

Audit Committee

29th July 2019



Report of: Monitoring Officer

Title: Updating the Constitution – timetable for review

Ward: N/A

Officer Presenting Report: Tim O’Gara

Recommendation

1. That the Committee notes the work undertaken to date and the timetable setting out the priority areas of the Constitution to be reviewed this year.
2. That the Committee recommends to Full Council that the Audit Committee Terms of Reference be amended to state that Party Group Leaders are not eligible to sit on the Audit Committee.
3. That that the Committee notes that the Health Scrutiny Sub-committee Terms of Reference were approved by the Overview and Scrutiny Management Board on 17th July 2019 and will be referred to Full Council for adoption.
4. That the Committee considers the proposal from the Chairs of the Development Control Committees to amend the Committee Procedure Rules to include a ‘cooling off period’ where the Committee is minded to decide a matter otherwise than in accordance with officer recommendations.

Summary

Responsibility for reviewing the Council’s Constitution and making recommendations to Full Council was delegated to the Audit Committee in December 2018. This report follows on from the report on 26th March 2019 and updates the Committee on the timetable for the priority stages of the review, as well as making initial proposals for changes to the Constitution.



Policy

1. The Audit Committee is a key component of the Council's governance framework. Its function is to provide an independent and high level resource to support good governance and effective public financial management.
2. The purpose of an Audit Committee is to provide those charged with governance with independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes.

Consultation

Internal

Constitutional review timetable – Mayor and Party Group Leaders

Change to Audit Committee ToR – None

Health Scrutiny Sub-committee ToR – Overview and Scrutiny Management Committee (OSM)

Cooling off period for the determination of planning decisions – Mayor and Party Group Leaders

External

Not applicable

Context

1. Constitutional Review timetable

The Monitoring Officer has a duty to keep the Constitution under review and has identified a number of areas for the first tranche of amendments. They are (with reference to Part of Constitution in brackets):

- 1 – **Administrative changes.** Improvements to formatting and revising inaccuracies.
- 2 – **Policy and Budget Framework Procedure Rules (4.1c).** To be rewritten to improve clarity in some areas.
- 3 - **Officer employment procedure rules (4.1f).** A general refresh required to ensure current practices are reflected.
- 4 - **Financial Regulations (4.1i).** Content needs updating, particularly around delegations.
- 5 – **Procurement Rules (4.1j).** Arising from the officer commitment to review the rules annually.
- 6 – **Member Officer Protocol (5.c1).** Highlighted as part of the LGA Peer Challenge. Work is already underway and ongoing with the Values and Ethics Sub Committee and due to be reported to the committee in September
- 7 – **Members' Allowances Scheme (6).** To be amended following the adoption of any recommendations from the IRP, but also requires general updating.

Timetable:

It is anticipated that amendments to these parts of the Constitution will be taken through Mayor and Party Group Leaders, Audit Committee and Full Council before the end of 2019. The below schedule sets out the provisional timetable for each item but may be subject to change as things progress:

Topic	M&PGLs	Audit Committee	Full Council
Administrative changes	NA	30 th September 19	12 th Nov 19
The Member Officer Protocol	13 th August 19	30 th September 19	12 th Nov 19
Officer Employment Procedure Rules	13 th Aug 19	16 th Sept 19	12 th Nov 19
Policy and Budget Framework Procedure Rules	8 th Oct 19	25 th Nov 19	10 th Dec 19
Financial Regulations	8 th Oct 19	25 th Nov 19	10 th Dec 19
Procurement Rules	8 th Oct 19	25 th Nov 19	10 th Dec 19
Members' Allowances Scheme	8 th Oct 19	25 th Nov 19	10 th Dec 19

2. Change to Audit Committee ToR

Audit Committee has previously agreed that Party Group Leaders should not be eligible to sit on the Audit Committee and therefore the necessary amendment will go forward to Full Council for debate/approval.

3. Health Scrutiny

The ToR of the Health Sub-committee of the People Scrutiny Commission were approved by the Overview and Scrutiny Management Board on 17th July 19 and will be reported to the next meeting of Full Council for approval. A copy of the ToR for the Health Scrutiny Sub-committee are contained in Appendix 1.

4. Cooling off period for the determination of planning decisions

The Monitoring Officer has received a proposal from the Chairs of the Development Control Committees to introduce a 'cooling off period' in the determination of planning decisions. It is proposed that, in the event that a DC Committee is minded not to follow the officer recommendations to approve an application, that the matter be deferred to the next meeting in order that members may further scrutinise the reasons for the officer recommendation. Full details of the proposed amendment to the Committee Procedure Rules are contained in Appendix 2. The Mayor and Party Group Leaders have been consulted about this amendment. The Audit Committee is asked to consider this proposal and whether to recommend this change to Full Council for consideration.

Other Options Considered

None necessary

Risk Assessment

None necessary

Legal and Resource Implications

Legal

Local authorities are under a statutory obligation to keep their constitutions up-to-date (s.9P Local Government Act 2000). Under the Council's constitution, this duty is discharged by the Monitoring Officer (Article 16.01).

Legal advice provided by Nancy Rollason, Head of Legal Services

Financial

(a) Revenue

Not applicable

(b) Capital

Not applicable

Land/Property

Not applicable

Human Resources

Not applicable

Appendices:

Appendix 1 – ToR for Health Scrutiny Sub-committee

Appendix 2 – Proposed amendment to Committee Procedure Rules

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers: None