

## Terms of Reference of the General Purposes Sub-Committees

1. Establishing General Purposes Sub-Committees
  - 1.1. The Standards Committee shall establish and appoint members to two General Purposes Sub-Committees.
  - 1.2. The General Purposes Sub-Committees will:
    - 1.2.1. receive allegations that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct;
    - 1.2.2. review, upon the request of a person who has made an allegation that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct, a decision of a Sub-Committee that no action be taken in respect of that allegation;
    - 1.2.3. receive and consider a report of the monitoring officer following an investigation;
    - 1.2.4. decide whether a Member has breached the Code of Conduct and, if so, decide if a sanction should be applied and what form the sanction should take;
    - 1.2.5. receive and grant requests, where appropriate, for dispensations to allow Members to speak and vote at a meeting when they have a prejudicial interest; and,
    - 1.2.6. consider applications from employees for exemption from political restriction or review of any post not included in the list of politically restricted posts.
2. Composition of the Sub-Committees
  - 2.1. Each Sub-Committee shall be chaired by an independent co-opted member of the Standards Committee. It will comprise five Members, of whom two shall be Independent Representatives (including the Chairman of the Sub-Committee), and 3 elected Members of the Authority.
  - 2.2. Authority is delegated to the Monitoring Officer, in consultation with the Chairman of the Sub-Committee, to substitute trained members onto a Sub-Committee where necessary, for example where an existing Member has a conflict of interest.
  - 2.3. No Member may review an assessment decision to which they were a party. In most cases a review request will be taken to the alternate Sub-Committee from the one that undertook the assessment. Where necessary, Members will be substituted to ensure that no Members review an assessment decision to which they were party.

- 2.4. Authority is delegated to the Monitoring Officer, in consultation with the Chairman of Standards Committee, to decide which General Purposes Sub-Committee should undertake a determination.
- 2.5. Authority is delegated to the Monitoring Officer, in consultation with the Chairman of the General Purposes Sub-Committee, to agree on three Members of the Sub-Committee to undertake a determination hearing.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent Representative as Chairman, and at least one elected Member of the Council.

4. Frequency of Meetings

Each Sub-Committee shall agree a programme of bi-monthly meetings, but shall only meet where one or more allegations or Monitoring Officer's reports of investigations have been received and require decision.

5. Initial Assessments

- 5.1. A Sub-Committee can only assess an allegation if:
  - i. The complaint is about one or more named Members of Surrey County Council and
  - ii. The Member was in office at the time that the alleged conduct took place and
  - iii. The complaint, if proven would be a breach of the Code of Conduct in force at the time of the alleged misconduct
- 5.2. Upon receipt of a relevant allegation and any accompanying report by the Monitoring Officer an Assessment 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;
  - ii. After consulting the Monitoring Officer refer the matter to him/her to take action other than an investigation;
  - iii. Refer the allegation to Standards for England;
  - iv. Decide that no action should be taken in respect of the allegation; or

- v. 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 in accordance with the Regulations subsisting at the time, agree a written summary of its decision and the reasons for it and instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned.

## 6. Review

- 6.1. Upon receipt of a request for a review of a decision of a Sub-Committee that no action be taken in respect of an allegation, and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the earlier Sub-Committee, subject to paragraph 2.3, 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;
- ii. After consulting the Monitoring Officer refer the matter to him/her to take action other than an investigation;
- iii. Refer the allegation to Standards for England;
- iv. Decide that no action should be taken in respect of the allegation; or
- v. 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 in accordance with the Regulations subsisting at the time, agree a written summary of its decision and the reasons for it and instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned.

- 6.2. Where information is available to the Sub-Committee at a Review which was not provided to the Sub-Committee which made the initial assessment, the Sub-Committee may refer the allegation back to the earlier Sub-Committee in which case it will pass a resolution to take no further action.

7. Consideration Meetings
  - 7.1. Upon completion of the investigation report, the Monitoring Officer will refer it to a Sub-Committee for consideration.
  - 7.2. If the investigation report finds no failure to comply with the Code of Conduct, the Sub-Committee must:
    - i. accept the recommendation;
    - iii. refer it to a determination hearing;
    - iv. refer it to the Adjudication Panel for England for determination.
  - 7.3. If the investigation report finds that there has been a failure to comply with the Code of Conduct, the Sub-Committee must either:
    - i. refer it to a determination hearing;
    - ii. refer it to the Adjudication Panel for England for determination.
  - 7.4. Where a report is to be referred for a determination hearing, the Sub-Committee will consider the potential issues that might arise during the pre-hearing process, in accordance with the Guidance subsisting at the time.
8. Determination Hearings
  - 8.1. The Sub-Committee shall undertake a determination hearing in accordance with the Regulations subsisting at the time and will make one of the following findings:
    - i. There has been a failure to comply with the Code of Conduct; or
    - ii. There has not been a failure to comply with the Code of Conduct.
  - 8.2. If the Sub-Committee finds that a Subject member has failed to follow the Code of Conduct and that they should be sanctioned, it may impose any one or a combination of the following:
    - i. censure of that Member;
    - ii. restriction for a period not exceeding six months of that member's access to the premises of the authority or that Member's use of the resources of the authority, provided that those restrictions meet both the following requirements:
      - a. they are reasonable and proportionate to the nature of the breach

- b. they do not unduly restrict the person's ability to perform the functions of a Member;
- iii. partial suspension of that member for a period not exceeding six months;
- iv. suspension of that member for a period not exceeding six months;
- v. that the Member submits a written apology in a form specified by the Standards Committee;
- vi. that the Member undertakes such training as the Standards Committee specifies;
- vii. that the Member participates in such conciliation as the Standards Committee specifies;
- viii. partial suspension of that Member for a period not exceeding six months or until such time as the Member has met either of the following restrictions:
  - a. They have submitted a written apology in a form specified by the Standards Committee
  - b. They have undertaken such training or has participated in such conciliation as the Standards Committee specifies;
- ix. suspension of that Member for a period not exceeding six months or until such time as the Member has met either of the following restrictions:
  - a. They have submitted a written apology in a form specified by the Standards Committee
  - b. They have undertaken such training or has participated in such conciliation as the Standards Committee specifies.

8.3. The Sub-Committee shall, in accordance with the Regulations subsisting at the time, make a written decision available to the relevant parties and arrange publicity of the findings.

## 9. Dispensations

9.1. The Sub-Committee will consider written requests for dispensations for Members allowing them to speak and vote at a meeting when they have a prejudicial interest in accordance with legislation and using the agreed protocol as set out in Part 6 of the Constitution of the Council.

## 10. Ruling on Politically Restricted Posts

10.1. The Sub-Committee will consider applications from members of staff for exemption from political restriction in respect of a post he or she holds with the Council and consider applications for a direction that the Council include any post in the list of politically restricted posts maintained by it in accordance with legislation and agreed protocol as set out in Part 6 of the Constitution of the Council.