

CONSTITUTION COMMITTEE AGENDA



Friday 29 January 2010

at 2.00 pm

in Committee Room A, Civic Centre, Hartlepool

MEMBERS: CONSTITUTION COMMITTEE:

The Mayor, Stuart Drummond

Councillors C Akers-Belcher, R W Cook, Flintoff, James, Laffey, A Lilley, G Lilley, Preece, Richardson, Simmons

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
 - 3.1 Minutes of the Constitution Working Group on 15 January 2010 (*to follow*).
 - 3.2 Minutes of the Constitution Committee on 25 November 2009.
4. **ITEMS REQUIRING DECISION**
 - 4.1 Town and Village Greens – *Chief Solicitor and Director of Regeneration and Neighbourhoods*
 - 4.2 Reporting Mechanisms – *Chief Solicitor*
5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

CONSTITUTION WORKING GROUP

15 January 2010

The meeting commenced at 1.00 pm in the Civic Centre, Hartlepool

Present:

Councillor: Carl Richardson (In the Chair)

Councillors: Rob Cook, Marjorie James, Pauline Laffey, Arthur Preece and Chris Simmons.

Officers: Peter Devlin, Chief Solicitor
Chris Scaife, Countryside Access Officer
Amanda Whitaker, Democratic Services Team Manager
Angela Hunter, Principal Democratic Services Officer

29. APOLOGIES FOR ABSENCE

Apologies for absence were received from The Mayor, Stuart Drummond and Councillors Christopher Akers-Belcher and Bob Flintoff.

30. DECLARATIONS OF INTEREST

None.

31. MINUTES

- (i) Minutes of the Constitution Working Group held on 12 November 2009 – confirmed.
- (ii) Minutes of the Constitution Working Group held on 16 November 2009 – confirmed.

32. TOWN AND VILLAGE GREENS (*Chief Solicitor and Director of Regeneration and Neighbourhoods*)

The Countryside Access Officer was in attendance and presented a report which sought approval of the constitutional amendments required to incorporate the scheme of delegation to be adopted by the Council to enable the discharge of its statutory obligations as the Commons Registration Authority.

It had been suggested that the responsibility for this function be delegated to the Planning Committee and as such, a report had been presented to the Planning Committee on 2 December 2009 seeking comments. There were no comments or suggestions made at that meeting with regard to the proposed scheme of delegation.

The proposed amendment to the Constitution along with the proper procedure for dealing with applications made to register new town and village greens was attached at Appendix 1. Members' approval was sought to submit this to Constitution Committee and subsequently to Council for adoption.

Members felt that Planning Committee was the logical place for this delegated responsibility and suggested that appropriate training be explored in relation to the new delegated responsibility for Members of that Committee should that be deemed necessary.

Recommendation

- (i) The proposed scheme of delegation to the Planning Committee in relation to the discharge of the Council's statutory obligations as the Commons Registration Authority be approved for submission to Constitution Committee then onto Council for adoption.
- (ii) That the need for appropriate training for Members of the Planning Committee in relation to the new delegated responsibility be explored.

33. REPORTING MECHANISMS – STANDARDS COMMITTEES AND GENERAL PURPOSES COMMITTEE (*Chief Solicitor*)

The Chief Solicitor presented a report which looked at the reporting mechanisms of both Standards Committee and General Purposes Committee. In relation to Standards Committee, the report suggested an extension to the remit and functions as detailed in paragraph 2.2 of the report. In addition to this, the report reaffirmed the recommendations of the Constitution Working Group held on 16 November 2009 and requested that they be submitted to Constitution Committee for consideration.

A discussion ensued on the use of plain English in all committee reports and within the Constitution to ensure all documentation was easy to understand and clear. In addition, a further request was made for clarification on the specific responsibilities of the General Purposes Committee, including the Appeals and Staffing Sub-Committee to enable Members to examine them in detail and ascertain whether anything needed to be expanded or retracted.

In relation to the issue of remuneration for independent representatives on Standards Committee, it was suggested that as there were a number of elements of external memberships on council meetings, that the remuneration of independent/resident representatives should be considered as a whole. However, following discussion, it was acknowledged that all non council members who were nominated to sit on council committees have the

facility to claim out of pocket expenses, including loss of earnings should that be required and that no further remuneration should be recommended at this time.

A discussion ensued on the responsibilities of the General Purposes (Appeals and Staffing) Sub-Committee, in particular the responsibility to agree the early release of pensions once a decision had been made by Cabinet to make a post redundant. The Chief Solicitor confirmed that the Local Government Act 2000 determines which functions were Executive and which were non-Executive and the decision was taken in accordance with the statutory framework was that the responsibility for the early release of pensions should be with the General Purposes (Appeals and Staffing) Sub-Committee. However, Members were concerned that the Appeals and Staffing Sub-Committee were being held responsible for releasing large sums of pensions when the decision to make the post redundant had already been taken by Cabinet.

A number of questions were raised in relation to the Business Transformation Programme and the necessary restructuring within departments to ensure the savings projected from the Programme were achieved. A Member questioned the timeline for the receipt of requests for early retirement from employees and suggestions for particular posts to become redundant as a result of these requests. In addition, a Member commented that as part of Single Status, an agreement had been reached locally that all appeals arising from the Single Status agreement should not be submitted to General Purposes (Appeals and Staffing) Sub-Committee or to a third party external of the Council. There was some concern that Members had not been made aware that employees would be denied the right to appeal to Members should their salary be regraded at a lower scale. It was felt that this was contrary to the Constitution with the power of the Appeals and Staffing Sub-Committee to hear appeals submitted by employees being revoked.

Members sought clarification on the role, remit and reporting mechanism of the General Purposes Committee and the Appeals and Staffing Sub-Committee as they were concerned that there was an element of 'rubber-stamping' involved within the responsibilities. A Member referred to a recent example where an application for redundancy was reconsidered following the original decision to refuse the request.

Members were concerned at the custom and practice which operated in relation to proposed redundancies and early retirement requests and how this fit in with the whole Business Transformation Programme.

Recommendation

(i) That the extension of the role and remit of Standards Committee as detailed in paragraph 2.2 of the report be submitted to Constitution Committee for consideration.

- (ii) That the recommendations of the Constitution Working Group of 16 November 2009 be reaffirmed and submitted to Constitution Committee for consideration.
- (iii) That a further report be submitted to the Constitution Working Group detailing the role and responsibility of the General Purposes Committee and Appeals and Staffing Sub-Committee.
- (iv) That the Chief Personnel Officer submit a report detailing the process followed for requests for early retirement/release of pensions and proposed redundancies as part of the Business Transformation Programme.
- (v) That clarification be provided to Members on the appeals process to be followed as part of the Single Status Agreement.

34. ANY OTHER BUSINESS - MEMBER INVOLVEMENT IN OFFICER APPOINTMENTS

The Chairman referred to a previous request to review the process of officer appointments which were made by Members. It was noted that Members had been of the view that Members should be involved in more appointments than currently specified within the Constitution.

Recommendation

The Chief Solicitor to provide clarification on which appointments were currently made by Members to enable further discussion.

The meeting concluded at 2.04 pm

CHAIRMAN

CONSTITUTION COMMITTEE

29 January 2010



Report of: Chief Solicitor & Director of Regeneration and Neighbourhoods

Subject: TOWN & VILLAGE GREENS

1. PURPOSE OF REPORT

The purpose of this report is to ask the Constitution Committee for its approval and ratification of the scheme of delegation to be adopted by the Council to enable it to discharge its statutory obligations as the Commons Registration Authority

2. BACKGROUND

The Commons Act 2006 has repealed the previous statutory framework for dealing with Town & Village Greens. This report is in relation to the procedure to be adopted by the Council when dealing with applications by members of the public for the registration of new areas of land as town or village green. The Act came into force in relation to the registration of town and village green on the 6th April 2007.

The Commons Act 2006 has removed a number of perceived flaws in previous legislation and has arguably made it easier for members of the public to make an application to register land as town or village green.

The Council has received applications in relation to two separate areas of land owned by the Council for it to be registered as town and village green.

Currently the Council's Constitution does not include its role as Registration Authority under the Commons Act 2006. The law and procedure for dealing with applications to register land as town or village green is similar to that in relation to Public Rights of Way. It is therefore logical to add the Council's role as Registration Authority under the Commons Act 2006 to the scheme of delegation for the Planning Committee.

A report, in substantially similar for as this report, was presented to the Planning Committee on the 2nd December for their comments and suggestions. There were no comments or suggestions made with regard to the proposed scheme of delegation at that meeting.

A further report, again substantially similar to this report, was presented to the Constitutional Working Group on the 15th January 2010. After explaining

the reason for the report, the Constitutional Working Group were very supportive about the proposals and the recommended route of determination of present and future Town and Village Green applications. The group's members felt it was the logical as well as obvious choice for decision making and approved the recommendations presented. A further approval was given for training to be given to Planning Committee Members with regards to Town and Village Green as well as Rights of Way procedures and matters.

3. PROPOSALS

3.1 The Council amends the scheme of delegation and delegates responsibility for discharging its function as Registration Authority under the Commons Act 2006 to the Planning Committee. The reasons for the proposed changes to the constitution are:

3.1.1 The law in relation to public rights of way, town & village greens is a constantly evolving one. In the last year there have been a significant number of cases which have been appealed all the way to the House of Lords. This means any committee hearing these applications will need to keep up with these significant changes in the law. Committee members will have some familiarity with the law in relation to Public Rights of Way as the Planning Committee currently deals with matters in relation to Public Rights of Way. The additional responsibilities in relation to town & village greens will complement the work currently being carried out by the planning committee.

3.1.2 The proposed amendment to the constitution is set out in **Appendix 1**

3.2 The Council adopts the procedure and time limits set out in **Appendix 2** as the proper procedure for dealing with applications made to register new town & village greens.

4 RISK IMPLICATIONS

4.1 The requirement to maintain the register of commons, town & village greens is a statutory one. Failure to deal with applications to register land as commons, town & village green could leave the Council open to challenge.

4.2 Land Owned by the Council may be affected by an application to register such land as town & village green. This could prevent future development of the land and would reduce its value.

5 FINANCIAL CONSIDERATIONS

5.1 In all cases where an application to register land as a town and village green is made in relation to land owned by the Council the Council must refer the matter to the Planning Inspectorate for determination. [There is a fee

payable to the Planning Inspectorate in relation to their costs in making the determination.]

- 5.2 In certain circumstance where an application to register other land as town & village green is likely to be contentious the statutory guidance is that a non-statutory public inquiry be held to hear the evidence and either determine the application or else make a recommendation to the Council for determination. It is open to the Council to appoint a suitably qualified barrister to conduct the public inquiry. This would be an additional cost to the Council.
- 5.3 In the event land owned by the Council is registered as town & village green this would substantially affect its future value.
- 5.4 Dependant on the frequency of applications received the Council may need to consider the employment of a Town & Village Greens Officer. This could take the form of use of consultants/agency staff as at present or should pressures demand a more permanent solution may have to be considered.

6 LEGAL CONSIDERATIONS

- 6.1 It is a legal requirement that the Council discharges its function as the Registration Authority for public rights of way and commons, town & village greens in accordance with the relevant statutes and statutory instruments. The adoption of the proposals set out in this report will enable the Council to discharge its function in accordance with the relevant statutory requirements.

7 ASSET MANAGEMENT CONSIDERATIONS

- 7.1 Land Owned by the Council may be affected by an application to register such land as town & village green. This could prevent future develop of the land and would reduce its value as outlined in the Financial Considerations section above The procedure proposed by this report would enable to Council to deal with applications affecting Council owned land in a clear and objective manner.

8. SUMMARY/CONCLUSIONS

- 8.1 In exercising its functions in relation to public rights of way and commons and town and village greens the Council takes on a quasi-judicial role. It is required to consider the evidence presented to in the application and make a determination in light of that information and within the framework of the statutory provisions and the common law. The Planning Committee already takes on such a role in relation to planning and public rights of way matters.
- 8.2 The law in relation to public rights of way, commons and town & village greens share a number of common elements, indeed much of the common law set down in relation to public rights of way has guided the development of the law in relation to common land and town & village greens.
- 8.3 A single committee tasked with determining these types of applications will allow members of the committee to gain a greater understanding of the law and procedure in relation to such applications.

9. RECOMMENDATIONS

- 9.1 That the Constitution Committee considers the report and approve the proposals and ratifies the scheme of delegation for submission to Council for adoption to enable it to discharge its statutory obligations as the Commons Registration Authority.

10. BACKGROUND PAPERS

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (No. 2853) – “the 2000 regulations”

The Local Authorities (Functions and Responsibilities) (England) Regulations 2001 (No. 2212) – “the 2001 regulations”

11. CONTACT OFFICERS

P Cowie – Town & Village Green Officer

C Scaife – Countryside Access Officer

Proposed alteration to the constitution.

Planning Committee	
Membership (Maximum) Quorum	16 7
Function	Delegation
1. Functions relating to public rights of way (as set out in Part 1, of Part I of Schedule 1 to the 2001 Regulations).	<p><i>Director of Regeneration and Neighbourhoods</i></p> <ol style="list-style-type: none"> 1. Power to negotiate and set charges for diversion or related matters and to take action regarding blockages or Rights of Way issues other than those related to countryside management. 2. Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way following discussion of the issues with the Chair of the Committee. 3. In relation to matters which are relevant to countryside management, power to negotiate and set charges for diversion or related matters and to take action regarding blockage on Rights of Way issues. 4. Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way which are relevant to countryside management.

Function	Delegation
	<p>Chief Solicitor</p> <ol style="list-style-type: none"> 1. Power to confirm without modification unopposed creation, diversion or extinguishment Orders in respect of Public Rights of Way, following the statutory advertising period. 2. Power to confirm, without modification, unopposed footpath and footway conversion orders following the statutory advertising period. 3. Power to confirm, without modification, all future unopposed Definitive Map Modification Orders following the statutory advertising period.
<ol style="list-style-type: none"> 2. Functions relating to Town & Village Greens (as set out in Part 1 of Schedule 1 to the 2000 Regulations). 	<p>Chief Solicitor</p> <ol style="list-style-type: none"> 1. Power to register without modification unopposed applications to register land as town or village green in respect of Town & Village Greens, following the statutory consultation period.

Procedure for determining an application to register a Town or Village Green

Stage	Procedure	Time Line
Receipt of application	<p>Checklist:</p> <ul style="list-style-type: none"> • Is the application in the correct form: Form 44 • Has the application been signed by all the parties. • Does the application contain a statutory declaration on behalf of the applicant • Does the application contain a O.S. Map showing the extent of the land affected to the correct scale (i.e 1:2,500 or 1:10,560 if showing upland, a neighbourhood or locality or shows land to which a right of common is attached) <p>If not the application can be rejected and the applicant informed of the reason for the rejection. The applicant should be informed of the steps to be taken to correct the application.</p>	Day 1
Acceptance of application	A reference number must be allocated to the matter. The applicant must be sent a note of the reference number for the application along with the postal address and e-mail address to which written communication can be sent.	<i>Within 7 days of receipt of application</i>

	<ul style="list-style-type: none"> • Treat the application as abandoned; • Give directions to the applicant to remedy the non-compliance (and if appropriate extend the deadline for persons to make representations) • Waive the non-compliance, if satisfied in all the circumstances that no-one is likely to be prejudiced by it. 	
<p>Abandonment of an Application</p>	<p>There are two possible circumstances which may arise which lead to the application being treated as being abandoned. One is where the applicant fails to respond to the direction for further information set out above. The second possibility is that for one reason or another the applicant decides to withdraw their application. There are two issues to consider:</p> <p><u>Can an applicant withdraw an application?</u></p> <p>The Council as Registration Authority has a duty to keep a register of all town and village greens in its area. Once an application has been received and the Registration Authority has been made aware of the possibility that rights in relation to a town or village green exist there is a suggestion that it has a duty to determine the application whether or not the applicant decides to proceed. This is to ensure the Register of Common Land and Town & Village Greens is a comprehensive register. There is also an argument that whilst a single person may be responsible for an application it is made on behalf of the public at large and therefore once the application is accepted as being valid the applicant cannot withdraw it. It is therefore suggested that if an applicant seeks to</p>	

	<p>withdraw an application the Town & Village Green Officer must review the application to see how strong the evidence is for a town or village green. This should be based on the information provided up to the point the applicant decides to withdraw. If there is strong evidence that public rights to register land a town or village green have been established the officer should consider proceeding with the application for determination independently of the applicant to ensure the Council fulfils its statutory obligations. If the evidence is insufficient then the application can be treated as being abandoned.</p> <p>It has been noted in the case law that campaigners may use the withdrawal and resubmission of applications as a tactic to prevent the development of land.</p> <p><u>What happens when an application has been abandoned?</u></p> <p>The regulations are silent as to what happens if an application is treated as being abandoned. The application will have been accepted and the date stamped on the application. This is important as it likely a landowner will take steps to prevent future use of the land in a way that may lead to a future claim. Therefore if following the abandonment of an application a new group of members of the public wish to make an application their only hope may be to require the Council to determine the previous application. This may occur for example where the original applicant dies or is incapacitated and therefore cannot pursue the application.</p> <p>A fair and open method of dealing with abandoned applications is therefore required. In cases where an</p>	
--	--	--

	<p>applicant fails to deal with the directions for further information within the required time limits, the merits of the application, based on the information provided, should be considered by the Officer. The matter must then be passed to the committee for consideration as to whether the matter should be treated as being abandoned and the file closed or should be publicised and progressed for determination in the correct manner.</p> <p>The guidance from DEFRA suggest that it may be prudent to advertise the fact that the application is going to be abandoned to allow other interested parties to take on and pursue the application in place of the original applicant.</p> <p>This would show proper consideration had been given to the matter before the decision to treat the matter as being abandoned was made.</p>	
<p>Amendment of the Application</p>	<p>There is no provision within the legislation to allow an applicant to amend a submitted application. The guidance from DEFRA, however, suggests a common sense approach. Where it would be fair and reasonable the Council should allow an application to be amended.</p>	
<p>Publication of Application</p>	<p>Once the application has been accepted the Council must:</p> <ul style="list-style-type: none"> • Publish a notice of the application on its website • Serve notice of the application by e-mail on anyone who has previously asked to be informed of all 	<p><i>Within 21 days of receipt of application</i></p>

	<p>applications;</p> <ul style="list-style-type: none"> • Publish a notice of the application in such one or more newspapers circulating in the relevant area as appears to be sufficient to secure adequate publicity; • Serve notice of the application on every other local authority for that area. 	
<p>Applicant's Duty to Publicise Application</p>	<p>Once the applicant has received acknowledgment from the Council that the application has been accepted they must serve notice of the application on:</p> <ol style="list-style-type: none"> 1. The owner of the land (this is not required if the owner cannot be identified, however reasonable enquiries must have been made by the applicant); and 2. Any occupier or lessee of the land 3. Any local authority (other than the Council) having an interest. <i>This may be the case where the land affected straddles a county boundary.</i> 4. Any person who has made a declaration, duly recorded in the register, of a right in common over the land affected. 5. Any common council established for, or other body representing the interests of persons with rights of common over, land which includes the land to which the application relates; and 6. unless it appears there are too many so as not to be practical to serve notice on all of them, any person who is registered as the owner of a right of 	<p><i>Within 21 days of receipt of acknowledgement</i></p>

	<p>common in gross which is exercisable over all or part of the land to which the application relates.</p> <p><i>It is inevitable that the applicant will not know whether there are any persons falling within categories 4, 5 & 6. They should be advised to carry out a Commons Register Search with the Land Charges Section which will reveal any such people or claims.</i></p> <p>The applicant will need to provide evidence of such notice having been served and the date of service. This will normally be proof of delivery i.e. recorded delivery or a statutory declaration of personal service. Just receipt of posting will not be sufficient.</p>	
<p>Objection Period</p>	<p>Following publication of the application by the Council there is to be a period during which interested parties can make representations in respect of the application.</p> <p>The Council must make available copies of the application and any accompanying documents in the usual way.</p>	<p><i>Objection period must be at least 42 days after publication</i></p>

Dealing with representations	<p>Once the objection period has expired the Council must either:</p> <ul style="list-style-type: none"> • Inform the applicant no representations have been made; or • Serve on the applicant a copy of all the representations it has received. 	
Applicants response to representations	The applicant must respond in writing setting out their response to the applications.	<i>The applicant must respond with 21 days of receipt of representations</i>
Agree method for Determining the Application	<p>In the case of an application where the Council has an interest in the outcome of the application such there is unlikely to be confidence in the Council's ability to impartially to determine it, the application must be referred to the Planning Inspectorate for determination.</p> <p>If the Council does not have an interest in the outcome of the application the Council must decide whether or not to hold a public inquiry.</p> <p>If the Council decides a public enquiry is necessary the Council must appoint an inspector to hold the inquiry and if required to determine the application. If the inspector is not to determine the enquiry then s/he must provide a report and recommendation to the Council.</p> <p>If a public enquiry is not required the application can be</p>	<i>Within 35 days of receipt of applicants response to representations</i>

	<p>placed before the Planning Committee for determination.</p> <p>The decision as to whether a public enquiry is needed is a matter of fact for each individual application. There are no hard and fast rules. The guidance to the legislation suggests that applications where the facts are disputed or where there are complex legal arguments should be referred to a non-statutory public enquiry.</p>	

CONSTITUTION COMMITTEE

29 January 2010



Report of: Chief Solicitor

Subject: REPORTING MECHANISMS – STANDARDS COMMITTEE

1. PURPOSE OF THE REPORT

At their meeting on the 15th January, 2010, the Constitution Working Group considered the current remit of the Standards Committee. Whilst, the Standards Committee have no direct reporting mechanism to Council, the recommendations of the Working Group provide for such 'direct reporting' together with additional roles and functions of that Committee.

Standards Committee has also considered and endorsed extending the remit of the Committee as covered in the recommendations mentioned in this report. There has also been consideration by the Audit Committee of two distinct areas in the suggested widening of this current remit relating to the 'Annual Governance Statement' and monitoring the operation of the Council's Anti-Fraud and Corruption policies, in so far as the same relates to the actions of Members of the Council. Audit Committee at their meeting on 29th September, agreed that Standards Committee should be able to raise issues of governance with the Audit Committee. However, it was recognised that too onerous a time frame would be created if the Annual Governance Statement was required to proceed through Standards Committee before being considered by Audit Committee. Therefore it was considered that Standards Committee have the ability to 'raise issues' of governance at its discretion. Further, that Standards Committee should be able to monitor the operation of the Anti-Fraud and corruption policies, which are the subject of regular monitoring reports by the Head of Audit and Governance to the Audit Committee.

The Constitution Committee are therefore requested to consider this report and the recommendations of the Working Group.

2. BACKGROUND

2.1 Members will be aware that the Standards Committee comprises both Borough Councillors and Parish Council representatives and the overall membership must have not less than 25% 'independent' membership. Following the 'local assessment and determination' process which came into effect from the 8th May, 2008, the Committee has formed Sub-Committees to deal with the initial assessment and determination of complaints and also a Review Sub-Committee, to consider requests for a review of a complaint wherein a "no action" decision was given. Clearly, the key requirement of the Standards Committee is to "promote and maintain high standards of ethical conduct" within the Authority and also the role of advising the Council on the adoption or revision of the Members' Code of Conduct. The current functions of the Standards Committee under Article 9 of the Council's Constitution is as follows:-

- i) *promoting and maintaining high standards of conduct by the Mayor, Councillors, co-opted members and church and parent governor representatives;*
- ii) *assisting the Mayor, Councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;*
- iii) *advising the Council on the adoption or revision of the Members' Code of Conduct;*
- iv) *monitoring the operation of the Members' Code of Conduct;*
- v) *advising, training or arranging to train the Mayor, Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;*
- vi) *granting dispensations to the Mayor, Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;*
- vii) *dealing with any reports from a case tribunal or interim case tribunal, and any report from the monitoring officer on any matter which is referred by an ethical standards officer to the monitoring officer; and*
- viii) *the exercise of (i) to (vii) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils.*

2.2 The Committee has engaged in activities which cover the governance of the Council as a public body. By way of example, commentary on the Planning Code of Practice, revisions to the Council's Whistle-blowing Procedure document, adoption of various protocols, responses to government consultations as well as operating the local assessment and determination

process. The following areas of possible additional functionality of Standards Committee (which also includes the views of the Audit Committee) are as follows;

- *To recommend changes to full Council in relation to the promotion and maintenance of high ethical standards within the Authority;*
- *Promoting and maintaining high standards of conduct by officers;*
- *Assisting officers to observe a Code of Conduct for Employees and advising the Council on the adoption or revision of such a Code of Conduct for Employees;*
- *Monitoring the operation of a Code of Conduct for Employees;*
- *Dealing with the grant and supervision of exemptions from political restrictions in respect of all relevant Council posts;*
- *To receive and make recommendations to the Audit Committee as may be required in relation to the better governance of the Council*
- *To consider complaints relating to the conduct of Members of the Council under the Member/Employee Protocol and the Planning Code of Practice;*
- *To monitor the operation of the Council's Anti-Fraud and Corruption Policy so far as it relates to the actions of Members of the Council;*
- *And to report on such matters to Council with recommendations thereon and that the Council may from time to time arrange for other functions to be discharged by the Standards Committee;*

2.3 Members are therefore requested to consider this report and the recommendations, which cover the suggested 'extension' to the remit and functions of the Standards Committee.

3. RECOMMENDATIONS

1. The Committee note and discuss this report.
2. That subject to the above, the recommendations contained within paragraph 2.2 of this report relating to the extension of the role and functions of the Standards Committee be referred to Council for approval.