



**REPORT of
MONITORING OFFICER**

**to
COUNCIL
8 SEPTEMBER 2022**

**PERFORMANCE GOVERNANCE AND AUDIT COMMITTEE AND CORPORATE
GOVERNANCE WORKING GROUP**

1. PURPOSE OF THE REPORT

- 1.1 For the Council to decide whether the Performance, Governance and Audit Committee (the Committee) or Corporate Governance Working Group (the Working Group) should be responsible for reviewing constitutional documents

2. RECOMMENDATIONS

- (i) That the Corporate Governance Working Group ceases to exist;

OR

- (ii) That the Performance, Governance and Audit Committee has removed from its Terms of Reference the responsibility to review constitutional documents.

3. SUMMARY OF KEY ISSUES

- 3.1 Both the Committee and the Working Group have responsibility to review constitutional documents and so their roles significantly overlap. There is therefore a lack of clarity which of the two bodies should making recommendations to Council on changes to the Constitution
- 3.2 The Terms of Reference for the Committee state;
- a) "Review the operation of the Council's Constitution and recommend to the Council on any changes identified.
- b) Reviewing and recommending to the Council on Financial Regulations, Financial Procedures and Contract Procedure Rules"
- 3.3 The Terms of Reference for the Working Group state;
- i) Any core component of the Council's constitution or constitutional documentation, in particular Committee Terms of Reference and Schemes of Delegation, Procedure Rules and Protocols.
- ii) Any decision of the Council, including a new sphere of activity, or other matter that has implications for the Council's corporate governance and constitutional arrangements.
- iii) To review the implications of the Council's decision to cease the submission of Minutes of Committees to meetings of the Council and progress towards greater 'paperless' working arrangements for report to the Council. This will

include examination of possible further initiatives towards paperless working and consideration of any implications arising for the corporate governance and constitutional arrangements of the Council.”

- 3.4 The part iii) is largely redundant because the Council has already moved towards a paperless operation. i) and ii) overlap the Terms of Reference for the Committee.
- 3.5 This Report is not expressing a preference save to mention that a Working Group has the benefit of an informal exchange of information between Members and Officers. Furthermore, the Working Group can compose of Members from all parts of the Council including the Chairman and Leader of the Council if those two are not members of the Committee. Whereas the Committee can review constitutional documents as part of its scheduled meetings and does not need to be separately convened.

4. CONCLUSION

- 4.1 A decision should be made which of the two bodies should be responsible for recommending to the Council any changes required of constitutional documents

5. IMPACT ON STRATEGIC THEMES

- 5.1 None

6. IMPLICATIONS

- (i) **Impact on Customers** – None.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – Minor because the Working Group needs to be separately convened.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – None.

Background Papers: None.

Enquiries to: Simon Quelch, Lead Legal Specialist and Monitoring Officer.