

STANDARDS COMMITTEE

DATE OF MEETING: 13 AUGUST 2020

TITLE OF REPORT: REVIEW OF STANDARDS COMMITTEE TERMS OF REFERENCE

Report of: Monitoring Officer

1 PURPOSE OF REPORT

1.1 To discuss possible updated Terms of Reference for Standards Committee.

2 OFFICER RECOMMENDATION

2.2 Standards Committee express a view on potential adjustments to the Committee's Terms of Reference.

3 BACKGROUND

3.1 The Council's Constitution dates back to the Model Constitution imposed by the Government in 2000. The Localism Act 2011 removed the obligation to follow the Model Constitution and allowed local authorities the freedom to adopt their own form of Constitution.

3.2 The current terms of reference for Standards Committee were slightly adjusted in 2012 but essentially, they represented a carryover from the 2000 version. They do not now represent a practical interpretation of the Localism Act 2011 implications. The time is right therefore to look at a possible review particularly as reviews of all the District Council's Committee terms of references is regularly referenced by the Council's external Auditors.

4 CONSIDERATIONS

4.1 The Localism Act significantly change the Standards relationship between district and parish councils. Rather than each having a prescribed Code of Conduct with a very stringent and prescriptive Standards regime the Localism Act introduced a very light touch approach, with limited sanctions for breaches. There is now no wider oversight required of the respective parish councils with all councils now free to adopt their own individual Code of Conduct. The District Council's role has also significantly scaled back to more dealing with complaints but without power to impose sanctions.

5 THE NEXT STEPS

5.1 The wording of a potential review of the Committee's Term of Reference (attached as **Appendix I**) reflect the lighter touch approach. The matter is more for discussion rather than action.

Article 9A - The Standards Committee

9A.01 Establishing the Standards Committee

The Council's annual meeting will establish a Standards Committee.

9A.02 Composition

Political Balance: Standards Committees do not have to comply with the political balance rules in section 15 of the Local Government and Housing Act 1989 but shall be appointed as if in accordance with the political balance rules in Section 15 of the Local Government and Housing Act 1989.

Advisory Committee to Council: The Standards Committee shall be an advisory committee as defined by S.102 (4) Local Government Act 1972. It will not be subject to the provisions of Section 12 or 13(4) (e) of the Local Government Act 1989.

Delegation of Powers

The Monitoring Officer has the necessary delegated powers to implement/action any recommendations arising from Standards Committee or Hearing Panels.

Membership: The Standards Committee will be composed of:

- Five district councillors;
- Three members of a town or parish council wholly in the Council's area (a parish member);
- No substitute Members will be permitted.

All Members of Standards Committee, including parish members of Standards Committee, will be entitled to vote at meetings. The Independent Persons appointed by the Council under S.28 of the Localism Act may attend Standards Committee and participate in any discussion, but they may not vote.

Parish Members: At least one parish member must be present when matters relating to town or parish councils or their members are being considered.

Chairing the Committee: any member of Standards Committee may be Chairman or Vice Chairman. The Chairman shall be elected for a three-year term of Office unless otherwise removed by the Committee.

9A.03 Role and function

The Standards Committee will have the following roles and functions:

- a. advising and making recommendations on the administration of any function related to standards of conduct of Members (District and Parish) under any relevant provision of or regulations made under the Local Government Act or the Localism Act 2011
- b. promoting and maintaining high standards of conduct by councillors and co-opted members;
- c. assisting councillors and co-opted members to observe the respective Members' Code of Conduct;
- d. advising the Council on the adoption or revision of the Members' Code of Conduct;
- e. monitoring the operation of the Members' Code of Conduct;
- f. advising, training or arranging to train councillors and co-opted members on matters relating to Code of Conduct matters;
- g. making recommendations on any report from the monitoring officer;