



Ward: N/A
Key decision: No

Committee Terms of Reference

Report by the Executive Head of Legal and Democratic Services

1.0 Summary

- 1.1 On 14 April 2008 the Council adopted a new Constitution, this came into effect from the Annual Meeting on 20 May. The new Constitution, taking the Council to a Cabinet and Leader form of decision making has necessitated new Terms of Reference for Committees. The new Terms for this committee are attached.
- 1.2 The Annual Council meeting also noted that the new Regulations for investigations into Member's Behaviour would be considered at an early meeting of this committee which are likely to require changes to the Terms of Reference, number of independent members and an increase in sub-committees. This report is elsewhere on this agenda.

2.0 Background

- 2.1 Following consultation and detailed work by the Member/Officer Working Party, Council on 18 April 2008 adopted a new Constitution.
- 2.2 By moving to a Cabinet and Leader form of decision making under the Local Government and Public Involvement in Health Act 2007, a number of changes have had to be made to the Council's decision making processes.

3.0 Proposals

- 3.1 The new Terms of Reference for this Committee are attached to this report, they have been approved by Council in April, reaffirmed by the Annual Meeting on 20 May, therefore are only for noting.
- 3.2 While noting the Terms attached the committee should be aware that changes are necessary following the publication of the Standards Committee (England) Regulations 2008 are for consideration elsewhere on this agenda.

4.0 Legal

- 4.1 The functions of the Council, Cabinet, Individual Cabinet Members and Committees are defined in the Local Government Act 2000 and the Local Government Public Involvement in Health Act, 2007 and regulation made under those Acts.
- 4.2 The Terms of Reference attached are separated into delegated functions and advisory functions, these are the limits to this Committee's responsibilities as detailed in the Constitution.
- 4.3 Elected member roles and responsibilities are further defined in the Article on Members of the Council.
- 4.4 Until the Standards Committee (England) Regulations are adopted by Council, the attached Terms of Reference are those that apply to this Committee.

5.0 Financial implications

- 5.1 There are no direct financial implications from this report.

6.0 Recommendation

That the Committee notes its new terms of reference, with the understanding that the report elsewhere on the agenda will make proposals to Council for changes in them, as required by the Standards Committee (England) Regulations 2008.

Local Government Act 1972

Background Papers:

Adur District Council, Constitution adopted 15 April 2008

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Schedule of other matters

1.0 Council Priority

- 1.1 None

2.0 Specific Action Plans

- 2.1 **(A) None**
(B) None

3.0 Sustainability Issues

- 3.1 Matter considered and no issues identified

4.0 Equality Issues

4.1 Matter considered and no issues identified

5.0 Community Safety issues (Section 17)

5.1 Matter considered and no issues identified

6.0 Human Rights Issues

6.1 Matter considered and no issues identified

7.0 Reputation

7.1 Standards members have a role to play to ensure that the Council's reputation is maintained through the Code of Conduct and issuing advice to Members.

8.0 Consultations

8.1 (A) Consultations were undertaken by the Working Group

8.2 (B) Reviews expressed in the Scrutiny Review 2007 were taken into account when working on these proposals for the new Constitution.

9.0 Risk assessment

9.1 Matter considered and no issues identified

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership working

12.1 Matter considered.

Extract from the Constitution, May 2008:

Standards Committee

Terms of Reference

Membership:

- (i) 3 elected District Council members (who shall not be the leader of any political group); and
- (ii) 2 independent persons (who shall not be councillors or officers of the Council or any other body having a local authority standards committee under the Local Government Act 2000); and
- (iii) 2 elected parish Council members, one from each of the parish Councils in the District.

Quorum: 3 - 1 District member, 1 independent (and 1 parish member for parish matters)

Chairmanship:

The Chair of the Standards Committee and any Sub-Committee of the Standards Committee shall be a person who is not a member, or an officer, of that or any other relevant authority, where a "relevant authority" means:

- (a) a county council;
- (b) a county borough council;
- (c) a district council;
- (d) a London borough council;
- (e) a parish council;
- (f) a community council;
- (g) the Greater London Authority,
- (h) the Metropolitan Police Authority;
- (i) the London Fire and Emergency Planning Authority;
- (j) the Common Council of the City of London in its capacity as a local authority or police authority;
- (k) the Council of the Isles of Scilly;
- (l) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
- (m) a police authority;
- (n) a joint authority established by PART IV of the Local Government Act 1985;
- (o) the Broads Authority, or
- (p) a National Park authority established under section 63 of the Environment Act 1995.

Advisory Functions

1. Promoting and maintaining high standards of conduct by Councillors;
2. Developing a local Members' Code of Conduct, including any National Code to be prescribed by the Secretary of State;
3. Advising the Council on the adoption or revision of its Members' Code of Conduct;
4. Assisting Councillors to observe the Members' Code of Conduct;

5. Advising, training or arranging to train Councillors on matters relating to the Members' Code of Conduct;
6. Advising the public on matters relating to the Members' Code of Conduct;
7. Implementing, monitoring and reviewing the operation of the Members' Code of Conduct;
8. Granting dispensations to Councillors from requirements relating to interests set out in the Members' Code of Conduct;
9. Dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer;
10. Determining whether or not complaints about the conduct of District or Parish Councillors shall be investigated;
11. Determining complaints about the Conduct of District and Parish Councillors;
12. Exercise the functions in (1) to (9) above in relation to Parish Councils in the Council's area and the members of those Parish Councils;
13. Implementing, monitoring and reviewing the operation of the Code of Conduct for Staff;
14. Implementing, monitoring and reviewing the operation of the Protocol on Member/Officer Relations;
15. Undertaking the Council's ethical governance audit of the rules and procedures applying within the Council and considering the need for any further provisions;
16. Submitting an annual report to Council.

Delegated Functions

1. To elect a Chairperson and Vice Chairperson (from the independent members only). Parish members shall not be entitled to vote on this matter;
2. To make an Annual Report on its work to Council.

Onward Limits on Delegations

Delegations to the Chief Executive, Strategic Directors, Executive Heads of Service and any limitations imposed are set out in the scheme of delegations to officers.

Local Determination Sub Committee(s)

Terms of Reference

Membership:

3 members (from the Standards Committee) including at least one independent (and at least one parish member for parish matters)

Quorum: 2

Delegated Functions

1. To elect a Chairperson from the independent members of the Local Determination Sub Committee;
2. To determine cases relating to district or parish councillors referred to it by the Standards Committee from the Standards Board for England.