

Council Issues

1. Changes to Membership of Committees

The following changes have been made by officers under delegated powers in accordance with notification given by the Leader of the Conservative Group:

- Councillors Graham Butland and Jeff Henry replaced Councillors Anne Brown and Bob Massey as members of the Development and Regulation Committee. Councillor Bob Massey is a named substitute.
- Councillor Jo Beavis replaced Councillor Anthony Jackson as a member of the Corporate Policy and Scrutiny Committee. Councillor Stephen Canning is a named substitute.
- Councillor Anne Brown replaced Councillor Jeff Henry as a member of the Health Policy Overview and Scrutiny Committee.

2. Merger of Joint Standards Committee and the Audit Committee

The Council has previously managed standards by having a joint committee with the Essex Fire Authority. The creation of the Police Fire and Crime Commissioner as the fire authority for Essex means that ECC can no longer have a joint Standards Committee with the Essex Fire Authority.

The Localism Act 2011 has reduced the business of the Joint Standards Committee, meaning that it has met once or twice a year in recent years. Since January 2016 it has shared a Chairman with the Audit Committee.

The Joint Standards Committee had the following main functions:

- To promote and maintain high standards of conduct and monitor the Code of Conduct and deal with dispensations
- To make decisions on individual cases – although in practice decisions on individual cases have always been discharged via a Sub-Committee.

The Council must amend the constitution to deal with the fact that the Joint Standards Committee can no longer exist. It must also make new arrangements in order to continue to comply with the Localism Act 2011.

It is proposed to reconstitute the Audit Committee as the Audit, Governance and Standards Committee. The new committee would take over the remit of the former Joint Standards Committee and that of the Current Audit Committee. It is proposed that, as before, decisions on individual standards cases would be taken by a Standards Sub-Committee.

The Membership of the Standards Sub-Committee would be determined by the group leaders in accordance with the political balance rules. The membership does not necessarily have to be drawn from the membership of the parent committee. The group leaders will therefore be able to ensure that those dealing with standards cases are suitably senior and experienced Councillors without a close links to the member who is the subject of complaint.

This will make it easier to monitor standards under review and monitor without the need for convening a special meeting. There is considered to be a good fit between the work of the Audit Committee and this aspect of the work of the Standards Committee. There is not a conflict of interest between the work of the two committees because neither relates to substantive service delivery. It is proposed that the Audit Committee would keep its current size and composition but would be renamed and be given new terms of reference as set out in the appendix. As a matter of good practice, it is also proposed to formally incorporate the terms of reference of the Standards Sub-Committee in the Constitution as set out in the appendix.

Recommendation

Amend the constitution as follows:

1. Replace paragraph 8.1.2 of the constitution with that set out in the appendix to this report
2. Delete paragraph 8.1.3 of the constitution and renumber paragraphs 8.1.4-8.1.10 as 8.1.3 to 8.1.9 accordingly.
3. Replace all references in the Constitution to the 'Joint Standards Committee' or the 'Standards Committee' with a reference to the 'Audit, Governance and Standards Committee'
4. In the Scheme of Members Allowances delete:
 - a. the asterisk next to the allowance in 'Committee Chairmen (8*)' and
 - b. the note '* The same person will normally be appointed Chairman of the Audit Committee and Chairman of the Joint Standards Committee'.

4. Minor Changes of delegations – Public Rights of Way

The current scheme of delegation doesn't authorise the Director, Legal and Assurance to make orders under section 55 of the Wildlife and Countryside Act 1981. These are orders relating to cases, mainly very old cases, which resulted in changes to the definitive map being required review which had to be abandoned when the 1981 Act came into force but where it appears changes were never formally made to the Map. One such case has arisen and we need to change the scheme of delegation to allow orders of this type to be made.

Recommendation:

Amend paragraph 15.3.10 (ix) of the Constitution (one of the delegations to the Director, Legal and Assurance) to read:

(ix) To determine applications and proposals for modification of the Definitive Map and Statement of Public Rights of Way pursuant to Section 53, 53A or 55 of the Wildlife and Countryside Act 1981.

Appendix

8.1.3 Audit, Governance and Standards Committee

Membership: Seven Members.

No member of the Cabinet may be appointed to the Committee or any of its Sub-Committees.

Purpose

1. To review the Council's Annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
2. To receive and approve the Council's Annual Governance Statement ensuring that it reflects the Council's governance arrangements.
3. To receive and approve the Final Accounts, Memorandum and the Report to those charged with Governance from the External Auditors.
4. To consider the Annual Audit and Inspection Letter from the External Auditors and to provide such advice and comments on the Letter to the Cabinet and Council as the Committee believes appropriate.
5. To receive the internal and external audit plans and comment on these plans, including the extent to which they provide value for money.
6. To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit is actively promoted.
7. To receive reports from the Council's Internal Auditor on the outcome of audit reviews and investigations and the implementation of recommendations, including the annual report of the Head of Internal Audit.
8. To receive any reports from the External Auditor about the effectiveness of the Council's financial and operational arrangements and monitor Management's response to the issues raised by External Audit.
9. To monitor the effectiveness of the Council's Financial Regulations, and Procurement Procedure Rules and recommend changes to Council.

10. To approve and monitor the effectiveness of strategies for anti-fraud and corruption, whistle blowing and any legislation relating to the regulation of investigatory powers.
11. To consider the Council's arrangements for corporate governance and risk management, and advise on any action necessary to ensure compliance with best practice.
12. To advise the Council on the local Code of Conduct for members and to promote, develop and maintain high standards of conduct by members and co-opted members of the Council.
13. To keep the Code of Member Conduct under review and recommend changes to the Code or the Constitution to support high standards of Conduct.
14. To grant dispensations under Section 33 of the Localism Act 2011 and under the Code of Member Conduct to councillors and co-opted members.
15. To approve processes for considering complaints that any Councillor or Co-opted Member has failed to comply with the Code of Conduct.
16. To create one or more sub-committees as required to receive and consider allegations of misconduct of elected members, to take further oral and written evidence, adjudicate and make recommendations to the Leader of the Council and others.
17. To make arrangements for the appointment of Independent Persons under the provisions of the Localism Act 2011.
18. To make arrangements for training of Members relating to standards issues.

Standards Sub-Committee – Terms of Reference

Membership: Between 3 and 5 members of the Council appointed by the Monitoring Officer in consultation with the Chairman of the Audit, Governance and Standards Committee and the Leaders of relevant political groups in accordance with the political balance rules.

1. To exercise any of the Committee's powers with respect to decisions about individual complaints about breaches of the Code of Member Conduct