

## **Terms of Reference - Standards and General Purposes Committee & Borough Plan Advisory Committee –**

To be inserted into the Constitution Part 3-B

### **Standards and General Purposes Committee**

- (a) **Membership:** 12 Councillors (other than the Mayor or Leader) and 1 non-voting co-opted members.

Independent Persons are invited to attend in an advisory non-voting capacity.

- (b) **Non-voting co-opted members**

The term of office for non-voting co-opted members shall be three years  
A maximum of two terms can be served consecutively.

Persons who have served as Councillors or co-opted members within five years prior to the appointment date, or close friends or relatives of such persons, are not eligible to serve as co-opted members.

Eligibility is restricted to persons who live or work in the borough.

- (c) **Role and Functions:**

- (i) Promotion and maintenance of high standards of conduct within the Council
- To promote and maintain high standards of conduct by councillors and co-opted members;
  - To assist councillors and co-opted members to observe the Members' Code of Conduct and other relevant codes;
  - To consider proposals to changes the Constitution and to advise the Council of any ethical governance issues considered to arise from them.
  - To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law and guidance from the Council's external Auditors
  - To receive reports from the monitoring officer on dispensations granted to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.
  - To hear appeals from councillors and co-opted members where a dispensation has been refused by the monitoring officer.

(ii) Assistance to councillors and co-opted members

- To ensure that all Members of the Council have access to training in all aspects of the Member's Code of Conduct, that this training is actively promoted, and that Members are aware of the standards expected from local Councillors under the Code.
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- To receive reports upon, monitor, manage and advise the Council upon the implementation of the Council's Member Development Strategy and the Member Development Programme.

(iii) Enforcement of the Members' Code of Conduct

- to oversee the arrangements for the enforcement of the Council's Code of Conduct including responsibility for amendments to the procedure and assessment criteria;
- maintenance of the Register of Members' Interests including approving the form of declaration and guidance to members
- to establish sub-committees to deal with pre-hearing issues;

(iv) Advising the Council on ethical governance matters

- To be consulted by the Monitoring Officer on ways in which the Constitution could be amended in order to better achieve the purposes set out in article 1 as required by Article 15.1;
- To advise the Council on ethical and corporate governance issues, and in particular upon the Council's Annual Governance Statement, Corporate Code of Governance and performance indicators so far as they relate to ethical conduct and the Members' Code of Conduct.
- To monitor amendments to, and the operation of, the Staff Code of Conduct.
- To maintain an overview of complaints handling and Ombudsman investigations.
- To determine (under s. 3A of the Local Government and Housing Act 1989) applications by Council employees for exemption from political restriction.

(v) Financial Governance and Audit matters:

- To approve the Council's statement of accounts and to consider any reports produced by the Chief Finance Officer in accordance with the duty to make arrangements for the proper administration of the Council's financial affairs, but not in respect of the formulation of a plan or strategy which is a function of the Executive (and subject to final approval by the Council) or detailed operational matters which are within the purview of the Executive.

- To consider reports and receive recommendations from external audit, including, but not limited to, the Annual Audit & Inspection Report, Certification of claims report, fee letters and Audit Plan.
- To consider reports and receive recommendations from Internal audit, including, but not limited to internal audit charter, audit plan, progress reports, anti- fraud activity and updates on anti-fraud policies. The Head of Audit & Investigations annual audit report, as part of the Annual Governance Statement.
- Subject to the Council's Scheme of Delegation to officers, to discharge the Council's functions in relation to the Local Government Pension Scheme including, but not limited to, the management of the Council's superannuation fund investments and the establishment of a Pension Fund Investment Panel and exercise of Council discretion in relation to adopting policies.
- To monitor the effectiveness and development and operation of risk management and governance.
- To formally agree the Annual Governance Statement and review the improvement plans.

(vi) Other Functions

- To monitor and review the operation of the Council's Constitution as required by Article 15.1 of this Constitution;
- To maintain an overview of the Council's Constitution (insofar as it relates to the discharge of non-executive functions) and Financial Regulations and to consider related reports the Head of Paid Service, the Monitoring Officer and/or Chief Finance Officer and to make appropriate recommendations to Council in relation thereto.
- To monitor and receive an annual report on the operation of the Regulation of Investigatory Powers Act 1998;
- To determine the publicity other than advertisement in a local newspaper which will be used to invite and encourage applications to become independent members of the Standards and General Purposes Committee.
- To assist in the appointment of independent members.
- To make arrangements for the appointment of non-voting co-opted members of the Standards and General Purposes Committee and recommend appointments to the Council.
- Any issue which in the professional opinion of the Chief Executive or Chief Officers should be referred to the committee.

- Any matter which has been referred by the Council or from another committee for determination.
- The setting up of sub-committees and panels and the setting of their terms of reference.
- To report to the Council, the Cabinet and /or Scrutiny Committees and Sub- Committees as necessary with decisions and recommendations.
- All other matters which are non-executive functions and which are not otherwise reserved to Council, are not within the terms of reference of any other committee and which are not delegated to officer
- Except for matters reserved by statute for consideration by the Full Council, to determine any matter which has been specifically referred to the Committee for consideration.
- To exercise the functions, powers and duties of the Council as Trustee of Trusts for which the Council is Corporate Trustee except insofar as those functions have been delegated to Chief Officers of the Council.
- Subject to the Council's Scheme of Delegation to officers:
  - to discharge the Council's functions in relation to health and safety at work, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.
  - to discharge the Council's functions in relation to elections. to consider all personnel-related issues which are not within the terms of reference of any other committee or otherwise reserved to Council including the appointment of an independent person to undertake investigations as required into allegations of misconduct against the Chief Executive, Monitoring Officer or Chief Finance Officer.
  - to receive reports of all payments exceeding £1,000 to persons who have been, or may have been, adversely affected by any maladministration on the part of the Council as identified in a report by the Local Government Ombudsman.

## **Borough Plan Advisory Committee – Terms of Reference**

- (a) **Membership:** 6 Members (Members of the Cabinet and Assistant Cabinet members may not be appointed to this Committee)
- (b) **Functions:**
  - 1. To discharge the Council's responsibilities contained in the Local Government Act 2000 and Planning and Compulsory Purchase Act 2004 (as amended) with respect to the Merton Local Plan specifically to make recommendations as appropriate to the Cabinet and Council on matters including:-
    - (i) Local Development Scheme
    - (ii) Statement of Community Involvement
    - (iii) Development Plan Documents
    - (iv) Local Development Documents
    - (v) Area Plans and Supplementary Planning Documents
    - (vi) Strategic Environmental Assessment
    - (vii) Tests of Soundness of Development Plan Documents
    - (viii) Neighbourhood plans
  - 2. To consider and advise the Cabinet and Council on the Report of the Inspector conducting the Independent Examination of Development Plan Documents of the Merton Local Plan.
  - 3. To advise the Cabinet and Council on the preparation of Local Plans prepared with adjoining boroughs, specifically the Joint Waste Development Plan Document.
  - 4. To advise the Cabinet and Council on other Strategic / London-wide spatial planning and transport planning matters.
  - 5. To consider the need for information, research, studies and investigations further to the preparation of the Merton Local Plan and to advise the Council on the resources required to prepare and review the Merton Local Plan.
  - 6. To consider new and emerging legislation relevant to the preparation and review of the Merton Local Plan.
  - 7. To consider and advise Cabinet and Council on buildings and structures to be included in the Local List, considering officer recommendations and consultation feedback.

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