



GA.32 14/15
Governance & Audit Committee
20th November 2014

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Subject: An overview of governance related activity and reporting across the Council

Report by:

Director of Resources

Contact Officer:

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Purpose / Summary:

To provide Members with an overview of governance related activity and associated reporting across the Council

RECOMMENDATION(S): 1.Members are asked to welcome the governance overview report.
2. Members are asked to provide comments on any issues the report raises.

IMPLICATIONS

Legal: None

Financial: None FIN/86/15

Staffing: None

Equality and Diversity including Human Rights: None

NB: Please explain how you have considered the policy's impact on different groups (for example: young people, elderly, ethnic minorities, LGBT community, rural residents, disabled, others).

Risk Assessment: None

Climate Related Risks and Opportunities: None

Title and Location of any Background Papers used in the preparation of this report:

Wherever possible please provide a hyperlink to the background paper/s

If a document is confidential and not for public viewing it should not be listed.

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

Executive Summary

If the main body of your report is longer than 4 sides of A4 then you are required to complete an executive summary. Please summarise the entire content of the report, its purpose and the decisions you require on one side of A4.

1 Introduction

1.1 Over the last eighteen months the Council has invested time and effort into governance and project management to ensure that the red risk identified by Internal Audit has been improved upon resulting in an amber rating earlier this year. In addition, the AGS was developed this year and based around the CIPFA Framework for Good Governance in the Public Sector. Appendix One sets out the key elements of the typical systems and processes that comprise WLDC's governance arrangements and details the actions and behaviours that both officers and Members commit to, to ensure that governance remains robust across the authority and that the Annual Governance Statement is an accurate assessment of the Council's governance arrangements.

1.2 Running through all governance related activity is adherence to CIPFA's 'Six Principles of Good Governance' as detailed below:

- Engaging with local people and other stakeholders to ensure robust public accountability
- Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area
- Members and officers working together to achieve common purpose with clearly defined functions and roles
- Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour
- Taking informed and transparent decisions which are subject to effective scrutiny and managing risk
- Developing the capacity of Members and officers to be effective

1.3 These principles support both the development of the Council's Annual Governance Statement and West Lindsey's 'Local Code of Governance' which is contained within The Constitution and is reviewed annually to ensure it remains relevant and robust. The Code represents our public commitment to ensuring we are doing the right things in the right way for the right people, in an open; honest; inclusive and timely manner.

1.4 To improve our governance arrangements the Council developed a range of activity to ensure that both Members and Officers could work collaboratively to ensure a high level of assurance in terms of compliance with regards to decision making and risk management. The work led to a 'SMART' Action Plan which in June of this year was agreed as sufficiently achieved to be signed off as completed. The 'SMART' Action Plan included seven key headings for work to be progressed:

- Leadership Outcomes
- Political Governance Outcomes

- Project and Risk Management
 - Investment
 - Performance Management
 - Communication
 - Culture
- 1.5 This report aims to capture the governance arrangements currently in place to provide assurance to both Members and Officers that good governance is being applied and followed.

2. Current Governance Arrangements

- 2.1 The key document with regards to the Governance of the organisation is 'The Constitution' which currently includes the Standing Orders, Finance Regulations and Procurement controls. The Constitution therefore provides the framework for our governance arrangements and it is supported by a range of risk and performance management processes.

3. Members

- 3.1 The Constitution determines that the responsibilities of Members will be undertaken through a number of Committees which have delegated powers to take decisions on behalf of the whole Council. The Committees and their Terms of Reference are shown in Appendix Two.
- 3.2 Members agreed a Corporate Plan earlier this year that had a time period of 2014 -2018. The priorities for the District were developed in partnership with Stakeholders and set out in this plan.
- 3.3 A sustainable budget is agreed by Members each year at full Council which provides delegated powers to the Head of Paid Service to manage the business of the Council in line with the priorities set out in the Corporate Plan and to deliver the duties of the Council as regulated by Central Government.
- 3.4 In addition to the revenue budget the Council agrees a Capital Investment Plan which outlines projects that the Council will implement subject to appropriate business cases and authorities being agreed by the appropriate Committee.
- 3.5 On an agreed frequency Members will receive monitoring reports on risk management and performance (financial and service) management. These reports currently go to Prosperous Communities, Policy and Resources and Governance and Audit Committees.

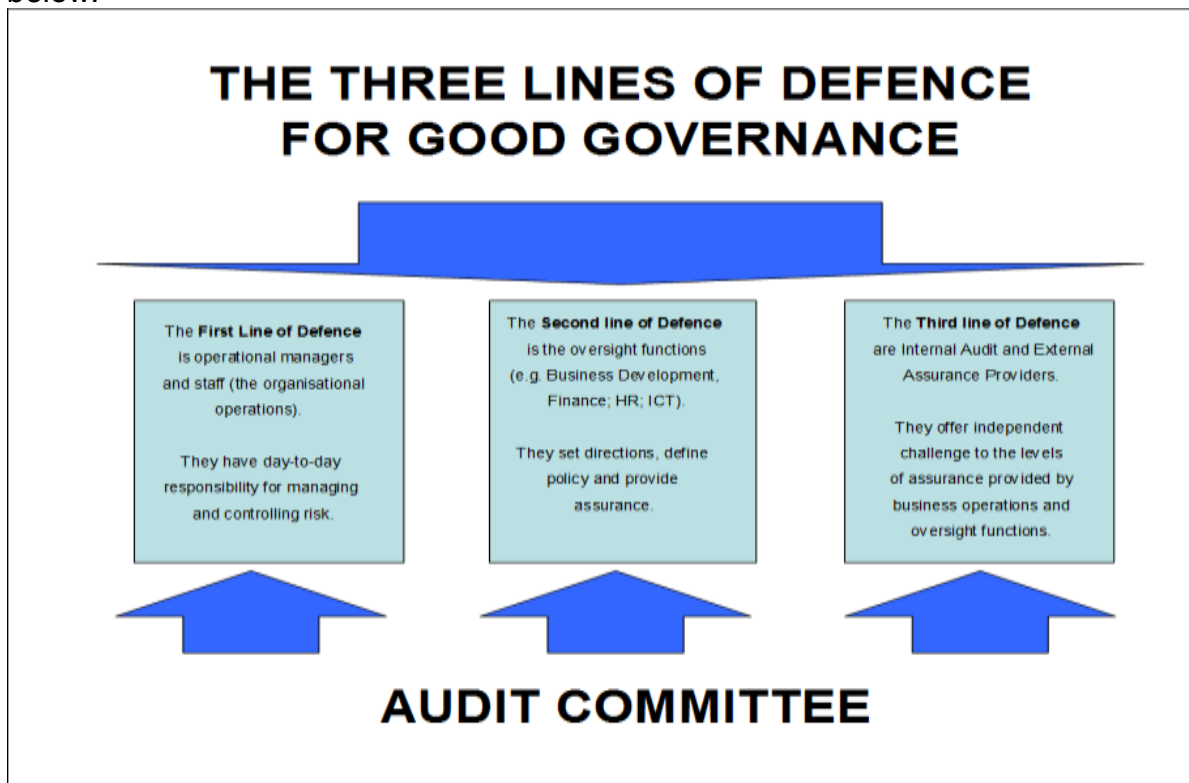
4. Officers

4.1 All reports that go to Members will have passed through a member of the Corporate Leadership Team (CLT) prior to being presented at Committee. This would currently be via either one of the Programme Boards or through CLT itself.

4.2 In addition, to ensuring compliance with the Constitution and in particular the finance and procurement regulations and budgetary policy framework procedure rules (detailed at Appendix Three), the senior management team receive reports on risk management, progress on the completion of audit actions, performance management including finances, and current progress on major projects through project management.

5. Three Levels of Assurance

5.1 Officers rely on an approach known as three levels of assurance as illustrated below:



5.2 Within each level a range of activity is undertaken. This approach acts so as to triangulate scrutiny activity and provides a comprehensive assessment of the level of corporate governance across the Council.

6. Reports to Members

6.1 To ensure Members are able to fulfil their role in good governance the following reports are provided:

- Progress and Delivery – 3 times per year

- Financial monitoring - Quarterly
- Internal Audit progress - Quarterly
- Financial Accounts - Annually
- Annual Governance Statement – Annually
- Annual Governance Statement Action Plan Update – Quarterly
- Strategic Risks - Quarterly
- Combined Assurance Report - Annually

7. Reports at Officer Level

7.1 Internal reporting mechanisms are in place to ensure that governance related matters are reported:

- Progress and Delivery – Monthly
- Corporate priorities – 6 weekly
- Corporate & Strategic Risk registers – Monthly
- Financial reports – Monthly
- Audit reports - Monthly

8. Conclusion

8.1 In summary, much activity on the part of both officers and Members is conducted across a range of themes to ensure that a robust governance framework is in place. Many internal officer led ‘checks and balances’ exist to provide Members with confidence that governance, scrutiny and challenge are key components of day to day activity. Governance related reports are presented to Members in a transparent manner to enable effective challenge and scrutiny and to engender accountability. Additional scrutiny is provided by internal and external audit and effective lines of communication and good working relationships are in place with both parties.

9. Recommendation

9.1 Members are asked to welcome the governance overview report.

9.2 Members are asked to provide comments on any issues the report raises.

Appendix One - Delivering Good Governance Framework

<u>Elements of systems and processes in place at WLDC which comprise the authority's governance arrangements.</u>	<u>Officer Role in ensuring responsibilities are discharged</u>	<u>Member Role in ensuring responsibilities are discharged</u>
<p>1. Developing, communicating, operationalising and reviewing the Council's vision.</p>	<p>1. On-going research and horizon scanning to produce robust evidence base. 2. Priorities tested through engagement events and Member/officer working. 3. Production and communication of Corporate Plan. 4. Strategies developed to meet priorities 5. Delivery against priorities overseen by corporate Boards within WLDC.</p>	<p>1. Use sound evidence to produce priorities. 2. Fulfil Member lead role in meeting priorities. 3. Promote and support Corporate Plan across constituency. 4. Fulfil scrutiny role in assessing progress of programmes and projects.</p>
<p>2. Measuring the quality of services for users, ensuring they are delivered in accordance with the authority's objectives and ensuring that they represent the best use of resources and value for money</p>	<p>1. Service areas set relevant measures and undertake robust performance management. 2. Production of monthly progress & delivery reports for CLT. 3. Production of three progress & delivery reports per year for Members. 4. Monitor and act on customer feedback where required. 5. Set a sustainable financial budget.</p>	<p>1. Committees receive progress & delivery and challenge where appropriate to seek assurance. 2. G&A and C&I Committees receive customer feedback reports and challenge/seek assurance where appropriate.</p>
<p>3. Defining and documenting the roles and responsibilities of the Full</p>	<p>1. Working to procedures as set out in The Constitution.</p>	<p>1. The Challenge and Improvement Committee can o establish time</p>

<p>Council, Policy Committees, scrutiny and officer functions, with clear delegation arrangements and protocols for effective communication in respect of the authority and partnerships arrangements</p>	<p>2. Regularly reviewing The Constitution to maintain its relevance.</p>	<p>limited groups to carry out in depth reviews. 2. Maintain clear division between roles of policy formulation and scrutiny.</p>
<p>4. Developing, communicating and embedding codes of conduct, defining the standards of behaviour for Members and staff</p>	<p>1. Adhere to Officer Code of Conduct. 2. Follow guidance set out in anti-fraud and corruption and whistle-blowing policies. 3. Partake effectively in appraisal process and undertake appropriate training/development. 4. Follow investigation and disciplinary process for conduct issues and take action against employees where conduct falls below that expected</p>	<p>1. Lead Member positions to follow role descriptions and expected behaviours as set out within the Constitution. 2. Comply with Members and Co-opted Members Code of Conduct. 3. Adhere to Local Code of Corporate Governance. 4. Referral to Standards Sub-Committee where relevant. 5. Undertake appropriate training/development</p>
<p>5. Reviewing the effectiveness of the authority's decision-making framework, including delegation arrangements, decision making in partnerships and robustness of data quality</p>	<p>1. Production of a Data Quality Policy. 2. Ensure transparency in decision making and produce and publish agendas, minutes and reports for public scrutiny. 3. Where appropriate produce three options for Members' consideration 4. Working to procedures as set out in The Constitution. 5. Implementation of effective internal Boards to ensure robust decision making.</p>	<p>1. Ensure that at least three options are presented by officers for consideration. 2. Ensure the C&I Committee operates in an effective manner.</p>
<p>6. Reviewing the effectiveness of the</p>	<p>1. Produce and adhere to the risk</p>	<p>1. Receive and challenge where</p>

<p>framework for identifying and managing risks and demonstrating clear accountability</p>	<p>management strategy and ensure all relevant staff and teams consider; monitor and update risks on a regular basis.</p> <ol style="list-style-type: none"> 2. CLT to regularly review and monitor strategic risks ensuring mitigating actions are robust and implemented. 3. Follow risk management ACoP. 4. Report strategic risks to Members. 	<p>relevant risk management reports.</p> <ol style="list-style-type: none"> 2. Make effective use of Risk Member Champion.
<p>7. Ensuring effective counter-fraud and anti-corruption arrangements are developed and maintained</p>	<ol style="list-style-type: none"> 1. Produce and adhere to Anti-Fraud, Corruption and Money Laundering Strategy. 2. Incorporate anti-fraud presentation into the corporate induction. 3. Rigorously and objectively investigate allegations of fraud/corruption. 	<ol style="list-style-type: none"> 1. Adhere to Anti-Fraud, Corruption and Money Laundering Strategy. 2. Declare interests and record hospitality/gifts. 3. Comply with Members and Co-opted Members Code of Conduct.
<p>8. Ensuring effective management of change and transformation</p>	<ol style="list-style-type: none"> 1. Produce a realistic and time-framed transformation plan designed to meet corporate objectives. 2. Ensure the effective working of internal corporate Boards to oversee programme/project development and delivery. 3. Produce and adhere to an effective project management methodology. 4. Report programme/project development to Members highlighting any aspects which are behind schedule. 	<ol style="list-style-type: none"> 1. Receive Progress and Delivery reports and challenge and seek assurance where appropriate. 2. Appraise transformation plan to ensure corporate objectives will be met and ambitions are realisable.
<p>9. Ensuring the authority's financial</p>	<ol style="list-style-type: none"> 1. The Council has designated the 	<ol style="list-style-type: none"> 1. Ensure that the Council's financial

<p>management arrangements conform with the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government (2010) and, where they do not, explain why and how they deliver the same impact</p>	<p>Director of Resources as the Chief Finance Officer under Section 151 of the Local Government Act 1972.</p> <ol style="list-style-type: none"> 2. Ensuring the financial management of the Council is conducted in accordance with the Financial Procedure Rules set out in The Constitution. 3. Undertake regular budget monitoring and report to Members on the financial position. 4. Produce annual accounts supporting stewardship responsibilities which are subjected to external audit and which follow the Code of Practice on Local Authority Accounting in the UK in line with International Financial Reporting Standards. 	<p>obligations as set out in The Constitution are met.</p> <ol style="list-style-type: none"> 2. Receive and challenge where appropriate financial reports.
<p>10. Ensuring the authority's assurance arrangements conform with the governance requirements of the CIPFA Statement on the Role of the Head of Internal Audit (2010) and, where they do not, explain why and how they deliver the same impact</p>	<ol style="list-style-type: none"> 1. The Head of Internal Audit reports to the CMT and the Governance & Audit Committee on a regular basis in relation to audit and governance related matters. 2. Production of an Internal Audit Charter. 3. Ensure that the Internal Audit service operates in an effective and efficient manner and complies with relevant legislation and best auditing practice. 	<ol style="list-style-type: none"> 1. G&A Committee receive and challenge where appropriate reports from the Head of Internal Audit. 2. Members undertake recommended training/development to ensure they remain effective in undertaking their governance role.
<p>11. Ensuring effective arrangements</p>	<ol style="list-style-type: none"> 1. The key statutory role and 	<ol style="list-style-type: none"> 1. Members ensure that they are

are in place for the discharge of the monitoring officer function	<p>functions of the Monitoring Officer are detailed in The Constitution.</p> <p>2. The Council ensures that the Monitoring Officer has access to sufficient skills and resources to undertake the role.</p>	satisfied that the Monitoring Officer is effective in fulfilling the role.
12. Ensuring effective arrangements are in place for the discharge of the head of paid service function	<p>1. The statutory provisions for the Head of Paid Service function are included in the Constitution.</p>	<p>1. The Leader and the Chief Executive agree corporate objectives and key priorities.</p> <p>2. Monitoring against progress is achieved via regular liaison between relevant parties.</p>
13. Undertaking the core functions of an audit committee, as identified in CIPFA's Audit Committees: Practical Guidance for Local Authorities	<p>1. The core functions of the Governance and Audit Committee are set out in the Constitution. Terms of reference have been updated to take account of CIPFA guidance and the Committee operates to these.</p>	<p>1. The Governance & Audit Committee receives training and has a defined work plan.</p> <p>2. Substitutes are not permitted unless the substitute has undertaken specific audit committee training.</p>
14. Ensuring compliance with relevant laws and regulations, internal policies and procedures, and that expenditure is lawful	<p>1. The Constitution and relevant job descriptions outline Officer, Member, Committee and Council responsibilities.</p> <p>2. Make use of Lincolnshire Legal Services/counsel where required.</p> <p>3. Undertake effective Horizon Scanning to identify at an early stage potential legislative changes and assess their likely impact.</p> <p>4. Effective undertaking of the roles of</p>	<p>1. The Governance and Audit Committee receive reports by Internal Audit which will include review of compliance with legislation.</p> <p>2. The Governance and Audit Committee can request attendance of managers to provide further assurance.</p>

	<p>The Council's statutory officers (Head of Paid Service, the Section 151 Officer and the Monitoring Officer.)</p> <p>5. The Section 151 Officer is specifically responsible for the proper discharge of the Council's financial arrangements and must advise elected Members where expenditure is likely to exceed resources.</p>	
15. Arrangements for whistle blowing and for receiving and investigating complaints from the public	<ol style="list-style-type: none"> 1. Development, implementation and review of Whistle Blowing Policy. 2. Development, implementation and review of an effective mechanism for handling customer complaints. 	<ol style="list-style-type: none"> 1. Members to receive reports detailing the number of whistle blowing reports and customer complaints and challenge/seek assurance where appropriate.
16. Identifying the development needs of Members and senior officers in relation to their strategic roles, supported by appropriate training	<ol style="list-style-type: none"> 1. Production of a Member Development Plan. 2. Use of staff appraisals and personal development plans. 3. Production of a corporate training plan. 	<ol style="list-style-type: none"> 1. Members to identify own development needs and partake in appropriate training.
17. Establishing clear channels of communication with all sections of the community and other stakeholders, ensuring accountability and encouraging open consultation	<ol style="list-style-type: none"> 1. Effective use of: <ul style="list-style-type: none"> • West Lindsey Citizen Panel through surveys and focus groups • Focus groups with residents and local businesses • E-surveys • Local press 	<ol style="list-style-type: none"> 1. Support The Localism approach and act as advocates of the Council. 2. Effective fulfilment of constituency Member role. 3. Raise issues on behalf of residents in a constructive and objective

	<ul style="list-style-type: none"> • West Lindsey Newsletter • Summits • Social media <ol style="list-style-type: none"> 2. Existence of The Localism approach to engage with and support communities. 3. Use of service user surveys. 	manner.
<p>18. Enhancing the accountability for service delivery and effectiveness of other public service providers incorporating good governance arrangements in respect of partnerships and other joint working as identified by the Audit Commission's report on the governance of partnerships, and reflecting these in the authority's overall governance arrangements</p>	<ol style="list-style-type: none"> 1. Production of an ACoP in relation to partnerships. 2. Amendments to The Constitution to make reference to partnership governance for joint arrangements and to also include partnership arrangement in the Contract procedure rules 	<ol style="list-style-type: none"> 1. Challenge & Improve Committee to invite strategic partners and other public service providers to outline their work and assess its effectiveness in addressing issues and/or meeting needs.

Appendix Two - Committee Terms of Reference

Council

The following functions will only be exercised by the full council:

1. To approve and adopt the following plans and strategies which together make up the council's budgetary and policy framework:
 - Budget¹ and Council Tax including council tax base
 - Community Strategy (Sustainable Community Strategy)
 - Corporate Plan
 - Community Safety Plan (Crime and Disorder Reduction)
 - Development Plan (Local Development Framework including Development Plan Documents and Statement of Community Involvement)
 - Housing Strategy Statement
 - Statements of Licensing Policy and Gambling Policy
2. To consider and determine whether any additional plans or strategies, both statutory and non-statutory, should be adopted or approved;
3. To adopt and change the Constitution when necessary after consideration by the Governance and Audit Committee;
4. At the annual meeting to appoint the Leader and Deputy Leader of the Council;
5. To consider a resolution to remove the Leader and/or Deputy Leader and appoint a replacement Leader and/or Deputy Leader;
6. At the annual meeting to appoint the Chairman and Vice-Chairman of the Council;
7. To agree and/or amend the terms of reference for committees, deciding on their composition and making appointments to them;
8. To appoint representatives to outside bodies;
9. To adopt an allowances scheme under Part VI of the Constitution;
10. To determine any changes to the name of the district;
11. To confirm the appointment and the dismissal of the Head of the Paid Service;

¹ The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the Council Tax, controlling the Council's borrowing requirement and capital

expenditure in line with CIPFA's "Prudential Code for Capital Finance in Local Authorities", and the setting of virement limits.

12. To designate the Head of Paid Service, Monitoring Officer, Section 151 Officer (Chief Finance Officer) and Electoral Registration Officer/ Returning Officer.
13. To receive and consider reports from the council's three statutory officers;
14. To make, amend, revoke, re-enact or adopt bye laws and to promote or oppose the making of local legislation or personal bills;
15. To consider those matters referred to it from time to time by the policy committees, overview and scrutiny committee and by other council committees;
16. To confer the title of Honorary Alderman and Freeman;
17. To adopt the Council's Codes of Conduct.
18. To exercise all local choice functions which the council decides should be undertaken by itself rather than the policy committees;
19. To consider and debate motions raised by councillors;
20. To debate issues that are the subject of petitions signed by a specified number of people (as set out in the Petitions Scheme in the appendix to the Constitution);
21. To consider all other matters which, by law, must be reserved to council.

Policy and Resources Committee

As the principal committee of the council to be responsible for:

1. The formulation (but not the adoption or approval) of:
 - (a) the Policy Framework,
 - (b) the budget; and
 - (c) the Council's objectives and priorities.
 2. The control and management of resources including land, property, finance and staff to further the council's objectives.
 3. Ensuring compliance with the council's budget including its revenue and capital budgets and the management of the council's assets.
 4. The performance framework of the council.
 5. The approval of the Committee timetable for each municipal year.
 6. The exercise of the council's functions relating to:
 - Equality and Diversity
 - Health and Safety (as an employer)
 - Voluntary Sector
 - Climate change
 7. The adoption and approval of strategies and policies not forming part of the Policy Framework apart from those policies for which delegated power is given to the Chief Executive to approve under Part IV of this Constitution.
 8. The exercise of any function, duty or power of the council which is not delegated to another Committee, Sub-Committee or an officer, or reserved for decision by full council under this Constitution or by law.
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Prosperous Communities Committee

To be responsible for the following areas:

1. The regeneration, housing and planning strategies which together form the council's approach to place shaping.
2. The council's role in the community around health and crime and disorder including the well being of the community and the development of partnerships.
3. The council's approach to community interaction and engagement including the geographic focus within the six designated Areas.
4. All services under these strategic areas :
 - a. Strategic Housing
 - b. Home Options
 - c. Private Sector Housing
 - d. Enabling Affordable Homes
 - e. Supporting People
 - f. Economic Development
 - g. Markets and Car Park Policy
 - h. Tourism
 - i. Countryside Management and Open Space
 - j. Support to Business
 - k. Growth
 - l. Litter, Recycling , Waste and Street Cleansing
 - m. Anti Social Behaviour
 - n. Family Intervention
 - o. Public Protection and Environmental Issues
 - p. Public Health
 - q. Transport
 - r. Leisure and Culture
 - s. Planning and Development
 - t. Land Charges
5. Exercising the council's statutory functions in these areas.
6. Authorising the institution, prosecution or defence of any legal proceedings in connection with the functions of the committee.
7. Adopting any relevant plans, strategies and policies other than those identified for adoption by the council or the Policy and Resources Committee.

Governance and Audit Committee

To be responsible for:

(a) Corporate Governance

1. Monitoring the operation of the Council's Constitution and keeping its terms under review, including all procedure rules.
2. Considering and making recommendations on any proposal to make changes to the constitution prior to its consideration by the council.
3. To inform the work of the Remuneration Panel in advance of them making submissions to Council.
4. To keep under review the terms of reference of member level bodies and delegations of council functions to committees and formally appointed bodies and officers.
5. Agreeing and updating regularly the Council's Local Code of Governance.
6. Monitoring its operation and compliance with it, and using it as a benchmark against performance for the annual governance statement.
7. Following a decision of council to undertake a community governance review to agree the terms of reference for and conduct such a review, making recommendations to council who will determine the outcome of such reviews.
8. Exercising functions relating to elections and parishes set out in Part D of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (or any replacement or amendment of it).
9. Reviewing the adequacy of the Council's corporate governance arrangements (including matters such as internal control and risk management) and approving the annual governance statement.

(b) Accounts and Audit

1. Considering the Council's arrangement relating to accounts including;
 - (i) the approval of the statement of accounts and any material amendments of the accounts recommended by the auditors;

- (ii) to keep under review the council's financial and management accounts and financial information as it sees fit.
- 2. Considering the council's arrangements relating to the external audit requirements including the receipt of the external audit reports so as to;
 - (i) inform the operation of the council's current or future audit arrangements;
 - (ii) provide a basis for gaining the necessary assurance regarding governance prior to the approval of the council's accounts.
- 3. Considering the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- 4. Considering the council's arrangements relating to internal audit requirements including:
 - (i) considering the Annual Internal Audit report, reviewing and making recommendations on issues contained therein;
 - (ii) monitoring the management and performance of internal audit; (iii) agreeing and reviewing the nature and scope of the Annual Audit Plan.
- 5. Considering summaries of specific internal audit reports of significance or as requested.
- 6. Considering reports from internal audit on agreed recommendations not implemented within a reasonable timescale.
- 7. Considering specific reports as agreed with the external auditor.
- 8. Recommending to the Council the appointment of the Council's external auditor.
- 9. Scrutinising the draft Treasury Management Strategy.

(c) Regulatory Framework (Assurance Framework)

- 1. Reviewing any issues referred to it by the Chief Executive, a Director, the Chief Finance Officer or any council body.
- 2. Monitoring the effective development and operation of risk management and corporate governance in the council.

3. Monitoring Council policies on confidential reporting code, anti-fraud and anti-corruption policy and Council's complaint process.
4. Approving payments or providing other benefits in cases of maladministration as required and making recommendations arising from any review of a report of the Local Government Ombudsman.

(d) Ethics and standards

1. Promote and maintain high standards of conduct by councillors and co-opted members.

Note:

Once appointed to serve or substitute on this committee, members must receive training prior to approval of the Annual Statement of Accounts.

Nominations be sought to form a pool of trained substitutes in order to ensure that decisions are made by fully trained members.

The Leader of the Council, other group leaders, the Chairman of the Challenge and Improvement Committee and the Chairman of the Standards Committee may be required to attend this committee but may not be appointed to it.

The committee will include at least one independent member.

Licensing and Regulatory Committee

To be responsible for:

1. Exercising the Council's functions as licensing authority so far as required or permitted by the Licensing Act 2003, as amended, in accordance with sections 6, 7, 9 and 10 of that Act, associated regulations and the delegation set out in appendix 1 of the Statement of Licensing Policy.
2. Recommending the setting and adoption of the Statement of Licensing Policy to the Council.
3. Exercising the Council's functions as licensing authority under the Gambling Act 2005.
4. Recommending the setting and adoption of the Gambling Policy to the Council.
5. Exercising the Council's full remit of licensing functions under the relevant Acts and Regulations including the functions and responsibilities regulations.
6. Exercising the Council's full range of duties and responsibilities in respect of food premises and approving the Food Law Enforcement Plan.
7. Exercising the Council's full range of duties and responsibilities under the Environmental Protection Act and associated regulations.
8. Making arrangements for any hearing in relation to these responsibilities to be considered and determined by the Licensing Sub-Committee for matters relating to the Licensing Act 2003 and by the Taxi and General Licensing Sub-Committee for all other matters.
9. Discharging the Council's functions under Part I of the Health and Safety at Work etc Act 1974 other than in its capacity as an employer.
10. Recommending the setting and adoption of other relevant policies to the Prosperous Communities Committee as necessary.
11. Recommending the setting and adoption of policies relating to Taxi and Private Hire Licensing to the Prosperous Communities Committee.
12. The granting of Public Space Protection Orders (PSPO)

Note: Once appointed to serve or substitute on this committee, members must receive training by 31 August each year or within three months of being appointed, whichever is the sooner.

Planning Committee

1. To be responsible for the following areas:
 - To determine and advise upon planning applications and local authority development proposals
 - Street naming and numbering
 - Building Regulations
 - Public Path orders
 - Certificates of lawfulness
 - Agreements under section 106 of the Town and Country Planning Act 1990
 - Other agreements associated with specific applications
 - Advertisement consents
 - Conservation area consents
 - Revocation/modification orders
 - Enforcement proceedings
 - Tree Preservation orders
 - Consents to fell/lop trees
 - Listed Buildings consents
 - All other notices, demands, permissions and consents or otherwise referred to in Town and Country Planning legislation
2. To make or issue observations and representations on development proposals by the County Council and neighbouring authorities.
3. Conservation and heritage.
4. To administer the registration provisions contained in Town and Country Planning legislation.
5. To exercise the Council's statutory functions in accordance with building regulations and associated legislation.
6. To authorise the institution, prosecution or defence of any legal proceedings in connection with any functions of this committee.

Note: Once appointed to serve or substitute on the above committee, members must receive training by 31 August each year or within three months of being appointed, whichever is the sooner.

Taxi and General Licensing Sub-Committee
(a sub-committee of Licensing and Regulatory Committee)

To discharge, in accordance with statutory requirements and council policy, the council's registration, licensing and enforcement responsibilities in respect of all licensing matters, including:

- (a) hackney carriage and private hire
- (b) street and house to house collections
- (c) street trading
- (d) pet shops
- (e) animal boarding and breeding
- (f) riding establishments
- (g) skin piercing (personal and premises)
- (h) motor salvage operators
- (i) scrap yard registrations
- (j) dangerous and wild animals
- (k) zoos
- (l) sex shops and sexual entertainment venues
- (m) appeals against notices served by officers in relation to these functions

Note:

Once appointed to serve or substitute on the above sub-committee, members must receive training by 31 August each year or within three months of being appointed, whichever is the sooner.

Challenge and Improvement Committee

1. To exercise the Council's responsibilities for overview and scrutiny;
2. To conduct reviews of policy, services or aspects of service that have either been referred by a policy committee or the council, relate to the Forward Plan or have been chosen by the committee according to the agreed criteria for selecting such reviews;
3. To approve and keep under review an annual overview and scrutiny work programme, including the work programme of any scrutiny panels established in accordance with the Challenge and Improvement Committee work programme;
4. To approve the scope, timetable and method for each review by a scrutiny panel to put in place and ensure that such reviews are monitored and managed efficiently and in accordance with the Overview and Scrutiny Procedure Rules;
5. To make reports and recommendations to the council, the Leader, a policy committee or any other Council committee arising from the exercise of these terms of reference;
6. To consider the Forward Plan and comment as appropriate to the decision maker on proposed decisions which relate to services within their remit (before they are taken by the appropriate policy committee);
7. To exercise the powers of call in and scrutiny in relation to policy committee decisions made but not implemented, as set out in section 21(3) of the Local Government Act 2000 and challenge such decisions in accordance with the procedure set out in the Overview and Scrutiny Procedure Rules in Part V of this Constitution;
8. To comment on the proposed annual service and budget plans for all council services before final approval by the Policy and Resources Committee and Council;
9. To take an overview of the policies, forward plans and related authorities of all public bodies and agencies as they affect the council's area or its inhabitants;
10. To maintain under review the arrangements for the performance monitoring of Council services;
11. To discharge the statutory functions arising under section 19 of the Police and Justice Act 2006 relating to issues of crime and disorder and to develop and implement such procedures, protocols and criteria as deemed by the committee to be appropriate.

Standards Sub-Committee

(a sub-committee of Governance and Audit Committee)

1. To promote and maintain high standards of conduct by councillors and co-opted members.
2. To assist councillors and co-opted members to observe the Members' Code of Conduct.
3. To advise the council on the adoption or revision of the Members' Code of Conduct.
4. To monitor the operation of the Members' Code of Conduct.
5. To advise, train or arrange to train councillors and co-opted members on matters relating to the Members' Code of Conduct.
6. To grant dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.
7. To exercise such other functions as the council considers appropriate.
8. To exercise of 1 to 7 above in relation to the town/parish councils and their members in the council's area.
9. To grant and supervise exemptions from political restriction of posts.

Notes:

- The committee shall comprise six councillors and three parish members.
- The period of office of the parish members shall be four years. In order to align these appointments with the elections of local District Councillors this shall apply from 2015, therefore appointments made in the interim shall be for that period of time up to May 2015.
- Non continued compliance with the criteria for selection as an independent/parish member of the committee and the disqualifications for appointment as summarised in Sections 80 and 81 of the Local Government Act 1972 (with the exception of the requirement to attend meetings in a six month period) shall apply to the parish members.
- Quorum - A meeting of the Standards sub-committee shall not be quorate unless at least three members of that sub-committee are present for its duration.

Note:

Once appointed to serve on the above committee, members must receive training by 31 August each year or within three months of being appointed, whichever is the sooner.

Chief Officer Employment Committee

To be responsible for:

1. Considering all employment matters relating to the Head of the Paid Service in accordance with the Officer Employment Procedure Rules and statutory requirements and make recommendations to the full Council.
2. Determining all employment matters relating to chief officers and statutory officers (except the Head of Paid Service) in accordance with the Officer Employment Procedure Rules and statutory requirements.

Joint Staff Consultative Committee

1. To establish regular methods of communication and negotiation between the council and employees of the council, in order to prevent differences and to adjust them should they arise, always provided that no question of individual discipline, promotion or efficiency shall be within the scope of the committee.
2. To consider and advise on any relevant matter referred to it by any committee of the council, or by any of the employee groups represented on the Consultative Committee.
3. To make recommendations to the Policy and Resources Committee as to the adoption of policies affecting employee interests (except those relating to the terms and conditions on which they are employed) or on any other matter referred to it.
4. The Consultative Committee may submit for consideration by, and the advice of, the appropriate national or provincial negotiating body established to deal with National Scheme of Conditions of Service affecting employees.

Remuneration Panel

To develop, review and recommend to the council a scheme for the payment of members' allowances.

Notes:

- The Panel shall comprise five or six independent members.
- The period of office of the members of the Panel shall be four years.
- The Chairman shall be elected by the Panel annually.
- Non continued compliance with the criteria for selection as a member of the Panel and the disqualifications for appointment as summarised in Sections 80 and 81 of the Local Government Act 1972 (with the exception of the requirement to attend meetings in a six month period) shall apply to all members of the Panel.

Appendix Three – Budgetary & Policy Framework Procedure Rules

1. The Framework for Decision Making

- 1.1 The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or policy framework is in place, it will be the responsibility of the policy committees to implement it.

2. Process for Developing the Framework

- 2.1 The process for developing the budget and policy framework is –
- a) In summer each year, following the approval of the Corporate Plan priorities by Council, the Policy and Resources Committee will agree a programme for establishing revising the Medium Term Financial Plan and determining a budget for the following year. Within this programme, the Committee may identify strategic policy or resource issues which it wishes to request studies by the Overview and Scrutiny Committee.
 - b) Policy studies undertaken by the Overview and Scrutiny Committee should engage as widely as possible with citizens and stakeholders in the community and use a variety of methods to gauge public views. The results should be presented to the relevant policy Committee, which will then draw on them in developing proposals for Council.
 - c) In Autumn each year the draft Medium Term Financial Plan will be prepared to clearly link the Council's resources with priorities.
 - d) In March the Council will approve the Medium Term Financial Plan and set the Council Tax for the coming year.
 - e) Between March and the summer the Corporate Plan priorities will be reviewed and revised where required.

3. Virement

- 3.1 Steps taken by a Committee or Officers, or joint arrangements implementing Council Policy, shall not exceed the approved budgets allocated to each cost centre. However, virement between cost centres is permitted under the Council's Financial Procedure Rules as set out in this Constitution, subject to the requirements and limits there specified.

4. In-Year Adjustments

- 4.1 The responsibility for agreeing the financial framework lies with the Council, and decisions by policy committees or officers with delegated authority must be inline with it. Changes in year to any policy or strategy that form the policy framework must be agreed by the relevant policy committee or by the Council except –

- a) where necessary to ensure compliance with the law, ministerial direction or government guidance; or
 - b) in relation to the policy framework in respect of policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.
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