

23 June 2021

Agenda Item: 2

REPORT OF SERVICE DIRECTORS CUSTOMERS, GOVERNANCE AND EMPLOYEES AND FINANCE, INFRASTRUCTURE & IMPROVEMENT

MEMBERSHIP, TERMS OF REFERENCE AND THE WORK OF THE COMMITTEE

Purpose of the Report

1. To note the membership and terms of reference of the Governance and Ethics committee.

Information

2. The following councillors have been appointed to the committee:

Chairman: Councillor Philip Owen
Vice-Chairman: Councillor Nigel Moxon

Councillor Richard Butler
Councillor Steve Carr
Councillor Neil Clarke
Councillor John Cottee
Councillor Errol Henry
Councillor Michael Payne
Councillor Helen-Ann Smith
Councillor Roger Upton
Councillor Elizabeth Williamson

3. The Annual Meeting (AM) of the County Council on 27 May 2021 established the committee with the terms of reference. The exercise of the powers and functions set out below are delegated by the Full Council to the committee in relation to governance and ethics:
 - a. All decisions within the control of the Council including but not limited to those listed in the Table below
 - b. Policy development and approval in relation to governance and ethics activity, subject to any necessary approval by the Policy Committee or the Full Council
 - c. Review of performance in relation to the services provided on a regular basis
 - d. Review of day to day operational decisions taken by officers
 - e. Approval of consultation responses except for responses to day-to-day technical consultations which will be agreed with the Chairman and reported to the next available Committee following their submission.
 - f. Approval of departmental staffing structures as required

- g. Approving all Councillor attendance at conferences, seminars and training events within the UK mainland for which a fee is payable including any expenditure incurred, within the remit of this Committee and to receive quarterly reports from Corporate Directors on departmental officer travel outside the UK within the remit of this Committee.
4. If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. If this is not clear, then the report will be discussed and determined by the Policy Committee.
 5. As part of the detailed work programme the Committee will receive reports on the exercise of powers delegated to Officers.
 6. The Committee will be responsible for its own projects and may establish steering groups to consider projects. Where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the most appropriate Committee.

Table
Responsibility for advising Full Council on the adequacy of the Council's systems of internal control and overseeing the external auditor's annual audit of the accounts
Responsibility for approving the Annual Statement of Accounts
Responsibility for approving the Annual Governance Statement and keeping it under review on a regular basis
Responsibility for reviewing and maintaining the Council's Local Code on Corporate Governance
Responsibility for maintaining an overview of the Council's Financial Regulations and anti-fraud and anti-corruption strategies, and for recommending the Financial Regulations to Full Council for adoption
Responsibility for ensuring high standards of conduct by the County Council, its Councillors, co-opted members and Officers
Responsibility for dealing with matters relating to alleged breaches of the Code of Conduct for Councillors and Co-opted Members
Responsibility for the implementation of and revision to councillor codes of conduct and practice of the County Council
Responsibility for Information Governance including but not limited to Data Protection and Freedom of Information
Responsibility for resolving any issues arising from the Members' Allowances Scheme
Responsibility for monitoring the Councillors' Divisional Fund
Responsibility for approving the recruitment process for any independent members of committees and panels required by statute
Responsibility for the Council's risk management strategy
Responsibility for Legal, Democratic and Complaints Services

Governance and Ethics Sub-Committee – Terms of Reference

7. Responsibility for formal hearings under the Council's Procedure for dealing with Conduct Allegations against Councillors and Co-opted Members, including deciding whether there has been a breach of the Code of Conduct, and if appropriate imposing any sanction available under the Procedure and the relevant legislation.

Independent Persons

8. It is a legal requirement for the County Council to appoint Independent Persons, whose views must be sought and taken into account if a Code of Conduct complaint against a Councillor is investigated. The Full Council on 27 May 2021 agreed to the appointment of Ian Bayne, Craig Cole and Rob White as the Council's Independent Persons until the Annual Meeting of the Council in May 2022. Should any further appointments be recommended by Governance and Ethics Committee then a further report will be taken to Full Council to seek approval to their appointment.

Other Options Considered

9. None

Reason/s for Recommendation/s

10. To inform the committee of its membership and terms of reference.

Statutory and Policy Implications

11. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) It is recommended that the committee's membership, terms of reference and content of this report to be noted.

Marjorie Toward
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and Employees and Monitoring Officer

Nigel Stevenson
Service Director – Finance, Infrastructure
& Improvement and Section 151 Officer

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Constitutional Comments (CEH 28/05/2021)

12. The report is for information purposes for Members of the Committee

Financial Comments (SES 28/5/2021)

13. There are no specific financial implications arising directly from the report.

Background Papers and Published Documents

- Report to Full Council on 27 May 2021 (published)

Electoral Division(s) and Member(s) Affected

- All