

<b>Meeting:</b>	<b>Audit and governance committee</b>
<b>Meeting date:</b>	<b>21 March 2017</b>
<b>Title of report:</b>	<b>Working groups update</b>
<b>Report by:</b>	<b>Solicitor to the council</b>

## **Classification**

Open

## **Key decision**

This is not an executive decision.

## **Wards affected**

Countywide

## **Purpose**

To advise the committee on the progress of the standards working group and governance improvement working group.

## **Recommendation(s)**

**THAT:**

- (a) the committee comment on the progress to date of the working groups**

## **Alternative options**

- 1 There are no alternative options, the code forms part of the constitution and requires review.

## **Reasons for recommendations**

- 2 A new council constitution will come into effect in May 2017. Reviewing the code of conduct and associated documents will bring them into line with the new constitution.

## Key considerations

### Governance Improvement Working Group

- 3 The governance improvement working group met on 30 January 2017 to discuss the implementation and training plan for the implementation of the new constitution.
- 4 The working group will be meeting at the beginning of April to discuss and agree the plan drafted by the head of corporate governance and the monitoring officer.
- 5 It is suggested that the working group be asked to consider any revisions to the contract procedure rules; finance procedures and the anti-fraud rules prior to them being presented to audit and governance committee in May for approval to ensure consistency with the new constitution.

### Standards Working Group

- 6 The standards working group met on 6 January 2017 and undertook a SWOT analysis of the current arrangements and the amendments needed to the members' code of conduct. A further meeting was held on 24 February where a revised code was discussed and agreed.
- 7 The revised code of conduct was discussed with the group leaders on 8 March 2017 so that they were aware of the proposed changes prior to the consultation with Herefordshire Council councillors and parish councils.
- 8 There will be a 4 week consultation with Herefordshire Council councillors and a six week consultation with parish councils.
- 9 The working group will be meeting after the consultation ends in order to discuss comments which have been received and whether any changes to the revised code will be needed prior to audit and governance committee recommending approval on 10 May for council on 19 May.

## Community impact

- 10 The constitution sets out how the council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The format and content of the revised constitution should help make these arrangements clearer to understand, and show how the public can effectively engage with them.

## Equality duty

- 11 Legislation requires that the council must, in the exercise of its functions, have due regard to the need to:
  - eliminate discrimination, harassment, victimisation and any other conduct prohibited by law;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.."

## **Financial implications**

- 12 None arising from the recommendations. The council already makes provision within its existing budgets to enable publication of the constitution on its website and to ensure that members and officers have the training necessary to ensure awareness and understanding of the requirements within the constitution.

## **Legal implications**

- 11 None from this report. The working group will be advised of the legal implications when undertaking their review and the committee will be advised of any legal implication as part of the recommended changes.

## **Risk management**

- 13 If the council's constitution is not accurate, up to date and understood then there is a risk that governance arrangements are not clear and robust leaving the council open to judicial review, contractual challenge or financial risk. The proposed amendments and adoption of the revised constitution seek to mitigate that risk. In addition the audit and governance committee will continue to maintain oversight of the constitution, once adopted, and should any further amendments be necessary will make recommendations to full council accordingly.

## **Consultees**

- 14 None - parish councils will be consulted on any proposed changes.

## **Appendices**

None

## **Background papers**

None