



## Policy and Resources Committee - 11 October 2010

### Other Proposed Constitutional Changes

#### Summary

This report proposes some further changes to the Constitution. These are being submitted direct to this Committee as it is not intended to continue with a Constitution Review Group.

#### Attachment(s)

Appendix 1 - (a) Practices of Other Option 4 Councils on Call In and (b) recommended changes to Part 4.4 of the Constitution

Appendix 2 - Proposed Changes to Article 2 and assumption of the current role of some Champions by Lead Members

Appendix 3 - Terms of Reference of the Audit & Risk Management Committee and Performance Working Party

Appendix 4 - Amended Terms of Reference of Finance Sub-Committee to change its status to a Working Party

#### 1.0 Introduction

1.1 The Constitution Review Group (CRG) did not complete its consideration of possible changes to the Call In provisions of the Scrutiny Procedure Rules (Part 4.4 of the Constitution). It was intended that a further meeting of the Group would be held before the end of September but it proved difficult to find a date to suit more than two members.

1.2 This outstanding item is therefore being submitted directly to this Committee, together with some other matters which arise following the expected change of Leadership at the Council meeting on 4 October.

#### 2.0 Areas for Further Change

2.1 The following issues are addressed in this report:-

- The Call In provisions in the Scrutiny Procedure Rules (Part 4.4 of the Constitution)
- Council Champions and Lead Members (Article 2)
- Abolition of the Audit & Risk Management Committee and Performance Panel (various parts of the Constitution and Terms of Reference of Committees)
- Members Allowances Scheme (Part 6) – travelling
- Change in status of Finance Sub-Committee to a Working Party

#### 3.0 Specific Changes

##### 3.1 ***Scrutiny Procedure Rules - Call In Provisions – Part 4.4 of the Constitution***

The CRG considered making changes to these provisions on two occasions and at its last meeting, put forward proposals, which it intended to review in the light of the practices of other Option 4 Councils.

Details of the practices adopted by other Councils is attached at Appendix 1(a), together with a suggested way forward in part (b) of that appendix.

### 3.2 **Council Champions and Lead Members – Article 2**

The Leader of the Council (Designate) has considered the need for all of the current Council Champions and believes that the role currently performed by four of the Champions (Business Transformation, Economic Development, Equalities and Youth) could be undertaken by Lead Members. This would firstly require amendments to Article 2 of the Constitution, and these are set out in Appendix 2. The table which follows in Appendix 2 shows the Champions which would be retained, and those whose role would be performed by the appropriate Lead Member. In the case of the Lead Member for Resources and Organisational Development, it is proposed to amend the title to “Resources and Economic Development”.

It is also proposed that there should no longer be a Lead Member for Planning Services.

### 3.3 **Abolition of the Audit & Risk Management Committee and Performance Working Party**

The Leader of the Council (Designate) has asked that the Council consider reducing the number of meetings per annum by disbanding these bodies. It is considered that the roles could be exercised instead by the Scrutiny Committee. Appendix 3 sets out the current Terms of Reference of both bodies. This would give rise to a number of changes in the Constitution.

It is proposed that the Terms of Reference be included in the Scrutiny Committee’s Terms of Reference and that a number of consequential changes be made to the Constitution.

### 3.4 **Members Allowances Scheme – Part 6**

Schedule 2 of the Scheme – covering travelling – allows councillors to claim for meetings called at the invitation of Chief Officers. Now that the Chief Executive and Directors meet regularly with Heads of Service as the Corporate Management Team (CMT), it is considered more appropriate to amend the Scheme as follows:-

There is an entitlement to reimbursement of travelling and subsistence expenses when a Councillor -

- *Attends meetings called at the request or invitation of Chief Officers or Heads of Service (including opening of tenders pursuant to paragraph 7 of the Council’s Procurement Procedures);*

### 3.5 **Finance Sub-Committee**

The Leader of the Council (Designate) has asked that the Committee consider changing the status of the Sub-Committee to a working party.

Appendix 4 sets out the changes required to the Terms of Reference of the current Sub Committee and Policy & Resources Committee. It will also be necessary to amend various parts of the Constitution to take account of this change. As a Working Party, the body will not be able to exercise delegated power, and all conclusions will need to be submitted to the Policy & Resources Committee for approval. Furthermore, the Committee will need to agree the membership of the Working Party.

## 4.0 **Recommendations**

4.1 It is recommended that the Council be recommended to:-

- (a) Amend the Call In Procedure provisions as set out in Appendix 1,
- (b) Amend Article 2 of the Constitution on the lines set out in Appendix 2, and
  - reduce the number of Champions to those set out in the table in Appendix 2, with the role of four of the Champions being assumed by the Lead Members shown in the table;
  - change the title of the “Resources and Organisational Development” Champion

to “Resources and Economic Development”

- retain four of the Lead Member roles but not Planning Services
- make any changes to Lead Member appointments.

(c) Disband the Audit & Risk Management Committee and the Performance Working Party, and amend the various parts of the Constitution and Terms of Reference of Committees to give the Scrutiny Committee the powers and responsibilities currently exercised by those bodies,

(d) Amend Part 6 of the Constitution in the manner set out in paragraph 3.4 above, and

4.2 (e) Change the status of the Finance Sub-Committee to that of a Working Party; agree the consequential changes to the Terms of Reference (as set out in Appendix 4); and authorise amendments to various parts of the Constitution.

It is further recommended that the Committee agree the membership of the Finance Working Party.

<b>Implications:</b>	
<b>Corporate Outcomes or Other Policy/Priority/Strategy</b>	
Good Quality of Life	<input type="checkbox"/> Good Reputation <input checked="" type="checkbox"/>
Good Value for Money	<input type="checkbox"/> High Quality Service Delivery <input checked="" type="checkbox"/>
Effective Partnership Working	<input type="checkbox"/> Strong Community Leadership <input type="checkbox"/>
Effective Management	<input checked="" type="checkbox"/> Knowledge of our Customers and Communities <input type="checkbox"/>
Employees and Members with the Right Knowledge, Skills and Behaviours	<input type="checkbox"/>
<b>Other:</b>	
Decision(s) would be outside the budget or policy framework and require full Council approval <input checked="" type="checkbox"/>	
<b>Financial</b>	There are no financial implications at this stage <input checked="" type="checkbox"/>
	There will be financial implications – see paragraph <input type="checkbox"/>
	There is provision within existing budget <input type="checkbox"/>
	Decisions may give rise to additional expenditure at a later date <input type="checkbox"/>
	Decisions may have potential for income generation <input type="checkbox"/>
<b>Risk Management</b>	An assessment has been carried out and there are no material risks <input checked="" type="checkbox"/>
	Material risks exist and these are recorded at Risk Register Reference - inherent risk score - <input type="checkbox"/> residual risk score - <input type="checkbox"/>
<b>Staff</b>	There are no additional staffing implications <input checked="" type="checkbox"/>
	Additional staff will be required – see paragraph <input type="checkbox"/>
<b>Equalities and Human Rights</b>	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications <input type="checkbox"/>
	There will be an impact on equality (see categories above) or human rights implications – see paragraph <input type="checkbox"/>
<b>Legal</b>	Power: Local Government Act 1972
	Other considerations: Constitution
<b>Background Papers:</b> None	
<b>Person Originating Report:</b> Keith Osborne, Democratic Services Manager 01832 742113	
<b>Date:</b> 22 September 2010	
<b>CFO</b>	<b>MO</b>
<b>CX</b>	

(Committee Report Normal Rev. 21)

## APPENDIX 1 (a) CALL IN ARRANGEMENTS – OTHER OPTION 4 COUNCILS

Authority	Call-In requirements
Daventry DC	<p data-bbox="488 360 1975 539">Part 4D (B) Call-in should only be used in exceptional circumstances. These are where members have reason to believe that the Corporate Board did not take the decision in accordance with existing Council policy or with the principles set out in <a href="#">Article 12 (Decision Making)</a>. The reasons for calling in the decision shall be provided at the same time.</p> <p data-bbox="488 580 1975 687">(f) In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are</p> <p data-bbox="488 729 1975 799">(i) that only twelve decisions per year can be called in unless otherwise agreed by the Scrutiny and Improvement Committee;</p> <p data-bbox="488 841 1975 948">(ii) management and operational decisions taken by officers shall not be subject to any call in except where such decisions are not in accordance with existing Council policy or are not in accordance with the principles of decision making set out in <a href="#">Article 12.02</a>.</p> <p data-bbox="488 989 1975 1023">(iii) that only staffing proposals affecting five posts or more may be called in;</p> <p data-bbox="488 1064 1975 1171">(iv) that, for a decision as set out in <a href="#">Article 6</a> to be called in, a requisition specifying the reason for the call in is required by 5.00 p.m. on the fifth working day after the date of publication of the decision from:</p> <ul data-bbox="517 1212 1975 1318" style="list-style-type: none"> <li>• the Chairman of the Scrutiny and Improvement Committee; or</li> <li>• two members of the Council (excluding Strategy Group members and the Chairman of Council);</li> <li>• or The Leader of a Political Group</li> </ul>

Corby BC	<p>Part 4D</p> <p><b>16. Exceptions</b></p> <p>In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:</p> <ol style="list-style-type: none"> <li>1. that an overview and scrutiny panel may only call-in a maximum of 3 decisions per two month period;</li> <li>2. four full members of an overview and scrutiny panel or the Chair of the Panel are needed for a decision to be called in;</li> <li>3. once a member (but excluding the Chair) has signed a request for call in under paragraph 16 (call-in) above, he/she may not do so again until a period of one month has expired.</li> </ol> <p>A member can only be party to 1 call-in in any one month period and the panel can only call in 3 matters in any 2 month period.</p>
East Cambs DC (A call-in has never been refused)	<p>Part 4 – 8 (16)</p> <p>Call-in should only be used in exceptional circumstances.</p> <p>A call-in of a decision should be made in writing to the Chief Executive. Where a decision is called-in during that period, the Chief Executive shall notify the decision-taker of the call-in.</p> <p>Copies of the call-in will be given to the Leaders of the Council's political groups as soon as possible.</p> <p>Formal written acceptance or refusal of the call-in will be given to the Members calling in the decision within 5 working days of its receipt. Any refusal must include the reasons for that refusal.</p>
East Dorset DC	<p>Part 4 C (20)</p> <p>The Chief Executive shall call-in a decision if he or she receives a written request giving the reasons for the call-in from the Chairman, or in their absence the Vice-Chairman and three other members of the Audit and Scrutiny Committee within five working days of the meeting.</p> <p>The request for call-in must be accompanied by an explanation of the reasons for calling-in the decision.</p> <p>Upon receipt of a call-in, the relevant officer shall be notified and instructed not to implement the decision until the matter has been resolved.</p>

	<p>No topic may be subject to a second call-in.</p>
<p>Craven DC</p>	<p>Part D (4) (3)  With the exception of decisions of a “regulatory” nature made by decision-makers as set out in the Annex to this protocol and decisions by officers, all decisions made <i>may</i> be called-in. However, it would be extremely detrimental to efficient decision-making if every individual decision was, as a matter of course, to be looked at. Call-in <i>should be instigated</i> as the exception, rather than the rule.</p> <p>For a decision to <i>be called-in</i>, any three Members of the Council, who should not all be from the same Political Group, must request it. Such a request must be made in writing, which includes fax or e-mail, and be received by the Democratic Services <i>Manager</i> by noon on the <i>third working day after the publication of the decision</i>. The request must state the <i>decision</i> which it is requested should be called-in, the reason for the call-in (<i>for example</i> that the decision is contrary to approved Council policy), and must give the names of the Members requesting the Call-In.</p>
<p>Babergh DC</p>	<p>Part 4 (4)  Call-in can be requested by any five Members of either the Overview and Scrutiny (Stewardship) Committee and the Overview and Scrutiny (Community Services) Committee, excluding the Chairmen of those Committees.</p> <p>The Chairman (or in his or her absence the Vice Chairman) of the appropriate Overview and Scrutiny Committee, determined in accordance with (d) above, shall consider the validity of a call-in request in consultation with the Director of Corporate Services and the Monitoring Officer. Thereafter, if so requested by the Chairman, the Director of Corporate Services shall call-in the decision for scrutiny by the appropriate Overview and Scrutiny Committee and shall then notify the decision-maker of the call-in.</p> <p>At the meeting, the Overview and Scrutiny Committee shall determine whether the called-in item shall be further considered having regard to the reasons given in the call-in request in relation to the criteria specified in the call-in Protocol against which a call-in request is to be determined. If the reason for the</p>

	<p>call-in is not, in the opinion of the Committee, a valid reason for call-in, no further consideration of the item shall take place and the Decision of the Strategy Committee shall take immediate effect but if the Committee is satisfied that the call-in request cites a valid reason for call-in, it will proceed to determine the merits of the reason.</p> <p>The Council does <b>NOT</b> expect Members to call in a Strategy Committee decision <b>UNLESS</b> one or more of the following circumstances applies –</p> <ul style="list-style-type: none"> <li>• there is reasonable concern over the lawfulness of the decision;</li> <li>• the decision appears to be contrary to the Budget or one of the policy framework plans or strategies;</li> <li>• the decision appears to be inconsistent with any other policy approved by Council or the Strategy Committee;</li> <li>• the decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny Committee and accepted by Council or the Strategy Committee;</li> <li>• the Strategy Committee has overlooked some relevant and material consideration in arriving at its decision;</li> <li>• the Strategy Committee appears to have acted unreasonably in failing to consult relevant stakeholders on some relevant and material issue before arriving at its decision;</li> <li>• the Strategy Committee has not taken its decision in accordance with the decisionmaking principles set out in Article 12 of the Constitution; or C-4-4(18)</li> <li>• the Strategy Committee has taken a decision outside its Terms of Reference as set out in the Responsibilities for Functions in Part Three of the Constitution.</li> </ul>
Barrow BC	<p>Call-in requests need to be made by the chair or any three members of the Committee.</p> <p>Call-in should only be used in exceptional circumstances. These are where members of an Overview and Scrutiny Committee have evidence which suggests that the policy committee did not take a delegated decision in accordance with the policy framework and the principles set out in Article 12 (Decision Making):</p> <ul style="list-style-type: none"> <li>(a) proportionality (i.e. the action must be proportionate to the desired outcome);</li> <li>(b) due consultation and the taking of professional advice from officers;</li> </ul>

	<ul style="list-style-type: none"> <li>(c) respect for human rights (see below for further details);</li> <li>(d) a presumption in favour of openness; and</li> <li>(e) clarity of aims and desired outcomes.</li> </ul>
<p>BC Wellingborough</p>	<p><b>4.4.16 Delaying the Implementation of Decisions (“Call-in”); Audit &amp; Performance Committee</b></p> <p>Implementing the “Call-In” procedure will have the effect of delaying the implementation of a decision of a policy committee made under delegation from the full council in accordance with the Scheme of Delegation in Part 3 of the Constitution. Four Councillors (of whom at least one must be a member of the Audit &amp; Performance Committee) may ‘call-in’ the decision if they have good reason to believe that the policy committee did not take the decision in accordance with the principles set out in Article 12. The names of the Councillors implementing the call-in procedure and the reasons for call-in will be disclosed on the published agenda.</p> <p><b>4.4.17 Call-In Procedure</b></p> <p>(a) Decisions made by a policy committee will be notified to all members of the Council within three working days of the meeting at which the decision was made.</p> <p>(b) A decision will come into force and may then be implemented on the expiry of five clear working days from the date the decision was made, unless an objection is received which requests that the decision be ‘called-in’ in accordance with these rules.</p> <p>(c) Call-in shall be effected by the Chief Executive, or his designated nominee with the Chairman of the Audit &amp; Performance Review Committee, on receipt of a written request for call-in of a specified decision from at least four members of the Council, of whom at least one must be a member of the Audit &amp; Performance Review Committee. The request must set out:</p> <ul style="list-style-type: none"> <li>i The reasons why the decision is being called in;</li> <li>ii The alternative decision that is proposed; and</li> <li>iii The reasons why the alternative decision is considered to be in the best interests of the Council.</li> </ul> <p>(d) In effecting the ‘call-in’ above, the Chief Executive will notify the members of the relevant policy</p>



committee directly and will call a meeting of the Audit & Performance Review Committee to be held on such date as he/she may determine within two weeks of the date on which effects the decision to call in and the decision shall not be implemented until after the recommendations of the Audit & Performance Review Committee meeting on the matter have been considered.

(e) The Audit & Performance Committee, at the meeting called in accordance with the procedure set out in the above paragraph may resolve:

i to recommend that the relevant policy committee reconsider the decision, in which case the matter shall be referred back to the relevant policy committee for further consideration in the light of the Audit & Performance Committee's concerns to amend the decision or not, before adopting a final decision;

or

ii To refer the decision (if it is considered to be contrary to the policy framework or not in accordance with the budget), to the next Full Council to confirm or otherwise.

(f) If, following a request to call-in a decision, the Audit & Performance Committee does not meet in the period set out above or does meet but does not refer the matter back to the decision making body, or to the Full Council, the decision shall take effect on the date of the Audit & Performance Review Committee meeting or the expiry of that further two weeks whichever is the earlier.

(g) If the matter is referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective on the date of the Council meeting.

## APPENDIX 1

### (b) Proposed Changes

#### 14. Call-In Procedure

14.1 Decisions made by the appropriate policy committee will be notified to all members of the Council within three working days of the meeting at which the decision was made.

14.2 A decision will come into force and may then be implemented on the expiry of five clear working days from the date the decision was made, unless an objection is received which requests that the decision be 'called-in' in accordance with Rules 14.3 – 14.7.

14.3 Call-in shall ***only be used in exceptional cases. To prevent the privilege being abused, only 12 decisions in a municipal year can be called in. Call-in shall*** be effected by the Chief Executive, or his designated nominee in consultation with the Chairman of the Scrutiny Committee, on receipt of a written request (which may be in electronic form) for call-in of a specified decision from at least four members of the Scrutiny Committee. ***The members*** ~~(which need~~ ***must*** not include the Chairman - ***because of the initial consultation on call-in and the power to exercise a casting vote at the meeting in the event of an equal number of votes for and against.*** . The request must set out ***the reasons why the decision is being called in, which can only be because the decision falls into any of the following categories:***

- (i) it was made without due process being followed, or***
- (ii) it was not made in accordance with one or more of the general principles set out in Article 12.02 of the Constitution (see below)***
- (ii) it fails to represent natural justice, or***
- (iii) it falls outside the agreed budget, or***
- (iv) it represents a significant change in council policy***

- ~~(i) the reasons why the decision is being called in;~~
- ~~(ii) The alternative decision that is proposed; and~~
- ~~(iii) The reasons why the alternative decision is considered to be in the best interests of the Council.~~

***The call-in must include details of the issues which the Scrutiny Committee members believe the appropriate policy committee did not fully address.***

*Article 12.02 of the Constitution – Principles of Decision making*

*All decisions of the Council will be made in accordance with the following general principles:*

- a) *proportionality (i.e. the action must be proportionate to the desired outcome);*
- b) *due consultation and the taking of professional advice from Officers;*
- c) *due consideration of available options*
- d) *respect for human rights (see below for further details);*
- e) *a presumption in favour of openness;*
- f) *clarity of aims and desired outcomes;*
- g) *due explanation of the reasons for the decision.*

14.4 In effecting the 'call-in' in accordance with 14.3 above, the Chief Executive will notify the members of the appropriate policy committee directly and will call a meeting of the Scrutiny Committee to be held on such date as he may determine within ~~two weeks~~ **ten working days** of the date on which he effects the decision to call-in and the decision shall not be implemented until after the recommendations of the Scrutiny Committee meeting on the matter have been considered.

14.5 The Scrutiny Committee at the meeting called in accordance with the procedure set out in paragraph 14.4 above may resolve

- (a) To recommend that the appropriate policy Committee reconsider the decision, in which case the matter shall be referred back to the policy committee for further consideration in the light of the Scrutiny Committee's concerns to amend the decision or not, before adopting a final decision;

or

- (b) To refer the decision (if it is considered to be contrary to the policy framework or not in accordance with the budget), to the full Council to confirm or otherwise, in which case a meeting of the Council shall be called for the purpose within ~~two weeks~~ **ten working days**.

14.6 If, following a request to call-in a decision, the Scrutiny Committee does not meet in the period set out above or does meet but does not refer the matter back to the decision making body, or to the full council, the decision shall take effect on the date of the Scrutiny Committee meeting or the expiry of that further ~~two weeks~~ **ten working days** whichever is the earlier.

14.7 If the matter is referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective on the date of the Council meeting.

## APPENDIX 2

### Council Champions and Lead Members

#### Article 2 of the Constitution

#### Proposed changes in bold italics and scored text

##### 2.06 Appointment of Champions

The Council may, at the Annual Meeting (*or other appropriate meeting*), designate 'Champions' from amongst its members to fulfil the role and functions set out in Rule 2.07 of the constitution.

Councillors who are designated as Champions will hold office for a period of one year or until

- (a) **they resign** ~~he/she resigns~~ from the position;
- (b) **they resign** ~~he/she resigns~~ from office;
- (c) **they are** ~~he/she is~~ suspended from being a Councillor under Part III of the Local Government Act 2000 (although **they** ~~he/she~~ may resume office at the end of the period of suspension);
- (d) **they are** ~~he/she is~~ no longer a Councillors;
- (e) the next following Annual Meeting of the Council unless previously removed from office by resolution of the Council **or a decision is taken that the responsibilities are assumed by another councillor**

A Councillor Champions may offer themselves for re-appointment to serve for the four year term.

##### 2.07 Role and Functions of Champions

Councillors are appointed Champions for specific issues or sections of the community, to act as a positive focus for the local community and for the Council in respect of the relevant section of the community, issue or range of activities designated by the Council so as to ensure that the impact of Council activities and decisions upon the section of the community, issue or range of activities is fully recognised and considered. A Champion's key tasks are to:-

- (a) ensure that he/she is informed about relevant current and emerging issues locally, regionally and nationally;
- (b) make contact with relevant local organisations concerned with the designated issue or section of the community and ensure that effective arrangements are made to consult those organisations on matters of interest or concern;
- (c) take responsibility for communicating well with fellow Councillors and Officers on relevant issues to ensure information is exchanged effectively within appropriate time scales;
- (d) represent the views of any such organisations to the council, the Scrutiny Committee and to Officers to assist in the development of Council policy;
- (e) act as an advocate within the Council, and to the wider community, for the designated subject area or range of activities on behalf of the relevant section of the community;

(f) report to the Scrutiny Committee at least once a year on relevant issues or work undertaken;  
and may

(g) act as a Council spokesman for the designated issue or section of the community, subject to the arrangements set out in Part 5.3, rule 11 of the Constitution.

Specifically, within the remit of each Champion's area of interest, Council Champions are expected to:-

- Give focus to the Council's key objectives to achieve clean, safe, healthy and prosperous communities
- Ensure a full appreciation of any Policies, Strategies and Service Plans which have a bearing on the role, and contribute to any changes, and the success of any action plans drawn up
- Promote and encourage best practice within the District, particularly to foster service improvements
- Recognise the significance of, and promote, the social, economic and environmental wellbeing of the District, especially in relation to bringing about improvements
- Promote, where appropriate, use of the Council's, and other, websites which have a bearing on the role and share learning and technological solutions
- Work with key partners
- Consider and comment on consultation documents and be consulted on relevant issues by the Council's Strategic Management Team
- Serve as the Council's representative on relevant outside bodies which link to the role (unless otherwise decided by Council)
- Help, where appropriate, to identify needs within the community
- Encourage, where appropriate, fuller access to services and facilities.

## **2.08 Lead Members**

The Council may, at the Annual Meeting (*or other appropriate meeting*), designate a 'Lead Member' for **specific services** ~~each service area~~, with the aim of strengthening relationships between Members and Officers. Lead Members **may, from time to time, be asked to assume the responsibility previously exercised by a Council Champion. They** do not have any delegated or executive decision making power, but have the responsibility to work closely with the appropriate Head of Service and will -

- be Members of the Policy and Resources Committee
- take ownership of the policies produced within that service
- present reports falling within their remit for consideration at meetings of the Policy and Resources Committee with the exception of reports submitted by the Head of the Paid Service, Monitoring Officer or Section 151 Officer or Strategic Management Team (SMT) as a whole
- be consulted by the relevant Head of Service in good time before reports are signed off by SMT and fully briefed after signing-off

- be kept up to date on developing issues by their respective Heads of Service
- liaise with the Controlling Group on matters relating to the service

If a Lead Member is absent from a meeting of the Policy and Resources Committee, either the Chairman of the Committee or the **appropriate** Head of Service will present the report.

## CHAMPIONS

<b>Champion/ Member</b>	<b>Source</b>	<b>Change/No change</b>
<b>ABI (Rushden Hayden Ward)</b> <i>Richard Lewis</i>	P & R Committee 17.9.07	No change
<b>ABI (Irthlingborough John Pyel Ward)</b> <i>Roger Powell</i>	P & R Committee 17.9.07	No change
<b>Business Transformation</b> <i>Philip Hardcastle</i>	Was e-Government (12.5.04) but scope widened	Include in the responsibilities of Resources & Economic Development Lead Member
<b>Community Safety</b> <i>Brian Northall</i>	Between May 2007 and May 2008	No change
<b>Cultural &amp; Leisure Services</b> <i>Steven North</i>	Request from NCC 3.3.08	No change
<b>Economic Development</b> <i>Philip Hardcastle</i>	12.5.04	Include in the responsibilities of Resources & Economic Development Lead Member
<b>Equalities</b> <i>Pauline Bradberry</i>	Arose from Single Equalities Scheme 11.1.10	Include in the responsibilities of Customer & Community Services Lead Member
<b>Health &amp; Safety</b> <i>Colin Wright</i>	12.5.04	No change
<b>Heritage</b> <i>John Richardson</i>	Was Property Champion 12.5.04	No change
<b>Older Peoples' and Safeguarding</b> <i>Sue Homer</i>	Request from NCC (also covers vulnerable adults & children) 2.7.07 and 1.3.10	No change
<b>Sustainable Communities</b> <i>Eloise Lucille</i>	12.5.04	No change
<b>Youth</b> <i>Wendy Brackenbury</i>	12.5.04	Include in the responsibilities of Customer & Community Services Lead Member

## **APPENDIX 3 – TERMS OF REFERENCE OF AUDIT & RISK MANAGEMENT COMMITTEE & PERFORMANCE WORKING PARTY**

### **Audit and Risk Management Committee**

Approved by A&RM Committee - 22/06/06 – Minute 55  
(Paragraphs 4.1 to 4.3 added March 2008)

#### **1 Audit Activity**

- 1.1 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 can give over the Council's corporate governance arrangements.
- 1.2 To consider summaries of specific internal audit reports as requested or referred by the Chief Finance Officer.
- 1.3 To consider reports dealing with the management and performance of the providers of internal audit services.
- 1.4 To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- 1.5 To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- 1.6 To consider specific reports as agreed with the external auditor.
- 1.7 To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 1.8 To liaise with the Audit Commission over the appointment of the Council's external auditor.
- 1.9 To commission work from internal and external audit including value for money and efficiency reviews.

#### **2 Regulatory Framework**

- 2.1 To maintain an overview of the Council's constitution in respect of contract procedure rules and financial procedure rules, and specifically to review the de minimis figure(s) contained therein.
- 2.2 To liaise with the Standards Board to ensure adequate arrangements for codes of conduct and behaviour.
- 2.3 To review any issue referred to it by the Chief Executive or a Director, or any Council Committee.
- 2.4 To monitor the effective development and operation of risk management and corporate governance in the Council; to endorse the Business Continuity Plan and Risk Management Strategy; and to review the RISK Register.



- 2.5 To monitor Council policies on 'Raising Concerns at Work' and the anti-fraud and anti-corruption strategy.
- 2.6 To oversee the production of the authority's Annual Governance Statement and to recommend its adoption.
- 2.7 To consider the Council's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice.
- 2.8 To consider the Council's compliance with its own and other published standards and controls.

### **3 Accounts**

- 3.1 To approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Policy and Resources Committee.
- 3.2 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

### **4 Data Quality Arrangements**

- 4.1 To monitor progress against the Data Quality Strategy action plan to demonstrate that data quality objectives are being achieved.
- 4.2 To address issues arising from a formal programme of internal and external data quality review.
- 4.3 To review the key measures of data quality as detailed in the strategy action plan.

## **Performance Working Party**

Recommended by Performance Panel 4 February 2008 for the Approval of the Scrutiny Committee

The Performance Working Party comprises up to 7 members of the Scrutiny Committee appointed by the Committee with a remit to receive and consider management information, promote and maintain excellence in front-line and corporate services and consider performance issues across all the Council's services. The formation of the Working Party recognises the importance of performance management and the effective use of performance information to inform service delivery. The Working Party will report directly to the Scrutiny Committee.

The Working Party will:

- monitor, at a minimum quarterly, the statutory national and local performance indicators;
- identify areas of good, excellent or improving performance and make recommendations to the Scrutiny Committee about how this can be shared and used by other service areas;
- identify and investigate areas of poor or declining performance and, where appropriate, make recommendations to the Scrutiny Committee on actions required for improvement;
- be responsible for
  - scrutinising the integrity of performance data
  - reviewing and challenging performance information
  - reviewing the accuracy of data supporting the key performance indicators against the six dimensions for good quality data, as outlined in the Data Quality Strategy;
- monitor service performance against resourcing decisions to ensure performance improvement and value for money in the allocation of resources;
- consider Council performance in line with other the benchmark information, and
- make recommendations to the Scrutiny Committee for consideration, including matters where more detailed investigation, such as a Scrutiny review, may be appropriate.

## APPENDIX 4

### Amendments in bold italics and scored text

#### Finance Sub Committee

Approved by Council – 1 March 2007 - Minute 391

Amended by:

- Policy & Resources Committee 21 January 2008 (Minute 291)
- Council – 21 July 2008 – (Policy & Resources Committee 16/06/08 Recommendation R2 - Minute 56)

Amended by Council - 26 April 2010 – Minute 472(c)

The Finance **Working Party** ~~Sub Committee~~ is a working party ~~standing sub committee~~ comprising 7 members of the Council's Policy & Resources Committee established to manage the financial resources of the Council. It will meet quarterly, with additional meetings as and when required.

Terms of Reference:

1. To monitor and manage the capital programme and revenue expenditure and report to the Policy and Resources Committee accordingly ~~(with power to vary the capital programme during the year and manage underspendings)~~.
2. To consider the capital and revenue budgets and recommend to the Policy and Resources Committee the revenue budget, capital programme and fees and charges
3. To consider and make recommendations to the Policy and Resources Committee on the financial aspects of the long and medium term financial strategies of the Council.
4. To recommend to the Policy and Resources Committee any changes in the financial management arrangements set out in the Budget and Policy framework.
5. To review ~~and approve~~ Financial Regulations every three years, taking into account any recommendation by the **Scrutiny** ~~Audit and Risk~~ Committee on de minimis figures, **and make recommendations to the Policy & Resources Committee**.
6. To review and develop the detailed financial and procurement rules and recommend changes to the Policy and Resources Committee
7. To recommend, to Policy and Resources Committee, approval of the Treasury Management Policy Statement (TMPS) and Treasury Management Strategy Statement (TMSS); to consider the annual report on investments and borrowing; and to review and scrutinise treasury management strategy and policy.
8. To ensure the Council maintains adequate and appropriate insurance cover.
9. To **consider issues relating to** ~~be responsible for~~ the strategic management of all Council land and property assets and co-ordinate the disposal and acquisition of any

capital assets, making appropriate recommendations to the Policy and Resources Committee.

#### **Amendments to Terms of Reference of Policy & Resources Committee**

- (x) To establish a Finance **Working Party** ~~Sub-Committee~~ to manage revenue and capital expenditure and the progress of the capital programme and undertake other specific duties as set out in the **Working Party's** ~~Sub-Committee's~~ Terms of Reference.
- (xii) To consider recommendations from the Finance **Working Party** ~~Sub-Committee~~ in respect of the sale of the Council's land, buildings or assets or the acquisition thereof;