

Article 8 – The Governance and Standards Committee

8.1 COMPOSITION

- (a) The Governance and Standards Committee shall comprise four Independent Members appointed by the HFA and at least one Member nominated by each of the political groups on the HFA;
- (b) No substitute Members will be permitted;
- (c) The quorum for meetings of the Committee shall be three Members, provided that at least one Independent Member must be present at any meeting of the Committee;
- (d) The Chairperson of the Committee is an Independent Member, elected annually at the first meeting of the Committee following the Annual General Meeting of the HFA, who has a second or casting vote;
- (e) There is no legal requirement for the Committee to be politically balanced.

8.2 FUNCTIONS

The Governance and Standards Committee shall be responsible for the following (and shall have delegated authority accordingly):

- (a) Promoting and maintaining high standards of conduct by Members, including co-opted Members, appointed Members of Committees and Officers;
- (b) To discharge the responsibilities of a Standards Committee under the Local Government and Public Involvement in Health Act 2007 and under the Standards Committee (England) Regulations 2008;
- (c) To take such steps, including establishing two sub-committees, as set out in paragraph 8.3 below, and adopting such procedures as may be necessary to comply with the relevant provisions of the Local Government and Public Involvement in Health Act 2007, and subsequent Regulations, in respect to the assessment and investigation of misconduct allegations;
- (d) To consider any complaints against any Member or Co-opted Member, or Appointed Member of a Committee, relating to an alleged breach of the HFA's Code of Member Conduct;
- (e) To deal with the grant and supervision of exemptions from political restriction in respect of any post by the holder for the time being of that post and to give directions to the HFA as to whether the post should or should not be regarded as a politically restricted post;

- (f) Assisting the Members and Officers to observe the Members' Code of Conduct;
- (g) Advising the HFA on the adoption or revision of the Members' Code of Conduct;
- (h) Monitoring the effectiveness of the Members' and Officers' Codes of Conduct;
- (i) Advising, training or arranging to train Members and Officers on matters relating to the Members' Code of Conduct;
- (j) The monitoring of and issues relating to the declaration of interests and offer/receipt of gifts and hospitality by Members and Officers;
- (k) Any matter raised by the Audit Commission or Standards Board for England in relation to matters within the remit of the Committee;
- (l) To keep under regular review the effective governance of the HFA and make recommendations to the HFA accordingly;
- (m) To grant dispensations to Members with prejudicial interests;
- (n) To grant exemptions for politically restricted posts;
- (o) Considering and advising upon a protocol for Members and Officers;
- (p) Such other matters as may be specified under this Constitution, in particular in respect to Part 5.

8.3 SUB-COMMITTEES

In accordance with the Local Government and Public Involvement in Health Act 2007 and the Standards Committee (England) Regulations 2008 (and such Guidance as may be issued), there shall be established two Sub-Committees of the Governance and Standards Committee. The first shall be called a Referral or Assessment Sub-Committee. The second shall be called the Review Sub-Committee.

8.3.1 A Referral or Assessment Sub-Committee

- (a) A Referral or Assessment Sub-Committee shall be established which shall have responsibility for the initial assessment of allegations of Member Misconduct and determining whether a particular allegation should be investigated. The Referral or Assessment Sub-Committee will hear the allegation should the report of the Investigating Officer conclude that there is a breach of the Members' Code of Conduct.
- (b) A procedure for the operation (including the management of allegations) of the Referral or Assessment Sub-Committee

shall be approved by the Governance and Standards Committee.

- (c) The Referral or Assessment Sub-Committee shall comprise at least three Members of the Governance and Standards Committee. The Sub-Committee shall be chaired by an Independent Member of the Governance and Standards Committee. Where possible the Sub-Committee shall comprise two Independent Members (including the Chairperson) and an Elected Member.
- (d) The Composition of the Referral or Assessment Sub-Committee, unless determined by regulation, shall be determined by the Monitoring Officer in consultation with the Chairperson of the Governance and Standards Committee having due regard to the particular allegations received and any potential conflicts of interest.
- (e) The Referral or Assessment Sub-Committee shall discharge the functions set out in Regulation 6(1)(a) of the Standards Committee (England) Regulations 2008.

8.3.2 Review Sub-Committee

- (a) A Review Sub-Committee shall be established which shall have responsibility for considering any request from a complainant to review a decision of the Referrals Sub-Committee not to investigate a particular allegation.
- (b) A procedure for the operation (including the management of allegations) of the Referral Sub-Committee shall be approved by the Governance and Standards Committee.
- (c) The Review Sub-Committee shall comprise at least three Members of the Governance and Standards Committee. The Sub-Committee shall be chaired by an Independent Member of the Governance and Standards Committee. Where possible the Sub-Committee shall comprise two Independent Members (including the Chairperson) and an Elected Member.
- (d) The Composition of the Review Sub-Committee, unless determined by regulation, shall be determined by the Monitoring Officer in consultation with the Chairperson of the Governance and Standards Committee having due regard to the particular allegations received and any potential conflicts of interest.
- (e) The Review Sub-Committee shall discharge the functions set out in Regulation 6(1)(b) of the Standards Committee (England) Regulations 2008.

8.4 **MEETINGS OF THE COMMITTEE**

The Committee shall meet as and when required, but at least three times per year.