

**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 which defines the area of work the committee is responsible for. This is 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 but part of a process of updating the constitution.

**3. Recommendations**

- 3.1 That the committee note the report.
- 3.2 The Committee set up a working party to review the remit of the committee to ensure that it is fit for purpose and report back to a subsequent meeting of Standards Committee.

**4. Report Detail - Know**

- 4.1 The 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:
- Promoting and maintaining high standards of conduct by Councillors, and voting co-opted members and church and parent governor representatives.
  - Advising the Council on the adoption and revision of the Members Code of Conduct.
  - Assisting Councillors and voting co-opted members (and church and parent governor representatives) to observe the Members Code of Conduct.
  - Monitoring the operation of the Members Code of Conduct.
  - Advising and training councillors, voting co-opted members (and church and parent governor representatives) on matters relating to the Members Code of Conduct.
  - Dealing with all other functions under the relevant provisions of, or Regulations made under, the Localism Act 2011.
  - To appoint hearing sub-committees of for 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.

- To make recommendations to Council on the appointment of an Independent Person as required under the Localism Act and any relevant Regulations.
  - Other functions relating to standards of conduct of Members assigned to Standards Committee's under any Act.
  - Dealing with Members misconduct falling outside breaches of the Code of Conduct, for example, breach of protocols.
  - Whistleblowing policy.
  - Strategic overview of the employee's code of conduct.
  - Overview of the conduct element of reports from external auditors.
- 4.2 The last time that the remit of the Standards Committee was amended was on the 22<sup>nd</sup> May 2019. It is for council to approve any changes to the remit of committees. This will normally done in consultation with the Group Leaders and Elected Members.
- 4.3 Each council by law is required s37 Local Government Act 2000 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. Whilst most council constitutions are similar there will be differences in all of them.
- 4.4 The Local Authority are required to keep the constitution up to date and publish the same which the council does on its website.
- 4.5 Some councils have amalgamated the standards function with the audit function in terms of committees. Walsall Council opted to have a distinct Standards Committee to emphasise the importance of Standards to the operation of the Council.

## **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 decide to establish a working party to review the remit of the committee, it will report back to the main committee in relation to any proposed changes to the remit, which if there are any will then need to make a recommendation to Council to make any changes, following consultation with the group leaders of the council.

## **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**

### **Appendix 1 – Sample remits of Standards Committees of other Local Authorities.**

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