A meeting of the CORPORATE GOVERNANCE PANEL will be held in MEETING ROOMS 0.1A AND B, GROUND FLOOR, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN on WEDNESDAY, 2 NOVEMBER 2011 at 6:00 PM and you are requested to attend for the transaction of the following business:-

APOLOGIES

1. MINUTES (Pages 1 - 4)

To approve as a correct record the Minutes of the meeting of the Panel held on 27th September 2011.

2. MEMBERS' INTERESTS

To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda Item. Please see Notes 1 and 2 overleaf.

3. **REVIEW OF COUNCIL CONSTITUTION** (Pages 5 - 14)

To receive a report from the Head of Legal and Democratic Services detailing the outcome of a review of the Council's Constitution.

Dated this 25 day of October 2011

Head of Paid Service

Notes

- 1. A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District
 - (a) the well-being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;
 - (b) a body employing those persons, any firm in which they are a partner and any company of which they are directors;
 - (c) any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) the Councillor's registerable financial and other interests.

Contact (01480)

Ms C Deller 388007

Ms C Deller 388007 A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.

2.

Please contact Miss H Ali, Democratic Services Officer, Tel No: 01480 388006 / e-mail: Habbiba.Ali@huntingdonshire.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Panel.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the CORPORATE GOVERNANCE PANEL held in the Civic Suite, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Tuesday, 27 September 2011.

PRESENT:	Councillor E R Butler – Chairman.		
	Councillors M G Baker, G J Harlock, A R Jennings, P G Mitchell and T V Rogers.		
APOLOGY:	An apology for absence from the meeting was submitted on behalf of Councillor R S Farrer.		
IN ATTENDANCE:	Mr C McLaughlin – Pricewaterhouse Coopers LLP.		

9. MINUTES

The Minutes of the meeting of the Panel held on 28th June 2011, were approved as a correct record and signed by the Chairman.

10. MEMBERS' INTERESTS

No declarations were received.

11. ANNUAL REVIEW OF THE EFFECTIVENESS OF THE SYSTEM OF INTERNAL AUDIT

By way of a report by the Audit and Risk Manager (a copy of which is appended in the Minute Book) the Panel was advised of the implications of the 2011 Accounts and Audit Regulations on the Council's procedures for internal audit and on the way it had previously reviewed the effectiveness of the internal audit system.

Whilst guidance from the Department of Communities and Local Government had appeared to suggest that there had been little material change to the requirements, the Audit and Risk Manager described that, how using the framework of assurance, he had considered whether the Council had put in place adequate controls to manage identified risks to its objectives and the risks inherent in undertaking its work. In support of this process, Members also were guided through the Council's current risk assessment matrix and the work of the internal audit service over the period 1st August 2010 to 31st July 2011. Having responded to a series of questions from Members in respect of the level of priority assigned to various risks, the annual survey of customer satisfaction and the controls in place to monitor use of the corporate card and having expressed their satisfaction with the opinion expressed by the Audit and Risk Manager on the overall adequacy and effectiveness of the Council's internal control and governance processes, the Panel

RESOLVED

that the content of the report be noted and the opinion of the Audit and Risk Manager taken into account in the consideration of the Governance Statement under Minute No. 14 post.

12. REVIEW OF THE EFFECTIVENESS OF THE CORPORATE GOVERNANCE PANEL

A report by the Head of Financial Services was submitted (a copy of which is appended in the Minute Book) regarding the outcome of the review, by Members, of the effectiveness of the Corporate Governance Panel.

Given the inexperience of the Panel currently, it had been agreed that a further session be held in advance of the March 2012 Panel when it was anticipated that the newly appointed Members would have had the opportunity to acquire sufficient knowledge to express a more considered view about the effectiveness of the Panel.

However, based on the information that had been forthcoming, Members had concluded that the Panel was acting effectively and in accordance with its terms of reference. Notwithstanding this conclusion, Officers were requested to prepare an action plan to address several issues which had been highlighted. Whereupon, it was

RESOLVED

- (a) that the content of Annex A to the report now submitted be endorsed as an accurate assessment of the effectiveness of the Panel;
- (b) that the Action Plan be approved; and
- (c) that, with immediate effect, a review of the effectiveness of the Panel be undertaken on an annual basis.

13. REVIEW OF THE EFFECTIVENESS OF THE INTERNAL AUDIT SERVICE

Consideration was given to a Report by the Managing Director (Resources) (a copy of which is appended in the Minute Book regarding the outcome of a review of the effectiveness of the internal audit service. It was understood by the Panel that the review was undertaken by the Audit and Risk Manager in accordance with the 2006 Code of Practice for Internal Audit in Local Government.

Attention was drawn to four areas where internal audit did not currently comply with the Code of Practice and it was confirmed that Deloittes would shortly be engaged as the Council's computer audit partner. Having questioned whether the Council currently maintained a partnership register and whether consideration had been given to entering into an arrangement with neighbouring Councils for sharing computer audit work, the Audit and Risk Manager replied that he had tried unsuccessfully to generate an interest with other authorities and would seek to take up the contacts suggested by Councillor Rogers in this respect and report on the outcome to a future meeting of the Panel.

Mr McLaughlin, Pricewaterhousecooper, commended the action taken thus far by the Audit and Risk Manager to engage a computer audit partner and thanked the service for their support and assistance in understanding the internal control framework.

Whereupon, it was

RESOLVED

- (a) that the content of the report and the conclusion that the internal audit service was generally effective be noted;
- (b) that the Action Plan prepared to address the areas for improvement identified in the self-assessment be endorsed; and
- (c) that the Audit and Risk Manager be requested to update the Panel at a future meeting on arrangements to appoint a computer audit partner.

14. GOVERNANCE STATEMENT

By way of a report by the Head of Legal and Democratic Services (a copy of which is appended in the Minute Book), the Panel undertook its annual review of the governance statement which sets out arrangements for the Council's Corporate Governance activities.

Having made a series of suggestions to vary the text of the governance statement, the Panel

RESOLVED

that subject to incorporation of the amendments highlighted by the Panel and consent by the Chairman to the final wording, the outcomes of the governance arrangements be noted and the Chairman authorised to sign the approved Governance Statement for 2011.

15. LOCAL GOVERNMENT OMBUDSMAN - LOCAL SETTLEMENT OF COMPLAINT

The Panel received and noted a report by the Head of Legal and Democratic Services (a copy of which is appended in the Minute Book) regarding the action taken, after consultation with the Chairman, to settle a complaint in accordance with the Council's scheme of delegation which had been made to the Local Government Ombudsman.

16. TRAINING OF PANEL MEMBERS

Further to Minute No. 12 ante, the Panel considered a report by the Head of Financial Services (a copy of which is appended in the

Minute Book) regarding suggestions for training for new Members based on the anticipated work programme for the Panel in 2012.

After discussion, it was

RESOLVED

- (a) that a further session for Members on the effectiveness of the Corporate Governance Panel be held in advance of the meeting in March 2012; and
- (b) that copies of reports due to be considered at future meetings be sent to Members as soon as they become available to enable the Panel to consider whether training on the subject to be discussed was required in advance of the meeting.

17. APPROVAL FOR PUBLICATION OF THE 2010/11 ACCOUNTS

Having been advised by the Head of Financial Services of the reasons why the 2010/2011 final accounts were not yet available for approval, the Panel

RESOLVED

that a Special meeting of the Panel be held at 6pm on Wednesday 2nd November 2011.

Chairman

Agenda Item 3

CORPORATE GOVERNANCE PANEL

2ND NOVEMBER 2011

COUNCIL

2ND NOVEMBER 2011

REVIEW OF COUNCIL CONSTITUTION (Report by the Head of Legal and Democratic Services)

1. INTRODUCTION

- 1.1 Under the Local Government Act 2000, new arrangements for conducting Council business required local authorities to adopt written constitutions to regulate their systems of governance and proceedings. From then on, the Council continued to review its Constitution annually but during the 2005 exercise, the Corporate Governance Panel formed the view that the Constitution had bedded down sufficiently that it could be reviewed comprehensively at biennial intervals thereafter. The purpose of the review exercise is to identify changes required to the Constitution to reflect new legislation and working practices which have emerged during the preceding two years, to overcome any inconsistencies which may have arisen and to make positive adjustments to reflect changes in circumstances.
- 1.2 The latest biennial review was due to be undertaken in March. However Chief Officer's Management Team took the view that this should be delayed until such time as the impact of the envisaged Senior Management re-organisation could be incorporated in any changes required.
- 1.3 The terms of reference of the Corporate Governance Panel include responsibility for "oversight of the Council's constitutional arrangements and advising the Council on any changes that may be desirable". This report, therefore, introduces the review commissioned during the current year. As this report also features on the agenda for the Council meeting which follows, the Chairman of the Panel will report to the Council on any changes recommended for adoption.
- 1.4 Adopting the same approach as previously, Members, Chief Officers and Heads of Service have been requested to consider the content of the Constitution and to highlight any issues or areas which could be improved, clarified or revised based on practical experience over the past two years. In particular Heads of Service have been requested to examine Part 3 – Responsibility for Functions: Scheme of Delegations and given the new senior management structure, re-assign the delegations appropriately.
- 1.5 To identify the changes proposed, Members will need to refer to the Constitution available electronically on both the Council's website and intranet. A copy also is available to peruse in the Members' Room.

2. GENERAL CHANGES

2.1 The Council may amend its Constitution at any time, subject to regard being paid to formal guidance issued by the Secretary of State. Any change will require reference to the Secretary of State only if the Council proposes to change significantly the present form of Executive and Scrutiny arrangements.

- 2.2 The Constitution is divided into 16 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols. From replies received thus far from Members/Officers there appears to be little desire for major change. However, the Constitution continues to evolve and requires regular adjustment to take account of updates in legislation and practice and for these reasons the text will require amendment in any event to reflect
 - new legislation;
 - ♦ alterations to
 - the text generally to update job titles etc.
 - Table 2 appointments to outside organisations
 - reflect the addition/variation of appointments; and
 - Table 4 scheme of delegations to incorporate subsequent amendments to the scheme.
- 2.3 In terms of the Scheme of Delegation (Part 3), Table 4, pages 75 154), this requires comprehensive change due partly to the passage of time and principally because of major changes to the senior management structure which have resulted in the deletion of the posts of Chief Executive, Director of Central Services, Heads of Central and Democratic Services and of Policy, Performance and Partnerships. Remaining Heads of Service had been requested to examine the scheme of delegation in relation to their respective areas and where a former Director or Head of Service is referred to, consider to which new Managing Director (or Head of Service) the delegation should be assigned. Given other pressures on the organisation, this purely administrative exercise, being detailed and time consuming, will not be completed in time for the Panel meeting.
- 2.4 Members can be assured, however, that a local authority may not delegate any decision making functions without express or implied statutory authority and whilst an authority has wide powers under Section 101 of the Local Government Act 1972 to arrange for the discharge of any of its functions by Committee, Sub-Committee or by an Officer, that power has to be lawfully delegated based on proper interpretation of a resolution. Certain other principles also will be adopted in that those delegations formally assigned to the Chief Executive will now fall to the Head of Paid Service, Managing Director (Communities, Partnerships and Projects) and those to the Returning Officer assigned to the Managing Director (Resources).
- 2.5 In view of the degree of changes required to the Scheme of Delegations and mindful that this is an administrative exercise within principles established by statute, it is

RECOMMENDED

that the Head of Legal and Democratic Services be authorised, after consultation with the Chairman of the Corporate Governance Panel, to make any necessary amendments to the Scheme of Delegations following the current review of the Scheme by the Council's Heads of Service and, for expediency, to make any further adjustments when these are considered to be necessary in the future.

3. ARTICLE 6 – OVERVIEW AND SCRUTINY PANELS (pages 6-21)

The decision to reduce the size of membership of the Cabinet and the way in which the Executive Councillors' responsibilities are organised has meant it has become necessary to review the terms of reference of the three Overview and Scrutiny Panels. The terms of reference of the Panels is contained in Article 6 of the Constitution. Proposed terms of reference have been considered by the Overview and Scrutiny Panels at their October meetings and these are reflected in Appendix A hereto. No objections to the proposed arrangements have been raised by the Panels. It also was the Panels view that their Chairman and Vice-Chairman should determine which Panel would deal with matters that were not specifically covered in the terms of reference according to the degree that they match the specific remits. This will largely apply to items which arise in connection with the Council's partnerships, joint working and matters affecting the wider community. Accordingly, it is

RECOMMENDED

that the proposed terms of reference for the Overview and Scrutiny Panels as set out in Appendix A hereto be approved.

4. ARTICLE 8 – REGULATORY AND OTHER COMMITTEES AND PANELS (page 25)

In view of the quasi judicial nature of the Development Management and Licensing and Protection Panel/Licensing Committee, the increasingly complex matters which the Panels/Committee have to determine and the potentially serious consequences of their decisions, it has been recommended by the cross party Members' Development Group that it be mandatory that only Members who have undertaken suitable training should be appointed to these Panels and that this requirement should formally become part of the Constitution. Therefore, it is

RECOMMENDED

(a) that the following paragraph be inserted after paragraph 2 in Article 8 of the Constitution –

"3. No Member shall be eligible to serve on a regulatory committee – the Development Management and Licensing and Protection Panels and Licensing Committee unless or until they have undertaken relevant training. The Democratic Services Manager shall maintain a record of attendance at training events to ensure the requirement has been met"; and (b) that the Members' Planning Code of Good Practice (pages 249-257) and Licensing Code of Good Practice (pages 282/1-282/8) be amended as follows

In the Members' Planning Code of Good Practice – delete existing paragraph 11 and insert the following -

'11. Training on planning matters will be provided and updated as necessary. All Members of the Development Management Panel should endeavour to receive specialised training to enable them to carry out their role properly and effectively. Training is mandatory for Members who wish to serve on the Development Management Panel. A record of training undertaken by Members of the Panel will be maintained by the Democratic Services Manager".

In the Licensing Code of Good Practice – delete existing paragraph 11 and insert the following -

'11. Training on licensing matters will be provided and updated as necessary. All Members of the Licensing Protection Panel/Licensing and Committee should endeavour to receive specialised training to enable them to carry out their role properly and effectively. Training is mandatory for Members who wish to serve on the Licensing and Protection Panel/Licensing Committee. A record of training undertaken by Members of the Panel/Committee will be maintained by the Democratic Services Manager".

5. PART 3 TABLE 2 – RESPONSIBILITY FOR COUNCIL FUNCTIONS (page 69)

- 5.1 The Corporate Governance Panel was established by the Council in July 2004 to deal principally with the non-executive issues of audit, governance and finance. The Panel's terms of reference include matters specified in the Accounts and Audit Regulations and in the Local Government Act 2003 in relation to the Council Tax Base. The terms of reference of the Panel were last reviewed under the Democratic Structure Review and changes to them approved by Council in April 2009.
- 5.2 The Panel has recently reviewed its own effectiveness and in doing so resolved that changes be made to its terms of reference by May 2012. Whilst the precise wording of the terms of reference can be determined by the Panel at their March 2012 meeting and recommended to Council thereafter, there is a more immediate concern in relation to 'approval of the Council Tax Base'. The Local Government Act 2003 enabled the Council to delegate the annual resolution to formally approve the Council Tax Base for the following year and consequently this function was delegated by Council to the

Corporate Governance Panel. The Panel has subsequently considered that this delegation be reconsidered particularly given the suggestion that the delegation may be made to an officer rather than to a Member group.

5.3 The Panel might wish to consider whether it is appropriate, in the interests of probity, openness and transparency, for part of the tax base determination function to be delegated to an officer given the absence of any formal record of the decision he/she might take on the matter.

The Panel are invited to consider delegating approval of the Council Tax Base to the Chief Officers' Management Team.

6. COUNCIL PROCEDURE RULES (STANDING ORDERS) (pages 157 – 174)

Scheme of Substitution

A proposal to appoint substitute Members to Panels, Committees and Advisory Groups has been re-submitted by Councillor P J Downes. This is considered by Councillor Downes to be particularly relevant currently given the fewer number of Members in the Liberal Democrat Group. A copy of a potential scheme is reproduced at Appendix B.

The views of the Panel are invited.

7. CODES OF FINANCIAL MANAGEMENT AND PROCUREMENT – (pages 209 – 234)

During the bi-ennial review exercise, the opportunity is always taken to propose changes to the Codes of Financial Management and Procurement. These are "live" documents that are required to adapt to the changing needs of the Council. As the review of the Constitution is normally undertaken in the Spring, the Head of Financial Services will report on any proposed modifications required to the Codes at the March 2012 meeting of the Panel.

The Panel is requested to note this position.

8. **RECOMMENDATION**

8.1 The Panel is requested to consider the recommendations contained in the foregoing paragraphs and to recommend to Council accordingly.

BACKGROUND DOCUMENTS

Huntingdonshire District Council Constitution.

Contact Officer:

Christine Deller, Democratic Services Manager - Tel: 01480 388007.

TERMS OF REFERENCE OF OVERVIEW AND SCRUTINY PANELS

OVERVIEW & SCRUTINY PANEL	SCOPE	EXECUTIVE PORTFOLIO
SOCIAL WELL BEING	Private sector housing	Strategic Planning and Housing
	Caravan sites Community Safety Community initiatives Leisure Development Air quality/noise/pollution Animal welfare/pest control Commercial: health and safety promotion/food safety Infectious diseases Smoke free initiatives Corporate Health and Safety	Healthy and Active Communities
	ССТУ	Healthy and Active Communities
	Housing strategy / policies Housing providers / associations	Strategic Planning and Housing
	Housing register / nominations Homelessness Housing grants Disabled facilities grants Home Improvement Agency Private Sector Housing	Customer and Shared Services
	Huntingdon / St_Neots / St Ives Ramsey /Sawtry	Healthy and Active Communities
	Democratic Services Elections / Electoral Registration Member Support	Leader
	Licensing	Healthy and Active Communities
	Safeguarding Diversity and Equalities	Healthy and Active Communities

ENVIRONMENTAL	Streetscene	Environment
WELL BEING	Car Park management Grounds maintenance / grass cutting Parks and Countryside Emergency Planning Waste stream policy Refuse collection Recycling Vehicle fleet management Abandoned vehicles Cleansing	
	Environmental Strategy Home energy conservation Business energy conservation Water strategy Renewable energy Building Control / Dangerous Structures / Access for disabled people Residual Highways responsibilities / public utilities Street naming and numbering Land drainage	Environment
	Planning Policy / Development Plans Planning studies / monitoring Site and area planning briefs / Masterplans Neighbourhood Plans Development Management / Planning Enforcement Conservation / Listed Buildings Trees and footpaths Transportation	Strategic Planning and Housing Supported by Development Management Chair
ECONOMIC WELL BEING	Website / intranet Freedom of Information ICT Network & Systems Local Land & Property Gazetter Business Analysis / Improvement	Customer and Shared Services Development
	Financial forecasting Budget preparation and monitoring Final Accounts Financial advice Payment of creditors	Resources

Audit Risk management Procurement Treasury Management (borrowing and investments) Debt Recovery	
Call Centre Customer Service Centre Information Centres Local Taxation Revenue collection Benefits assessments / payments / fraud National Non Domestic Rates	Customer and Shared Services
Land Charges Legal advice Conveyancing Prosecutions and litigation Planning advocacy Data protection / Regulation of Investigatory Powers Contracts Document Centre	Leader
Communication & marketing Corporate policy / research Corporate performance management Localism	Leader & Deputy Leader
Economic Development Investment Estate	Strategic Economic Development (Leader)
Facilities Management Operational Estate Project / Contractual management Engineering and architectural design	Resources

PROPOSED PROCEDURE FOR APPOINTMENT OF SUBSTITUTE MEMBERS TO COMMITTEES, PANELS AND ADVISORY GROUPS

1. ALLOCATION OF SUBSTITUTES

The Council at its Annual Meeting shall appoint up to 2 named substitute Members for each Panel or Committee and from each political group, to attend Committees, Panels and Advisory Groups of the Council in the absence of ordinary Members.

A Member of the Council who is not aligned to a political group ("independent Member") shall be entitled to appoint one other named Member to take his/her place in the event of his/her absence at meetings of any Committee, Panel or Advisory Group to which s/he is appointed.

The Executive Leader, Deputy Executive Leader and any Member of the Cabinet shall not be appointed as a substitute Member to an Overview and Scrutiny Panel and neither shall a Member of an Overview and Scrutiny Panel be appointed as a substitute Member to the Cabinet. The Executive Leader shall not be appointed as a substitute Member to the Standards Committee.

As the Constitution of the Development Management, Employment and Licensing and Protection Panels and Licensing Committee provides for the appointment of only one Member of the Cabinet with Portfolio responsibility at each Panel, Portfolio holders other than the one with appropriate responsibility for those non executive functions within the terms of reference of each Panel may be appointed as substitute Members to the Development Management, Employment and Licensing and Protection Panels/Licensing Committee but may only attend in the absence of the appropriate Portfolio holder.

2. POWERS AND DUTIES

Other than the Standards Committee which must be chaired by an independent person, substitute Members, when substituting for an ordinary Member of the Committee, Panel or Advisory Group shall have the powers and duties of any ordinary Member of the Committee, Panel or Advisory Group but shall not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

Except in respect of the Standards Committee which must be chaired by an independent person, a substitute Member shall be entitled to be elected Chairman or appointed Vice-Chairman of the meeting of the Committee, Panel or Advisory Group at which s/he is in attendance but s/he shall be so elected or appointed for the duration of that meeting only.

The named Members appointed as substitute Members to the Overview and Scrutiny Panels shall not be entitled to participate in the Call-In procedure.

3. PROCESS FOR ATTENDANCE

Substitute Members may attend meetings in that capacity only -

- to take the place of an ordinary Member of the Committee, Panel or Advisory Group for which s/he is the designated substitute;
- (ii) after notifying the Head of Legal and Democratic Services or the relevant Democratic Services Officer of the intended substitution before the start of the meeting; and
- (iii) in the event of the ordinary Member not being present at the start of the meeting.

Attendance at a meeting of the Committee, Panel or Advisory Group for the purposes of substitution shall be determined at the start of the meeting and substitution or further substitution shall not be permitted during the course of the meeting.

4. GENERAL

- (i) A Member tendering an apology for absence at a meeting shall have that absence recorded irrespective of a substitute Member attending in his/her place to enable an accurate record of attendance to be published at the ensuing Annual Council meeting.
- (ii) Substitute Members shall be eligible for travelling and carer's allowances as if they were appointed Members of the Committee, Panel or Advisory Group.
- (iii) Substitute Members attending meetings of the Development Management Panel shall not be eligible to receive the Special Responsibility Allowance payable to ordinary Members of the Panel but shall be entitled to claim reimbursement for the travelling costs incurred when undertaking site visits in connection with the meetings.
- (iv) Those appointed as named substitute Members shall be required to undertake appropriate training necessary to enable full participation in the business of the Committee, Panel or Advisory Group to which they are appointed, e.g. the Development Management or Licensing and Protection Panels/Licensing Committee.
- (v) Named substitute Members shall receive agenda issued for all meetings of the relevant Committee, Panel or Advisory Group to which they are appointed to assist in continuity and knowledge of issues under consideration.