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| Subject: | Constitution Review | | Status: | For Publication | |
| Report to: | Governance Working Group Council | | Date: | 2 nd July 2015 15 th July 2015 | |
| Report of: | Monitoring Officer | | Portfolio Holder: | Legal and Democratic Services | |
| Key Decision: | No - reserved for Council | Forward Plan <input checked="" type="checkbox"/> | General Exception <input type="checkbox"/> | Special Urgency <input type="checkbox"/> | |
| Equality Impact Assessment: | | Required: | No | Attached: | No |
| Biodiversity Impact Assessment | | Required: | No | Attached: | No |
| Contact Officer: | Carolyn Sharples | | Telephone: | 01706 252422 | |
| Email: | carolynsharples@rossendalebc.gov.uk | | | | |

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|-----------|--|
| 1. | RECOMMENDATIONS |
| | That Governance Working Group recommend Council to amend the Constitution by agreeing to: |
| 1.1 | Amend the licensing and enforcement delegations as detailed in Appendix A. |
| 1.2 | Amend the Employment Procedure Rules as detailed in Appendix B to comply with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI2015/881), and agree that the current Independent Person for Standards will be the same person who will advise the Appointments and Appeals Panel for any relevant dismissals. |
| 1.3 | Amend Articles 2, 7 and 9 to ensure that councillor training requirements correspond to the requirements of the member Training and Development Strategy, as detailed in Appendix C. |
| 1.4 | To remove the Record of Decision Form to allow it to be updated and amended on an ongoing basis. |
| 1.5 | To add the following to the Terms of Reference of the Audit and Accounts Committee: "To consider the Council's Risk Register." |
| 1.6 | To agree that the designation of Monitoring Officer be temporarily fulfilled by the Legal Services Manager until further notice, and that the Council's Constitution be amended accordingly. |

2. PURPOSE OF REPORT

- 2.1 To consider changes to the Constitution as detailed in Appendix A with regards to the Licensing and Enforcement delegations.
- 2.2 To consider changes to the Constitution as detailed in Appendix B with regards to the Employment Procedure Rules, following the changes introduced in The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- 2.3 To consider changes to the Constitution as detailed in Appendix C with regards to Articles 2, 7 and 9.
- 2.4 To consider the removal of the Record of Decisions Form.
- 2.5 To consider an addition to the Terms of Reference of the Audit and Accounts Committee.
- 2.6 To temporarily agree the designation of Monitoring Officer.

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following of the Council's corporate priorities:

- Responsive Value for Money Services: This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.

4. RISK ASSESSMENT IMPLICATIONS

4.1 All the issues raised and the recommendation in this report involve risk considerations as set out below:

- Failure to maintain and follow an up-to-date Constitution risks legal proceedings being taken against the Council, and risks members of the community being dissatisfied with the action of the Council.

5. BACKGROUND AND OPTIONS

Part 3 Pages 44 and 74 Licensing and Enforcement Delegations

5.1 The policies/statements listed below detail the delegations to officers and sub committees. The proposed amendments detailed in Appendix A seek to ensure the Constitution contains up to date information in relation to these policies/statements.

Licensing Act 2003

The Statement of Licensing policy at Appendix 1 – Table of exercise and delegation of functions – currently sets out the delegations to officers and sub committees. This update is to ensure the Constitution reflects these delegations.

Gambling Act 2005

The Statement of Principles at Appendix B – Summary of licensing authority delegations permitted – currently sets out the delegations to officers and sub committees. This update is to ensure the Constitution reflects these delegations

5.2 Members are also asked to update the Terms of Reference of the Licensing Committee to show the dates on which Council made specific policy delegations to them in relation to:

- Licensing of Hackney Carriage Vehicles and Drivers and Private Hire Operators
- Policy statement on guidelines to convictions including statement of policy about relevant convictions
- Enforcement Policy: Hackney Carriage and Private Hire Drivers

See Appendix A detailing all proposed Licensing and Enforcement amendments.

Part 3 Pages 45 and 63, Part 4 Pages 201-203 Employment Procedure Rules

5.3 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI2015/881) came into effect on 11th May 2015.

5.4 These Regulations are an amendment to the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384) and require local authorities to amend their procedures in respect of the disciplinary/dismissal procedures for the following appointments:

- Head of Paid Service
- Monitoring Officer
- Chief Finance Officer (S151)

5.5 The Regulations require a committee/sub group to be set up to make a recommendation to Council where dismissal is being considered in relation to one of the above appointments.

- 5.6 The dismissal decision for one of the above appointments must only be made by full Council, following a report and recommendation from the relevant committee/sub-committee, and in accordance with any other relevant procedures set out in the Regulations. In the case of Rossendale Borough Council, the Appointments and Appeals Panel is the relevant sub-committee (as detailed in the Constitution).
- 5.7 The Regulations also require an Independent Person to be appointed to the Panel in an advisory capacity to consider dismissals of this nature. Since the Council already has an Independent Person for Standards, approval is sought to enable the same Independent Person to be appointed to the Appointments and Appeals Panel for advice in such cases.

Part 2 Pages 7, 20 and 22 Councillor Training Requirements

- 5.9 The Member Training and Development Strategy requires members to have completed relevant committee training before they are permitted to sit on any committee or act as a substitute. In addition they are required to keep their knowledge up to date by undertaking training at least once every two years, or following any policy/legislation changes.
- 5.10 Members are also required to undertake training in Standards and Equalities and keep their knowledge up to date by undertaking training at least once every two years, or following any policy/legislation changes.
- 5.11 Whilst these requirements are detailed in the Member Training and Development Strategy the details have not been kept up to date in the Council's Constitution, and the documents are not aligned.
- 5.12 Members are asked to include these requirements in the Council's Constitution to ensure the documents correspond. The required changes are detailed in Appendix C.

Part 3 Pages 82-83 Record of Decision Form

- 5.13 The decision form in the Council's Constitution requires continuous review and updating. It is proposed to remove this form from the Constitution to allow it to be amended on an ongoing basis. The guidance and requirements of the Scheme of Delegation will remain in the Constitution as detailed on pages 57-60. The required changes are detailed in Appendix D.

Part 3 Page 45-46 Terms of Reference of the Audit and Accounts Committee

- 5.14 At the Audit and Accounts Committee on 30th June 2015, the committee made a recommendation to Governance Working Group and Council to consider an addition to the committee's terms of reference.
- 5.15 Members of the committee recommended that the Risk Register be added to the terms of reference for this committee. The required changes are detailed in Appendix E.

Part 2 Page 28 Article 11 - Officers

- 5.16 Following the appointment of the Director of Business to Chief Executive/Head of Paid Service. The Council is required to confirm the designation of the Monitoring Officer post as the Head of Paid Services cannot be the Monitoring Officer.
- 5.17 At present the Legal Services Manager fulfils the role of Deputy Monitoring Officer.
- 5.18 Members are asked to agree that the Legal Services Manager fulfil the duties of the Monitoring Officer until further notice. The changes are detailed in Appendix F.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 There will be some impact to salaries in relation to the Monitoring Officer role, however, this will not be material and will be contained within the Council's overall budget resources.

7. MONITORING OFFICER

7.1 All legal implications are commented upon in the body of the report.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 Consultation with Statutory Officers, Legal Officers, Committee and Member Services, Audit and Accounts Committee and the Governance Working Group.

8.2 Consultation has also been undertaken with the Legal Services Manager in line with HR policies.

8.3 Governance Working Group met on 2nd July and made the following recommendations:

That Governance Working Group recommend Council to amend the Constitution by agreeing to:

1. Amend the licensing and enforcement delegations as detailed in Appendix A.
2. Amend the Employment Procedure Rules as detailed in Appendix B to comply with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI2015/881), and agree that the current Independent Person for Standards will be the same person who will advise the Appointments and Appeals Panel for any relevant dismissals.
3. Amend Articles 2, 7 and 9 to ensure that councillor training requirements correspond to the requirements of the Member Training and Development Strategy. To also amend the wording at Appendix C page 20, 22 to "No member may serve on the ... Committee who has not undertaken the appropriate training in order to take part in the committee's work" and this would also be amended in any other section of the Constitution where this wording had been used to make it clearer.
4. To remove the Record of Decision Form to allow it to be updated and amended on an ongoing basis.
5. To add the following to the Terms of Reference of the Audit and Accounts Committee: "To consider the Council's Risk Register."
6. To agree that the designation of Monitoring Officer be temporarily fulfilled by the Legal Services Manager until further notice, and that the Council's Constitution be amended accordingly.

9. CONCLUSION

9.1 The Council is required by law to implement a Constitution and it is in the interests of the Council to regularly review and update the document.

Background Papers

| Document | Place of Inspection |
|---|---|
| The Constitution of the Council | www.rossendale.gov.uk/constitution |
| The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI2015/881) | http://www.legislation.gov.uk/uksi/2015/881/contents/made |
| The Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384) | http://www.legislation.gov.uk/uksi/2001/3384/contents/made |
| Member Training and Development Strategy | Room 213 |

7.2 TERMS OF REFERENCE OF THE LICENSING COMMITTEE

To deal with the following items, except those matters which are delegated to the Council and/or Officers.

- Waste Management Licences
- Stage Play Licences
- Pet Shops Licences
- Animal Boarding Establishment Licences
- Guard Dog Licences
- Game Dealers Licences
- Scrap Metal Dealers Licences
- Rag Flock and Other Materials Act
- Riding Establishment Licences
- Breeding of Dogs Act Licences
- Acupuncture
- Tattooing, Ear Piercing and Electrolysis
- Licences to Plant trees in highways
- Licences re Caravan Sites and Control of Development Act, 1964 /sections 44 and 45
- Dangerous Wild Animals
- House to House and Street Collections
- Licensing of Hackney Carriage Vehicles and Drivers and Private Hire Operators (delegated by Council 23/02/2011)
- Second Hand Dealers
- Hypnotism
- Sex Establishments
- Street Trading
- Licensing Matters (Licensing Act 2003)
- Licensing Matters Gambling Act 2005
- Policy statement on guidelines to convictions including statement of policy about relevant convictions (delegated by Council 26/03/2014)
- Enforcement Policy: Hackney Carriage and Private Hire Drivers (delegated by Council 23/02/2011)

12. Licensing and Enforcement Manager

The Licensing and Enforcement Manager has delegated authority in relation to:

Street Trading

- a) Refuse the application when a valid objection is deemed to have been received, in consultation with the Chair of the Licensing Committee.
- b) Grant an application where no objections are received.
- c) Decide the extent of consultation for each application.
- d) Issue Consent to the Organiser of an event which is run on a non-profit making basis to enable the Organiser in turn to allow trading on a specific site.
- e) Consult with Ward Councillors on static consent's, and they will be given 3 working days to respond.

Licensing Act 2003

The licensing authority will exercise and delegate functions in accordance with Appendix 1 – Table of exercise and delegation of functions – as listed in the Statement of Licensing Policy.

Gambling Act 2005

The licensing authority will exercise and delegate functions in accordance with Appendix B – Summary of licensing authority delegations permitted – as listed in the Statement of Principles

Appendix 1 – Table of exercise and delegation of functions

The licensing authority will exercise and delegate functions in accordance with the following table.

| Matter to be dealt with | Full Committee | Sub Committee | Licensing Officers |
|--|----------------|--|---|
| Application for personal licence | | If an objection is received | If no objection is received |
| Application for premises licence/club premises certificate | | If relevant representations are received | If no relevant representations are received |
| Application for provisional statement | | If relevant representations are received | If no relevant representations are received |
| Application to minor vary a premises licence/club premises certificate | | | All cases |
| Application to vary a designated premises supervisor | | If an objection is received | If no objection is received |
| Application to transfer a premises licence/club premises certificate | | If an objection is received | If no objection is received |
| Application to disapply the mandatory condition for the requirement of a DPS on a licence for a community premises | | If an objection is received | All other cases |
| Request to be removed as DPS | | | All cases |
| Application for interim authority | | If an objection is received | All other cases |
| Application to review premises licence/club premises certificate | | All cases | |
| Ensuring applications and representations are not irrelevant, repetitious, vexatious or frivolous | | | All cases |
| Determinations of police representation to a temporary event notice | | All cases | |
| Decision to object when local authority is a consultee and not the relevant authority considering the application | | All cases | |

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|--------------------------|------------------|-------------------------|--------------------------|
| Responsible Section/Team | LEU | Version/Status | Feb 14 |
| Responsible Author | Tracy Brzozowski | Date Agreed / Agreed At | Council 26 March 2014 |
| Date last Amended | 27 February 2014 | Due for Review | 2019 |

Appendix B

Summary of licensing authority delegations permitted

| Matter to be dealt with | Full Council | Licensing Sub Committee | Officers |
|---|--------------|--|---|
| Final approval of three year licensing policy | X | | |
| Policy not to permit casinos | X | | |
| Fee setting (when appropriate) | | X | |
| Application for premises licence | | Where representations have been received and not withdrawn | Where no representations received / representations have been withdrawn |
| Application for a transfer of a licence | | Where representations have been received and not withdrawn | Where no representations received / representations have been withdrawn |
| Application for a transfer of a licence | | Where representations have been received from the Commission | Where no representations are received from the Commission |
| Application for a provisional statement | | Where representations have been received and not withdrawn | Where no representations received / representations have been withdrawn |
| Review of a premises licence | | X | |
| Application for club gaming/club machine permits | | Where objections have been received and not withdrawn | Where no objections received / objections have been withdrawn |
| Cancellation of club gaming/club machine permits | | X | |
| Applications for other permits | | | X |
| Cancellation of licensed premises gaming machine permits | | | X |
| Consideration of temporary use notice | | | X |
| Decision to give a counter notice to a temporary use notice | | X | |

Part 3 – page 45

9. TERMS OF REFERENCE OF THE APPOINTMENTS AND APPEALS COMMITTEE

1. To undertake all stages in respect of the appointment or dismissal of Chief Officers ~~and Deputy Chief Officers~~ in accordance with the Council's Officer Employment Procedures.

Part 3 – page 63

(Note: When determining human resources matters or other issues within their sService, the Head of Finance, the ~~Head of People and Policy~~HR Manager and the ~~Director of Business~~Monitoring Officer must consider the significance of the decision and whether or not to consult with the Chief Executive).

Part 4 – pages 201-203

10. Employment Procedure Rules

1. RECRUITMENT AND APPOINTMENT

1.1 Declarations

- i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are related to the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or an Officer of the Council; or of the partner of such persons.
- ii) No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Directors and Heads of Services (or nominated officer).

1.2 Seeking support for appointment.

- i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii) Subject to paragraph (iii), no Councillor will seek support for any person for any appointment with the Council.
- iii) Nothing in paragraphs (i) and (ii) above will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment provided that Councillor has no role in the decision process of recruitment / appointment to that position.

2. Recruitment of Head of Paid Service and Chief Officers

Where the Council proposes to appoint a Head of Paid Service or a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a job description and person specification specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for the job description and person specification to be sent to any person on request.

3. **Appointment and dismissal in respect of the Head of Paid Service, Monitoring Officer and Chief Finance Officer (S151)**

- (a) The full Council will approve the appointment or the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer (S151), following the recommendation of such an appointment or dismissal by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the Cabinet, and for dismissals must include one of the Council's designated Independent Persons.
- (b) The full Council may only approve the appointment or dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer (S151), where no material or well-founded objection has been made by the Leader on behalf of him/herself or another member of the Cabinet.

(Note: The Council will follow the guidance as detailed in the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384) and Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI2015/881)).

4. **Appointment, dismissal and disciplinary action in respect of Chief Officers**

- (a) A committee or sub-committee of the Council will appoint, dismiss and take disciplinary action in respect of Chief Officers. That committee or sub-committee must include at least one member of the Cabinet.
- (b) The Committee may only approve the appointment or dismissal of a Chief Officer where no material or well-founded objection has been made by the Leader on behalf of him/herself or another member of the Cabinet.

(Note: The Council will follow the guidance as detailed in the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384) and Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI2015/881)).

5. The Cabinet's powers in respect of appointments and dismissals

- (a) Before an offer of appointment is made or notice of dismissal is given in respect of:
 - (i) the Head of Paid Service or
 - (ii) a Chief Officer

- (b) the Proper Officer must notify every member of the Cabinet of the name of the person who it is proposed should be appointed or dismissed. Each member of the Cabinet must also be notified of any other details relevant to the appointment or dismissal, which the committee has notified to the Proper Officer and of the date and time by which the Leader must make any objection on behalf of the Cabinet.

- (c) Before the date and time for making an objection has passed the Leader must either:
 - (i) notify the Proper Officer that neither he/she nor any member of the Cabinet has an objection to the making of the offer of appointment or giving notice of dismissal; or
 - (ii) notify the Proper Officer that there is such an objection and supply details of it.

- (d) An offer of appointment or notice of dismissal may only be given where Council (in the case of the Head of Paid Service, Monitoring Officer or Chief Finance Officer) or the committee (in other cases) is satisfied that no material or well-founded objection has been made by the Leader on behalf of himself/herself or another member of the Cabinet.

The "Proper Officer" for the purposes of paragraph 5 will be the HR Manager. The "committee" for the purposes of paragraphs 3, 4 and 5 will be the Appointments and Appeals Panel.

Part 2 – Page 7

2.04 Conduct

Councillors will at all times observe the Members' Code of Conduct and all other Council Protocols or Codes of Conduct.

The Council is required to maintain and update a Register of Personal Interests of its Members including Independent Persons and Co-opted Members. The Register is available for public inspection at the Council's Offices.

Members of the Council are required to make a commitment to undertake training and development as part of their acceptance of office.

Members are required to undertake any relevant committee training before they can sit on a committee or act as a substitute. They are also required to keep their knowledge up to date by undertaking training at least once every two years, or following any policy/legislation changes.

Members are also required to undertake Standards Training and Equalities Training and keep their knowledge up to date by undertaking training at least once every two years, or following any policy/legislation changes.

Part 2 Page 20

ARTICLE 7 – OVERVIEW AND SCRUTINY COMMITTEE

7.01 Appointment, Membership and Terms of Reference

The Council will appoint:

One Overview and Scrutiny Committee (10 Members) plus one co-opted Member.

No member may serve on the Overview and Scrutiny Committee who has not undertaken the appropriate training in order to take part in the committee's work.

Part 2 Pages 21 - 22

ARTICLE 8 – REGULATORY COMMITTEES

8.01 Regulatory Committees

The Council will appoint:

1. A **Development Control Committee** of seven Members.

No Member may serve on the Development Control Committee who has not ~~been agreed by the Chief Executive to be competent by~~ undertaken the appropriate training or qualification in order to take part in the Committee's work.

2. A **Licensing Committee** of eleven Members, each Member representing a different ward.

No Member may serve on the Licensing Committee who has not ~~been agreed by the Chief Executive to be competent by~~ undertaken the appropriate training or qualification in order to take part in the Committee's work.

ARTICLE 9 – THE STANDARDS PANEL, APPOINTMENT AND APPEALS COMMITTEE AND AUDIT AND ACCOUNTS COMMITTEE

9.01 Standards Panel

The Council will have a Standards Panel of twelve Members, comprising seven Elected Members, three Independent Persons (appointed by Council) and two Whitworth Town Council Members (appointed by Whitworth Town Council).

The Council will set up Standards Sub-Committee Panels for dealing with the local assessment of complaints against Members:

No person may serve on the Standards Panel or its Sub-Committee Panels as a Member or Substitute Member who has not ~~been agreed by the Chief Executive to be competent by~~ undertaken the appropriate training or qualification in order to take part in the Panel's work.

Appointment and Appeals Committee

The Council will have an Appointment and Appeals Committee to deal with staffing issues relating to Chief Officers and any statutory right of appeal or any other formal appeal matter which may be referred to Elected Members for their determination.

9.02 The Composition

The Committee shall be a politically balanced pool of nine Members, with a politically balanced membership of three Members for Appeals, and five Members for Appointments.

No Member may serve on the Appointment and Appeals Committee as a Member or Substitute Member who has not ~~been agreed by the Chief Executive to be competent by~~ undertaken the appropriate training or qualification in order to take part in the Committee's work.

9.03 Audit and Accounts Committee

The Council will have an Audit and Accounts Committee comprising seven Members appointed on a politically balanced basis.

No member may serve on the Audit and Accounts Committee who has not undertaken the appropriate training in order to take part in the committee's work.

Part 3 – Pages 82-83

OFFICER DELEGATION SCHEME

RECORD OF DECISION FORM

| | |
|-------------|--|
| Date | |
|-------------|--|

| | |
|---------------|--|
| Ref No | |
|---------------|--|

| |
|-----------------------------|
| Responsible Officer: |
|-----------------------------|

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|------------------------------|
| Title/Subject Matter— |
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|---------------|
| Status |
|---------------|

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| Summary : |
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| Implications: |
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| Information taken into account: |
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|----------------------------|
| Options Considered: |
|----------------------------|

Decision (with reasons)

| Officers Consulted: | Signature | Date |
|-----------------------------|------------------|-------------|
| Line Manager | | |
| Head of Finance | | |
| Director of Business | | |
| Trade Unions | | |
| Portfolio Holder | | |
| Decision Made by: | | |

NOTES

- ~~1. Status – Is the issue an open and public matter or is it a private and excluded matter as described in Schedule 12 A of the Local Government Act 1972. If it is an open matter it is for publication. If it is a private matter it is not for publication and you state the reason why and the appropriate paragraph number of Schedule 12A details of which are in this part of the General Folder.~~
- ~~2. Implications – List any financial staffing and legal implications and remember to consult with legal, personnel or finance. Also consider implications such as LA21 Environment, Human Rights Act 1998. Equal opportunities, Community Safety, IT, Land and Property and Partnership Working.~~
- ~~3. If a Chief Officer consults with the appropriate Members they must sign the form so as to confirm that they have been consulted.~~
- ~~4. When the decision has been made and the form signed by either the Chief Officer or Head of Service Copies of the form should be sent to the following:-~~
~~_____~~
~~_____ Director of Business _____)~~
~~_____ Head of Finance _____) _____ if appropriate~~
~~_____ Chief Executive _____)~~

NOTES

- ~~1. If a Chief Officer consults with the appropriate Members they must sign the form so as to confirm that they have been consulted.~~
- ~~2. Signed copies of the form to be sent to the following:-~~
~~_____~~
~~_____ Director of Business~~
~~_____ Head of Finance _____ if appropriate~~
~~_____ Chief Executive~~

10. TERMS OF REFERENCE OF THE AUDIT AND ACCOUNTS COMMITTEE

- To approve the Annual Accounts and Report of the Council (with delegated power).
- To approve the Council's Statement of Accounts pursuant to Regulation 8(2) of the Accounts and Audit Regulations 1996.
- To consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it gives over the Council's governance, risk management arrangements, internal control arrangements and environment and anti-corruption arrangements.
- To consider and approve any Council strategy relevant to the functions of the Audit Committee.
- To consider reports dealing with the management and performance of the providers of internal audit services.
- To comment on the scope and depth of both internal and external audit work, to ensure that there are effective working relationships and to ensure they give value for money.
- To consider the external auditors annual letter, relevant reports and the report of those charged with governance and to ensure the implementation of any appropriate action plan and seek assurance that action is being taken on risk related issues identified by the auditor (or any other inspection).
- To consider specific reports as agreed with the external auditor.
- To consider regular Internal Audit performance reports relating to Council services and the effectiveness of the Authority's governance arrangements.
- To consider summaries of specific internal audit reports, as requested.
- To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- To liaise with the Audit Commission over the appointment of the Council's external auditor.
- To commission work from internal and external audit and approve the Annual Internal Audit Plan and undertake monitoring of performance against this plan.
- To oversee the production of the authority's annual governance statement and to recommend its adoption and be satisfied that that the authority's assurance statements properly reflect the risk environment and any actions to improve it.
- To consider the Council's compliance with its own and other published standards and controls.
- To make recommendations to the Cabinet, Council and other organisations where appropriate.
- Ensure the value of the audit process is actively promoted.
- Maintaining high standards of conduct by Councillors and Co-opted Members.
- Monitoring the Council's Corporate Governance arrangements.
- To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- To consider the Council's Risk Register.

ARTICLE 11 – OFFICERS

(a) **Head of Paid Service, Chief Finance Officer (Section 151 Officer) and Monitoring Officer.**

The Council will designate the following posts as shown:

| POST | DESIGNATION |
|---|---|
| Chief Executive | Head of Paid Service |
| Head of Finance | Chief Finance Officer (Section 151 Officer) |
| Director of Business <u>Legal Services</u> | Monitoring Officer |
| <u>Manager</u> | |