

ARUN DISTRICT COUNCIL
REPORT TO STANDARDS COMMITTEE
ON 01 July 2021

PART A : REPORT

SUBJECT Terms of Reference of Standards Committee

REPORT AUTHOR: Solomon Agutu – Interim Monitoring Officer

DATE: 01 July 2021

EXTN: 37432

COMMITTEE: Standards Committee

EXECUTIVE SUMMARY:

This report asks the Standards Committee to note its terms of reference as given by Full Council and to ask Constitution Working Party (CWP) to recommend to Council that the terms of reference of Standards Committee explicitly include the coordination of Member Learning and Development.

RECOMMENDATIONS: That Committee

1. Notes the general terms of reference for Committees in Part 3 paragraph 3 of the Constitution and further notes the specific terms of reference of this Committee as established by Full Council on 19 May 2021 as set out in part 1 and Part 2 of Appendix 1 (attached).
2. To ask CWP to recommend to Council that the terms of reference of Standards Committee explicitly include the coordination of Member Learning and Development.
3. Note the schedule of Committee meetings set out in the Calendar of Meetings attached.
4. Agree a workplan for the municipal year.

Background

1.This is the first meeting of the Committee under the new Committee System and it is appropriate that this Committee considers its terms of reference and where necessary seek clarification of these terms of reference from Full Council by way of a co-ordinated report from the Constitution Working Party (CWP), which is charged with reviewing the Constitution and coordinating suggestions from other Committees.

2.The Key role of this Committee is promoting and maintaining high standards of conduct by District Councillors, Town and Parish Councillors and co-opted Members. To date this role has been performed by adopting codes of conduct and arranging for training of Members on the Code of Conduct, hearing complaints. The Independent Persons are also involved in giving independent advice to the Monitoring Officer and to panels at all stages of the Local Assessment Process.

It is submitted that Member conduct goes hand in hand with Member knowledge. For this reason Members on some Committees are required to undergo training before sitting on a Committee. The Committees which require such training are set out in Appendix 2. There is no central coordination of such training

The new Committee System places all members in decision making roles and there is no corresponding requirement for training. Having a co-ordinated approach to Member learning and development will build and free member capacity in carrying out their roles.

2. PROPOSAL(S):

The proposal is that Committee notes and accepts it terms of reference and asks CWP to recommend to Council that the terms of reference of Standards Committee explicitly include the coordination of Member Learning and Development. The delivery of such training will still be with the relevant Officer

3. OPTIONS:

1. Do nothing
2. Agree the proposals as recommended
3. Agree the proposals as recommended but with suggested amendments for clarifications to be made to CWP for consideration and recommendation to Full Council

4. CONSULTATION:

N/A

Has consultation been undertaken with?	YES	NO
Relevant Town/Parish Council		
Relevant District Ward Councillors		
Other groups/persons (please specify)		
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	x	
Legal	x	
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x

6. IMPLICATIONS:

Legal: the legal implications are set out in the background paragraph above

Finance: the financial implications of delegations are set out in the contract standing Orders and in the Financial Regulations

7. REASON FOR THE DECISION:

To allow the Council to effectively discharge its' duties.

8. BACKGROUND PAPERS:

[Calendar of Meetings](#)

APPENDIX 1

Standards Committee terms of Reference from 2021/2022

PART 1 - GENERAL TERMS OF REFERENCE

Extract from Part 3 Paragraph 3 of the Constitution

3.0 TERMS OF REFERENCE OF COMMITTEES

3.1 Committees will work to the following general terms of reference in discharging the specific functions allocated to them:

3.1.1 Each Committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do other things that they reasonably consider necessary to inform their deliberations.

3.1.2 Each Committee is expected to determine by resolution all matters falling within their purpose and functions with the exception of:

- a) any plans and strategies listed in the Policy Framework at Article 4 of this Constitution;
- b) compulsory purchase orders;
- c) limitations set out in the Financial Procedure Rules and Purchasing, Procurement, Contracts & Disposals Rules as set out in Part 6 of this Constitution; and
- d) any matter which by law must be reserved to the Full Council which will be recommended to the Full Council or Corporate Policy and Performance Committee, as appropriate.

3.1.3 Where a function does not clearly fall within the remit of one particular Service Committee, the Corporate Policy and Performance Committee shall direct which Committee shall deal with the function, or deal with the matter itself.

3.1.4 Each Committee is authorised to establish Sub-Committees and Working Parties as it considers necessary for the effective conduct of the Committee's powers and duties. The establishment of any Sub-Committees and Working Parties shall have regard to the overall resource parameters and advice of the Chief Executive and officers.

3.1.5 Each Committee is authorised to delegate to officers such further powers as it thinks fit to facilitate the effective management of the Council's and the Committee's business.

3.1.6 In discharging its functions, Committees must have regard to the ongoing requirement to make savings and efficiencies.

APPENDIX 1 PART 2 - SPECIFIC TERMS OF REFERENCE

EXTRACT FROM PART 3 OF THE CONSTITUTION - RESPONSIBILITY FOR FUNCTIONS

5.4 STANDARDS COMMITTEE

Membership

11 Members + minimum of 3 Independent Persons

No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Monitoring Officer in consultation with the Chair has been undertaken.

Purpose

The Committee has delegated authority to exercise the following functions of the Council:

- Members' Code of Conduct
- Code of Conduct complaint reviews

Specific Functions

The Committee shall also exercise the following specific functions by or on behalf of the Council:

1. Promoting and maintaining high standards of conduct by District Councillors, Town and Parish Councillors and co-opted Members.
2. Advising the Council and Town and Parish Councils on the adoption or revision of the Members' Code of Conduct.
3. Monitoring the operation of the Local Assessment Procedure and recommending any revisions to the Full Council.
4. Where not covered by the Local Assessment Procedure, determining the action to be taken on any failure of a District Councillor, Town or Parish Councillor or co-opted Member to comply with the relevant authority's Code of Conduct following a report from the Monitoring Officer.
5. Determining any review made under the Local Assessment Procedure following a report from the Monitoring Officer.
6. Advising and supporting the Monitoring Officer in the delivery of training on the Members' Code of Conduct to District Councillors, Town and Parish Councillors and co-opted Members.
7. Considering membership and recruitment of Independent Persons to the Committee and making recommendations for appointments to the Full Council.
8. All other functions relating to standards of conduct of District Councillors, Town and Parish Councillors and co-opted Members under the Localism Act 2011 or Regulations made under it.

Role of Independent Persons

- a) They will have a consultative role when the Standards Committee or Assessment Panel makes decisions on complaints made against Councillors.

- b) They will be invited to meetings of the Standards Committee and may remain in meetings for all items to be considered unless they have a conflict of interest. Where they do, the Chair and Vice-Chair will have authority to decide if they may take part in the debate or request that they leave the meeting.
- c) They will not be entitled to vote at or chair meetings.

Appendix 2

Extracts from Terms of Reference of Committees relating to Training

4.3 PLANNING POLICY COMMITTEE

Membership
11 Members

No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Director of Place in consultation with the Chair has been undertaken

5.1 AUDIT AND GOVERNANCE COMMITTEE

Membership
11 Members

No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Group Head of Corporate Support in consultation with the Chair has been undertaken.

5.2 PLANNING COMMITTEE

Membership
11 Members

No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Director of Place in consultation with the Chair has been undertaken.

5.3 LICENSING COMMITTEE

Membership
11 Members

No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Director of Place in consultation with the Chair has been undertaken.

5.4 STANDARDS COMMITTEE

Membership

11 Members + minimum of 3 Independent Persons

No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Monitoring Officer in consultation with the Chair has been undertaken.