

## COUNCIL 20 FEBRUARY 2024

### AGENDA ITEM 17 – CONSTITUTION REVIEW WORKING PARTY REPORT

#### AMENDMENT

---

(i) approve the annotated version of the Council Procedure rules attached as Appendix C1 confirming:

- that non-gender specific language should be used throughout the Constitution and specifically, that the preferred title should be 'Chair' rather than Chairman;
- the deletion of paragraph 24.2.4.4 (ref: 4(21)) requiring one day's notice for the appointment of substitutes to Planning Committee;
- amend paragraph 13.1.2 (ref: 4 (14)), specifically to remove the Chair of Council from the process to assess Questions from Members;
- that a point of clarification must be confined to same material part of a previous speech by him/her in meeting taking place (ref: paragraph 17.1 (ref: 4(16)));
- questions from the public (ref: 4(5) paragraph 8.1.4 and questions by Members (ref: 4(10) paragraph 13.1 to Chair of Council, the Chair of a Committee or Leader of the Council or to their respective Deputy/Vice Chair only;

(ii) delete paragraph (ii) and amend as follows:

Approve changes to the Constitution of the Council's Audit Committee as set out in Appendix C1 and the 'modus operandi', specifically:

- the appointment of two lay members without voting rights to the Committee;
- that a period of two years should elapse before a member who has been Chair or Vice Chair of a Policy Committee can be a member of the Audit Committee;
- clarification on the attendance of officers at Audit Committee in accordance with CIPFA guidance (ref: Audit Committees: Practical Guidance for Local Authorities and Police 2022 p 36-37,39);
- instruct the Chief Executive to report to the next Audit Committee detailing the 'modus operandi' for the attendance of officers to implement paragraph (ii) as above;
- request the attendance of the Leader/Deputy Leader of Council, Chairs of Policy Committees and Directors and Observers of ECTC and ECSS to meet the principles set out in the CIPFA 2022 Position Statement and to ensure compliance with the self assessment of good practice (ref: Audit Committees: Practical Guidance for Local Authorities and Police 2022 p35 and p72);
- recommend to the Council the approval of the Statement of Accounts;

(iii)- as per motion;

(iv)

(v) delete paragraph (v);

(vi) delete paragraph (vi) and amend as follows:

Approve changes to the Responsibility of Functions of the Constitution, in relation to Operational Services Committee and Finance & Assets Committee, specifically:

- ICT service plans and associated policy matters (ref: Part 3 section b (i) p 3 (6-13) be transferred from Operational Services Committee to Finance & Assets Committee;
- Council's Environment Plan and climate change/natural environment strategic matters, Infrastructure and Strategic Housing and Local Plan/Strategic Planning to a new additional Policy Committee;
- instruct the Chief Executive to report to Annual Council detailing the terms of reference of the new Policy Committee as outlined above;

(vii)- as per motion

(ix)

Proposer: Councillor Lorna Dupre

Seconder: Councillor Charlotte Cane

Notes (i) *CIPFA Guidance (ref: Audit Committees: Practical Guidance for Local Authorities and Policy 2022)*

*p36 – 37 Rights of access to documents and requesting attendance at Committee*

*As a committee of the authority, the audit committee can request information relevant to its role and agenda. It is good practice to agree on a protocol, so there is clarity for all parties. Generally, authorities operate on a principle of openness and transparency, so there should not be a difficulty in providing relevant information. At all times, the authority will need to have regard for maintaining confidentiality of personal or commercially sensitive data in accordance with guidance.*

*There may be times when it is not considered timely to provide the information requested – for example, where information is sensitive because of an investigation. In such cases, an adequate explanation should be given and an indication of when information might be available. The chair in particular needs to be briefed.*

*It is important for audit committee members to maintain an apolitical approach and a focus on overall arrangements rather than individual cases. The committee is not an investigative forum.*

*It will be helpful to request the attendance of officers at the committee to support discussion of a topic or to agree on the next steps. For example, if the committee wishes to review an internal audit report that identified significant areas for improvement, then it would be appropriate for the lead manager or director responsible for that service to attend the committee to discuss how they will address the weaknesses.*

#### *p39 Key Relationships*

*To be effective, an audit committee will need to engage with a wide range of officers. Representatives of finance and internal audit will attend regularly and often are a source of support to the committee, but other senior officers would normally be expected to attend. While it is for each audit committee to determine who attends its meetings, the following examples show the wide range of officers who can add value to audit committee meetings:*

- *The chief executive and corporate directors for the AGS and other governance-related issues.*
- *The monitoring officer for the AGS and ethical governance issues.*
- *The risk management officer for discussions around risk management.*
- *the head of counter fraud for agenda items on fraud risks and counter fraud activity.*
- *Service senior managers for audit, risk or governance discussions on their service areas.*
- *Scrutiny, ethics or standards committee representatives – it may be helpful to invite representatives along to explain their work programme or recent reports.*

*Interactions with the head of internal audit will need to take account of the professional standards (PSIAS), so that the correct oversight and reporting can be demonstrated.*

#### *(ii) p35*

##### *Independent and effective model*

*The audit committee should be established so that it is independent of executive decision making and able to provide objective oversight. It is an advisory committee that has sufficient importance in the authority so that its recommendations and opinions carry weight and have influence with the leadership team and those charged with governance.*

*The committee should:*

- *be directly accountable to the authority's governing body;*
- *in local authorities, be independent of both the executive and the scrutiny functions;*
- *have rights of access to and constructive engagement with other committees/functions, for example scrutiny and service committees, corporate risk management boards and other strategic groups;*
- *have rights to request reports and seek assurances from relevant officers;*
- *be of an appropriate size to operate as a cadre of experienced, trained committee members. Large committees should be avoided.*