

Governance and Audit Committee Procedure Rules

INTRODUCTION

Under the Local Government Act 1972 and Local Government Act 2000 (as amended by the Localism Act 2011) the Council is required to establish committees to undertake non-executive functions under powers delegated from the Full Council.

The Governance and Audit Committee deals with the approval of the Council's Statement of Accounts, audit, other miscellaneous regulatory matters and standards.

1. Application of the Meetings General Procedure Rules

- (1) The Meetings General Procedure Rules shall apply to all meetings of the Governance and Audit Committee except as varied by these Governance Committee and Audit Committee Procedure Rules.

2. Terms of Reference of the Governance and Audit Committee

Accounts and Audit

- (1) To consider and approve the Council's Statement of Accounts in accordance with the Accounts and Audit Regulations.
- (2) As part of the Council's governance arrangements, to consider the findings of the annual review of governance (which includes a review of the effectiveness of the system of internal audit) and approve the signing of the Annual Governance Statement by the Leader of the Council and the Chief Executive in accordance with the Accounts and Audit Regulations.
- (3) To have an overview of the Council's control arrangements including risk management and in particular with regard to the annual audit plan, the audit work programme and progress reports and to make recommendations to Cabinet as appropriate.
- (4) To review the Council's external auditor's annual audit letter.

Miscellaneous regulatory matters

- (5) To make recommendations to Council on the Council's functions contained in Parts D (elections), E (name and status of areas and individuals), F (making, amending, revoking, re-enacting or enforcing byelaws) G (promotion or opposing local or personal bills), of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
- (6) To determine Community Governance Reviews.
- (7) An overview of the Council's complaint handling procedure and Local Government and Social Care Ombudsman investigations

Shareholder Committee for Colchester Commercial (Holdings) Limited

- (8) Consider and review the activities and financial performance of Colchester Commercial (Holdings) Limited and its subsidiary companies i.e. Colchester Amphora Housing, Colchester Amphora Energy and Colchester Amphora Trading
- (9) Receive, review and recommend to Cabinet Colchester Commercial (Holdings) Limited's business plans (including its subsidiary companies) annually and to review performance including delivery of the dividend.
- (10) Monitor, challenge and make recommendations to Cabinet regarding Colchester Commercial (Holdings) Limited and its subsidiary companies.
- (11) Make recommendations to Cabinet on how it should exercise the functions flowing from its ownership of shares in Colchester Commercial (Holdings) Limited and its subsidiary companies.

Standards

- (12) Promoting and maintaining high standards of conduct by Members and Co-opted Members of the Council.
- (13) Advising the Council on the adoption or revision of the Members' Code of Conduct.
- (14) Advising and assisting Parish Council(s) and Councillors to maintain high standards of conduct.
- (15) To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the Council's assessment criteria.
- (16) Receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Members' Code of Conduct.
- (17) Advising, training or arranging to train Members and Co-opted Members on matters relating to the Members' Code of Conduct.
- (18) Assisting Councillors and co-opted Members to observe the Members' Code of Conduct.
- (19) To create a Hearings Sub-Committee to hear and determine complaints about Members and Co-opted Members referred to it by the Monitoring Officer.
- (20) To conduct hearings on behalf of the Parish and Town Councils and to make recommendation to Parish and Town Councils on improving standards or actions following a finding of a failure by a Parish or Town Councillor to comply with the Code of Conduct.
- (21) To inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints.
- (22) Advising the Council upon the contents of and requirements for codes/ protocols/ other procedures relating to standards of conduct throughout the Council.

- (23) To grant dispensations after consultation with the Independent Person pursuant to Sections 33(2) (b), (c) and (e) of the Localism Act 2011.
- (24) To hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to Sections 33(2)(a) and (d) of the Localism Act 2011.
- (25) To make recommendations to Council regarding the appointment of Independent Persons in accordance with section 28 (7) and (8) of the Localism Act 2011.

General

- (26) Review of the Constitution including governance issues around formal meetings, processes and member training and to make recommendations to Council.

3. Composition of the Committee

- (1) The Committee shall comprise nine Councillors, all of whom shall have undertaken suitable training in relation to statement of accounts and Members Code of Conduct in respect of which the following criteria shall apply:
 - Attendance must be at the training session provided within the context of the Member Development Programme;
 - Attendance must be for the duration of each training session, at least every other year;
 - Membership of the Committee does not provide any exemption from attendance at a training session;
 - A record of attendance at training sessions shall be maintained by Democratic Services.
- (2) When considering standards issues, up to three Parish Representatives and the Independent Persons will also be invited to attend.

4. Committee meetings – when and where?

- (1) Meetings may be called from time to time as and when appropriate. The Committee shall meet at the Town Hall, High Street, Colchester or another location to be agreed by the Leader of the Council.
- (2) Meetings of the Committee shall be arranged by the Proper Officer who will normally give a minimum of five clear working days' notice and comply with the Access to Information Rules set out in Part 4 of this Constitution.

5. Public or private meetings of the Committee?

- (1) Meetings of the Committee will be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with the Access to Information Rules set out in Part 4 of this Constitution.

6. Quorum

- (1) The quorum for the Committee shall be one half of the total membership, rounded up in the event of an odd number of members, provided that the minimum quorum shall be three. The quorum must be maintained for the duration of the meeting.

7. Voting

- (1) All members of the Committee are entitled to vote at meetings with the exception of any Parish Representatives and the Independent Persons who may be present for standards items.

HOW ARE THE COMMITTEE MEETINGS CONDUCTED?

8. Who presides?

- (1) The meeting will be chaired by a Chairman who shall be appointed by the Committee on an annual basis. In the absence of the Chairman the members present may appoint a Chairman for the meeting from those present.

9. Who may attend?

- (1) Members of the public may attend meetings of the Committee except when exempt or confidential information is being considered where the press and public, may be excluded by resolution of the Committee in accordance with the Access to Information Rules contained in Part 4 of this Constitution.

10. What business?

- (1) Meetings of the Committee will include the following business:
 - (a) Have Your Say!
 - (b) Consideration of the minutes of the last meeting;
 - (c) Urgent Items;
 - (d) Declarations of interest, if any;
 - (e) Consideration of any matter within the Committees Terms of Reference.

11. Recording of Decisions

- (1) All decisions will be made by a simple majority of the members of the Committee present at the meeting.
- (2) Following a meeting of the Committee at which a report (whether oral or in writing) has been received and a recommendation has been made, the Proper Officer shall ensure that a written statement is kept which must include the following: -
 - (a) record of the decision;
 - (b) record of reasons for the decision;
 - (c) details of alternative options considered;
 - (d) record of any conflict of interest declared; and
 - (e) any dispensation granted as appropriate.

12. PROCEDURE FOR HEARINGS SUB-COMMITTEE MEETINGS

- (1) The Council has agreed the formation of a Hearings Sub-Committee of the Governance and Audit Committee to hear and determine allegations that Councillors have failed to comply with the Members' Code of Conduct.
- (2) Hearing Sub-Committee meetings will be conducted in accordance with the procedure set out at Appendix 1.

PROCEDURE FOR HEARINGS SUB-COMMITTEE MEETINGS

1. Terms of reference of the Hearings Sub-Committee

- (1) To conduct a Hearing into an allegation that a Councillor or Co-opted Member has breached the Authority's Code of Conduct.
- (2) Following a Hearing, make one of the following findings:
 - (a) That the Councillor has not failed to comply with the Members' Code of Conduct and no further action needs to be taken in respect of the matters considered at the Hearing; or
 - (b) That the Councillor has failed to comply with the Members' Code of Conduct but that no further action needs to be taken in respect of the matters considered at the Hearing; or
 - (c) That the Councillor has failed to comply with the Members' Code of Conduct and that a formal resolution should be made to the Authority.
- (3) The Sub-committee may recommend to the Authority any action or combination of actions available to it (details of which are contained in Schedule A to these Rules), or recommend any informal resolution or combination of informal resolutions as are available to it by law or policy.
- (4) After making a finding the sub-committee shall, as soon as reasonably practicable provide written notice of its findings and the reasons for its decision to the Councillor and complainant.

2. Composition of the Sub- Committee

The Committee shall comprise of:

- (1) Five Borough Council Councillors; and
- (2) One Parish or Town Councillor (if the matter relates to a Parish or Town Council); and
- (3) An Independent Person appointed by the Council in accordance with the Localism Act 2011.

3. Sub- Committee meetings – when and where?

- (1) Meetings may be called from time to time as and when appropriate. The Sub-Committee shall meet at the Town Hall, High Street, Colchester.
- (2) Meetings of the Sub-Committee shall be summoned by the Proper Officer who will normally give a minimum of five clear working days' notice and comply with the Access to Information Rules set out in Part 4 of this Constitution.

4. Public or private meetings of the Sub-Committee?

- (1) Meetings of the Sub-Committee will be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with the Access to Information Rules set out in Part 4 of this Constitution.

5. Quorum

- (1) The quorum for the Sub-Committee shall be three Borough Councillors which must be maintained for the duration of the meeting.

6. Voting

- (1) Only the Borough Council Councillors are entitled to vote at meetings.

7. HOW ARE THE SUB- COMMITTEE MEETINGS CONDUCTED?

Who presides?

- (1) The meeting will be chaired by a Chairman who shall be appointed by the Sub-Committee from those present.

Who may attend?

- (2) Members of the public (including Councillors who are not members of the Sub-Committee) may attend all meetings of the Sub-Committee except when exempt or confidential information is being considered where the press and public, may be excluded by resolution of the Sub-Committee in accordance with the Access to Information Rules contained in Part 4 of this Constitution.

What business?

- (3) Ordinary meetings of the Sub- Committee will include the following business:
 - (a) Consideration of the minutes of the last meeting;
 - (b) Urgent Items;
 - (c) Declarations of interest, if any;
 - (d) Consideration of any matter within the Sub-Committees' Terms of Reference.

Recording of Decisions

- (4) All decisions will be made by a simple majority of the Borough Councillors of the Sub-Committee present at the meeting.
- (5) Following a meeting of the Sub-Committee at which a report (whether oral or in writing) has been received and a recommendation has been made, the Proper Officer shall ensure that a written statement is kept which must include the following: -
 - (a) record of the decision;
 - (b) record of reasons for the decision;
 - (c) details of alternative options considered; and
 - (d) record of any conflict of interest declared