

TONBRIDGE & MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

01 April 2019

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 the Local Code of Corporate Governance was heavily amended, and 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.

1.1.2 The Constitution was comprehensively re-written, and the new Constitution adopted by Full Council on 31 July 2018. The Local Code has been revisited in the light of the new Constitution, however no amendments are proposed as a result.

1.1.3 Audit Committee will be aware that Data Protection legislation also changed, through the General Data Protection Regulation (GDPR) in May 2018, and the Data Protection Bill currently making its way through parliament. The adoption of new procedures has required the "Managing Data" and "Respecting the Rule of Law" sections of the Local Code to be updated.

1.1.4 Audit Committee may also be aware of the recent central government review of Standards in Local Government. Whilst the report made a number of recommendations, these will require implementation through primary legislation before they take effect, if Government decides to adopt any or all of them. In this regard, the Local Code may require updating in 2020, but no changes are proposed 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 unwelcome 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** for adoption by the Council.

Background papers:

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

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