

CONSTITUTIONAL ISSUES

(Report by the Director of Central Services and Monitoring Officer)

1. INTRODUCTION

- 1.1 The purpose of this report is to advise Members of the decisions taken by the Council at their meeting held on 21st July 2004 in response to the Committee's recommendations in respect of the establishment of a Corporate Governance Panel and on the future chairmanship of the Committee.

2. NEW CORPORATE GOVERNANCE PANEL

- 2.1 Members may recall that at its last meeting in July, the Committee recommended to the Council the establishment of a Corporate Governance Panel to deal with the issues of audit, governance and finance arising from the Local Government Act 2003 and new Accounts and Audit Regulations.

- 2.2 The opportunity also was taken to review the terms of reference of the Standards Committee and to consider whether some of the duties of that Committee might appropriately lie with the Corporate Governance Panel.

- 2.3 As a consequence, the Committee recommended to Council that their terms of reference be amended to omit those duties which did not relate to the Members Code of Conduct.

- 2.4 The Council endorsed the recommendations of the Cabinet and Standards Committee in respect of the establishment of the new Corporate Governance Panel and consequential amendments to the District Council's Constitution. For the benefit of Members, the Standards Committee now has the following functions and roles in respect of the District Council and its Members and Town and Parish Councils and their Members –

- ◆ to promote and maintain high standards of conduct by Members;
- ◆ to assist Members and co-opted Members to observe their authorities Codes of Conduct;
- ◆ to advise the Council on the adoption or revision of the Members' Code of Conduct and to monitor the operation of the Code;
- ◆ to advise, train or arrange to train Members and co-opted Members on matters relating to the code;
- ◆ to grant dispensations to Councillors and co-opted Members from the requirements relating to interests in the Members' Code of Conduct;

- ◆ to deal with reports from a case tribunal or interim case tribunal or any reports from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer;
- ◆ to formulate and recommend to the Council for adoption a protocol for Member/Employee relations and to monitor the operation of the protocol; and
- ◆ to adopt a Code of Conduct for planning and to monitor the operation of the Code.

3. CHAIRMANSHIP OF THE COMMITTEE

3.1 The following recommendations regarding the future Chairmanship of the Committee also were reconsidered by the Council meeting in July-

- (a) that on the understanding that an individual is willing to undertake the position, an Independent Member be invited to chair the Standards Committee with effect from the commencement of the Municipal Year 2004/05.
- (b) that the Independent Remuneration Panel be requested to consider the payment of a separate co-optee's allowance to an Independent Member who becomes chairman of the Standards Committee; and
- (c) that the District Council's Constitution be amended to enable the Chairman of the Committee or in his/her absence the Vice-Chairman, irrespective of whether that person is an elected Member, to present the report of the Committee at Council meetings

3.2 The foregoing recommendations were approved by the Council.

4. CONCLUSION

4.1 In noting the decisions taken by the Council at its meeting held on 21st July 2004, Members are requested to receive the amended terms of reference for the Committee.

BACKGROUND PAPERS

Council Minutes 21st July 2004.

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