



Article 9: The Ethical Governance Committee

9.01 Terms of reference

The Council will establish an Ethical Governance Committee to discharge the functions conferred by Part 7 of the Localism Act 2011 and such other of the authority's functions as it sees fit..

9.02 Form and composition

The Ethical Governance Committee will consist of nine members :

- a) which shall undertake responsibility for the discharge of the functions in relation to both District Council and Town or Parish Council matters within the District; and
- b) which shall be comprised of:
 - i) seven elected Members of the District Council, appointed in accordance with the proportionality rules of the Local Government and Housing Act 1989;; and
 - ii) two members of Town or Parish Councils wholly or mainly in the Council's area (the 'Parish Members'), who may not also be District Councillors..

9.03 Parish members

- a) The Parish Members will be selected in accordance with the following process:
 - i) the Monitoring Officer, in consultation with the Chairman, will draw up a person specification and nomination form for the appointment of Parish Members of the Ethical Governance Committee from the date of appointment until the date of the following Town and Parish Council elections;
 - ii) each Town and Parish Council for which Harborough District is the responsible authority be invited to nominate one of their number to become a Parish Member in accordance with the above; and
 - iii) the Ethical Governance Committee, Chairman, in consultation with the South Leicestershire branch of the Leicestershire and Rutland

Association of Parish Councils, select the Parish Members of the Ethical Governance Committee.

- b) Each Parish Member will hold office until:
 - i) they resign from the office;
 - ii) they are suspended from being a Councillor or Member under Part III of Local Government Act 2000;
 - iii) they are no longer a Parish Councillor;
 - iv) they are elected as a Councillor of a principal authority; or
 - v) upon appointment of the succeeding Parish Members as a consequence of the selection process set out at paragraph (a) above, which shall take place at the earliest reasonable opportunity following general Parish Council elections across the District.
- c) The Parish Members will not be entitled to vote at meetings of the Ethical Governance Committee.

9.04 Independent Persons

The Council must appoint at least one independent Person in accordance with Section 28 (6) and (7) of Localism Act 2011.

- a) The Independent Person must be consulted before making a decision on a member conduct complaint that has been investigated.
- b) The Independent Person may also be consulted by the Monitoring Officer at any stage after a complaint has been received and by the Member who is the subject of the complaint.
- c) The Independent person is not a member or co-opted member of the Ethical Governance Committee but may attend any meeting of the Committee at the request of the Committee or Monitoring Officer

9.05 Proceedings of the Ethical Governance Committee

The Ethical Governance Committee will conduct their proceedings in accordance with the Council Procedure Rules set out in Part 4(1), and the Access to Information Rules set out in Part 4(2), except where the Council (which includes those matters set in this Article) or statute provide otherwise.

a) **Chairing the Committee**

The Chairman, or Chairman and Vice-Chairman (as desired), of the Committee will be chosen from the District Council members of the the Committee.

b) **Quorum**

The quorum shall be the nearest whole number of members above fifty per cent of the total membership of the Committee, and which must include:

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i) when matters relating to Parish Councils within the District (or the members of those Parish Councils) are being considered one Parish Member.

c) **Access to Information**

The Ethical Governance Committee shall act in accordance with the Access to Information Procedure Rules set out in Part 4(2) of this Constitution, and where those Rules refer to the authority giving to the public or making available for public inspection:

- i) notice of a meeting;
- ii) the agenda of a meeting;
- iii) reports relating to items when the meeting was or is to be open to the public; and
- iv) minutes or summaries of proceedings

the authority will provide to every Parish Council for which it is responsible written copies of the same (upon request).

9.07 Key Role and Function

The Ethical Governance Committee will have the following roles and functions:

- a) promoting and maintaining high standards of conduct by Councillors, co-opted members;
- b) assisting the Councillors and, co-opted members to observe the Members' Code(s) of Conduct;
- c) advising the Council on the adoption or revision of the Members' Code(s) of Conduct;
- d) monitoring the operation of the Members' Code(s) of Conduct;
- e) advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code(s) of Conduct;

- f) f) sessment of written allegations of failure to comply with an authority's Code of Conduct referred by the Monitoring Officer and in accordance with the Council's adopted arrangements for dealing with complaints.
- h) ; and
- i) the exercise of (a) to (h) above in relation to the Town and Parish Councils wholly or mainly in its area, and the members of those Councils.

9.08 Additional Role and Function

Beyond those matters referred to in Article 9.07 above, the Standards Committee will also exercise the following other functions in respect of the authority:

- a) overview of the public interest disclosure (whistle-blowing) protocol;
- b) process of complaints handling and Ombudsman investigations;
- c) oversight of the constitution; and
- d) recommending changes to procedures, or the Codes, or any other part of the Constitution in respect of probity issues considered required in the light of
 - i) experience on any matters arising from investigations by the local government ombudsman where maladministration is found;
 - ii) ;and
 - ii) matters referred to the Committee by the Council or the Executive.