

## Full Council 1<sup>st</sup> December 2021

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| <b>Report Title</b>  | <b>Democracy and Standards Committee – Terms of Reference</b>  |
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### List of Appendices

Appendix A – Draft Democracy and Standards Committee – Terms of Reference

#### **1. Purpose of Report**

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- 1.1. For Full Council to approve amendments to the terms of reference of the Democracy and Standards Committee.

#### **2. Executive Summary**

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- 2.1 The current Terms of Reference for the Committee were included in the Council's Constitution approved by Annual Council on 25<sup>th</sup> March 2021. The Constitution had largely been drafted by the previous Shadow Authority.
- 2.2 Full Council are being requested to agree amended terms of reference for the committee. These suggested amendments have been endorsed by the Constitutional Working Group and the Democracy and Standards Committee, and Full Council's approval is requested.

#### **3. Recommendations**

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- 3.1 It is recommended that Full Council:
- a) Approve the amended Terms of Reference (Appendix A);
  - b) If (a) above is agreed, request that Full Council authorise the Monitoring Officer to arrange for a pool of town or parish councillors (a maximum of 4) to be recruited and the successful nominees to be ratified by the Democracy and Standards Committee; and
  - c) If (a) and (b) above be agreed, request that Full Council authorise the Monitoring Officer to make any ancillary amendments to the Constitution as required.
- 3.2 Reason for Recommendations –

- To ensure the terms of reference of the Committee is appropriate and assists in effective and efficient decision making.

#### **4. Report Background**

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- 4.1 The Democracy and Standards Committee has overall responsibility for reviewing the Council's Constitution and decision-making governance and recommending any proposed changes to Full Council. In addition, the Committee is responsible for monitoring the effectiveness of the "standards regime", the Code of Conduct and determining allegations of breaches of said Code by councillors through the approved procedure.
- 4.2 The current terms of reference allow for a Committee membership comprised of 7 x North Northamptonshire Councillors (NNC), 2 x town councillors and 2 x parish councillors.
- 4.3 Under the "standards regime" the involvement of town or parish representatives is a vitally important component when the Authority are considering allegations of breaches of the Code of Conduct by a town or parish councillor.
- 4.4 The current arrangements have been in place for over 6-months. Up to this point there has been no recruitment into the vacant positions of town and parish representatives, as prescribed in the current terms of reference.
- 4.5 If the suggested amendments are agreed, it is intended to take forward recruitment to the positions of town and parish representatives; there would be a pool of four representatives, whose appointment would be determined by the Committee. These four representatives would not be full members of the Committee but would be called upon to assist in any Assessment or Hearing Sub-committees called where a local councillor has alleged to have breached the Code.

#### **5. Issues and Choices**

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- 5.1 Whilst town and parish representatives are an important partner in dealing with matters relating to the potential misconduct of their peers, there is no requirement for them to determine matters relating to the governance of the Authority, or other aspects of the work of the Committee.
- 5.2 It is felt that their current seats on the main Committee would be better allocated to NNC councillors, whose responsibilities cover all of the Committee's terms of reference. Town and parish representatives would continue to play their legitimate role within the "standards regime" and would be consulted by the Committee as required in relation to Code of Conduct and associated issues. Town and parish councillors could address the Committee in the normal way through the Council's public participation policy on other items.
- 5.3 Following discussion with the Constitutional Working Group (CWG) and the Democracy and Standards Committee, it is being suggested that the town and parish membership of the Committee be deleted, and that the Committee membership be increased to allow for 13 NNC members. This is comparable with other committees and given the workload of the Committee will allow for its

work to be more evenly distributed among its members. Political proportionality rules would continue to apply.

## **6. Implications (including financial implications)**

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### **6.1 Resources and Financial**

6.1.1 None specific to this report.

### **6.2 Legal**

6.2.1 The Monitoring Officer has delegated authority to make administrative changes to the Constitution to reflect changes in the law, changes to the Council's management structure and other changes with no significant impact. The proposed amendments to the terms of reference fall outside of this delegation.

6.2.2 By ensuring that town and parish representatives are involved in the process for considering any allegations of breaches of the Code by their peers, the Council is complying with its legal obligations.

### **6.3 Risk**

6.3.1 The Council needs to ensure that the efficiency and effectiveness of its governance systems are monitored, and clear approved procedures are put in place with regard to decision-making.

### **6.4 Consultation**

6.4.1 Constitutional Working Group  
Democracy and Standards Committee

### **6.5 Consideration by Scrutiny**

6.5.1 N/A.

### **6.6 Climate Impact**

6.6.1 None specific to this report.

### **6.7 Community Impact**

6.7.1 None specific to this report.

## **7. Background Papers**

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7.1 Council Constitution.