

# Terms of Reference For Governance Committee

## General

This Committee is a committee of the Council appointed by the Council under the Local Government Act 1972.

Certain functions are delegated by this Committee to Officers. Full details may be found in Part 3 of the Council's Constitution.

Where a function or matter within the Committee's competence has been delegated to an officer, the Committee may exercise that function/matter concurrently with the officer to whom it has been delegated.

The exercise of any function or matter within the Committee's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Director of Legal and Governance in pursuance of Council Procedure Rule 2.

## Standards, ethics and probity

1. To lead on the Council's duties under Chapter 7 Localism Act 2011 and to design, implement, monitor, approve and review the standards of ethics and probity of the Council, both for Councillors and The Committee's powers shall include responding to consultation documents and the promulgation of Codes of Conduct but the adoption and revisions to the local Members Code of Conduct shall be reserved to the Council.
2. To promote a culture of openness, ready accountability and probity in order to ensure the highest standards of conduct of Councillors and employees.
3. To lead on all aspects of Corporate Governance by promoting the values of putting people first, valuing public service and creating a norm of the highest standards of personal conduct.
4. To oversee and manage programmes of guidance, advice and training on ethics, standards and probity for Councillors and employees and on the Members Code of Conduct.
5. To be responsible for the Council's register of Members' interests and to receive reports from the Monitoring Officer on the operation of the register from time to time.
6. To be responsible for written guidance and advice on the operation of the system of declarations of Members' Interests and to receive reports from the Monitoring Officer on the operation of the system of declarations from time to time.
7. To establish, monitor, approve and issue advice and guidance to Councillors on a system of dispensations to speak on, or participate in,

matters in which they have interests and give dispensation in appropriate cases.

8. To exercise the functions of the Council in relation to the ethical framework, corporate governance and standards of conduct of Joint Committees and other bodies.
9. To establish a Standards Sub-Committee to investigate and determine appropriate action in respect of alleged breaches of the Members Code of Conduct.
10. To support the Monitoring Officer and Executive Director: Corporate Services in their statutory roles and the issuing of guidance on them from time to time.
11. To receive regular reports on the performance of the Corporate Complaints process, Local Government & Social Care Ombudsman referrals and Code of Corporate Governance and to recommend revisions to related policies and procedures as appropriate.

## **Employment Matters**

### General

Certain functions are delegated by this Panel to Officers. Full details may be found in the Officer's Scheme of Delegation which may be obtained [online](#).

Where a function or matter within the Panel's competence has been delegated to an officer, the Panel may exercise that function/matter concurrently with the officer to whom it has been delegated.

The exercise of any function or matter within the Panel's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Director of Legal and Governance in pursuance of Council Procedure Rule 26.2.

1. Power to appoint staff, excluding Chief Officers, and to determine the terms and conditions on which all staff hold office but excluding revisions to pay scales (including procedures for their dismissal). (Section 122 Local Government Act 1972).
2. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities, to the extent that the staff are being placed at the disposal of the other authority in relation to the discharge of functions which are not the responsibility of the Executive of the authority placing the staff. (Section 13(4) and (5) Local Government Act 1972).
3. Functions relating to local government pensions, (Regulations under Section 7, 12 or 24 Superannuation Act 1972).

4. To agree redundancy and severance payments and early release of pension benefits, where added years, enhanced payments or any element of discretion is sought.
5. To determine any appeal against a decision where a right of appeal exists at law, but where there is no specific provision in the terms of reference of any other Committee or Panel for the hearing of such an appeal.
6. To determine school transport and associated appeals.
7. To have oversight and keep under review all the HR policies and procedures.
8. To determine any appeal where, in the opinion of the Director of Legal and Governance, a right of appeal should be conferred to give effect to the operation of the principles of natural justice or the principles contained in the Human Rights Act 1998.

## **Terms of Reference for Standards Sub-Committee**

1. To assess written allegations that a member or co-opted member (or former member or co-opted member) of the Council has failed, or may have failed, to comply with the Members Code of Conduct in accordance with Chapter 7 Localism Act 2011 or any amendment or re-enacted thereof and to administer sanctions where appropriate.
2. To grant dispensations to members under Section 33 Localism Act 2011 or any amendment or re-enacted thereof.

NB Reference to member, co-opted member or former member includes reference to former independent members of the Governance Committee and Church and Parent Governor representatives.

## **Terms of Reference for Standards Appeals Sub-Committee**

1. To hear an appeal by any member where the Standards Sub Committee has found that the member has failed to comply with the Members Code of Conduct in accordance with Chapter 7 Localism Act 2011 or any amendment or re-enacted thereof and administer sanctions where appropriate.

## **AUDIT COMMITTEE**

1. To provide independent assurance on the adequacy of the risk management framework and the internal control and reporting

environment. To oversee financial reporting and annual governance processes leading to the production of the annual governance statement.

2. To be satisfied and provide assurance that appropriate controls and actions are being taken on risk and internal control related issues identified by the internal or external auditors or other review and inspection bodies, including the acceptance of significant risk.

3. To receive, and make recommendations on, such reports as are required in relation to all audit matters including the Annual Audit Plan.

4. To monitor the progress and implementation of the Council's Improvement Plan produced in response to any Best Value or other inspections The Committee shall specifically have responsibility for oversight of and provision of assurance on the following functions:

- securing value for money and reviewing the effectiveness of these arrangements
- consider the framework of assurance and the framework addresses the risk and priorities of the council
- ensuring that Council assets are safeguarded;
- maintaining proper accounting records;
- ensuring the independence, objectivity and effectiveness of internal and external audit;
- the arrangements made for cooperation between internal and external audit and other review bodies;
- considering the reports of internal and external audit and other review and inspection bodies;
- ensuring that internal and external audit are free from interference when setting the priorities of the annual audit plan, including scoping and communication of the results of audit work performed;
- the internal and external auditors have free and unfettered access to senior management, the leader and chair of this committee;
- ensuring that there is no compromise on the ability of internal or external audit to provide independent assurance on the control framework;
- the scope and effectiveness of the internal control systems established by management to identify, assess, manage and monitor financial and non-financial risks (including measures to protect against, detect and respond to fraud).
- consider the reports of progress and performance of the internal auditors, including any deviations from the public sector internal audit standards and any significant resource deficiencies.
- To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk

environment and supporting assurances, taking into account internal audits opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.

- To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
- To monitor the effect of development and operation of risk management in the Council.
- To monitor progress in addressing risk related issues reported to the committee.
- To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- To monitor the counter fraud strategy, actions and resources which includes relevant strategies and procedures such as the Council's whistle blowing strategy and procedures.
- To review the governance and insurance arrangements for wholly owned companies (if any), significant partnerships, or collaborations.
- To approve the internal audit charter.
- To approve the risk based internal audit plan and counter fraud plan, including internal audits resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those of the sources.
- To consider a report on the effectiveness of internal audit to support the AGS where required to do so by the accounts and audit regulations.
- To support the independence of external audit through consideration of the external auditors annual assessment of its independence and review of any issues raised by the Public Sector Audit Appointments (PSAA) or the authority's auditor panel as appropriate.
- To consider the external auditor's annual letter, relevant reports and report to those charged with governance.
- To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are any concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- To consider the external auditor's report to those charged with governance on issues arising from the order of accounts.

- To seek assurances that the Council has complied with the Treasury Management Strategy and Practices by demonstrating effective control of the associated risks and pursuing optimum performance consistent with those risks.
- 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 publish an annual report on the workings of the Committee for the previous municipal year.