

Terms of Reference of Standards Committee and Appointment of Standards Sub-Committees

Standards Committee

Membership

(4 members of Torbay Council (2 Conservative and 2 Liberal Democrat), plus 2 named substitutes from each group, 3 Brixham Town Council Councillors plus 1 named substitute and 6 independent members.)

Terms of Reference

1. To promote and maintain high standards of conduct by the Mayor, councillors, co-opted members and church and parent governor representatives;
2. To assist the Mayor, councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
3. To advise the Council on the adoption or revision of the Members' Code of Conduct;
4. To monitor the operation of the Members' Code of Conduct;
5. To advise, train or arrange to train the Mayor, councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
6. To grant dispensations to the Mayor, councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
7. To review the Council's local protocols;
8. To consider reports in relation to Ombudsman investigations;
9. To review the Constitution in relation to ethics and probity issues;
10. To advise others on probity and ethics;

Standards Committee

11. To ensure that, having regard to relevant legislation, regulation and guidance from the Standards Board for England, a fit for purpose structure of sub-committees is established with appropriate procedures to meet the Council's obligations in relation to local assessment, investigation and determination of allegations of breaches of the Code of Conduct for Members; and
12. To share experience with other standards committees.

The Council may arrange for the Standards Committee to exercise such other functions as the Council considers appropriate.

Referrals Sub-Committee

Membership

A pool of members (comprising the members of the Standards Committee and named substitutes) who can be drawn to serve on a sub-committee (normally comprising 2 independent members and 1 Torbay Councillor (and 1 Brixham Town Councillor if the complaint is about a member of the Town Council).

Quorum

3 members of the Sub-Committee including at least 1 independent member and 1 Torbay Councillor (and 1 Brixham Town Councillor if the complaint is about a member of the Town Council).

Terms of Reference

1. To receive and make an initial assessment of an allegation that a member of Torbay Council or Brixham Town Councillor has failed, or may have failed, to comply with their Council's Code of Conduct for Members or local protocol;
2. To consider any requests for the identity of the complaint or details of the complaint to be kept confidential and any request for complaints to be withdrawn; and
3. To receive final investigation reports and determine whether:
 - (a) it accepts the investigating officer's findings of no failure to observe the Code of Conduct or local protocol;
 - (b) the matter should be referred for consideration at a hearing before the Hearings Sub-Committee; or
 - (c) the matter should be referred to the Adjudication Panel for determination; and
4. To grant exemptions for politically restricted posts.

Review Sub-Committee

Membership

A pool of members (comprising the members of the Standards Committee and named substitutes) who can be drawn to serve on a sub-committee (normally comprising 2 independent members and 1 Torbay Councillor (and 1 Brixham Town Councillor if the complaint is about a member of the Town Council.)

(Note: The members who sat on the original Referrals Sub-Committee will not be allowed to sit on the Review Sub-Committee dealing with the same complaint.)

Quorum

3 members of the Sub-Committee including at least 1 independent member and 1 Torbay Councillor (and 1 Brixham Town Councillor if the complaint is about a member of the Town Council).

Terms of Reference

To receive and make an assessment on a review of the Referrals Sub-Committee's decision in respect of an allegation that a member of Torbay Council or Brixham Town Councillor has failed, or may have failed, to comply with their Council's Code of Conduct for Members or local protocol.

Hearings Sub-Committee

Membership

A pool of members (comprising the members of the Standards Committee and named substitutes) who can be drawn to serve on a sub-committee (normally comprising 2 independent members and 1 Torbay Councillor (and 1 Brixham Town Councillor if the complaint is about a member of the Town Council.)

Quorum

3 members of the Sub-Committee including at least 1 independent member and 1 Torbay Councillor (and 1 Brixham Town Councillor if the complaint is about a member of the Town Council).

Terms of Reference

1. To receive final investigation reports and determine whether or not the member has breached the Members' Code of Conduct or any of the Council's local protocols.
2. Where a member has been found to have breached the Code of Conduct of local protocol to determine what sanction(s), if any, should be imposed.

Standards Appointments Sub-Committee

Membership

A pool of members (comprising the members of the Standards Committee) who can be drawn to serve on a sub-committee (normally comprising 3 independent members and 2 Torbay Councillors (1 Conservative and 1 Liberal Democrat.)

Quorum

3 members of the Sub-Committee including at least 1 independent member and 1 Torbay Councillor.

Terms of Reference

To make recommendations to the Council on the appointment of independent members of the Standards Committee.