

# TONBRIDGE & MALLING BOROUGH COUNCIL

## AUDIT COMMITTEE

03 April 2018

### Report of the Chief Executive and Director of Central Services

#### Part 1- Public

#### Matters for Recommendation to Council

#### 1 LOCAL CODE OF CORPORATE GOVERNANCE

**This report informs Members of the outcome of the annual review of the Local Code of Corporate Governance.**

##### 1.1 Introduction

- 1.1.1 In April 2017 we reported that the Framework document “Delivering Good Governance in Local Government Framework 2016” had resulted in a requirement for the Local Code of Corporate Governance to be largely rewritten, and the Local Code was amended in light of that revised framework.
- 1.1.2 Members will recall that as part of the exercise in bringing up to date the Local Code, it was noted that a number of changes would also be required to the Council’s Constitution as highlighted in the gap analysis which was carried out. Work on the Constitution is well under way, with a view to reporting a proposed revised Constitution to Overview & Scrutiny Committee in Spring 2018.
- 1.1.3 The 2016 CIPFA/SOLACE framework document is still the current version. However, at the time of adoption of the new Local Code, the corporate risk register and subsequently renamed the strategic risk register was the subject of review. A Strategic Risk Register was adopted and approved by Audit Committee in September, and this should now be reflected in the Local Code. The Council has also now put in place procedures to record officer level decisions in accordance with the Openness in Local Government Regulations 2014. These minor changes are reflected in the amended draft Local Code of Corporate Governance attached to this report at **[Annex 1]**.
- 1.1.4 Audit Committee will be aware of the forthcoming changes in Data Protection legislation, through the General Data Protection Regulation (GDPR) in May, and the Data Protection Bill currently making its way through parliament. Once in force, this new legislation will affect how the Council holds and processes data. Whilst there are a number of new processes and policies in the process of being written in anticipation of GDPR, these are not yet finalised. The adoption of new

procedures may require the “Managing Data” section of the Local Code to be updated in 2019, but no changes are proposed in this regard this year.

## **1.2 Legal Implications**

- 1.2.1 Whilst there is no legal requirement for Council's to develop a Local Code of Corporate Governance, such a Code provides a public document that demonstrates how the Council ensures it operates in a proper way and in accordance with the law.

## **1.3 Financial and Value for Money Considerations**

- 1.3.1 There are no financial and value for money considerations arising from the Code.

## **1.4 Risk Assessment**

- 1.4.1 Adoption of a Local Code of Corporate Governance is seen as good practice in that it demonstrates how the Council ensures it operates in a proper way and in accordance with the law and as such is subject to annual review to ensure it remains fit for purpose. Not to do so may attract criticism.

## **1.5 Equality Impact Assessment**

- 1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **1.6 Recommendations**

- 1.6.1 Members are asked to **approve** the revised Local Code of Corporate Governance set out at **[Annex 1]** and **commend** its adoption by the Council. Audit Committee is also requested to note the position with regard to work on the Council's Constitution.

Background papers:

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CIPFA/SOLACE – “Delivering Good Governance in Local Government Framework 2016”

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