

**DECISION NUMBER: PCCG-2019-004**

**OFFICE OF POLICE AND CRIME COMMISSIONER**

**TITLE: Manual of Corporate Governance Annual Review**

**DATE: 6<sup>th</sup> March 2019**

**TIMING: Annual**

**PURPOSE: For Approval**

<b>1.</b>	<b><u>RECOMMENDATION</u></b>
1.1	That the Police and Crime Commissioner (PCC) and Chief Constable approve the proposed amendments to the Manual of Corporate Governance (MoCG).
<b>2.</b>	<b><u>INTRODUCTION &amp; BACKGROUND</u></b>
2.1	A meeting to review the MoCG took place between the Office of the Police and Crime Commissioner for Gwent (OPCC), Gwent Police and Joint Legal Services in January 2019. These proposed changes were presented to the joint Strategic Planning Group (SPG) in February for further discussion and to consider if any additional changes needed to be incorporated.
2.2	A report providing the proposed changes to the MoCG will be presented to the Joint Audit Committee (JAC) at their meeting on 4 <sup>th</sup> March 2019. Due to the proximity of the meetings, an oral update will be provided, highlighting any queries raised and to confirm whether or not the JAC are satisfied to recommend that the PCC and the Chief Constable approve the amendments.
<b>3.</b>	<b><u>ISSUES FOR CONSIDERATION</u></b>
3.1	<b>Amendments to Manual of Corporate Governance</b> A number of changes have been identified as a result of the annual review process. A detailed list of these can be found at appendix 1
3.1.1	Some of the most notable changes include updates to terms of reference, an increase to the level 1 procurement threshold to £25,000 and a review of the document to ensure compliance with the revised Data Protection Act 2018 and General Data Protection Regulations.
3.1.2	The MoCG has also been reviewed to ensure that it is in line with the new Financial Management Code of Practice (FMCoP) that was released in July 2018. The majority of amendments contained within the FMCoP are in relation to PCC's in England having the option to take on responsibility for the Fire Service. As the Fire Service is devolved in Wales, this option is not available to Welsh PCCs and therefore these changes are not applicable.

3.1.3	<p><b>Joint Audit Committee Terms of Reference</b></p> <p>The review of the JAC Terms of Reference (ToR) is due to take place at their meeting on 4<sup>th</sup> March 2019. Due to the proximity of the meetings only the current proposed changes have been included in this report at appendix 1. An oral update on any additional changes requested by the JAC will be provided to this meeting.</p>
4.	<p><b><u>NEXT STEPS</u></b></p>
4.1	<p>Once approval has been received from the PCC and Chief Constable, the amended MoCG will be published to the OPCCs website.</p>
4.2	<p>A copy of the updated MoCG will be circulated to members and appropriate senior officers.</p>
5.	<p><b><u>FINANCIAL CONSIDERATIONS</u></b></p> <p>There are no financial considerations as a result of this report.</p>
6.	<p><b><u>PERSONNEL CONSIDERATIONS</u></b></p> <p>There are no personnel considerations as a result of this report.</p>
7.	<p><b><u>LEGAL IMPLICATIONS</u></b></p> <p>The Joint Legal Services department has been involved in the review of the MoCG, ensuring that any legal implications that have arisen have been resolved during the review process.</p>
8.	<p><b><u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u></b></p> <p>This report has been considered against the general duty to promote equality, as stipulated under the Strategic Equality Plan and has been assessed not to discriminate against any particular group.</p> <p>Consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998 in preparing this report.</p>
9.	<p><b><u>RISK</u></b></p> <p>Any risks identified during the review of the MoCG will be negated with the approval of the amended document.</p>
10.	<p><b><u>PUBLIC INTEREST</u></b></p> <p>This document can be made available to the public.</p>
11.	<p><b><u>CONTACT OFFICER</u></b></p> <p>Joanne Regan, Head of Assurance and Compliance.</p>
12.	<p><b><u>ANNEXES</u></b></p> <p>Appendix 1 – Details of proposed changes to the MoCG.</p>

## Appendix 1

### Review of the Manual of Corporate Governance

Below are the key changes that are proposed in relation to the annual review of the MoCG:

<b>Page Number</b>	<b>Proposed Change</b>
34	Amend to reflect that the Assistant Chief Officer, Resources (ACOR), not the Assistant Chief Constable (ACC), is the lead responsible officer for information governance and holds the Senior Information Risk Owner role.
35	Remove 'Joint Strategic Planning Group' from the below sentence as the meeting does not consider major control weaknesses identified by internal audit. This is done primarily by JAC with the concerns highlighted at the Strategy and Performance Board (SPB).
38	Amended SPB Terms of Reference (ToR) to reflect that the Governance Officer now supports the meeting.
40	Changes to the JAC ToR will be discussed at the meeting to be held on 4 <sup>th</sup> March 2019. A verbal update will be provided to SPB on the agreed changes. Suggested amendments include inclusion of half day payment preparation time for each JAC meeting; amendment to the Value for Money responsibilities to reflect wording in the CIPFA Audit Committee's guidance document; inclusion of providing the JAC with an understanding of the ethical risks faced by the force and also initiatives to improve ethical behaviour; inclusion to support the review of compliance with the ToR which will be reported to the PCC and Chief Constable; clarification that the JAC also review any proposed changes to the internal audit plan; ensure that the same monitoring requirements are also placed on the internal auditors for the Shared Resource Service and inclusion of the Chief Superintendent, Head of Strategy, Performance and Change into the attendance list.  Due to the recent purchase of the updated CIPFA Guidance for Audit Committees and subsequent review of the document, a number of areas have been highlighted for discussion which may significantly alter the JAC ToR. Meetings have been scheduled between the relevant officers to discuss these changes further and the impact this would have on the JAC before a further report is presented to them later in 2019 for discussion.
43	Update SPG ToR to reflect changes in membership.

45	Update to OPCC Executive Board ToR to reflect change in OPCC post internal review. The amendments include an update to membership, ensuring that new and on-going areas of work undertaken by the OPCC are discussed and the national impacts of any new local and national issues are assessed. Monitoring of grant awards and budget allocation to the force have been removed as these tasks are undertaken at separate meetings. There has also been a change in name to the OPCC Management Board.
47	Amended Estates Strategy Board ToR to reflect that the PCC's Personal Assistant now supports the meeting.
48	Box Days. Under the Meeting agendas header, remove requirement for briefings to be presented to the OPCC five working days before the box day takes place. Briefings are provided as necessary to the OPCC. They are not allocated to a box day until all queries have been resolved. The box day will then take place when the PCC is available.
49	Update of Chief Officer Team Meeting ToR. Primary update is in relation to the reporting process diagram to reflect the new governance structure.
56	Amendment to reflect that any media enquiries in relation to the Police and Crime Panel are sent to the Lead Officer rather than the Press Office in Caerphilly County Borough Council. Removal of sentence stating that only the Chair of the Police and Crime Panel can make comment to the media on the Panel's behalf as this is a decision for the Panel to make.
128	Inclusion of the Chief Finance Officer in paragraph 63 (reference to level 3 threshold, extract below) and 64 (reference to level 4 threshold): For contracts falling within the Level 3 threshold, nothing in these Standing Orders shall require tenders or quotations to be invited if the Chief Constable, following consultation with and with the approval of the Chief Executive and/or Chief Finance Officer (the same applies where the contract expenditure is from the OPCC budget), is satisfied that:
145	Paragraph 4.3 'Exempt Matters' updated to reflect change from Government Protective Marking Scheme to Government Security Classifications.
152	Paragraphs 1.3 and 1.4 updated to reflect the Data Protection Act 2018 and the Data Protection (Charges and Information) Regulations 2018.
General	➤ The MoCG will be updated to reflect the 2016 Good Governance Framework (Delivering Good Governance in Local Government 2016 Edition, CIPFA Solace).

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|  | <ul style="list-style-type: none"><li>➤ <b>References to Data Protection Act 1998 have been amended to Data Protection Act 2018.</b></li><li>➤ <b>Job title of the Communications Manager for the OPCC has been amended to Head of Communications and Engagement.</b></li><li>➤ <b>Minor administrative tasks undertaken – spelling/grammar etc</b></li><li>➤ <b>Contents page - page numbers to be updated after amendments have been finalised.</b></li></ul> |
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**Police and Crime Commissioner for Gwent**

I confirm that I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct.

The above request has my approval.

**Signature:** 

**Date:** 6/3/19