



North Devon Council

Report Date: 14th March 2023

Topic: Review of Committee's Terms of Reference

Report by: Simon Fuller, Senior Solicitor and Monitoring Officer

1. INTRODUCTION

1.1. The Governance Committee is required to annually review the terms of reference under which it operates.

2. RECOMMENDATIONS

2.1. That Governance Committee recommends to Full Council that its terms of reference be updated as provided in the Appendix to this report.

3. REASONS FOR RECOMMENDATIONS

3.1. The terms of reference of the Governance Committee are considered to be sufficient but lack detail on the Committee's responsibilities as regards its Standards function, it is felt that greater transparency in this regard will aid the Committee and the public's perception of the Committee's role in this regard.

4. REPORT

4.1. The proposed amendment to the terms of reference for the Governance Committee are included with this report as an Appendix.

4.2. It is considered that the current terms of reference are sufficient save insofar as they relate to all of the Committee's delegated functions save as regards its Standards function. On review of the wording at present this provides that the Governance Committee is delegated to carry out the Council's "standards function including dealing with complaints regarding Councillor conduct and the imposition of sanctions". This is acceptable but is considered to be not overly transparent or helpful in terms of what this entails.

4.3. Members will be aware that the Council's Ethics Committee was decommissioned on 2 May 2019 and its functions were amalgamated into the Governance Committee along with the former Audit Committee and much of what the Governance Committee reviews at its meetings relates to its audit function as opposed to its standards function. This amendment should allow for greater clarity as to what Members should be considering in the context of its standards function.

4.4. Some of the listed powers, such as (vii) in the Appendix, are exercised in common with the powers delegated to the Monitoring Officer. This makes sense as it makes it clear that the Governance Committee is able to exercise these powers as well as this being delegated to the Monitoring Officer. The power in terms of dispensations at (vii) is appropriate as a delegated power

because it is not practical for Governance Committee to be convened at short notice to consider a dispensation as regards a Member's interest in a decision to be taken which may only arise last minute or even during a meeting. However it is sensible that Governance Committee is able to do this as well given that, with sufficient notice that a dispensation may be required before a decision is taken (or if a decision is deferred for such consideration to be had), it is likely to be appropriate for Governance Committee to consider such a dispensation.

4.5. It is hoped that with these amendments Members, officers and the public will have a better idea of the Governance Committee's functions as regards standards and what this means in practice.

4.6. Members may wish to review arrangements of standards in light of these revised terms of reference and the Monitoring Officer is happy to provide any guidance and information the Committee would wish to understand.

5. RESOURCE IMPLICATIONS

5.1. There are no resource implications.

6. EQUALITIES ASSESSMENT

6.1. An Equality Impact Assessment has not been completed as no equality issues are affected.

7. ENVIRONMENTAL ASSESSMENT

7.1. There are no environmental implications of this report.

8. CORPORATE PRIORITIES

8.1. Since there is no implications of this report on the Corporate Priorities save that the proposed update may aid in the Customer Focus in terms of allowing customers to better understand the Governance Committee's involvement in Standards.

9. CONSTITUTIONAL CONTEXT

9.1. Part 3 Annexe 1 paragraph: 5 and Article 4.5.1

9.2. Referred or delegated power? Referred

10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report):

- North Devon District Council's Constitution



12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Simon Fuller, Senior Solicitor and Monitoring Officer