

## **REVISED TERMS OF REFERENCE OF STANDARDS COMMITTEE**

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Wards affected: all

### ***PROPOSED DECISION***

The Committee is asked to recommend the adoption of the attached revised Terms of Reference to the Regulatory and Appeals Committee.

#### **Corporate Implications**

The proposed revised Terms of Reference are in response to Part 1 of the Localism Act 2011, which has made fundamental changes to the system of regulation of standards of conduct for members.

#### **Executive Summary**

The Terms of Reference of the Committee (**Appendix A**) have been revised to reflect the extensive changes made to the standards regime by the Localism Act. The proposed Terms of Reference reflect the new composition of the Committee, and set out the matters that remain the responsibility of the Committee and those matters that are the responsibility of the Monitoring Officer.

#### **Background and Issues**

On 31 July 2012, Council agreed:

- (a) That a Standards Committee be established, comprising eight elected members of the District Council, appointed proportionally (currently 6 Conservative, 1 Labour and 1 Liberal Democrat).
- (b) That the Leader of the Council be requested to nominate to the Committee one member who is a member of the Executive;
- (c) That the Parish Councils be invited to nominate a maximum of three Parish Councillors to be co-opted as non-voting members of the Committee.

As a result of the changes made by the Localism Act there is now no statutory requirement to have a Standards Committee. However, it was felt that it would be advisable to retain a Standards Committee in order to deal with standards issues and case work by way of Hearings Panels drawn from members of the Committee. This Committee is now a normal committee of Council, without the unique features which the statutory Standards Committee was given by the previous legislation.

As a result the composition of the Committee is governed by proportionality. The former co-opted independent members of the Committee ceased to hold office on 30 June, but the Act requires the appointment of Independent persons who must be consulted at various stages of an investigation. The Independent Persons may be

invited to attend meetings of the Standards Committee, but cannot be voting members of the Committee.

The District Council continues to have responsibility for dealing with standards complaints against elected and appointed members of Parish Councils, but the former Parish Council representatives ceased to hold office on 30 June. The District Council can choose whether it wants to continue to involve Parish Council representatives as co-opted but not voting members, and has chosen to do so.

The proposed Terms of Reference reflect the new composition of the Committee, and set out the matters that remain the responsibility of the Committee, including the consideration of complaints at Hearings Panels arranged for the purpose, and those matters that are now the responsibility of the Monitoring Officer. These are:

- following consultation with the Independent Person, determination on whether a complaint warrants investigation;
- the arrangement of investigations;
- where appropriate, seeking informal resolution as an alternative to formal investigation;
- the closure of complaints;
- Where the Investigating Officer concludes that there is evidence of a failure to comply with the Code, and after consultation with the Independent Person. to seek local resolution where appropriate;
- to arrange Local Standards Hearings and to determine the composition of the Hearings Panel.

The Standards Committee's role in granting dispensations to members where necessary, and its role in monitoring the operation of the Council's Complaints procedure, have also been included.

## **Conclusions**

The Committee is recommended to refer the proposed terms of reference to the Regulatory and Appeals Committee, as a revision of the Constitution, for recommendation to Council.

## **Background Papers**

- Part 1 of the Localism Act 2011 and associated Government guidance
- Agendas and minutes of the Standards Committee meetings of 24 January 2012, 27 March 2012, and 27 June 2012
- Agenda and minutes of the Council meeting of 31 July 2012.