

Brighton & Hove City Council

Audit & Standards Committee

Agenda Item 7

Subject: Constitutional Matters

Date of meeting: 27 June 2023

Report of: Executive Director, Governance, People & Resources

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Ward(s) affected: All

For general release

1. Purpose of the 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 approval to the appointment of a Standards Panel in the terms outlined.

2. Recommendations

2.1 That the committee's terms of reference, as set out in Appendix 1 to this report, be noted; and

2.2 That the Committee formally approve the establishment of a Standards Panel in accordance with the terms of reference proposed in Appendix 1, and in accordance with the procedure described at para 3.9 of this Report for the Panel's composition; and

2.3 That the Committee give the Monitoring Officer delegated authority to make any changes to the Procedure for Dealing with Allegations of Breaches of the Code of Conduct for Members and related documents considered necessary to enact recommendation 2.2 above.

3. Context and background information

3.1 Article 6 of the Council's Constitution incorporates a schedule of all the Committees/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 this 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 committee is set at 8 Members of the council and 3 Independent Persons, appointed as non-voting co-optees.
- 3.4 The arrangements for substitute Members to attend meetings of Committees/Sub-Committees, are set out in the Council Procedure Rules at part 3.2 of the Council's Constitution, at Rules [18.14 to 18.25](#).

Programme Meetings

- 3.5 Ordinary meetings of the Audit & Standards Committee are scheduled to take place on the following dates during 2023/24:

27 June 2023
26 September 2023
30 January 2024
16 April 2024

- 3.6 Meetings of the Committee will normally be held at Hove Town Hall and will start at 4.00 p.m.

Confirmation of the appointment of a Standards Panel

- 3.7 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.
- 3.8 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.
- 3.9 The Standards Panel shall meet the political balance requirements and – in accordance with this Committee's delegated powers to determine the Panel's procedures – Committee is asked to agree that it shall be comprised of between three and five elected members. Those members shall be drawn from a pool of those members who have received Standards Panel training from or as directed by the Council's Monitoring Officer. It is proposed that while preference when appointing a Panel be given to members appointed to the Audit & Standards Committee who have received the above training, members not appointed to this Committee may also form part of a Standards Panel, provided that they have undertaken the above training. If this proposal is agreed, then the Procedure for dealing with

member complaints and other relevant documents will need to be updated accordingly. 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.

- 3.10 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 and consideration of alternative options

- 4.1 The council's Constitution provides that Committees appoint their own sub-committees and urgency sub-committees. While Committee could elect not to follow the proposals outlined here, failing to appoint a Standards Panel would be contrary to the wishes of the Council and is not therefore regarded as a viable alternative option.

5. Community engagement and consultation

- 5.1 All Members considered and approved the allocation of seats to Committees and Sub Committees and the Terms of Reference of new Committees on 25th May 2023.

6. Conclusion

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

7. Financial implications

- 7.1 There are no direct financial implications arising from the recommendations of this report. The financial implications associated with forming and managing Standards Panels will be met from existing resources.

Name of finance officer consulted: Jeff Coates Date consulted: 06/06/2023

8. Legal implications

- 8.1 No legal implications have been identified other than those referred to in the body of the Report.

Name of lawyer consulted: Victoria Simpson Date consulted: 14/06/2023

9. Equalities implications

- 9.1 There are no equalities implications arising from the report.

10. Sustainability implications

10.1 There are no sustainability implications arising from the report.

Supporting Documentation

1. Appendices

1. Audit & Standards Committee and Standards Panel Terms of Reference