

NON-CONFIDENTIAL



Borough of Tamworth

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AUDIT AND GOVERNANCE COMMITTEE

12 June 2013

Dear Councillor

A meeting of the Audit and Governance Committee will be held in **Committee Room 1 - Marmion House on Wednesday, 19th June, 2013 at 6.00 pm.** Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, appearing to be 'A. D. ...', written over a circular stamp or mark.

A G E N D A

NON CONFIDENTIAL

- 1 Appointment of Chair**
- 2 Appointment of Vice-Chair**
- 3 Apologies for Absence**
- 4 Minutes of the Previous Meeting (Pages 1 - 4)**
- 5 Declarations of Interest**

To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.

When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.

6 Proposed Changes to the Constitution and Scheme of Delegation (Pages 5 - 6)

(Report of the Solicitor to the Council and Monitoring Officer)

Appendices To Follow

People who have a disability and who would like to attend the meeting should contact Democratic Services on 01827 709264 or e-mail committees@tamworth.gov.uk preferably 24 hours prior to the meeting. We can then endeavour to ensure that any particular requirements you may have are catered for.

To Councillors: M Couchman, K Gant, M Gant, S People, S Pritchard, P Seekings and M Thurgood



MINUTES OF A MEETING OF THE AUDIT AND GOVERNANCE COMMITTEE HELD ON 28th MARCH 2013

PRESENT: Councillor M Gant (Chair), Councillors J Garner, M Clarke, M Couchman, K Gant, P Seekings and M Thurgood

Officers John Wheatley (Executive Director Corporate Services), Jane Hackett (Solicitor to the Council and Monitoring Officer), Stefan Garner (Director of Finance) and Angela Struthers (Head of Internal Audit Services)

Visitors James Cook (Grant Thornton)
Joan Barnett (Grant Thornton)

48 APOLOGIES FOR ABSENCE

None

49 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 31 January 2013 were approved and signed as a correct record.

(Moved by Councillor M Couchman and seconded by Councillor M Clarke)

50 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

51 THE AUDIT PLAN FOR TAMWORTH BOROUGH COUNCIL

The Report of Grant Thornton (External Auditor) was considered.

RESOLVED: The Report be received.

52 REVIEW OF THE TREASURY MANAGEMENT STRATEGY STATEMENT, MINIMUM REVENUE PROVISION POLICY STATEMENT AND ANNUAL INVESTMENT STATEMENT 2013/14

The Report of Executive Director Corporate Services seeking to review the Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and Annual Investment Statement 2013/14 approved by Council on 26th February 2013 was considered.

RESOLVED: That the Committee receive and review the Treasury Management Strategy Statement, Minimum Reserve Provision Policy Statement and Annual Investment Statement 2013/14 approved by Council on 26 February 2013.

(Moved by Councillor M Gant and seconded by Councillor J Garner)

53 FINAL ACCOUNTS 2012/13 - ACTION PLAN

The Report of the Director of Finance providing an outline of the corporate requirements that will need to be achieved in order to produce the Council's Annual Statement of Accounts for 2012/13 (including deadlines but not including detailed responsibilities) and seeking to obtain corporate commitment to the action plan was considered.

RESOLVED: That:

- 1 The target of 14th June 2013 for closure of the final accounts and production of a draft statement for 2012/13 be approved, and;
- 2 Staffing resources be committed to the provision of appropriate information and support in order to meet the published timescales and the Committee receive progress updates (if required) and;
- 3 The statement be presented to the Audit and Governance Committee on 26th September 2013.

(Moved by Councillor J Garner and seconded by Councillor M Clarke)

54 RISK MANAGEMENT UPDATE

The Report of the Head of Internal Audit Services reporting on the Risk Management process and progress to date for the current financial year was considered.

RESOLVED: The Corporate Risk Register be approved.

(Moved by Councillor M Gant and seconded by Councillor J Garner)

55 FRAUD AND CORRUPTION UPDATE REPORT

The Report of the Head of Internal Audit Services providing Members with an update of Counter Fraud and Corruption work completed to date during the financial year 2012/13 was considered.

RESOLVED: That:

- 1 The updated Counter Fraud Work Plan be endorsed, and;
- 2 The Fraud Risk Register be endorsed.

(Moved by Councillor M Thurgood and seconded by Councillor K Gant)

56 INTERNAL AUDIT CHARTER AND PLAN 2013/14

The Report of the Head of Internal Audit Services advising Members of the proposed Internal Audit Charter and Plan for 2013-2014, and providing Members with assurance on the appropriate operation of Internal Audit was considered.

RESOLVED: That the Internal Audit Charter and Plan 2013-2014 be endorsed.

(Moved by Councillor J Garner and seconded by Councillor M Couchman)

57 SELF ASSESSMENT - MEASURING THE EFFECTIVENESS OF THE AUDIT & GOVERNANCE COMMITTEE

The Report of the Head of Internal Audit Services seeking to complete a self assessment of the effectiveness of the Audit and Governance Committee and to produce an improvement action plan if required was considered.

RESOLVED: That a self assessment checklist be completed by Members in order to formulate an improvement plan if required.

(Moved by Councillor M Gant and seconded by Councillor M Clarke)

58 REVIEW OF MEMBERS' ALLOWANCES

The Report of the Solicitor to the Council and Monitoring Officer informing Members of the Audit and Governance Committee of the report of the Independent Remuneration Panel and the recommendations adopted by Council on 19 March 2013 in relation thereto was considered.

RESOLVED: That Audit and Governance Committee considered the report

of the Independent Remuneration Panel and the recommendations adopted by Council on 19 March 2013 and subject to the 10 % Attendance Allowance renamed as 'Additional Payment SRA' be endorsed.

(Moved by Councillor M Gant and seconded by Councillor M Couchman)

59 REGULATION OF INVESTIGATORY POWERS ACT 2000

The Report of the Solicitor to the Council and Monitoring Officer was considered.

RESOLVED: That the quarterly RIPA monitoring report be endorsed.

(Moved by Councillor M Clarke and seconded by Councillor M Couchman)

Chair

Agenda Item 6

Audit and Governance Committee

19 June 2013

REPORT OF THE SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

Proposed Changes to the Constitution and Scheme of Delegation

EXEMPT INFORMATION

None

PURPOSE

To consider (1) the proposals put forward in relation to the Constitution and Scheme of Delegation at Council on 16 May 2013 AND
(2) any proposed amendments arising therefrom

RECOMMENDATIONS

It is recommended that the Committee

(1) consider all of the proposals for amendment to the Constitution and Scheme of Delegation and

(2) whether to propose to Council that they be approved

EXECUTIVE SUMMARY

Article 15 of the Constitution provides *inter alia* that changes to the constitution will only be approved by the full Council after consideration of the proposal by the Solicitor to the Council and the Audit and Governance Committee. The Authority has a duty to promote and maintain high standards of governance and exercise all its powers and duties in accordance with the law. The Constitution and Scheme of Delegation assist this process accordingly the Audit and Governance Committee has been asked to recommend to full Council the amendments made as per the appendices attached to this report.

RESOURCE IMPLICATIONS

The amendments as required to the Constitution and the Scheme of Delegation ensure that the authority operates *intra vires* and implementation will be carried out as part of the duties of the Council and staff with no additional resource implications for the Authority.

LEGAL/RISK IMPLICATIONS BACKGROUND

To have a Constitution that is not fit for purpose could lead to the Council making decisions that would be *ultra vires*. In addition an effective Scheme of Delegation provides officers with the required functionality to ensure that the Council's obligations under statute are fully met.

EQUALITY IMPLICATIONS

An Equalities Impact Assessment is not required in this instance. In approving the recommendations it is envisaged that the citizens of Tamworth will benefit from robust governance which supports the active involvement of citizens in the process of local authority decision making and an open and transparent delegation regime for its officers.

BACKGROUND INFORMATION

Each year at the first business meeting of the Council the Constitution and Scheme of Delegation as reviewed require to be adopted to ensure probity and legal compliance. On 16 May 2013 it was agreed that the current Constitution and Scheme of Delegation be re-adopted until the Council meeting of 25 June 2013. This allowed a seminar and workshop to take place on the changes made to the Constitution, following which the Council can then debate the new Constitution. The Council will also consider the recommendations of Audit and Governance Committee and the re-adoption of the Scheme of Delegation as revised.

REPORT AUTHOR

Jane M Hackett Solicitor to the Council and Monitoring Officer Tel: 709258 if you would like further information or clarification prior to the meeting

LIST OF BACKGROUND PAPERS

Local Government Act 1972
Localism Act 2011

APPENDICES

- Appendix 1: Draft Constitution and Scheme of Delegation as tabled at the Council meeting on 16 May 2013. As per link on "S" drive circulated to members
- Appendix 2: Solicitor to the Council's comments in relation to the proposed changes to follow.
- Appendix 3: List of proposed amendments to the Draft tabled at the Council meeting on 16 May 2013 to follow