

APPENDIX T - Sub-Committees of the Standards Committee

Composition of the Assessment Sub-Committee and the Review Sub-Committee Relating to Allegation(s) of Member Misconduct, including Composition of the Determination Hearing Sub-Committee:

- One Independent Member (Chair)
- One District Councillor
- One other Member who could be an Independent Member, Parish/Town Member or District Councillor. The Parish/Town Member must not be a District Councillor.
- At least one Parish/Town Council Member who is not a District Councillor must be present when matters relating to Parish and Town Councils are being discussed.
- There is no requirement for fixed membership or a fixed Chairman of the above mentioned Sub-Committees. Preferably such members will be chosen on a rotational basis from the pool of members on the Standards Committee.
- The Chairman of the above mentioned Sub-Committees is given authority to make a substitute or to vary the hearing panel where difficult circumstances are envisaged to minimise the risk of conflicts of interest and ensure fairness for all parties.
- The quorum for a meeting of the above mentioned Sub-Committees will, for the duration of the meeting, be three members.
- Decisions of the above mentioned Sub-Committees will be taken by majority vote.
- Members who are involved in the decision making on the initial assessment of a complaint must not take part in the review of that decision.
- Members who have taken part in the initial assessment of a complaint even on review may take part in any subsequent determination hearing as the initial or review stages make no findings of fact.

Terms of Reference of the Assessment Sub-Committee and Review Sub-Committee Relating to Allegation(s) of Member Misconduct including Terms of Reference of the Determination Hearing Sub-Committee

- 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.

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- The public's right is to complain to the local Standards Committee and not to the Standards Board for England. A complaint can be made to the Monitoring Officer, Sevenoaks District Council, Argyle Road, Sevenoaks, Kent TN13 1HG. Further details can be found on the Council's website along with a Complaint Form.
- Upon receipt of each allegation the Assessment Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:
 - a) refer the allegation to the Monitoring Officer for investigation
 - b) refer the allegation to the Standards Committee of another relevant authority
 - c) refer the allegation to the Standards Board for England
 - d) take no action in respect of the complaint
 - e) refer the allegation to the Monitoring Officer for action short of formal investigation such as training or conciliation or such other steps (not including an investigation), as appear appropriate
- The Complainant has a right of review over the Assessment Sub-Committee's decision to take no action.
- The Review Sub-Committee has the same decisions available to it as the Assessment Sub-Committee. In addition, the Review Sub-Committee may decide that the review will not be granted in the circumstances.
- Where the Complainant makes further or new information of any significance available in support of their complaint that changes the nature of or gives rise to a potential 'new' complaint and the information submitted is not merely a repeat complaint, the Review Sub-Committee will consider if it is more appropriate to refer the matter back to the Assessment Sub-Committee as a 'new complaint'. In the circumstances, the decision arrived at by the Review Sub-Committee will be 'that the review request not be granted'.
- The purpose of the initial assessment decision or review is simply to decide whether any action should be taken on the complaint either through investigation or some other action. The Assessment Sub-Committee and Review Sub-Committee make no findings of fact. If the Assessment Sub-Committee refers the complaint to the Monitoring Officer for investigation or other action, it does not mean that the Sub-Committee has made up its mind about the complaint. It simply means that the Sub-Committee believes the alleged conduct, if proven, may amount to a failure by the

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Subject Member, to comply with the Code of Conduct and that some action needs to be taken in response to the complaint.

- The Assessment Sub-Committee and Review Sub-Committee also have the power to receive a Monitoring Officer's Report within 3 months of receipt of the Assessment Sub-Committee's or Review Sub-Committee's Direction to take other action. If the Assessment Sub-Committee or Review Sub-Committee is not satisfied with the action specified or proposed in the Monitoring Officer's Report, it will direct the Monitoring Officer accordingly.
- Where an allegation or complaint is investigated and there is a "Finding of failure to comply with the Code of Conduct" the Determination Hearing Sub-Committee will hear and determine the allegation/complaint that a District Councillor, Parish or Town Councillor or Co-opted Member has failed or may have failed to comply with the Code of Conduct.
- Where an allegation or complaint is investigated and the Investigator's report makes a "Finding of no Failure to Comply with the Code of Conduct", a meeting of the Determination Hearing Sub-Committee will be convened to consider the "Finding of no Failure to Comply with the Code of Conduct" and decide whether to agree. If the Determination Hearing Sub-Committee accepts the finding of no failure, this will be a 'finding of acceptance'. Where the Determination Hearing Sub-Committee decides that on the balance of probability there is a case to answer the Determination Hearing Sub-Committee will arrange for a formal hearing to be convened and will hear and determine the case.
- The Assessment Sub-Committee shall agree a programme of meetings including one meeting per calendar month, but shall only meet where one or more allegation has been received which require to be assessed at that meeting or when the Monitoring Officer wishes to submit a Report following a Direction given by the Assessment Sub-Committee or Review Sub-Committee to take other action.
- The Review Sub-Committee shall meet as and when required to enable it to undertake the review of any decision of the Assessment Sub-Committee within 3 months of the receipt of the request for such a review from the person who made the allegation.
- The Determination Hearing Sub-Committee shall meet as and when required to enable it to determine whether a District Councillor, Parish or Town Councillor or Co-opted Member has failed to comply with the Code of Conduct

