(2) or (3), 64(2) of the Local Government Act 2000 and Regulations 14 and 15 of the Standards Committee (England) Regulations 2008.</p> <p>2. On receipt of an investigation officers report, the Sub-Committee is consider the report and accompanying information and make one of the following findings:</p> <p>(i) that it accepts the findings in the report of no failure</p> <p>(ii) that the matter should be considered at a hearing by the Hearings Sub-Committee of the Standards Committee</p> <p>(iii) that the matter should be referred to The First-tier Tribunal (Local Government Standards in England..for determination</p> <p>3. Where the Sub-Committee resolves to do any of the actions set out in paragraph 2 above, it must state its</p>	Standards Committee Procedure Rules

Council/Committee	Membership	Functions	Delegation of function
		<p><i>reasons in writing within 5 working days.</i></p> <p><i>4. Consideration and Pre-hearing Sub-Committee may only make a finding under paragraph 2(iii)) [i.e. a referral to The First-tier Tribunal (Local Government Standards in England)]above if: -</i></p> <p><i>(a) it has determined that the action it could take against the Member would be insufficient were a finding of failure to be made; and</i></p> <p><i>(b) the president or deputy president of the Adjudication Panel for England has agreed to accept the referral.</i></p> <p><i>5. After making a finding of acceptance, the Consideration and, Pre-Hearing Sub-Committee shall give written notice to the Subject Member and Complainant as required by Regulations.</i></p> <p><i>6. At the request of the Monitoring Officer and Chair of the Standards Committee to hold a pre hearing to:</i></p> <p><i>(a) Identify whether the Subject Member disagrees with any of the findings of fact in the investigation report</i></p> <p><i>(b) Identify whether those disagreements are likely to be relevant to any matter the hearing needs to decide</i></p> <p><i>(c) Identify whether evidence about those disagreements will need to be heard during the hearing</i></p> <p><i>(e) Decide whether there are any parts of the hearing that are likely to be held in private</i></p> <p><i>(e) Decide whether any parts of the investigation report or other documents should be withheld from the public prior to the Hearing, on the grounds that they contain “exempt” material</i></p>	
<p>Standards Committee - Standards Hearing Sub Committee</p>	<p>Three Members, to include an independent</p>	<p>1. To conduct the Hearing of an allegation that a Subject Member or Co-opted Member is in breach of the Code of Conduct in accordance with</p>	<p>Standards Committee Procedure Rules</p>

Council/Committee	Membership	Functions	Delegation of function
	<p><i>member and a parish/town council representative if a parish matter. The Chairman is to be an independent member.</i></p>	<p><i>the law and Standards for England Guidance.</i></p> <p><i>2. Following a Hearing, make one of the following findings: -</i></p> <p style="padding-left: 40px;"><i>(a) That the Subject Member has not failed to comply with the Code of Conduct</i></p> <p style="padding-left: 40px;"><i>(b) That the Subject Member has failed to comply with the Code of Conduct but that no action needs to be taken in respect of the matters considered at the Hearing</i></p> <p style="padding-left: 40px;"><i>(c) That the Subject Member has failed to comply with the Code of Conduct and that a sanction should be imposed</i></p> <p><i>3. If the Sub-Committee makes a finding under paragraph 3.5(c) it shall impose any one of or any combination of sanctions that are available to a Standards Committee by law and outlined in the Procedure for a Hearing.</i></p> <p><i>4. As soon as reasonably practicable, after making a finding under paragraph 2 above, it shall provide written notice of the finding and the reasons for it to the Subject Member / Complainant, the Standards for England and the Standards Committee of any other authority concerned.</i></p>	