

Report to General Purposes Committee 24 November 2014

Review of Terms of Reference of General Purposes Committee

Report of the Head of Legal and Democratic Services
Report No. LDS/085

1. Purpose

- 1.1 The Council is responsible for the establishment of Committees and any revisions to their Terms of Reference would need to be approved by the Council.
- 1.2 The Council approved the establishment and Terms of Reference of the General Purposes Committee in 2001.
- 1.3 Since that time there has been no formal review of its Terms of Reference, however in order to reflect changes in legislation, since 2001 additional functions have been added, removed or amendments made to the functions of this Committee.
- 1.4 This report reviews the Committee's current Terms of Reference and proposes a number of amendments including changing the name of the Committee from "General Purposes Committee" to "Governance Committee".

2. Recommendations

- 2.1 The Committee is requested to consider the Committee's current Terms of Reference in Appendix A and the proposed amendments tabled in Appendix C to this report.
- 2.2 Subject to the approval of the report to the Audit and Governance Committee at its meeting on 2 December 2014 the Committee is invited to recommend to the Full Council the approval of the revised Terms of Reference for the Committee including the change of name from General Purposes Committee to Governance Committee as set out in Appendix C to this report.

3. Reasons for Recommendations

- 3.1 It is good practice to review Terms of Reference of Committees so that business is transacted which is relevant to current requirements.

4. Background

- 4.1 The General Purposes Committee, including its Terms of Reference, was established by the Council in 2001 under the provisions of the Local Government Act 1972. There has been no formal review of its Terms of Reference. However in order to reflect changes in legislation and responsibilities, new functions have been added, removed and amendments made to the functions of the Committee and approved by the Council on an ongoing basis.
- 4.2 The current Terms of Reference for this Committee are set out in Appendix A.

5. Description of Issue to be Resolved

- 5.1 On 25 June 2013, the Audit and Governance Committee received and considered a Briefing Paper in respect of that Committee's responsibilities in respect of Governance issues. The Paper included reference to the Committee's Terms of Reference, a full explanation of what was meant by "Governance" and the current discharge of Governance responsibilities across the Council through the Audit and Governance Committee and this Committee. A copy of the Briefing Paper and the current Terms of Reference of Audit and Governance Committee, including Minute 4 of the Audit and Governance Committee of 25 June 2013 is attached at Appendix B.
- 5.2 Following the meeting of the Committee on 25 June 2013 Members were invited to provide ideas and suggestions regarding the future Governance regime. Views of the Members in summary were as follows:-
- Audit should be the primary focus of an Audit Committee.
 - Governance is often sidelined, but it also carries significant implications.
 - Work of General Purposes is irregular, the merger of Governance with the current roles undertaken by General Purposes by relocating responsibility with a Committee responsible for ongoing change to the Governance arrangements of the organisation would enable the Members to think more carefully about Constitutional changes on Governance.
 - A review of the work of the Performance Monitoring Scrutiny Panel should be undertaken.
 - There should be a combined Committee covering the current work of Audit and Governance and General Purposes.
 - Support for an Audit and Governance Committee to remain but with more Members as there is an overarching need to ensure that the aims and objectives of any activity is in itself legal and appropriate, along with the Governance element.
- 5.3 There is broad support from Members for the Audit responsibilities to be dealt with by an Audit Committee and for the Governance functions that are currently delegated to this Committee transferred to the General Purposes Committee.

- 5.4 The Governance role of General Purposes Committee is currently centred on the Monitoring, Review and Changing of the Council's Constitution, Election Matters, Political Management Arrangements and other non-executive functions not specifically delegated to another Council Committee.
- 5.5 As part of the Council's Transformation Agenda and as a follow up to the discussion that took place at the Audit and Governance Committee in June 2013, there is an opportunity to rationalise the Terms of Reference of both General Purposes and the Audit and Governance Committee.

6. Information and Analysis Supporting Recommendation

- 6.1 In light of the report considered by Audit and Governance in 2013, and the feedback received from Members of that Committee, there is an opportunity to reflect on the areas of Governance that are currently distributed between the two Committees. It is proposed that the General Purposes Committee should take the lead on dealing with "Governance" matters. Governance carries significant implications, the merger of the Governance elements currently being undertaken by Audit and Governance with the current Governance responsibilities undertaken by this Committee will locate Governance matters in the remit of a single Committee.
- 6.2 The Audit and Governance Committee at its meeting on 2 December 2014 will consider a similar report in terms of changing its Terms of Reference and changing its name to that of "Audit Committee".
- 6.3 In view of the recommended changes to the Terms of Reference and functions of this Committee which is essentially the discharge of Governance responsibilities Members are invited to consider changing the name of the Committee from "General Purposes Committee" to "Governance Committee".
- 6.4 The proposed amendments to the Terms of Reference include:
- (i) General description of the responsibilities of the Committee.
 - (ii) A transfer of the Standards functions and matters relating to the Regulation of Investigatory Powers Act 2000 from the Audit and Governance Committee. A transfer of corporate Governance activities which includes giving consideration to the Annual Governance Statement (AGS), prior to its approval by the Audit Committee. The AGS forms part of the Council's Annual Accounts, the approval of which will remain with an Audit Committee.
 - (iii) A change in the name of the Committee from General Purposes Committee to Governance Committee.

A copy of the revised Terms of Reference and functions are set out in Appendix C.

7. Implications

- 7.1 There are no financial, staffing or equality implications arising directly from this report.

- 7.2 Section 101 of the Local Government Act 1972 enables a Council to discharge any of their functions to a Committee, Sub-Committee or an Officer of the Authority.
- 7.3 There are no significant risks arising from this report. A review of the Terms of Reference of the Committee is considered to be best practice so that they remain relevant and cover current requirements.

8. Background Papers

None

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APPENDIX A

RESPONSIBILITY FOR COUNCIL FUNCTION GENERAL PURPOSES

The powers and duties of the Council relating to the functions set out below are delegated to the General Purposes Committee

Membership: Councillors: Stanley (Chair), R D Burrett (Vice-Chair), M L Ayling, C A Cheshire, D G Crow, C R Eade, P K Lamb, R A Lanzer, T Lunnon, C Oxlade and L A Walker (substitute – I T Irvine)

Functions of the General Purposes Committee	Delegation of Functions (concurrently with the General Purposes Committee)
(1) Functions relating to elections	
(a) Power to assign employees in relation to the requisitions of the registration officer	This function is delegated to the Electoral Services Manager
(b) Duty to provide assistance at European Parliamentary Elections	This function is delegated to the Local Returning Officer
(c) Duty to divide the constituency into polling districts*	
(d) Power to divide electoral divisions into polling districts at local government elections*	
(e) Powers in respect of holding elections	This function is delegated to the Returning Officer
(f) Power to pay expenses properly incurred by electoral registration officers	This function is delegated to the Head of Legal and Democratic Services

Functions of the General Purposes Committee

- (g) Power to fill vacancies in the event of insufficient nominations*
- (h) Duty to declare vacancy in office in certain cases*
- (i) Duty to give public notice of a casual vacancy
- (j) Power to determine fees and conditions for supply of copies of, or extracts from, elections documents
- (k) Making a request for single-member electoral areas (relating to Section 14A(1) of the Local Government Act 1992)*
- (l) Duty to consult on change of scheme for elections (relating to Sections 33(2), 38(2) and 40(2) of the Local Government and Public Involvement in Health Act 2007)
- (m) Power to pass a resolution to change a scheme for elections (under section 32(1), 37(1) or 39(1) of the Local Government and Public Involvement in Health Act 2007)*
- (n) Duties relating to publicity (relating to Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007)
- (o) Duties relating to notice to Electoral Commission (relating to Sections 36 and 42 of the Local Government and Public

Delegation of Functions (concurrently with the General Purposes Committee)

This function is delegated to the Returning Officer

This function is delegated to the Returning Officer

This function is delegated to the Head of Legal and Democratic Services

This function is delegated to the Head of Legal and Democratic Services

Functions of the General Purposes Committee

Involvement in Health Act 2007)

- (p) Power to alter years of ordinary elections of parish Councillors (relating to Section 53 of the Local Government and Public Involvement in Health Act 2007)*
- (q) Functions relating to change of name of electoral area (relating to Section 59 of the Local Government and Public Involvement in Health Act 2007)*

* These matters may be considered by the General Purposes Committee but shall be referred to the Council for determination

(2) Functions relating to a change in governance arrangements

- (a) Take decision whether to change governance arrangements (Local Government Act 2000)*
- (b) Duty to comply with direction given by the Secretary of State (Local Government Act 2000)
- (c) Take decision whether a change of the kind set out in Sections 9MA and 9MB of the Act should be subject to approval in a referendum under Section 9M of the Local Government Act 2000 *
- (d) Duty to hold referendum (Local Government Act 2000)

Delegation of Functions (concurrently with the General Purposes Committee)

This function is delegated to the Head of Legal and Democratic Services

This function is delegated to the Head of Legal and Democratic Services

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| (e) Duty to publish notice if proposals not approved in referendum (Local Government Act 2000) | This function is delegated to the Head of Legal and Democratic Services |
| (f) Duty to deal with a referendum by petition * | |
| (g) Duty to implement new governance arrangements (Local Government Act 2000) | This function is delegated to the Head of Legal and Democratic Services |

*These matters may be considered by the General Purposes Committee but shall be referred to the Council for determination

(3) Functions relating to community governance

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|---|---|
| (a) Duties relating to community governance reviews (relating to Section 79 of the Local Government and Public Involvement in Health Act 2007)* | |
| (b) Functions relating to community governance petitions (relating to Sections 80, 83, 84 and 85 of the Local Government and Public Involvement in Health Act 2007) | This function is delegated to the Head of Legal and Democratic Services |
| (c) Functions relating to terms of reference of review (relating to Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007)* | |
| (d) Power to undertake a community governance review (relating to Section 82 of the Local Government and Public Involvement in Health Act 2007)* | |
| (e) Functions relating to making of recommendations (relating to Sections 87 to 92 of the Local Government and Public Involvement in Health Act 2007)* | |

Functions of the General Purposes Committee

- (f) Duties when undertaking a review (relating to Sections 93 to 95 of the Local Government and Public Involvement in Health Act 2007)*
- (g) Duty to publicise the outcome of a review (relating to Section 96 of the Local Government and Public Involvement in Health Act 2007)
- (h) Duty to send two copies of the order to the Secretary of State and Electoral Commission (relating to Section 98(1) of the Local Government and Public Involvement in Health Act 2007)
- (i) Making an order giving effect to recommendations made in a community governance review (under Section 86 of the Local Government and Public Involvement in Health Act 2007)*
- (j) Power to make agreements about incidental matters (relating to Section 99 of the Local Government and Public Involvement in Health Act 2007)*

*These matters may be considered by the General Purposes Committee but shall be referred to the Council for determination

Delegation of Functions (concurrently with the General Purposes Committee)

This function is delegated to the Head of Legal and Democratic Services

This function is delegated to the Head of Legal and Democratic Services

Functions of the General Purposes Committee

(4) The following matters may be considered by the General Purposes Committee but shall be referred to the Council for determination:-

- (a) The promotion of or opposition to local or personal Bills
- (b) The Members Allowances Scheme
- (c) Proposals for the adoption of, and changes to the Constitution (except where it relates to the Scheme of Delegation for Cabinet functions in which case it will be delegated to the Leader).
- (d) The making, amendment, revocation or re-enactment of byelaws
- (e) The appointment of employees for particular purposes (appointment of “proper officers”)
- (f) The designation of officer as the head of the authority's paid service, and the provision of staff, etc. (Section 4 of the Local Government and Housing Act, 1989)
- (g) The designation of officer as the Monitoring Officer, and the provision of staff, etc. (Section 4 of the Local Government and Housing Act, 1989)

Delegation of Functions (concurrently with the General Purposes Committee)

This function is delegated to the Head of Legal and Democratic Services

To make clerical and typographical corrections to the Constitution

This function is delegated to the appropriate Head of Service and the Head of Legal and Democratic Services

The enforcement of byelaws

Functions of the General Purposes Committee

- (h) Powers relating to Overview and Scrutiny Committees (voting rights of co-opted members) under Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000

(5) Other Functions

- (a) Other than in the case of functions which are the responsibility of the Cabinet) decisions relating to the contracting out of a function or service (in accordance with the De Regulation and Contracting Out Act 1994) and to whom to award the contract together with the function of revoking such a contract.
- (b) To consider matters referred to the Committee in relation to petitions submitted under the Crawley Borough Council Petitions scheme.

Delegation of Functions (concurrently with the General Purposes Committee)

ROLE OF AUDIT AND GOVERNANCE **(Report - Audit & Governance Committee 25 June 2013)**

Background

The Audit and Governance Committee at the meeting on 26 September 2012 received an Internal Audit Progress Report. During the discussion by Members of that item, Members debated the role of the committee in governance issues and asked for clarification to be provided by the Head of Legal and Democratic Services and the Head of Audit of the committee's responsibilities with regard to governance.

Terms of Reference of the Audit and Governance Committee

The current Terms of Reference of this committee are set out in the Constitution and are reproduced in Appendix A. The Terms of Reference were updated to reflect the changes in standards introduced by the Localism Act 2011 and the transfer of those responsibilities to this committee.

A committee's Terms of Reference, its remit, specify the functions with which the committee is charged and define the limits of its authority. Precision is important in framing Terms of Reference as to avoid doubt about the scope of the committee's tasks. If the terms are narrowly drawn, the committee's powers and duties may be unduly restrictive; if widely drawn there is a risk that the terms may overlap those of other committees.

What we Mean by Governance

The governing body of an organisation has overall responsibility for directing and controlling that organisation. Elected Members are collectively responsible for the governance of the Council.

- Governance is about how the Council ensures that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open and honest and accountable manner.
- It comprises the systems and processes and cultures and values, by which the Council is directed and controlled and through which they account to, engage with and, where appropriate, lead their communities.

The Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards and that public money is safeguarded, properly accounted for, and used economically and efficiently.

In discharging this overall responsibility, the Council is also responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions including arrangements for the management of risk.

The discharge of governance responsibility at the Council is spread amongst the role of this Committee, General Purposes Committee and the Overview and Scrutiny Commission.

The governance role of General Purposes Committee is centred on monitoring, review and changing the Council's Constitution, election matters, political management arrangements, Members' allowances and other non-executive functions not specifically delegated to another committee. Overview and scrutiny is part of the Council's arrangements for making sure decision making processes are transparent and robust. The governance role of Overview and Scrutiny Commission is to hold the Executive Decision makers to account. The statutory roles of the Head of the Paid Service, the Monitoring Officer and the Chief Finance Officer are described in the Constitution and each have a contribution to provide robust assurances on governance and that expenditure is lawful and in line with approved budgets and procedures. The responsibility of the Audit and Governance Committee on governance matters relates to the corporate governance framework. Internal Audit have a responsibility for ensuring that there are arrangements in place to evaluate the effectiveness of the Council's corporate governance arrangements.

Local Authorities have the freedom to make their own judgements about appropriate governance arrangements and to justify their decisions through the relevant accountability channels. However, it is important that the respective committees are clear about their roles and responsibilities and that there is a clear distinction in their terms of reference. This will avoid confusion, disputes and possible duplication. Furthermore, committees are likely to be more effective if they are required to focus on their own defined areas of business.

The focus of an Audit Committee is to oversee financial processes, audit and risk management. An Audit Committee will:

- Consider the effectiveness of the Authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
- Seek assurances that action is being taken on risk-related issues identified by auditors and inspectors.
- Be satisfied that the Authority's assurance statements properly reflect the risk environment and any actions required to improve it.
- Approve (but not direct) internal audit's strategy and plan, and monitor performance
- Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
- Receive the annual report of the head of internal audit.
- Consider the reports of external audit and inspection agencies.
- Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.

- Review the financial statements, external auditor's opinion and reports to Members, and monitor management action in response to the issues raised by external audit.

The bulk of the current work of the Committee is centred on these activities.

Good governance of an Audit Committee requires an independent, effective assurance about the adequacy of the risk management framework and associated control environment, independent scrutiny of the Authority's financial performance, including the work of internal/external audit. The Committee's current role on governance relates to corporate governance matters and standards.

The corporate governance framework reflects both legislative and regulatory change.

The Accounts and Audit Regulations 2011 require the Council to ensure that it has in place a sound system of internal control which facilitates the effective exercise of its functions and which includes arrangements for risk management. The Council is required to conduct an annual review of the effectiveness of its system of internal control and to prepare an Annual Governance Statement to accompany its Statement of Accounts.

The Council produces an Annual Governance Statement which is based on the CIPFA /Solace Delivering Good Governance: Framework. A new framework has been introduced to take into account changes in legislation, the transparency agenda and changes to Local Authority governance structures.

The six core principles remain:

- a) Focusing on the purpose of the Authority and on outcomes for the community and creating and implementing a vision for the local area;
- b) Members and Officers working together to achieve a common purpose with clearly defined functions and roles;
- c) Promoting values for the Authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.
- d) Taking informed decisions which are subject to effective scrutiny and managing risk;
- e) Developing the capacity and capability of Members and officers to be effective; and
- f) Engaging with local people and other stakeholders to ensure robust public accountability.

The Council's Audit and Governance Committee has a strategic role to ensure that the Council's corporate assurance framework is operating effectively and has responsibility for overseeing, considering, commenting and approving the Annual Governance Statement and Code of Corporate Governance. This statement explains how the Council has complied with its Local Code and also meets the requirements of the Accounts and Audit Regulations 2003. The Committee is charged with looking at the corporate governance function of the Authority.

The Annual Governance Statement is the formal statement that recognises, records and publishes an Authority's governance arrangements. It is designed not only to give an opportunity for Authorities to consider the robustness of their governance arrangements but also to provide a representation of arrangements in place and to identify areas where improvement may be required.

Sound corporate governance is crucial if the Council is to provide leadership, direction and control. The publication of the Annual Governance Statement provides an opportunity for the Council to assess and report transparency to the public on how it ensures that it is doing the right things in the right way for the right people in a timely, inclusive, open and honest and accountable manner.

The Annual Government Statement will be considered by this Committee at the September meeting.

Review of Terms of Reference of Committees

The current Terms of Reference of the Audit and Governance Committee should be reviewed on a regular basis. The Committee's Terms of Reference should be reviewed so as to reflect current guidance and requirements. Further changes may also be required as a result of the Local Audit and Accountability Bill.

In view of the overlap of governance functions between the General Purposes Committee and this Committee and the fact that this Committee has a considerable workload dealing with the Council's Audit and Accounts activities, for the efficient discharge of governance matters, the Council may wish to consider the appointment of a single committee called a "Governance Committee" which draws together the current governance functions of this committee and the governance functions currently discharged to General Purposes Committee. A single Audit Committee would remain.

Crawley Borough Council

Item 4 from Minutes of Audit and Governance Committee

25 June 2013 at 6.30pm

4. Role of Audit and Governance

The Committee was reminded that during its consideration of an Internal Audit Progress Report at its meeting on 26 September 2012, Members debated the role of the Committee in terms of governance and asked that the Head of Legal and Democratic Services and the Audit and Risk Manager provide clarification of the Committee's responsibilities with regard to governance issues. The Committee now had before it a Briefing Paper (attached as [Enclosure C](#) to the agenda), the purpose of which was to detail that clarification, and which included such issues as the Committee's Audit and Governance Terms of Reference, a full explanation of what was meant by governance and the current discharge of governance responsibilities across the Council.

In discussing in detail all the issues raised, Members expressed a number of views in terms of the Council's overall governance arrangements. The general view was that further consideration should be given to revising those arrangements, with perhaps the adoption of a more streamlined approach. The objective was to ensure that there was greater focus on governance responsibilities – avoiding, for example, the overlap of the governance function between this Committee, the General Purposes Committee and Scrutiny, whilst ensuring that governance also became more effective in taking the Council forward. The Committee acknowledged that there was a huge diversity of both audit and governance practices and structures when comparing this Council's arrangements with those of other authorities, and that it was for each authority individually to determine what worked best for them. The Committee was aware that a Systems Thinking intervention was currently being undertaken with regard to the work of Democratic Services, and that it had been proposed that the rationalisation and redesign of committees around a clearly defined purpose would form the subject of review as part of that intervention.

RESOLVED

- (1) That the issues raised in the Briefing Paper be noted.
- (2) That all Members of the Committee provide by email their ideas and suggestions regarding the Council's future governance regime, with the intention that these be incorporated in a Paper to be submitted by the Chair for consideration by the System Thinking Team as part of the Team's proposed work on the rationalisation and redesign of committees.

RESPONSIBILITY FOR COUNCIL FUNCTIONS AUDIT AND GOVERNANCE COMMITTEE

The powers and duties of the Council relating to the functions set out below are delegated to the Audit and Governance Committee
Membership: Not more than one member shall be a Cabinet member and that Member shall not Chair the -Committee

Councillors: I T Irvine (Chair), L A Walker (Vice Chair), R D Burrett, T Lunnon and K Sudan (Substitutes: C A Cheshire and C R Eade)

Functions of the Audit and Governance Committee

- (1) Review the Internal Audit Strategic Plan (currently 3-year work plan) based on governance and risk assessments made.
- (2) Review the key findings from the work of Internal Audit and seek assurance that action has been taken by relevant managers.
- (3) Review the effectiveness of the Council's:
 - risk management arrangements
 - internal control framework
 - anti-fraud and anti-corruption arrangements (including bribery), including the Council's whistle-blowing guidelines
 - local codes of corporate governance and standards and the implementation of improvements
- (4) Seek assurances that action is being taken on risk-related issues identified by auditors.

Delegation of Functions (concurrently with the Audit and Governance Committee)

The following function is delegated to the Chief Executive, a Director, a Head of Service, the Monitoring Officer, the Deputy Monitoring Officer, the Corporate Fraud Manager or the Audit Manager
Referral of cases of fraud to the police.

Functions of the Audit and Governance Committee

- (5) Consider reports received from External Audit and other external inspection agencies.
- (6) Contribute to the Council's response to the External Auditor's (Audit Commission):
 - Annual audit and inspection letter to the Council
 - Opinion and reports to members
- (7) Approve the Council's Annual Financial Statements having considered the
 - Suitability of accounting policies and treatments
 - Changes in accounting policies and treatments
 - Major judgemental areas, eg year-end provisions
- (8) To consider matters referred to the Committee in relation to petitions submitted under the Crawley Borough Council Petitions Scheme

Standards Functions

- (9) Duty to promote and maintain high standards of conduct by:
 - (a) Members and Co-opted Members of the Council and
 - (b) Employees
- (10) *Duty to adopt a Code of Conduct dealing with the Conduct expected of Members and Co-opted Members of the Council when acting in that capacity and including provision in respect of the registration and disclosure of (a) pecuniary interests and (b) interests other than pecuniary interests.

Delegation of Functions (concurrently with the Audit and Governance Committee)

Functions of the Audit and Governance Committee

- (11) *Power to revise the existing Code of Conduct or adopt a replacement Code of Conduct.
- (12) * Duty to appoint one or more Independent Persons for the following purposes:-
 - (a) To give the Council views on any allegations it has decided to investigate, before a decision is reached;
 - (b) At the discretion of the Council, to give the Council views on any other allegations; and
 - (c) At the discretion of a Member or Co-opted Member to give the Member views on any allegations relating to the behaviour of the Member
- (13) *Power to make Standing Orders to provide for the exclusion of a Member or Co-opted Member of the Council from a meeting while any discussion or vote takes place in which that person may not participate.
- (14) Power to grant a Member or Co-opted member a dispensation from the restriction on speaking and/or voting when any matter in which that person has a disclosable pecuniary interest is to be considered at a meeting of the Council or any of its committees, sub-committees, joint committees or joint sub-committees.

Delegation of Functions (concurrently with the Audit and Governance Committee)

The following functions are delegated to the Monitoring Officer

- (a) Receipt of written applications for Dispensations under Section 33 of the Localism Act 2011.
- (b) To grant applications for Dispensations pursuant to the provisions in Section 33 of the Localism Act 2011.
- (c) the discretion to refer applications for Dispensations to the Audit and Governance Committee if considered appropriate following consultation with the Independent Person.

Functions of the Audit and Governance Committee

- (15) To provide advice, guidance and to ensure that all Members and employees have access to training in all aspects of their respective Code of Conduct. That this training is actively promoted and that Members are aware of the Standards expected of Members under the Code of Conduct.
- (16) To establish and maintain a Register of Interests.
- (17) Power to exclude the details of sensitive interests from the register of interests
- (18) To consider any application for officer exemptions from political restriction (under Section 3A of The Local Government and Housing Act 1989) or give directions to include a post in the list and adjustment to the list of politically restricted posts to reflect changes in salary level and to reflect changes in responsibilities.

Delegation of Functions (concurrently with the Audit and Governance Committee)

The following functions are delegated to the Monitoring Officer

- (a) Duty to establish and maintain a register of interests of Members and Co-opted Members of the Council
- (b) Power to remove entries from the register of interests once the person concerned no longer had the interest or is no longer a Member or Co-opted Members of the Council
- (c) Duty to make a register of interests available to public inspection and publish on Council's website
- (d) Duty to register disclosable pecuniary interests which are notified by a Member or Co-opted Member to the Monitoring Officer pursuant to section 31 of the Localism Act 2011 after arising and being declared at a meeting.

The following function is delegated to the Monitoring Officer

Power to exclude the details of sensitive interests from the register of interests

The following function is delegated to the Head of People and Technology

To consider any application for officer exemptions from political restriction (under Section 3A of The Local Government and Housing Act 1989) or give directions to include a post in the list and adjustment to the list of politically restricted posts to reflect changes in salary level

Functions of the Audit and Governance Committee

Delegation of Functions (concurrently with the Audit and Governance Committee)

NB (a) items above marked * although can be considered by this Committee they can only be discharged by the Full Council

and to reflect changes in responsibilities.

**RESPONSIBILITY FOR COUNCIL FUNCTIONS
GOVERNANCE COMMITTEE**

The role of the Governance Committee

The Governance Committee will deal with Constitutional matters, the Conduct of Members, Political Management Arrangements, Corporate Governance, Members' Allowances, Elections and all non-Executive functions not specifically delegated to another Committee or Sub-Committee of the Council.

The powers and duties of the Council relating to the functions set out below are delegated to the Governance Committee

Membership: Councillors: J Stanley (Chair), R D Burrett (Vice Chair), M L Ayling, C A Cheshire, D G Crow, C R Eade, P K Lamb, R A Lanzer, T Lunnon, C Oxlade and L A Walker (substitute Councillors – I T Irvine and vacancy)

Functions of the Governance Committee

Delegation of Functions (concurrently with the Governance Committee)

(1) Functions relating to elections

- | | |
|---|--|
| (a) Power to assign employees in relation to the requisitions of the registration officer | This function is delegated to the Electoral Services Manager |
| (b) Duty to provide assistance at European Parliamentary Elections | This function is delegated to the Local Returning Officer |
| (c) Duty to divide the constituency into polling districts* | |

Functions of the Governance Committee

- (d) Power to divide electoral divisions into polling districts at local government elections*
- (e) Powers in respect of holding elections
- (f) Power to pay expenses properly incurred by electoral registration officers
- (g) Power to fill vacancies in the event of insufficient nominations*
- (h) Duty to declare vacancy in office in certain cases*
- (i) Duty to give public notice of a casual vacancy
- (j) Power to determine fees and conditions for supply of copies of, or extracts from, elections documents
- (k) Making a request for single-member electoral areas (relating to Section 14A(1) of the Local Government Act 1992)*
- (l) Duty to consult on change of scheme for elections (relating to Sections 33(2), 38(2) and 40(2) of the Local Government and Public Involvement in Health Act 2007)
- (m) Power to pass a resolution to change a scheme for elections (under section 32(1), 37(1) or 39(1) of the Local Government and Public Involvement in Health Act 2007)*

Delegation of Functions (concurrently with the Governance Committee)

This function is delegated to the Returning Officer

This function is delegated to the Head of Legal and Democratic Services

This function is delegated to the Returning Officer

This function is delegated to the Returning Officer

Functions of the Governance Committee

Delegation of Functions (concurrently with the Governance Committee)

- | | |
|--|---|
| (n) Duties relating to publicity (relating to Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007) | This function is delegated to the Head of Legal and Democratic Services |
| (o) Duties relating to notice to Electoral Commission (relating to Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007) | This function is delegated to the Head of Legal and Democratic Services |
| (p) Functions relating to change of name of electoral area (relating to Section 59 of the Local Government and Public Involvement in Health Act 2007)* | |

* These matters may be considered by the Governance Committee but shall be referred to the Council for determination

(2) Functions relating to a change in governance arrangements

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| (a) Take decision whether to change governance arrangements (Local Government Act 2000)* | |
| (b) Duty to comply with direction given by the Secretary of State (The Local Government Act 2000) | This function is delegated to the Head of Legal and Democratic Services |
| (c) Take decision whether a change of the kind set out in Section 9MA and 9MB of the Act should be subject to approval in a referendum under 9M of the Local Government Act 2000 * | |
| (d) Duty to hold referendum (The Local Government Act 2000) | This function is delegated to the Head of Legal and Democratic Services |

Functions of the Governance Committee

Delegation of Functions (concurrently with the Governance Committee)

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| (e) Duty to publish notice if proposals not approved in referendum (The Local Government Act 2000) | This function is delegated to the Head of Legal and Democratic Services |
| (f) Duty to deal with a referendum by Petition* | |
| (g) Duty to implement new governance arrangements (The Local Government Act 2000) | This function is delegated to the Head of Legal and Democratic Services |

*These matters may be considered by the Governance Committee but shall be referred to the Council for determination.

(3) Functions relating to community governance reviews

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| (a) Duties relating to community governance reviews (relating to Section 79 of the Local Government and Public Involvement in Health Act 2007)* | |
| (b) Functions relating to community governance petitions (relating to Sections 80, 83, 84 and 85 of the Local Government and Public Involvement in Health Act 2007) | This function is delegated to the Head of Legal and Democratic Services |
| (c) Functions relating to terms of reference of review (relating to Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007)* | |
| (d) Power to undertake a community governance review (relating to Section 82 of the Local Government and Public Involvement in Health Act 2007)* | |

Functions of the Governance Committee

- (e) Functions relating to making of recommendations (relating to Sections 87 to 92 of the Local Government and Public Involvement in Health Act 2007)*
- (f) Duties when undertaking a review (relating to Sections 93 to 95 of the Local Government and Public Involvement in Health Act 2007)*
- (g) Duty to publicise the outcome of a review (relating to Section 96 of the Local Government and Public Involvement in Health Act 2007)
- (h) Duty to send two copies of the order to the Secretary of State and Electoral Commission (relating to Section 98(1) of the Local Government and Public Involvement in Health Act 2007)
- (i) Making an order giving effect to recommendations made in a community governance review (under Section 86 of the Local Government and Public Involvement in Health Act 2007)*
- (j) Power to make agreements about incidental matters (relating to Section 99 of the Local Government and Public Involvement in Health Act 2007)*

*These matters may be considered by the Governance Committee but shall be referred to the Council for determination

Delegation of Functions (concurrently with the Governance Committee)

This function is delegated to the Head of Legal and Democratic Services

This function is delegated to the Head of Legal and Democratic Services

Functions of the Governance Committee

(4) Standards Functions

- (a) Duty to promote and maintain high standards of conduct by:
 - (i) Members and Co-opted Members of the Council and
 - (ii) Employees

- (b) *Duty to adopt a Code of Conduct dealing with the Conduct expected of Members and Co-opted Members of the Council when acting in that capacity and including provision in respect of the registration and disclosure of (i) pecuniary interests and (ii) interests other than pecuniary interests.

- (c) Power to revise the existing Code of Conduct or adopt a replacement Code of Conduct.

- (d) * Duty to appoint one or more Independent Persons for the following purposes:-
 - (i) To give the Council views on any allegations it has decided to investigate, before a decision is reached;
 - (ii) At the discretion of the Council, to give the Council views on any other allegations; and
 - (iii) At the discretion of a Member or Co-opted Member to give the Member views on any allegations relating to the behaviour of the Member

- (e) *Power to make Standing Orders to provide for the exclusion of a Member or Co-opted Member of the Council from a meeting while any discussion or vote takes place in which that person may not participate.

Delegation of Functions (concurrently with the Governance Committee)

Functions of the Governance Committee

- (f) Power to grant a Member or Co-opted member a dispensation from the restriction on speaking and/or voting when any matter in which that person has a disclosable pecuniary interest is to be considered at a meeting of the Council or any of its committees, sub-committees, joint committees or joint sub-committees.

- (g) To provide advice, guidance and to ensure that all Members and employees have access to training in all aspects of their respective Code of Conduct, that this training is actively promoted and that Members are aware of the Standards expected of Members under the Code of Conduct.

- (h) To establish and maintain a Register of Interests.

Delegation of Functions (concurrently with the Governance Committee)

The following functions are delegated to the Monitoring Officer

- (i) Receipt of written applications for Dispensations under Section 33 of the Localism Act 2011.
- (ii) To grant applications for Dispensations pursuant to the provisions in Section 33 of the Localism Act 2011.
- (iii) the discretion to refer applications for Dispensations to the Governance Committee if considered appropriate following consultation with the Independent Person.

The following functions are delegated to the Monitoring Officer

- (i) Duty to establish and maintain a register of interests of Members and Co-opted Members of the Council
- (ii) Power to remove entries from the register of interests once the person concerned no longer had the interest or is no longer a Member or Co-opted Member of the Council
- (iii) Duty to make a register of interests available to public inspection and publish this on the Council's website
- (iv) Duty to register disclosable pecuniary interests which are notified by a Member or Co-opted Member to the Monitoring Officer pursuant to section 31 of the Localism Act 2011 after arising and being declared at a meeting.

Functions of the Governance Committee

- (i) Power to exclude the details of sensitive interests from the register of interests
- (j) To consider any application for officer exemptions from political restriction (under Section 3A of The Local Government and Housing Act 1989) or give directions to include a post in the list and adjustment to the list of politically restricted posts to reflect changes in salary level and to reflect changes in responsibilities.

NB (a) items above marked * although can be considered by this Committee they can only be discharged by the Full Council

(5) To Monitor and Review the Corporate Governance of the Council including giving consideration of the Authority's Annual Governance Statement.*

*** The Audit Committee will retain responsibility for approval of the Annual Governance Statement as part of the approval of the Council's Annual Accounts.**

(6) The following matters may be considered by the Governance Committee but shall be referred to the Council for determination:

- (a) The promotion of or opposition to local or personal Bills
- (b) The Members' Allowances Scheme

Delegation of Functions (concurrently with the Governance Committee)

The following function is delegated to the Monitoring Officer

Power to exclude the details of sensitive interests from the register of interests

The following function is delegated to the Head of People and Technology

To consider any application for officer exemptions from political restriction (under Section 3A of The Local Government and Housing Act 1989) or give directions to include a post in the list and adjustment to the list of politically restricted posts to reflect changes in salary level and to reflect changes in responsibilities.

Functions of the Governance Committee

- (c) Proposals for the monitoring, review and adoption of, and changes to the Constitution (except where it relates to the Scheme of Delegation for Cabinet functions in which case it will be delegated to the Leader).
- (d) The making, amendment, revocation or re-enactment of byelaws
- (e) The appointment of employees for particular purposes (appointment of “proper officers”)
- (f) The designation of an officer as the head of the authority’s paid service, and the provision of staff, etc. (Section 4 of the Local Government and Housing Act, 1989)
- (g) The designation of an officer as the Monitoring Officer, and the provision of staff, etc. (Section 4 of the Local Government and Housing Act, 1989)
- (h) Powers relating to Overview and Scrutiny Committees (voting rights of co-opted members) under Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000

(7) Other Functions

- (a) Other than in the case of functions which are the responsibility of the Cabinet, decisions relating to the contracting out of a

Delegation of Functions (concurrently with the Governance Committee)

This function is delegated to the Head of Legal and Democratic Services

To make changes as a result of legislative changes and clerical and typographical corrections to the Constitution

This function is delegated to the appropriate Head of Service and the Head of Legal and Democratic Services

The enforcement of byelaws

Functions of the Governance Committee

function or service (in accordance with the De Regulation and Contracting Out Act 1994) and to whom to award the contract together with the function of revoking such a contract.

- (b) To consider matters referred to the Committee in relation to petitions submitted under the Crawley Borough Council Petition Scheme.
- (c) To consider matters relating to the Regulation of Investigatory Powers Act 2000.

Delegation of Functions (concurrently with the Governance Committee)