

ANNUAL REVIEW OF THE PERFORMANCE AND GOVERNANCE COMMITTEE'S TERMS OF REFERENCE

Council – 27 November 2012

Report of the:	Deputy Chief Executive & Corporate Resources Director
Status:	For Consideration
Key Decision:	No
Also considered by:	Performance & Governance Committee – 18 September 2012 Modern Local Government Group – 20 November 2012

Executive Summary: This report has been produced in accordance with the Committee's Work Plan. The report sets out amendments to the Committee's Terms of Reference in order to reflect organisational, statutory or regulatory changes. These are set out in the amended Terms of Reference attached to this report. Prior to this report no amendments had been made to the Committee's Terms of Reference since changes were last considered by the Committee at its meeting on 20 April 2010; which were subsequently agreed by the Modern Local Government Group on 8 July 2010 and by the Council on 20 July 2010.

Head of Service: Group Manager, Financial Services – Adrian Rowbotham

Recommendation to Modern Local Government Group: That Council be RECOMMENDED to adopt the revised terms of reference.

Recommendation to Council: That the revised terms of reference be adopted.

Introduction

1. This report has been produced in accordance with the Performance and Governance Committee's Work Plan for the Year. The report updates the Committee's Terms of Reference in order to reflect organisational changes and changes in statutory or regulatory requirements

Background

2. At its meeting in April 2010 the Performance and Governance Committee considered and endorsed changes to its Terms of Reference which were designed to focus on procedural matters, removing repetition and duplication in the Committee's procedures, clarifying inconsistencies and being more user friendly as a result.
3. The amendments to the Committee's procedures grouped procedures together under topic specific headings to aid clarity and some parts of the document were

reordered to improve the overall layout. The Terms of Reference were also reviewed and minor amendments made to reflect best practice and consistency with CIPFA Guidance. Since those changes were agreed by the Modern Local Government Group and the Council there have been no further substantive amendments to the Committee's Terms of Reference to report. At the Committee's meeting in April 2011 the Terms of Reference were reviewed again, but no further amendments were made and the Committee has continued to perform its role very effectively.

Summary of Proposed Changes

4. The changes now proposed reflect recent organisational changes, statutory or regulatory requirements. These are set out in relevant paragraphs on the attached terms of reference as follows:
 - 1.1 to reflect the requirements of the Accounts and Audit Regulations 2011, which now replaces the Accounts and Audit Regulations 2003, Regulations 2006
 - 3 (h), now includes Whistleblowing arrangements as part of the polices to be reviewed by this committee
 - 3 (i), now includes the committee's responsibility for approving the Annual Governance Statement, which replaces the Statement on Internal Control
 - 3 (m), and (n) – references made to the Audit Manager and Audit Team respectively have been changed to reflect new titles as a result of organisational changes.
 - 3 (q), Bribery allegations, now added to the list of special investigation reports the committee will consider, in order to reflect the requirements of the Bribery Act 2010, which came into effect in July 2011.

Key Implications

Financial

5. None directly arising from this report.

Community Impact and Outcomes

6. The Performance and Governance Committee plays a very important role in ensuring that the Council continues to operate under the highest standards of governance. It also plays a key role in ensuring that the Council continues to perform to the highest standards. The current Terms of Reference ensure that the Committee continues to deliver these important services effectively and underpin this important role.

Legal, Human Rights etc.

7. The Terms of Reference comply with relevant legal requirements.

Risk Assessment Statement

8. The Committee needs to have clear and effective written procedures to ensure that it continues to operate effectively. The current Terms of Reference provides clarity whilst complying with relevant statutory requirements.

Sources of Information: None.

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