

**REPORT TO THE MEETING OF CONSTITUTIONAL REVIEW
COMMITTEE ON 18 JUNE 2020**

Status: Recommendation
Title: Proposed amendment to the Constitution
Originator: Verina Wenham, Chief Officer Governance
Where from:
Where to next: Council

1 Purpose of Report

1.1 To consider proposed changes to the current terms of reference and make up of the Governance and Audit Committee and the Ethical Governance Committee as set out in the body of the report.

2 Recommendations:

2.1 **That the Committee considers the proposed amendments set out in paragraph 5.6 and Appendix A attached to this report and refers the proposed amendments to Council for approval and adoption.**

3 Summary of Reasons for the Recommendations

3.1 The Council has to ensure that it has in place a robust Constitution and that it should be reviewed regularly to ensure that all decisions are taken effectively and efficiently within the principles of open and accountable local government.

4 Impact on Communities

4.1 None as far as this report is concerned

5 Key Facts

5.1 The Governance and Audit Committee and the Ethical Governance Committee have historically been independently constituted committees; the Ethical Governance Committee was established in 2012 after the changes to the standards regime implemented by the Localism Act 2011. Both committees are responsible for council functions and as such cannot be discharged by the Cabinet.

- 5.2 Whilst the committees have their own free standing terms of reference, both are responsible for overseeing and monitoring the governance of the Council. Following discussion with the Leader of the Council it is proposed that consideration is given to merging the Governance and Audit Committee and the Ethical Governance Committee together to strengthen the remit and the membership of it.
- 5.3 The amended Terms of Reference for the revised committee have been attached at Appendix A to this report for members' consideration. It is suggested that the new committee is called the Audit and Standards Committee
- 5.4 Part of the role of the committee will be to deal with code of conduct issues, specifically code of conduct complaints and this covers complaints in respect of both district and town and parish councillors. Currently the Ethical Standards Committee has three Parish Members, as non voting members of the committee. At least one Parish Member must be in attendance when issues affecting parish or town councils are being considered by the Ethical Governance Committee.
- 5.5 It is not a legal requirement to have a parish or town councillor in attendance at the committee, however, it is accepted that their knowledge of the operation of this tier of local government provides a valuable contribution, particularly in the consideration of complaints in respect of town and parish councillors. If members recommend the establishment of a new Audit and Standards Committee, with a wider remit, it is suggested that consideration is given to establishing a sub committee to consider member conduct complaints, with a requirement that at least one Parish Member is in attendance (although cannot vote) on any meeting of the sub committee when it considers a complaint relating to a town or parish councillor. Proposed terms of reference have been included within Appendix A to this report.
- 5.6 Members are also asked to consider an amendment to the membership of the Licensing Committee and Regulatory Committee. Currently both committees have a membership of 12 and it is suggested that this is reduced to 9. Any proposal has to be referred to Council to approve and adopt, as it would be a change to the Constitution.

6 Legal Issues

- 6.1 As set out in the body of this report

7 Resource Issues

- 7.1 The establishment of a single Audit and Standards Committee will reduce the number of meetings and therefore have a corresponding reduction in costs.

8 Equality Implications

- 8.1 None as far as this report is concerned

- 9 Impact on the Organisation
- 9.1 None as far as this report is concerned.
- 10 Community Safety Implications
- 10.1 None as far as this report is concerned.
11. Carbon Management Implications
- 11.1 None as far as this report is concerned.
12. Risk Management Implications
- 12.1 None as far as this report is concerned
- 13 Consultation
- 13.1 The Chairman of the Governance and Audit Committee and the Chairman of the Ethical Governance Committee
- 14 Options Considered
- 14.1 There is no legal requirement to change the current arrangements in place.
- 15 Background Papers
- 15.1 Constitution 2019 Version
Localism Act 2011
Local Government Act 1972
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Previous report(s): *text*

Information Issued Under Sensitive Issue Procedure: *Y/N*

Ward Members Notified: *Y/N*

Appendices: *list any appendices here including title and filename in brackets (e.g. Performance Data 2010 (perfdata.doc)).*

A. Revised terms of reference Audit and Standards Committee.