

## **Terms of Reference of the Assessment Sub-Committee**

### **As approved by the Standards Committee**

1. Terms of Reference
  - a. The Assessment Sub-Committee is established to receive allegations that a member of the authority has failed, or may have failed, to comply with the authority's Code of Conduct
  - b. Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:
    - i. refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation or direct that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations
    - ii. refer the allegation to the Standards Board for England
    - iii. decide that no action should be taken in respect of the allegation, or
    - iv. where the allegation is in respect of a person who is no longer a member of the authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority,and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision
  - c. Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall be responsible for determining whether –
    - i. it accepts the Monitoring Officer's findings of no failure to observe the Code of Conduct;
    - ii. the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or
    - iii. the matter should be referred to the Adjudication Panel for that decision
  - d. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1.b or 2.c above, the Sub-Committee shall state its reasons for that decision
  - e. The Sub-Committee shall consider any application received from any officer of the authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in

respect of the post held by that officer and may direct the authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the authority under Section 2.2 of that Act.

- f. The Sub-Committee shall, upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the authority under Section 2.2 of the 1989 Act, and may direct the authority to include a post in that list.

## 2. Composition of the Assessment Sub-Committee

The Assessment Sub-Committee shall comprise 3 members of whom 1 shall be an independent co-opted member of the Standards Committee, who shall chair the Sub-Committee and the other 2 shall be elected members of the authority. When the Assessment Sub-Committee considers a matter relating to the conduct of a person in his/her capacity as a Parish or Town Councillor the Sub-Committee shall comprise 4 members, the additional member being a Parish or Town Council representative.

## 3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members.

## 4. Frequency of Meetings

The Sub-Committee shall agree a programme of meeting sufficient to enable it to undertake the initial assessment of any allegation received within 20 working days of receipt of that allegation by the authority, but shall only meet where one or more allegations has been received which require to be assessed at that meeting.