

DERBYSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

12th April 2019

Report of the Director of Legal and Democratic Services

Governance, Ethics and Standards Committee – Terms of Reference

1. Purpose of the Report

To consider and approve final amendments to the Governance, Ethics and Standards Committee's terms of reference.

2. Information and Analysis

At the last meeting of the Standards Committee consideration was given to the proposed terms of reference for the Governance, Ethics and Standards Committee.

The amendments arising from that meeting have now been incorporated within the revised Terms of Reference which is appended to this report.

However the reference to performance monitoring process for the Strategic Directors has now been removed as this is now included as a responsibility for the newly created Appointments and Conditions of Service Committee.

3. Considerations

In preparing this report the relevance of the following factors has been considered: financial, legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

4. Background Papers

Derbyshire County Council's Constitution

5. Officer recommendation

To approve the terms of reference for the Governance, Ethics and Standards Committee for inclusion in the revised constitution.

Janie Berry
Director of Legal and Democratic Services

Appendix 1

Article 17 – The Governance, Ethics and Standards Committee

The Governance, Ethics and Standards Committee

The Council meeting will establish a Governance, Ethics and Standards Committee.

Composition

The Governance and Ethics Committee will be comprised of 8 Elected Members and 3 Independent Persons.

Role and Function

Standards, ethics and probity

1. To design, implement, monitor, approve and review the standards of ethics and probity of the Council, both for Elected Members and Officers. The Committee's powers shall include responding to consultation documents and the promulgation of Codes of Conduct but the adoption and revisions to the local Members Code of Conduct shall be reserved to the Council. This will also include supporting the Monitoring Officer in the following:
 - Taking any action required on the receipt, management and investigation of any Code of Conduct Complaint against an Elected Member; and
 - Taking action in the determination of a Code of Conduct Complaint including the convening of hearings where necessary.
2. To promote a culture of openness, ready accountability and probity in order to ensure the highest standards of conduct of Councillors and employees.
3. To lead on all aspects of the Council's Governance and Ethics by promoting the values putting people first, valuing public service and creating a norm of the highest standards of personal conduct.
4. To oversee and manage programmes of guidance, advice and training on ethics, standards and probity for Elected Members and Officers on the Members Code of Conduct.

5. To be responsible for the Council's register of Members' interests and to receive reports from the Monitoring Officer on the operation of the register from time to time.
6. To be responsible for written guidance and advice on the operation of the system of declarations of Members' Interests and to receive reports from the Monitoring Officer on the operation of the system of declarations from time to time.
7. To be responsible for written advice and guidance on the operation of gifts and hospitality for both Elected Members and Officers and to receive reports from the Monitoring Officer on the operation of the system of declarations from time to time.
8. To establish, monitor, approve and issue advice and guidance to Elected Members on a system of dispensations to speak on, or participate in, matters in which they have interests and give dispensation in appropriate cases.
9. To exercise the functions of the Council in relation to the ethical framework, corporate governance and standards of conduct of Joint Committees and other bodies.
10. To support the Monitoring Officer in his/her/their statutory role and the issuing of related guidance from time to time.
11. To receive regular reports on the performance of the Corporate Complaints process, Local Government Ombudsman referrals and to recommend revisions to related policies and procedures as appropriate.
12. The Committee will be responsible for the overview of the Confidential Reporting Code.

Governance

13. To advise the County Council on the monitoring, amendments to and overall operation of the Constitution.
14. To approve changes to the Scheme of Delegation relating to functions delegated to the officers and the overall range of functions delegated to senior officers.
15. To receive regular reports from the Chairman of the Member Development Group regarding the work of the Group, member development activities and member training and development priorities and plans, via a standing item on the Committee's agenda.
16. Taking into account the recommendations of the Independent Remuneration Panel, to advise the County Council on any matters in connection with the Members' Allowances Scheme.

17. To monitor the attendance of members at meetings of the County Council and its committees on an annual basis within the context of member development and the effectiveness of the political structure.
18. To oversee the powers and duties of the County Returning Officer in relation to elections and local government boundaries pursuant to the Representation of the People Act 1983.
19. The Chairman of the Governance, Ethics and Standards Committee will provide an annual report to Full Council.