

REVIEW OF THE TERMS OF REFERENCE OF THE CORPORATE GOVERNANCE AND STANDARDS COMMITTEE

Terms of Reference of the Corporate Governance and Standards Committee

Statement of purpose

The Committee has a dual purpose both as an audit committee and a standards committee.

The Committee is a key component of the authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Committee is to provide independent assurance to councillors of the adequacy of the risk management framework and the internal control environment. It provides independent review of the authority's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

With regard to standards, the Committee promotes high standards of conduct by councillors and co-opted members and oversees the arrangements for dealing with allegations of misconduct.

Audit and Accounts Activity

1. To consider ~~the bi-annual reports~~ on the summary of internal audit activity (actual and proposed) and the level of assurance that it can give over the Council's corporate governance arrangements. and monitor the progress of high priority actions arising from audit recommendations
2. To consider reports dealing with the management and performance of the providers of the internal and external audit functions.
3. ~~To consider reports from internal audit on recommendations agreed with heads of service as a result of an internal audit review which have not been implemented within a reasonable timescale. To approve the Internal and External Audit Plans, and significant interim changes.~~
4. To consider the external auditor's annual letter (including their audit fee), relevant reports (both financial and strategic) and the report to those charged with governance and submit any comments to the Executive.
5. To consider specific reports submitted by the internal or external auditors.
6. To comment on the scope and depth of internal and external audit work and ensure that it gives value for money.
7. To review and approve the annual statement of accounts and Audit Findings Report with specific emphasis on 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.
8. ~~To approve the Council's statement of accounts each year.~~
9. To consider reports on ~~treasury management matters~~ the Capital and Investment Strategy prior to their referral to the Executive and Council
10. To consider ~~quarterly~~ budget monitoring reports at least on a quarterly basis.

Commented [JA1]: These are now included in KPMG's internal audit reports

Corporate Governance Activity

11. To monitor and review the operation of the Council's Constitution, particularly in respect of financial procedures and protocols, procurement procedures and guidelines

- and make recommendations, as appropriate, in respect of any proposed amendments to the Executive and Council.
12. To consider the Council's arrangements for corporate governance and to recommend such actions necessary to ensure compliance with best practice, together with any relevant corporate governance related issues ~~To review any corporate governance issue~~ referred to the Committee by the Joint Chief Executive, a Director, the Leader/Executive or any other committee of the Council.
 13. To monitor the effective development and operation of risk management ~~and corporate governance undertaken throughout in~~ the Council including the review of the Corporate Risk Register.
 14. To consider and approve the Council's Annual Governance Statement in advance of the formal approval of the Council's Statement of Accounts.
 15. ~~To consider the Council's arrangements for corporate governance and necessary actions to ensure compliance with best practice, together with any relevant issues referred by the Corporate Governance Group.~~
 16. ~~To consider the Council's compliance with its own and other published standards and controls.~~
 17. ~~To consider the annual report regarding complaints about the Council referred to the Local Government Ombudsman.~~
 18. ~~To approve payments or other benefits of a value greater than £5,000 arising from complaints to the Local Government Ombudsman.~~
 19. ~~To monitor the effectiveness of the Council's:~~
 - ~~whistle-blowing procedure;~~
 - ~~anti-fraud and corruption policy;~~
 - ~~anti-bribery policy and procedure~~
 - ~~complaints procedure~~and make appropriate recommendations to the Executive.
 - To consider an annual report of the operation of the whistle-blowing policy, including incidents reported
 20. ~~In relation to corporate health and safety, to receive reports on compliance with the Council's health and safety policies and standards, accident rates and claims and the financial implications of action taken in that regard.~~
 21. ~~In relation to human resources functions delegated to the Joint Chief Executive and Directors to receive reports on compliance with the Council's policies and procedures and the financial implications of action taken in that regard.~~
 22. ~~To consider an annual report on insurance claims against the Council including issues arising from them and steps taken to manage the risk of future claims of a similar nature.~~
 23. ~~To mMonitoring and auditing of~~ the Council's equality and diversity policies and approve the Equality Scheme and associated action plan.
 24. To monitor bi-annually the Council's performance in dealing with Freedom of Information and Environmental Information Regulations requests.
 25. To monitor the Council's progress on various data protection and information security initiatives.
 26. To consider annual reports on the work of task groups appointed by the Committee, together with other matters submitted to the Committee periodically by those task groups
 27. To consider bi-annually Planning Appeals Monitoring Reports and S106 Monitoring Reports
 28. To consider an annual report on the exercise of powers under the Regulation of Investigatory Powers Act 2000

Commented [JA2]: Details of Ombudsman complaints are now included in the Performance Monitoring Reports. The last occasion on which an annual report was submitted was in 2012 to the predecessor Audit & Corp Gov Ctte

Commented [JA3]: The Task Group felt that anti-fraud & corruption and anti bribery policies were covered in 12 above, ability to bring such issues to the Committee's attention. complaints were covered in the performance monitoring reports.

Commented [JA4]: The Committee has never considered such reports. CMT responsible for health & safety, HR and insurance claims

Ethical Standards Activity

29. To promote and maintain high standards of conduct by councillors and co-opted members¹

30. To advise the Council on the adoption or revision of the Councillors' code of conduct.

~~31. To assist councillors and co-opted members to observe the code of conduct.~~

32. To advise, train or arrange to train councillors and co-opted members on matters relating to the code of conduct.

~~33. To advise the public on matters relating to the code of conduct.~~

34. To agree arrangements for the selection and interviewing of candidates for appointment as Independent Persons (including such joint arrangements with other councils as may be deemed by the Monitoring Officer to be appropriate) and to make recommendations to full Council on these appointments.

35. To agree allowances and expenses for the Independent Person and any Reserve Independent Persons

36. To grant dispensations, after consultation with the independent person, to councillors and co-opted members with disclosable pecuniary interests.

~~37. To determine whether to investigate allegations of misconduct by councillors or co-opted members in circumstances where such determination by the Monitoring Officer is considered by him to be inappropriate.~~

~~38. To determine, by way of a hearing, those allegations of misconduct by councillors or co-opted members where a formal investigation has found evidence of failure to comply with the code of conduct and where a local resolution has not been agreed.~~

~~39. To determine, following a hearing and a finding that a councillor or co-opted member has failed to comply with the code of conduct, such action as may be deemed appropriate and proportionate.~~

~~40. To make recommendations, following a hearing, to any parish council in the Council's area on action to be taken against any councillor or co-opted member of that parish council found to have failed to comply with that council's code of conduct.~~

41. To ~~implement~~ monitor and review the operation of the code of conduct for staff and the Protocol on Councillor/ Officer Relations and to make recommendations as appropriate to Council in respect of any necessary amendments.

42. ~~To implement, monitor and review the operation of the Protocol on Councillor/ Officer Relations.~~

~~43. To undertake the Council's ethical governance audit of the rules and procedures applying within the Council and to consider the need for any further provisions.~~

44. To consider the Monitoring Officer's Annual Report on misconduct complaints against councillors, and any other matter referred by the Monitoring Officer.

Commented [JA5]: The Task Group felt that 33 covers 32

Commented [JA6]: The Task Group agreed that this would be an officer rather than committee responsibility

Commented [JA7]: The Task Group recommend that this should be identified specifically as a function of the Assessment Sub-Committee. And included in Article 10

Commented [JA8]: The Task Group recommend that this should be identified specifically as functions of the Hearings Sub-Committee. And included in Article 10

Commented [JA9]: Full Council approves the code of conduct for staff and the protocol on councillor/officer relations

Commented [JA10]: The Task Group agreed that this would be covered elsewhere in the audit functions. IA would cover this by way of an audit review

Accountability arrangements

To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

To report annually to full Council on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.

¹ A "co-opted member" for this purpose is, defined in the Localism Act section 27 (4) as "a person who is not a member of the authority but who

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

Reference to councillors or co-opted members in paragraphs 30 and 31 includes councillors or co-opted members of parish councils in the Council's area.