

**PROPOSED CHANGES TO TERMS OF REFERENCE
(Report by the Head of Legal & Democratic Services and
Monitoring Officer)**

1. INTRODUCTION

- 1.1 The special meeting of the Committee in June 2012 recommended the Council 'to authorise the Head of Legal & Democratic Services and Monitoring Officer, after consultation with the Chairman of the Standards Committee and the Corporate Governance Panel to make appropriate variations to the Constitution consequent upon the changes to the District Council's Standards arrangements.'
- 1.2 The Council approved this recommendation at its meeting on 4th July 2012. The Council also agreed to retain a Standards Committee comprising seven elected Members on the basis that there still was a need to respond to standards issues and consider how best to deal with complaints and investigations.
- 1.3 Because the timescale for the adoption of the new Code and its implications was short, there was little opportunity to consider in any detail how a new Standards Committee might operate in the future. Reports elsewhere on this Agenda consider the potential for Parish Council representation on the new Committee and the appointment of Independent Persons. Both would be co-opted to the Committee as non-voting Members.
- 1.4 It is opportune therefore to consider the terms of reference for the new Committee and to update in particular, Article 9 of the Constitution which relates to the Standards Committee.

2. ARTICLE 9 – STANDARDS COMMITTEE: ISSUES

- 2.1 A copy of the current Article 9 is appended with suggested amendments to reflect the way in which it is envisaged the Committee might begin to operate.
- 2.2 There are several issues to consider. In terms of attendance, there is no longer a requirement for the Independent Person or Deputy to be present at a meeting of the Committee for the proceedings to be valid nor for Town and Parish Councillors to be present when matters relating to Town and Parish Councils or their Members are being considered. The Committee may wish to consider whether this arrangement should continue irrespective of the absence of any statutory requirement in this respect.
- 2.3 Members will recall that formerly misconduct complaints were considered through a process involving three separate Sub-Committees. Whilst the new regime presents an opportunity to simplify this approach, the Committee may consider it appropriate (for greater flexibility) to appoint a Sub-Committee to respond to any complaints which may arise in the future. The Localism Act also gave

discretion for dispensations to be granted in certain circumstances by the Monitoring Officer. There are still circumstances, however, when it might be appropriate that discretion to grant dispensation remains with the Committee or a Sub-Committee, after consultation with the Independent Person. Should requests for dispensations require to be considered urgently it could be more convenient to call meetings of a Sub-Committee rather than the full Committee.

- 2.4 It is suggested that a potential Sub-Committee might comprise 3 Members but the Committee might consider that the Independent Person (or Deputy) and a Town and Parish Council representative also should become involved albeit in a non-voting capacity.

3. RECOMMENDATION

- 3.1 Members' views are invited on the proposed new Terms of Reference for the Standards Committee and the potential for the appointment of a Sub Committee to deal with complaints and respond to urgent applications for dispensation. .

BACKGROUND PAPERS

District Council Constitution

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