

PART 6 – PERFORMANCE AND GOVERNANCE COMMITTEE

1. Introduction

- 1.1 The Council will appoint the Performance and Governance Committee to discharge the functions conferred by the Accounts and Audit Regulations 2003 as amended by the Accounts and Audit (Amendment)(England) Regulations 2006 in relation to the matters set out below and specifically to consider the Council's Performance and Governance arrangements, including a review of the system of internal control and the effectiveness of internal audit, in compliance with Regulations 4 and 6 of the Accounts and Audit Regulations 2003, Amendments 2006 and any subsequent legislation.
- 1.2 The number of meetings and Terms of Reference of the Performance and Governance Committee may be reviewed from time to time by the Modern Local Government Group which may report to the Council.

2. Membership of the Committee

- 2.1 All Members of the Council, except members of the Cabinet and the Chairman of the Council, may be members of the Performance and Governance Committee. However, no Member may be involved in reviewing a decision in which he/she has been directly involved.
- 2.2 The Committee will be made up of 14 elected Members that follow the political proportionality of the Council. The membership of the Committee can be found at Appendix H - Membership of Cabinet, Committees etc.
- 2.3 The Performance and Governance Committee shall be entitled to recommend to Council the appointment of up to two additional co-opted non-voting members.

3. Chairmanship and Vice-Chairmanship of Meetings

- 3.1 The Performance and Governance Committee may be chaired by a Member from the political group (or groups) represented on the Cabinet.
- 3.2 Where more than one political group is represented on the Council, the Vice-Chairman of the Committee will be chosen from a political group other than that of the Chairman.

4. Terms of Reference of the Performance and Governance Committee

Performance

- (a) To consider Comprehensive Area Assessment (CAA) self-improvement plan.

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- (b) To consider Financial and Performance Management Reports and, in particular, to receive regular reports from the Finance Advisory Group (FAG).
- (c) To monitor the Cabinet's performance in the strategic management of the Council and to make recommendations for improvements.
- (d) To consider the development of the budget strategy. No decision to approve the Budget Strategy will be taken until the matter has been considered by the Committee first.
- (e) To review the Council's resources and the Council's management of property, assets acquisition and disposal, including strategies for proper management of assets already obtained. Unless there are special circumstances which justify an urgent decision, no decision will be taken to dispose of land until the proposal has been considered by the Performance and Governance Committee.
- (f) To consider the development of the Council's Procurement Strategy and forward procurement plan.
- (g) To consider the arrangements in place for the management and monitoring of the Council significant partnerships.

Regulatory Framework

- (h) To maintain an overview of the Council's Constitution and make any recommendations to Council.
- (i) To monitor the effective development and operation of corporate governance and risk management in the Council.
- (j) To monitor Council policies on 'Raising Concerns at Work' and the anti-fraud and anti-corruption strategy and the Council's complaints process.
- (k) To oversee the production of the Council's Statement on Internal Control and to recommend its adoption.
- (l) To consider the Council's compliance with its own and other published standards and controls.

Audit Activity

- (m) To consider the development of the Council's Internal Audit Strategy, Charter or terms of reference.
- (n) To consider the annual internal audit plan and a summary of internal audit activity regarding the level of assurance that it can give over the Council's internal control and corporate governance and risk management arrangements
- (o) To consider the Audit and Efficiency Manager's annual report and assurance opinion.

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- (p) To consider progress reports from the Audit and Efficiency Manager regarding the progress of the Annual Internal Plan.
- (q) To consider a report on the progress of all recommendations made by internal audit and other external regulatory or review agencies.
- (r) To receive and consider the annual report on the review of the effectiveness of internal audit
- (s) To consider reports on investigations carried out by Internal Audit of suspected fraud or corruption within the Council or its partners.
- (t) To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- (u) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (v) To consider any external audit report resulting from the Statement of Accounts and any recommendations and comments received from the District Auditor.

Accounts

- (w) To review 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 Council.
- (x) To approve the Statutory Statement of Accounts when the deadline for approval does not allow approval by full Council.
- (y) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts, and comments received from the District Auditor.

Miscellaneous

- (z) to undertake a monitoring role in relation to the development of the budget strategy as and when appropriate.
- (aa) to undertake a monitoring role in relation to reviews of the Council's resources and the Council's management of property, asset acquisition and disposal strategies for the proper management of assets as already obtained as and when appropriate.

5. Performance and Governance Committee Procedure Rules

The Committee will conduct their proceedings in accordance with the Procedure Rules set out below.

Appointment of Sub-Committees/Working Groups

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- 5.1 The Committee may appoint Sub-Committees or working groups. These may be appointed for a fixed period or until the next Annual Council meeting.

Procedure at Meetings of the Performance and Governance Committee

- 5.2 The Performance and Governance Committee shall consider the following business:
- (a) minutes of the last meeting;
 - (b) declarations of interest;
 - (c) responses of the Council, Cabinet or Council Committees to the Committee's reports or recommendations; and
 - (d) the business otherwise set out on the agenda for the meeting.

Meetings of the Performance and Governance Committee

- 5.3 There shall be at least five ordinary meetings of the Committee in each year. In addition, other meetings may be called from time to time as and when appropriate. A meeting of the Committee may be called by the Chairman of the Committee, by a quarter of the members of the Committee or by the Chief Executive (in consultation with the Chairman or Vice-Chairman, if available) if he considers it necessary or appropriate.

Quorum

- 5.4 The quorum for the Performance and Governance Committee shall be as set out for Committees in the Council Procedure Rules in Part 2 of this Constitution.

Work Plan

- 5.5 The Performance and Governance Committee will be responsible for setting its own Work Plan and in doing so shall take into account the wishes of all members on the Committee.

Agenda Items

- 5.6 Any member of the Performance and Governance Committee shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda and the Chairman will be informed.
- 5.7 Any five Members who are not members of the Committee may give written notice to the Chief Executive that they wish an item relevant to the functions of the Committee to be included on the agenda of the Performance and Governance Committee. If the Chief Executive receives such a notification,

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then he/she will include the item on the first available agenda of the Committee for consideration by the Committee and the Chairman will be informed.

- 5.8 The Performance and Governance Committee shall also respond, as soon as work plans permit, to requests from the Council and if it considers it appropriate, the Cabinet or other Committees, to review particular areas of Council activity relevant to the functions of the Committee.

Reports and Recommendations from the Performance and Governance Committee

- 5.9 Once it has formed recommendations, the Performance and Governance Committee will submit these in writing to the Chief Executive for consideration by the Cabinet, Council or the relevant Committee.
- 5.10 The Council, Cabinet or Committee shall whenever possible consider and respond to the report and/or recommendations of the Committee within two months of it being submitted to the Chief Executive.

Members and Officers Attending Committee

- 5.11 In discharging its terms of reference, the Performance and Governance Committee may require any member of the Cabinet, the Chairman of a Committee, the Chief Executive, any Director and/or any Head of Service to attend before it to answer questions in relation to matters within their remit. For the avoidance of doubt, such a person may be required to answer questions on the Council's relationships with partner organisations, contractors and/or other public bodies, providing that person is responsible for managing that relationship as part of their duties. It is the duty of those persons to attend if so required.
- 5.12 Where any Member or Officer is required to attend the Performance and Governance Committee under this provision, the Chairman of the Committee will inform the Chief Executive. The Chief Executive shall inform the Member or Officer in writing giving at least five clear working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend and whether any papers are required to be produced for the Committee. Where the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 5.13 Where the Member or Officer is unable to attend on the required date, then the Committee shall in consultation with the Member or Officer arrange an alternative date for attendance to take place usually within 21 days from the date of the original request.

Attendance by Others

- 5.14 In discharging its terms of reference, the Performance and Governance Committee may review the performance/governance of partner organisations, contractors and/or other public bodies. It may also invite people other than those people referred to in paragraph 5.11 to provide it

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with a report, address it and/or answer questions.