

<b>Subject:</b>	<b>Constitutional Matters</b>		
<b>Date of Meeting:</b>	<b>23 July 2019</b>		
<b>Report of:</b>	<b>Executive Lead for Strategy, Governance &amp; Law (Monitoring Officer)</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Lisa Johnson</b>	<b>Tel: 01273 291228</b>
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<b>Ward(s) affected:</b>	<b>(All Wards);</b>		

**FOR GENERAL RELEASE****1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 To provide information on the Audit & Standards' Committee's terms of reference and to seek this Committee's formal confirmation to the appointment of a Standards Panel.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee's terms of reference, which are published in Part 4 of the Council's Constitution and are set out in Appendix 1 to this report, be noted; and
- 2.2 That this Committee formally confirm the establishment of a Standards Panel in accordance with the terms of reference proposed in Appendix 1.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Article 6 of the Constitution incorporates a schedule of all the Committees and Sub-committees established in the current Constitution, together with a summary of their respective functions.

**The Audit & Standards Committee – Terms of Reference**

- 3.2 A copy of the terms of reference for the Committee is attached in Appendix 1. These should be read in the context of the 'Introduction and General Delegations' included in the Scheme of Delegations to Committees and Sub-Committees at part 4 of the Constitution.

**Membership**

- 3.3 The membership of the Audit & Standards Committee is set at 8 Members of the Council and 2 Independent Persons, appointed as co-optees.
- 3.4 The arrangements for substitute Members to attend meetings of all Committees/Sub-Committees is as set out in the Council Procedure Rules 18 to 24.

## **Programme Meetings**

- 3.5 Ordinary meetings of the Audit & Standards Committee are scheduled to take place on the following dates during 2019/20:

23 July 2019  
17 September 2019  
14 January 2020  
10 March 2020

- 3.8 Meetings of the Committee are normally held at Hove Town Hall and start at 4.00 p.m., this unless a need for alternative arrangements arises.

## **Confirmation of the appointment of a Standards Panel**

- 3.9 The terms of reference of the Audit & Standards Committee refer also to the establishment of a Standards Panel. This has the status of a Sub-Committee of the Audit & Standards Committee and its terms of reference permit it to carry out a key role by performing Standards-related functions delegated to the Panel by this Committee. Those Standards-related functions include sitting as a Panel in accordance with the procedures in place at this Council for determining allegations of misconduct by members. The Panel is convened as and when required and reflects political balance requirements.
- 3.10 This Committee is recommended to confirm its agreement to the establishment of a Standards Panel to carry out such Standards functions as this Committee delegates to it. This shall include the task of determining allegations of breaches of the Code of Conduct for Members in accordance with the Council's arrangements. The Standards Panel shall meet the political balance requirements and shall be comprised of three members of the Audit & Standards Committee drawn from a pool of those members who have received Standards Panel training from or as directed by the Council's Monitoring Officer. The Panel shall also include one of the Council's Independent persons, who shall act as the Panel's Chair on a non-voting basis.
- 3.11 As well as giving its formal approval to the establishment of a Standards Panel, the Committee is asked to note a separate matter, namely the provision in the Constitution for each Committee of the Council to appoint an Urgency Sub-Committee to exercise its powers in matters of urgency on which it is necessary to make a decision before the next ordinary meeting of the Committee. While each of the Council's Service Committees are being asked to appoint such a Sub-Committee in case any urgent business arises between scheduled meetings, there is not at the current time considered to be a need for the Audit & Standards Committee to do so.

## **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 The council's Constitution provides for the appointment of sub-committees and urgency sub-committees. While it is for each Committee to determine its actions, and they could decide not to make such appointment(s), this is considered to be

contrary to the wishes of the Council. It is not therefore offered as a viable alternative option.

## **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 All Members considered and approved the Constitution and the changes therein on 13 December 2018.

## **6. CONCLUSION**

- 6.1 The recommendations are being put forward in line with the requirements of the Constitution.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 There are no direct financial implications arising from this report. Any costs associated with forming and managing Urgency Sub-committees will be met from existing resources.

Finance Officer Consulted: Peter Francis

Date: 25/06/19

### Legal Implications:

- 7.2 The Council's Constitution complies with the legal framework set out in the Localism Act 2011, the Local Government Act 2000 and other relevant legislation.

Lawyer Consulted: Victoria Simpson

Date: 24/06/19

### Equalities Implications:

- 7.2 There are no equalities implications arising from the report

### Sustainability Implications:

- 7.3 There are no sustainability implications arising from the report.

### Any Other Significant Implications:

- 7.4 None

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Audit & Standards Committee (including the Standards Panel's) Terms of Reference

### **Documents in Members' Rooms**

1. None

### **Background Documents**

1. The Council's Constitution