

### **Independent Ethics Panel - Terms of Reference**

#### **1 Purpose**

- 1.1 To act independently to advise the Council on matters of ethics and ethical conduct and to exercise the functions of the statutorily appointed Independent Persons under the Localism Act 2011.

#### **2 Responsibilities**

- 2.1 To advise the Council on the best practice to promote and maintain high standards of conduct by the Members and Co-opted Members of the Council.
- 2.2 To advise the Council on the adoption or revision of a Members' Code of Conduct.
- 2.3 To advise the Council on the adoption or revision of the arrangements for dealing with complaints alleging a breach of the Members' Code of Conduct.
- 2.4 To advise whether a complaint should be investigated.
- 2.5 To make recommendations to be taken into account by the Audit and Transparency Committee before it takes a decision on a complaint which has been investigated.
- 2.6 To advise the Council on matters relating to ethics and ethical conduct, anticipate ethical challenges and foster good practice.
- 2.7 To make relevant recommendations on these matters to the Chief Executive and Monitoring Officer.
- 2.8 To give regular updates on the work of the Panel to the Chief Executive, Monitoring Officer, Administration Committee and full Council.

#### **3 Membership and Operation**

- 3.1 The Panel will be constituted of three Independent People appointed by the Council in accordance with the Localism Act 2011.

- 3.2 As far as possible, membership of the Panel will ensure it has the following skills and experience:
- knowledge of local government;
  - legal expertise;
  - experience of ethics and ethical judgements;
  - accountability to the public; and
  - professional or personal connection to Kensington & Chelsea.
- 3.3 The Localism Act prohibits any person who within the last five years has been a Member, co-opted Member or officer of the Council, from being appointed as the Independent Person who has the statutory role of giving views on any complaint about the conduct of a Member of the authority.
- 3.4 Section 28(8)(a) of Act also stipulates that person is not independent (and cannot therefore be considered for appointment) if the person is:
- a member, co-opted member or officer of the authority,
  - a member, co-opted member or officer of a parish council of which the authority is the principal authority, or
  - a relative, or close friend, of a person within sub-paragraph (i) or (ii).
- 3.5 Members of the Panel will be remunerated at the rate of £300 per day for a minimum of four days' work per year.
- 3.6 The Panel, once established, will advise on its mode of operation. Meetings of the Panel will be chaired on a rotating basis by one of the three Panel members.