

REPORT TITLE: WINCHESTER CITY COUNCIL CONSTITUTION UPDATES 2026  
AND EXTENSION TO APPOINTMENT OF INDEPENDENT PERSONS

2 JUNE 2026

REPORT OF THE MONITORING OFFICER

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WARD(S): ALL

PURPOSE

The Winchester City Council Constitution requires the Monitoring Officer to monitor and review the operation of the Constitution to ensure that its aims, principles and requirements are given full effect.

Having undertaken periodic reviews over the previous 12 months, updates have been made to the Constitution and these are being reported to Full Council for noting in accordance with Article 15.

In addition, the report also asks Full Council to note the Monitoring Officer's approval of an extension to the term of the appointment of the council's three Independent Persons for two further years.

RECOMMENDATIONS:

1. Council is asked to note the updates and amendments to the council's Constitution made by the Monitoring Officer.
2. Council is asked to note the Monitoring Officer's approval of an extension to the term of the appointment of the council's three Independent Persons for two further years.

## IMPLICATIONS:

### 1 COUNCIL PLAN OUTCOME

#### 1.1 KEY PROPOSALS FOR CHANGE

The Monitoring Officer has undertaken a review of its Constitution to ensure that it is providing a framework for effective and lawful decision making which is transparent, accountable and encourages community involvement. In accordance with Article 15 of the Constitution, it is a requirement that any updates are reported to Full Council on an annual basis for noting.

Extension to the term of the appointment of the council's three Independent Persons provides continuity to the council's standards /code of conduct arrangements throughout the period of local government reorganisation.

### 2 FINANCIAL IMPLICATIONS

2.1 As part of this review the contract procedure rules have been cross checked against both current best practice and legislation and have been updated accordingly – see also legal and procurement implications.

2.2 There are no ongoing financial implications, other than the annual allowance paid to each of the three Independent Persons.

### 3 LEGAL AND PROCUREMENT IMPLICATIONS

3.1 The Council has a legal duty, under section 9P of the Local Government Act 2000 (LGA 2000), to publish an up-to-date Constitution and keep it up to date with any necessary changes.

3.2 Section 9P of the LGA 2000 states that the Constitution must contain:

- a. The standing orders/procedure rules;
- b. The Members' Code of Conduct;
- c. Such information as the Secretary of State may direct; and
- d. Such other information (if any) as the Council considers appropriate.

3.3 It is further stated that Constitutions must be available for public inspection at all reasonable hours and supplied to anyone who requests a copy on payment of a reasonable fee. The Council's Constitution is available on the [Council's website](#).

### 4 WORKFORCE IMPLICATIONS

4.1 There are no workforce implications in this report.

## 5 PROPERTY AND ASSET IMPLICATIONS

5.1 There are no property or asset implications in this report.

## 6 CONSULTATION AND COMMUNICATION

6.1 The amendments made by the Monitoring Officer under their delegations set out in Article 15 of the constitution have been made, as required, in consultation with the Chief Executive.

## 7 ENVIRONMENTAL CONSIDERATIONS

7.1 There are no environmental considerations in this report.

## 8 PUBLIC SECTOR EQUALITY DUTY

8.1 The Constitution is reviewed generally to ensure that the format is easily accessible. This is an important step in ensuring that access to the democratic process is equitable.

8.2 An Equality Impact Assessment (EqIA) has not been completed as it is not in scope for these minimal updates.

## 9 DATA PROTECTION IMPACT

9.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no identifiable risks/issues to the rights and freedoms of natural persons.

## 10 RISK MANAGEMENT

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
<u>Financial Exposure</u> Changes to UK Public Procurement Thresholds came into force on 1 January 2026.	Most thresholds have been slightly reduced from the levels set two years ago. Updates have been made in Part 4.7 of the Constitution (Contract Procedure Rules), e.g. to ensure compliance and minimise exposure that could have financial implications.	A compliant, clear Constitution can enhance the reputation of the council by being clear, open and transparent about its financial decision making and how money can be spent and by whom – much of this centres around procurement activity and the councils contract procedure rules.
<u>Exposure to challenge</u> The Constitution must adhere to legislation otherwise the Council	The proposed Constitution updates adhere to legislation.	Demonstrates responsiveness to revised procurement thresholds

could be subject to legal challenges and claims for costs.		ensuring updates are made at the right time.
<u>Innovation</u> Much of what can comprise a Constitution is set down in legislation. However, the review has sought to continually organise this in such a way as to make it workable and appropriate for the City Council. There is not considered to be a risk in innovation.		
<u>Reputation</u> If the Council does not have an appropriate decision-making framework in place, and cannot make timely decisions or take appropriate actions, the Council's reputation will be compromised.	The proposed Constitution has provided for appropriate decision making	A compliant, clear Constitution can enhance the reputation of the council by being clear, open and transparent.
<u>Property</u> None	None	None
<u>Community Support</u> An up to date Constitution should enable residents and other stakeholders to engage with the decision-making process in clear and accessible ways.	Commitment remains to ensuring the decision making processes are clear and transparent in the new constitution.	Good access to decision making can enhance the reputation of the council.
<u>Timescales</u> This is the annual update to Full Council, as changes have been made by the Monitoring Officer	The proposals will be reported to Full Council at its next available meeting in order for the improvements to come into effect as soon as possible.	
<u>Project capacity</u> None	None	None

<u>Local Government Reorganisation</u>	The updates adhere to legislation and/or correct and improve existing areas of the council's Constitution.	A compliant, clear Constitution will positively support preparation for transition to the new unitary authority.
Other - None	None	None

## 11 SUPPORTING INFORMATION:

11.1 In Article 15 at 15.3 the constitution says;

- a) Changes to this Constitution will only be approved at a meeting of the Full Council after consideration of any proposals by the Monitoring Officer save that there is set out below an exception to this requirement.
- b) A vote at Full Council to change the Constitution should be passed by a simple majority of those present and voting.
- c) The Monitoring Officer, in consultation with the Chief Executive, has delegated authority to amend any part of the Constitution where such amendment is:
  - (i) required to be made to comply with any legislative provisions; or
  - (ii) make minor amendments to comply with changes to staffing structures, job descriptions or changes in terminology; or
  - (iii) required to remove any inconsistency or ambiguity.

11.2 Implementation of such amendments will be decided by the Monitoring Officer in consultation with the Chief Executive and shall come into force with immediate effect. Such amendments shall be reported to Full Council on an annual basis.

11.3 This report is therefore in response to the annual requirement that amendments made by the Monitoring Officer, in consultation with the Chief Executive, be reported. The changes made by the Monitoring Officer come under (i), (ii) and (iii) above and Appendix 1 lists the majority of these with explanatory text outlining the purpose of the amendments. For ease of reference, the changes to the Audit & Governance Committee terms of references are included as Appendix 2.

### **UK Public Procurement Thresholds**

11.4 Changes to UK Public Procurement Thresholds came into force on 1 January 2026. Most thresholds have been slightly reduced from the levels set two years ago. Accordingly, minor changes were required to be made in Part 4.7

of the Constitution (Contract Procedure Rules) and these are set out in Appendix 1.

### **Independent Persons**

- 11.5 Full Council appointed three Independent Persons (IPs) at its meeting on 16 July 2024 (report CL171 refers). The report stipulates that “*the term of the appointments being for two years with one extension allowed of up to two further years.*”
- 11.6 This will mean that their initial 2 years term will be up in July this year. The Monitoring Officer has contacted them, and they have each confirmed that they would be pleased to continue to support the council.

### **CIPFA Code of Practice for the Governance Internal Audit**

- 11.7 At Its meeting on 5 March 2026, as part of its consideration of the Governance Monitoring (Report AG182 refers), the Audit and Governance Committee agreed to grant delegated authority to the Director of Legal to adopt revised terms of reference for the Committee. This was in response to the CIPFA Code of Practice for the Governance Internal Audit.
- 11.8 Arising from the assessment, there were two requirements where the council’s existing arrangements achieve partial compliance. To achieve full compliance, the council was recommended to review and update the Terms of Reference for the Audit and Governance Committee in accordance with the CIPFA model terms of reference for an Audit Committee and produce an annual report on the Committee’s activities.
- 11.9 The Committee agreed to proposals and Appendix 2a and 2b to this report sets out, for information, the changes made.

### **12 OTHER OPTIONS CONSIDERED AND REJECTED**

- 12.1 No other options have been considered in this instance as these updates and amends have been made by the Monitoring Officer in compliance with their duties.

### **13 BACKGROUND DOCUMENTS**

[Link to constitution](#)

### **APPENDICES:**

Appendix 1 – Updates to Constitution

Appendix 2a – Audit and Governance Committee *previous* terms of reference

Appendix 2b - Audit and Governance Committee *amended* terms of reference

## Appendix 1 – Updates to Constitution

Reference	Details	Reason
<p><b>Part 3.3</b> - The Regulatory Committees and Other Non-Executive Decision Making Committees, page 71</p>	<p>New para 1.10 added:</p> <p>1.10 Members appointed to the Planning Committee and the Joint West of Waterlooville Major Development Area (MDA) Planning Committee will be required to undertake training on the functions and responsibilities of the Committees.</p>	<p>Members appointed to the Licensing and Regulation Committee <i>are required to undertake mandatory training on the functions and responsibilities of the Committee and its Sub-Committees etc.</i> (see paras 2.5 and 2.8, page 70 &amp; 71)</p> <p>The same requirement is necessary for those members appointed to the Planning Committee and Joint West of Waterlooville Major Development Area (MDA) Planning Committee.</p>
<p><b>Part 4.1</b> - Council Meeting Procedure Rules – para 15.3 (a) page 107 and paras 19.1 (b) and 19.4 (a), pages 110 and 111</p>	<p>To provide additional clarity on deadlines for submission of Motions and Questions for Full Council meetings.</p>	<p>Motions and Questions must be submitted by 10am on 5<sup>th</sup> working day (Questions) or 10<sup>th</sup> working day (Motions) before the day of the Full Council Meeting.</p>
<p><b>Part 4.3</b> - Overview and Scrutiny Committee Procedure Rules, page 123</p>	<p>Change para 3.2 to read:</p> <p>In order to maintain public confidence and to increase the effectiveness of the scrutiny function, there</p>	<p>To provide clarity that a former cabinet member is able to be appointed as a member of a Policy Committee.</p>

	will be a clear “firebreak” period between a person ceasing to be a Member of the Cabinet and then becoming <b>involved in the overview and scrutiny function a member of the Scrutiny Committee.</b>	
<b>Part 4.4</b> - Meaning of exempt information - para 8.4, page 137	Corrections to formatting.	Corrections to formatting made so that para 8.4 now accurately presents required information.
<b>Part 4.4</b> – Access to Information Procedure Rules, page 138	Correction – missing text.  Para 17.1, c. Add words to end of sentence as follows “Five working days have elapsed following the day on which the Monitoring Officer made a <b>copy of the notice available for inspection.</b> ”	Typographical error.
<b>Part 4.7</b> - Contract Procedure Rules – minor changes, page 170	Para 11.1 - Change ‘Service Lead – Legal’ to “Section 151 Officer”	Typographical error.

<p><b>Part 4.7 - Contract Procedure Rules – minor changes, page 171</b></p>	<p>Para 8.10 – delete at the end of para - “...in Part 5 of this Constitution providing such advice.” Repeated twice (typographical error)</p>	<p>Typographical error.</p>						
<p><b>Part 4.7 - Contract Procedure Rules – updates, page 178 – 179</b></p>	<p>Para 16 - Procurement Thresholds (TABLE 1) – updates required to section D of Table 1</p>	<p>Changes required to figures within section D, to have regard to updates to UK Public Procurement Thresholds.</p> <table border="1" data-bbox="687 779 1374 1973"> <tr> <td data-bbox="687 779 775 1552"> <p>D</p> </td> <td data-bbox="775 779 1011 1552"> <p>Over the UK Public Procurement Thresholds</p> <p>UK Public Procurement Thresholds effective from 1 January 2026<sup>4</sup> are calculated <del>incl</del> VAT:</p> <p>Works Contracts: £5,193,000<del>372,609</del></p> <p>(Based on 20% VAT this figure is £4,327,447,500<del>174</del> ex VAT)</p> <p>Goods Contracts: - £207,710,004,904</p> <p>(Based on 20% VAT this figure is £1739,091<del>87</del> ex VAT)</p> <p>Services Contracts: £20744,710.00<del>904</del></p> </td> <td data-bbox="1011 779 1374 1552"> <p>Where the value exceeds the UK Public Procurement Thresholds, the procurement must be undertaken with the Procurement Team and in accordance with one of the following procedures as defined by the relevant legislation:</p> <p>Open Competitive Flexible</p> <p>The Service Lead may select the Open or Competitive Flexible Procedure and shall determine the evaluation criteria and model (based on either price or most advantageous tender, CPR35) and obtain any necessary approval prior to inviting tenders in accordance with CPR31 <u>and</u> <u>CPR 35</u>.</p> <p>Excerpt for Concession Contracts, use of a suitable framework agreement, DPS or DM is permitted in accordance with its terms and CPR 14 or 15.</p> </td> </tr> <tr> <td data-bbox="687 1552 775 1973"></td> <td data-bbox="775 1552 1011 1973"> <p>(Based on 20% VAT this figure is £1739,091<del>87</del> ex VAT)</p> <p>Light Touch Contracts: £663,540</p> <p>(Based on 20% VAT this figure is £ 552,950 ex VAT)</p> <p>Concession Contracts: £5,193<del>372,000</del>609</p> <p>(Based on 20% VAT this figure is £4,327<del>447,500</del>174 ex VAT)</p> </td> <td data-bbox="1011 1552 1374 1973"></td> </tr> </table>	<p>D</p>	<p>Over the UK Public Procurement Thresholds</p> <p>UK Public Procurement Thresholds effective from 1 January 2026<sup>4</sup> are calculated <del>incl</del> VAT:</p> <p>Works Contracts: £5,193,000<del>372,609</del></p> <p>(Based on 20% VAT this figure is £4,327,447,500<del>174</del> ex VAT)</p> <p>Goods Contracts: - £207,710,004,904</p> <p>(Based on 20% VAT this figure is £1739,091<del>87</del> ex VAT)</p> <p>Services Contracts: £20744,710.00<del>904</del></p>	<p>Where the value exceeds the UK Public Procurement Thresholds, the procurement must be undertaken with the Procurement Team and in accordance with one of the following procedures as defined by the relevant legislation:</p> <p>Open Competitive Flexible</p> <p>The Service Lead may select the Open or Competitive Flexible Procedure and shall determine the evaluation criteria and model (based on either price or most advantageous tender, CPR35) and obtain any necessary approval prior to inviting tenders in accordance with CPR31 <u>and</u> <u>CPR 35</u>.</p> <p>Excerpt for Concession Contracts, use of a suitable framework agreement, DPS or DM is permitted in accordance with its terms and CPR 14 or 15.</p>		<p>(Based on 20% VAT this figure is £1739,091<del>87</del> ex VAT)</p> <p>Light Touch Contracts: £663,540</p> <p>(Based on 20% VAT this figure is £ 552,950 ex VAT)</p> <p>Concession Contracts: £5,193<del>372,000</del>609</p> <p>(Based on 20% VAT this figure is £4,327<del>447,500</del>174 ex VAT)</p>	
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<p><b>Part 4.7 - Contract Procedure Rules – minor changes, page 196</b></p>	<p>Para 52.1(d) – delete para “Professional services, Such as Counsel, are required urgently.”</p>	<p>Para 52.1(d) – delete reference as Counsel is exempt under PA23</p>
<p><b>Part 4.7 - Contract Procedure Rules – minor changes, page 197</b></p>	<p>Para 52.2 – The text in the table under ‘Contract Value’ should refer to 52.1 and as ‘d’ has been removed, this needs to reference 52.1 (d) and (e) (<i>not 50.1</i>)</p>	<p>Change required to have regard to deletion of Para 52.1(d) (see above), in addition to the typographical error of ‘50.1’.</p>
<p><b>Part 6 - Members’ Allowance Scheme, pages 253 – 254</b></p>	<p>Updates to Table at Schedule 2 – “Amounts Currently Paid for Each Duty”</p>	<p>Figures updated in accordance with agreed indexation in the Members’ Allowances scheme. Figures currently shown are those paid with effect from 1 April 2025.</p>

## Appendix 2a -

### **Audit and Governance Committee – PREVIOUS terms of reference**

#### **1.1 Terms of Reference**

The Committee will have the following terms of reference relating to audit, governance and human resources functions.

#### **1.2 Audit**

- a Act as the Council's Audit Committee for internal and external audit.
- b Agree and oversee the Council's Internal Audit Plan and monitor progress against this Plan.
- c Receive, and consider the work of the external auditor.
- d 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.
- e Overview the Council's risk management arrangements to provide independent assurance of the adequacy of the risk management framework.
- f Seek assurance that action is being taken on risk-related issues identified by auditors and inspectors.
- g Approve the Governance and Assurance Statements, Statement of Accounts and anti-fraud and anti-corruption arrangements.
- h To notify, report or recommend to Cabinet and Council as appropriate.
- i Have continued due regard for all conduct and governance requirements that include the CIPFA (Chartered Institute of Public Finance and Accountancy) guidance.
- j To review, monitor and consider reports from the Section 151 Officer on Treasury management, functions and activities.

#### **1.3 Governance functions**

- a. Promote and maintain high standards of conduct by Councillors and any co-opted members.
- b. To operate the overall scheme in respect of the local determination of Code of Conduct complaints against Council and Parish/Town Members (this role is largely delegated by the Constitution to a Standards Hearings

Sub-Committee and the Monitoring Officer as set out in greater detail in the Constitution).

- c. Approve, and review relevant codes of conduct, protocols and other arrangements that relate to the governance of the Council.
- d. Promote and ensure training of Councillors and co-opted members in the relevant governance aspects.
- e. Grant dispensations, where referred by the Monitoring Officer and in accordance with the Localism Act 2011 or other legislation.
- f. To monitor the use of dispensations.
- g. To appoint a Sub-Committee which will have delegated responsibility to consider investigation reports, in respect of Code of Conduct complaints, that are referred to it by the Monitoring Officer and conduct hearings into allegations that a Member or co-opted Member of the Council or Town/Parish Council has breached the relevant code of conduct.
- h. To overview the Council's whistle blowing policy.
- i. To review, monitor and consider reports from the Monitoring Officer.

#### 1.4 Human Resource Functions

To receive and consider reports relating to workforce policies and related performance.

Where there is a specific requirement a Sub Committee can be appointed which shall deal with disciplinary matters relating to relevant officers.

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#### **Human Resources Sub-Committee**

The Human Resources Sub-Committee will be responsible for the Council's Human Resources function where not delegated under the Scheme of Delegation. This includes:

- a) All disciplinary matters relating to specified officers that are required to have Member or Committee involvement. This is elaborated in the Officer Employment Procedure Rules later in this Constitution.

#### **Standards Sub-Committee Terms of Reference**

- a) To consider investigation reports, in respect of Code of Conduct complaints, that are referred to it by the Monitoring Officer.
- b) To conduct a hearing into an allegation that a Member or co-opted Member of the Council or Town/Parish Council has breached the relevant code of conduct. At such hearing, the Member against whom a complaint has been made may respond to the investigation report.
- c) Following the hearing the Sub-Committee can make one of the following findings:

- i) That the Member has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the hearing;
  - ii) That the Member has failed to comply with the Code of Conduct but no further action needs to be taken in respect of the matters considered at the hearing; or
  - iii) That the Member has failed to comply with the Code of Conduct and a sanction and/or an informal resolution should be imposed.
- d) The Sub-Committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions as are available to it either by law or policy.
- e) After making a finding the Sub-Committee shall, as soon as reasonably practicable, provide written notice of its findings and the reason for its decision to the Member and the complainant.
- f) To apply the Council's Standards Complaints Procedure and Complaints Standards Sub-Committee Procedure to hearings before the Sub-Committee.
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## Appendix 2b

### **Audit and Governance Committee AMENDED terms of reference (as contained within the Council's Constitution, Article 9)**

The Committee will have the following terms of reference relating audit functions, governance functions and human resources functions.

#### **Governance, risk and control**

- a Act as the Council's Audit Committee for internal and external audit.
- b To review the council's corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance
- c To monitor the effective development and operation of risk management in the council.
- d To monitor progress in addressing risk-related issues reported to the committee
- e To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- f To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.
- g To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- h To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
- i To monitor the counter fraud strategy, actions and resources.
- j To review the governance and assurance arrangements for significant partnerships or collaborations.
- k Promote and ensure training of Councillors and co-opted members in the relevant governance aspects.
- l To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- m To notify, report or recommend to Cabinet and Council as appropriate.

- n Have continued due regard for all conduct and governance requirements that include the CIPFA (Chartered Institute of Public Finance and Accountancy) guidance.
- o To review, monitor and consider reports from the Section 151 Officer on Treasury management, functions and activities.
- p Grant dispensations, where referred by the Monitoring Officer and in accordance with the Localism Act 2011 or other legislation.
- q To monitor the use of dispensations.
- r To appoint a Sub-Committee which will have delegated responsibility to consider investigation reports, in respect of Code of Conduct complaints, that are referred to it by the Monitoring Officer and conduct hearings into allegations that a Member or co-opted Member of the Council or Town/Parish Council has breached the relevant code of conduct.

### **Governance reporting**

- a To review the AGS prior to approval and consider whether it properly reflects the risk environment and supporting assurances, including the head of internal audit's annual opinion.
- b To consider whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.

### **Financial reporting**

- a. To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.
- b. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- c. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

### **Arrangements for audit and assurance**

To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

### **External audit**

- a. To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.
- b. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- c. To consider specific reports as agreed with the external auditor.

- d. To comment on the scope and depth of external audit work and to ensure it gives value for money.
- e. To consider additional commissions of work from external audit.
- f. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- g. To provide free and unfettered access to the audit committee chair for the auditors, including the opportunity for a private meeting with the committee.

### **Internal audit**

- a. To approve the internal audit charter.
- b. To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- c. To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- d. To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- e. To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- f. To consider any impairments to the independence or objectivity of the head of internal audit arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments.
- g. To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
  - updates on the work of internal audit, including key findings, issues of concern and action in hand as a result of internal audit work
  - regular reports on the results of the QAIP
  - reports on instances where the internal audit function does not conform to the PSIAS and LGAN, considering whether the non-conformance is significant enough that it must be included in the AGS.
- h. To consider the head of internal audit's annual report, including:
  - the statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement (these will indicate the reliability of the conclusions of internal audit)
  - the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control, together with the summary of the work supporting the opinion (these will assist the committee in reviewing the AGS).
- i. To consider summaries of specific internal audit reports as requested.
- j. To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

- k. To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.
- l. To consider a report on the effectiveness of internal audit to support the AGS where required to do so by the accounts and audit regulations
- m. To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

### **Accountability Arrangements**

- a. To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.
- b. To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
- c. To publish an annual report on the work of the committee, including a conclusion on the compliance with the **CIPFA Position Statement**
- d. To operate the overall scheme in respect of the local determination of Code of Conduct complaints against Council and Parish/Town Members (this role is largely delegated by the Constitution to a Standards Hearings Sub-Committee and the Monitoring Officer as set out in greater detail in the Constitution).
- e. To overview the Council's whistle blowing policy.
- f. To review, monitor and consider reports from the Monitoring Officer.

### **Human Resource Functions**

To receive and consider reports relating to workforce policies and related performance. Where there is a specific requirement a Sub Committee can be appointed which shall deal with disciplinary matters relating to relevant officers.

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### **Standards Sub-Committee Terms of Reference**

- a) To consider investigation reports, in respect of Code of Conduct complaints, that are referred to it by the Monitoring Officer.
- b) To conduct a hearing into an allegation that a Member or co-opted Member of the Council or Town/Parish Council has breached the relevant code of

conduct. At such hearing, the Member against whom a complaint has been made may respond to the investigation report.

- c) Following the hearing the Sub-Committee can make one of the following findings:
  - i) That the Member has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the hearing
  - ii) That the Member has failed to comply with the Code of Conduct but no further action needs to be taken in respect of the matters considered at the hearing; or
  - iii) That the Member has failed to comply with the Code of Conduct and a sanction and/or an informal resolution should be imposed.
- d) The Sub-Committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions as are available to it either by law or policy.
- e) After making a finding the Sub-Committee shall, as soon as reasonably practicable, provide written notice of its findings and the reason for its decision to the Member and the complainant.
- f) To apply the Council's Standards Complaints Procedure and Complaints Standards Sub-Committee Procedure to hearings before the Sub-Committee.

### **Human Resource Sub-Committee terms of reference**

The Human Resources Sub-Committee will be responsible for the Council's Human Resources function where not delegated under the Scheme of Delegation. This includes:

- a) All disciplinary matters relating to specified officers that are required to have Member or Committee involvement. This is elaborated in the Officer Employment Procedure Rules later in this Constitution.
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