

Review of Terms of Reference/Remit of Standards Committee

1. Aim

- 1.1 To review the terms of reference/remit of the Standards Committee.

2. Summary

- 2.1. All council committees have a remit that defines the area of work the committee is responsible for. These are set out at Part 3.2 of the Council Constitution. The remit of all committees are considered on an annual basis as part of the governance review which culminates in a report to annual council. This is not however an in depth review of each remit but part of a process of updating the constitution.

3. Recommendations

That the Committee:

- 3.1 note the report.
- 3.2 make recommendations in relation to the remit of Standards Committee to be discussed with the group leaders prior to being submitted to full Council.
- 3.3 thanks the working party for the work it has done in reviewing the terms of reference/remit of the Standards Committee.

4. Report Detail - Know

- 4.1 The current remit of the Standards Committee is set out in part 3.2 of the Councils Constitution and states that the Committee will discharge the following functions:
- (1) Promoting and maintaining high standards of conduct by Councillors, and voting co-opted members and church and parent governor representatives.
 - (2) Advising the Council on the adoption or revision of the Members' Code of Conduct.
 - (3) Assisting Councillors and voting co-opted members (and church and parent governor representatives) to observe the Members' Code of Conduct.
 - (4) Monitoring the operation of the Members' Code of Conduct.
 - (5) Advising and training Councillors, voting co-opted members (and Church and parent governor representatives) on matters relating to the Members' Code of Conduct.
 - (6) Dealing with all other functions under the relevant provisions of, or Regulations made under, the Localism Act 2011.

(7) To appoint hearing sub-committees of 4 elected members to hear and determine complaints against Members and Co-opted Members under the provisions of the Members Code of Conduct, and in accordance with locally agreed procedures.

(8) To make recommendations to Council on the appointment of an Independent Person as required under the Localism Act and any relevant Regulations.

(9) Other functions relating to standards of conduct of Members assigned to Standards Committees under any Act.

(10) Dealing with Members misconduct falling outside breaches of the Code of Conduct, for example, breaches of protocols.

(11) Whistleblowing Policy.

(12) Strategic overview of the Employees' Code of Conduct.

(13) Overview of the conduct element of reports from external auditors.

The last time that the remit of the Standards Committee was amended was on the 22nd May 2019. It is for Council to approve any changes to the remit of committees. This will normally be done in consultation with the Group Leaders and Elected Members.

- 4.2 As set out in section 37 of the Local Government Act 2000 each council is required by law to have a constitution. The purpose of the constitution is to ensure lawful, open, and transparent decision-making. Whilst all council constitutions are based upon the model constitution produced by the Deputy Office of the Prime Minister, all councils keep their Constitutions under review to ensure that they remain lawful and have the most efficient and effective procedures in place to administer council functions.
- 4.3 When this matter came before Standards Committee on the 24th October 2022 it was decided to establish a working party to review the remit of the standards committee and report back on the same at a future meeting.
- 4.4 The working party met on 27 February and 27 March 2023 and looked at the remit of the Standards Committee in detail. The working party felt it was important that the Standards Committee should be a stand-alone committee and not amalgamated with another committee, and that the frequency of meetings should remain quarterly. In addition the working party discussed in detail the importance of training and development for elected members, and that if possible a dashboard should be created to chart member development which may be indicative of their ability to fulfil more senior positions in the council. It was recognised however that the decisions on certain positions for councillors lay within the gift of group leaders, and the groups themselves. It was also recognised that the Standards Committee should, where possible, take a proactive role in maintaining and promoting high standards of conduct by councillors across the council.

4.5 In light of the discussions around training the current draft version of the remit for Standards Committee includes provision at paragraph 5 for the Committee to monitor the training of Councillors. The Committee may wish to discuss this further before making recommendations which would need to be discussed with the group leaders before being put to council for approval. The proposed remit is at Appendix 1 herewith.

4.6 The main proposed changes to the remit are as follows:

- Paragraph 5 - added in to paragraph 5 that the remit of the Committee is to also monitor training undertaken by Councillors.
- Paragraph 6 - included specific reference to Disclosable Pecuniary Interests and other significant interests.
- Paragraph 8 – insert recommendations in relation to IP remuneration
- Former paragraph 10 removed “(10) Dealing with Members misconduct falling outside breaches of the Code of Conduct, for example, breaches of protocols.” The reason for this was following discussion on 27 February it was hard to envisage misconduct being of a nature that fell outside of the scope of the Councillor Code of Conduct.
- New paragraph 10 - consolidated the strategic review of the whistleblowing policy with the employee code of conduct. The reason for this was that under the previous remit of the Committee it purely stated whistleblowing policy but gave no further indication as to the purpose of this being within the remit of the Committee. Reports in relation to actual whistleblowing will be presented to Audit Committee, as it is part of the internal controls of the council.
- Paragraph 11 - included in the words behaviour and cultures in respect of reports to the Standards Committee following any report that we received from external auditors, inspections etc.

5. Financial information

5.1 None contained within this report

6. Legal implications

6.1 As part of transparency, openness, and accountability in decision making the remit of committees should clearly set out the nature of the business that the committee will transact.

7. Decide

7.1 The committee is asked to approve the recommendations as set out in Paragraph 3.

8. Respond

8.1 If the committee support the proposed changes then these will be discussed with the relevant Group Leaders, and then be put to council as recommendations for changes to the constitution.

9. Review

- 9.1 The council reviews the operation of the constitution in general on an ongoing basis, and reports to annual council every year in relation to the same. In addition to the general review more detailed reviews are carried out as and when required on different aspects of the constitution to ensure that there is lawful decision making.

Background papers - none

Appendix 1 – Proposed new remit for Standards Committee

Tony Cox Director of Governance

Email: Anthony.Cox@walsall.gov.uk