

Section B

Roles and Responsibilities, Risk Management and Partnerships

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SECTION B: ROLES AND RESPONSIBILITIES

CHAPTER 1 – Roles and Responsibilities

Full Council

1. The Full Council is responsible for adopting the Council's Constitution, Code of Conduct for Members and for approving the budget and policy framework within which the Executive operates.

Executive

2. The Executive is responsible for proposing the budget and policy framework to the Full Council, and for discharging executive functions in accordance with the policy framework and budget.
3. The Executive is responsible for taking in-year decisions on resources and priorities in order to deliver the budget and policy framework within the financial limits set by the Council.
4. Executive decisions can be delegated to a committee of the Executive, an individual Executive Member or an officer.
5. Individual Executive Members should consult with relevant officers before taking a decision within their delegated authority. In doing so, the individual member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

Scrutiny Committees

6. Scrutiny Committees are responsible for scrutinising executive decisions before or after they have been implemented and for holding the Executive to account. Scrutiny Committees are also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the Council.
7. The Resources and Governance Scrutiny Committee exercises scrutiny functions in relation to financial matters, and other general matters and reports to the Executive and/or Full Council, as appropriate.

Audit Committee

8. The Audit Committee is responsible for approving the Annual Statement of Accounts.
9. The Audit Committee is responsible for approving (but not directing) the internal audit strategy and annual plan and for receiving assurance over the effectiveness of systems of governance, risk management and internal control.
10. The Audit Committee consists of elected members and independent co-opted members. The Committee's responsibilities include reviewing external auditors' reports, the annual audit letter, internal audit and risk management reports and the City Treasurer's annual report on the effectiveness of the system of internal audit.

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Standards Committee

11. The Standards Committee is responsible for promoting and maintaining high standards of conduct amongst members. In particular, it is responsible for advising the Council on the adoption and revision of the Code of Conduct for Members, and for monitoring the operation of the code.

Chief Executive

12. The Chief Executive is responsible for the corporate and overall strategic management of the Council as a whole. They must report to and provide information for the Executive, the Full Council, the Scrutiny Committees and other committees. They are responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the Council.

City Solicitor

13. The City Solicitor is responsible for reporting any actual or potential breaches of the law or maladministration to the Full Council and/or to the Executive, and for ensuring that procedures for recording and reporting key decisions are operating effectively.
14. The City Solicitor is also responsible for advising the Executive and/or Full Council about whether a decision is likely to be considered contrary to, or not wholly in accordance with, the Council's budget and policy framework.
15. Together with the City Treasurer, the City Solicitor is responsible for advising the Executive or Full Council about whether a decision is likely to be considered contrary to, or not wholly in accordance with the budget. Such actions include:
 - initiating a new policy;
 - committing expenditure in future years above the approved budget level;
 - interdepartmental transfers above virement limits;
 - causing total net expenditure to increase beyond the approved budget.

City Treasurer

16. The City Treasurer has various statutory duties in relation to the financial administration and stewardship of the Council, most of which cannot be overridden. The statutory duties, arise from:
 - Section 151 of the Local Government Act 1972
 - Section 114 and 114A of the Local Government Finance Act 1988
 - Section 25 of the Local Government Act 2003
 - The Accounts and Audit Regulations 2015.
17. Section 151 of the Local Government Act 1972 requires the Council to make arrangements for the proper administration of their financial affairs and to secure that one of their officers has responsibility for the administration of those affairs. The Council has designated the City Treasurer to fulfil this role and they have the statutory title of Chief Finance Officer.

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18. Sections 114 and 114A of the Local Government Finance Act 1988 require the City Treasurer to report to the Executive or the Full Council (as appropriate) and to the external auditor, if it appears to them that the Executive or the Council or a person or committee on their behalf: -
 - has made, or is about to make, a decision which involves or would involve the authority in incurring expenditure which is unlawful
 - has taken, or is about to take, a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Council
 - is about to enter an item of account, the entry of which is unlawful.
19. Section 114 of the 1988 Act further requires the City Treasurer to report to Full Council if it appears to him/her that the expenditure of the Council incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.
20. In preparing reports under Section 114 or 114A, the City Treasurer should consult so far as practicable the Chief Executive and the City Solicitor. The City Treasurer should also nominate a properly qualified member of staff to deputise if they are unable to act owing to absence or illness.
21. The Council must provide the City Treasurer with such staff, accommodation and other resources as are in his/her opinion sufficient to allow his/her duties under Section 114 and 114A to be performed.
22. When the Council is setting its budget the City Treasurer is required under Section 25 of the Local Government Act 2003 to report on: -
 - the robustness of the estimates made for the purposes of the calculations; and
 - the adequacy of the proposed financial reserves.
23. The Accounts and Audit Regulations 2015, require the City Treasurer to determine on behalf of the Council: -
 - the form of its accounting records and supporting records;
 - its financial control systems.
24. The City Treasurer is responsible for: -
 - the proper administration of the Council's financial affairs;
 - setting and monitoring compliance with financial management standards;
 - ensuring proper professional practices are adhered to and to act as head of profession in relation to the standards of finance staff throughout the Council;
 - advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
 - preparing the revenue budget and capital programme;
 - treasury management and banking; and

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- ensuring that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.
25. The City Treasurer will make arrangements so that internal auditors have the authority:-
- to have access to Council premises at reasonable times;
 - to have access to documents, records and equipment in the possession of the Council;
 - to require any officer of the Council to account for cash, stores or any other Council asset under their control;
 - where possible, to have access to records belonging to third parties, such as contractors, when required;
 - to receive information concerning any matter under investigation; and
 - to have access to the Chief Executive, the Executive, the Audit Committee and Scrutiny Committees.
26. The City Treasurer is responsible for: -
- maintaining a continuous review of the Financial Regulations;
 - reporting breaches of financial regulations, where appropriate, to the Chief Executive; and
 - issuing advice and guidance to underpin the financial regulations.

Chief Officers and Heads of Service

27. Responsible for ensuring that all staff in their services are aware of the existence and content of the Council's Financial Regulations and other internal regulatory documents and that they comply with them. They must also ensure that managers and staff are aware of these policies and know how to access them on the Council's Intranet systems.
28. To ensure compliance with the financial management standards set by the City Treasurer in their services and to monitor adherence to the standards and practices, liaising as necessary with the City Treasurer.
29. To ensure sound financial practices in relation to the standards, performance and development of staff in their services.
30. Responsible for ensuring that Executive Members are advised of the financial implications of all proposals and that the City Treasurer has agreed the financial implications.
31. Responsible for consulting with the City Treasurer and seeking approval on any matter liable to affect the Council's finances materially, before any commitments are incurred.

CHAPTER 2 – ASSURANCE AND RISK MANAGEMENT

RISK MANAGEMENT

Executive

1. Responsible for approving the Council's Risk Management Policy Statement and strategy and for reviewing the effectiveness of risk management and to promote a culture of risk management awareness throughout the Council.

Audit Committee

2. Responsible for obtaining assurance over the Council's governance and risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.

City Treasurer

3. Responsible for preparing the Council's Risk Management Policy Statement, for promoting it throughout the Council and for advising the Executive on proper insurance cover where appropriate.
4. Responsible for ensuring that proper insurance exists where appropriate.
5. To develop and document risks, controls and assurances through the production of a Corporate Risk Register, in conjunction with other Chief Officers and Heads of Service.
6. To develop and document the Corporate Business Continuity Plan, in conjunction with other Chief Officers and Heads of Service.
7. On a regular basis, the City Treasurer will forward to Chief Officers and Heads of Services schedules of assets covered by insurance.
8. To affect corporate insurance cover, through external insurance and internal funding.

City Solicitor

9. To arrange for the negotiation of claims in consultation with other officers, including the City Treasurer, where necessary.

Chief Officers and Heads of Service

10. To contribute to the production of a Corporate Risk Register.
11. To take responsibility for risk management, having regard to advice from the City Treasurer and other specialist officers (e.g. crime prevention, fire prevention, health and safety).
12. To ensure appropriate resilience and business continuity plans are in place.
13. To ensure that there are regular reviews of risk within their services.

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14. To notify the City Treasurer immediately of any loss, liability or damage that may lead to a claim by or against the Council, together with any information or explanation required by the City Treasurer or the Council's insurers.
15. To notify the City Treasurer promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
16. If any assets covered by insurance are damaged or stolen, Chief Officers and Heads of Services must not order replacements, remedial repairs or other work - except for emergency measures to prevent further damage or loss occurring - until the City Treasurer has been consulted. Damage or loss arising from malicious acts should be reported to the police.
17. To notify the City Treasurer promptly of any significant acquisitions or disposals of assets or any alteration to the scope or level of services provided, particularly where the risk of accident, injury, loss or damage is likely to increase.
18. To examine the schedules of assets covered by insurance, provided by the City Treasurer, and ensure that the details of those assets are correctly recorded and that the scope and level of insurance cover is adequate, consistent with the Council's corporate insurance arrangements.
19. To provide the City Treasurer with any information that they need and in the timescale that they set, to enable them to manage the Council's insurances effectively.
20. To consult with the City Treasurer and the City Solicitor on the terms of any indemnity that the Council is requested to give.
21. To ensure that officers, or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

INTERNAL CONTROL

Audit Committee

22. Responsible for considering and approving the review of the Council's system of governance, risk management and controls in an Annual Governance Statement, which sets out and reviews the Council's governance arrangements as defined in the CIPFA/SOLACE Governance Framework, to accompany the Annual Statement of Accounts.
23. To overview the whistle-blowing policy.

Chief Executive

24. In conjunction with the City Treasurer and the City Solicitor to develop and maintain an Anti-Fraud and Anti-Corruption Policy, Whistle-blowing policy and Risk Management Policy and processes.

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City Treasurer

25. Responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and effectively and in accordance with the statutory and other provisions that govern their use.
26. In conjunction with the Chief Executive and the City Solicitor to develop and maintain an Anti-fraud and Anti-Corruption Policy, Whistle-blowing Policy and Risk Management Policy and processes.
27. To assist the Council to put in place an appropriate control environment and effective internal controls, which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.
28. To maintain adequate and effective internal control arrangements.
29. To review annually the effectiveness of the Council's system of internal audit and to report the findings to the Audit Committee.
30. To ensure that all suspected financial irregularities are reported to the Head of Internal Audit and response appropriate actions are taken., and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in by the Head of Internal Audit to determine with the Crown Prosecution Service whether any prosecution will take place.

Chief Officers and Heads of Service

31. Responsible for establishing sound arrangements, consistent with guidance given by the City Treasurer, for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.
32. Responsible for devising systems of control to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.
33. To review existing controls in the light of changes affecting the Council and to establish and implement new ones in line with guidance from the City Treasurer. Chief Officers and Heads of Services should also be responsible for removing controls that are unnecessary or not cost or risk effective, for example, because of duplication.
34. Responsible for managing and reviewing processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
35. To ensure staff have a clear understanding of the consequences of lack of control, including the risk of fraud and error.

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36. To ensure that all suspected financial irregularities are reported to the City Treasurer and Head of Internal Audit.
37. To instigate the Council's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.

INTERNAL AUDIT

38. Section 151 of the Local Government Act 1972, requires that authorities 'make arrangements for the proper administration of their financial affairs'. The Accounts and Audit Regulations 2015 specifically requires that a "relevant authority must undertake an effective internal audit of its risk management, control and governance processes taking into account public sector internal auditing standards or guidance".
39. Internal audit is an assurance function that provides an independent and objective opinion to the Council on the control environment, by evaluating its effectiveness in achieving its objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.

Audit Committee

40. Responsible for reviewing the City Treasurer's annual report on the effectiveness of Internal Audit (including the Quality Assurance Improvement Programme) and the Head of Internal Audit's Annual Assurance Statement.
41. Responsible for reviewing and approving the Internal Audit Strategy and Annual Audit Plan.
42. Responsible for overseeing the effectiveness of actions taken by management to implement agreed actions arising from audit recommendations.

City Treasurer

43. Responsible for submitting an annual report on the effectiveness of Internal Audit (including the Strategic Quality Assurance Improvement Programme) to the Senior Management Team and the Audit Committee.
44. The Accounts and Audit Regulations 2015 requires the City Treasurer to determine on behalf of the Council:
 - The form of its accounting records and supporting records
 - its financial control systems.
45. The City Treasurer will make arrangements so that internal auditors have authority:
 - to have access to Council premises at reasonable times;
 - to have access to documents, records and equipment in the possession of the Council;
 - to require any officer of the Council to account for cash, stores or any other Council asset under their control;

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- where possible, to have access to records belonging to third parties, such as contractors, when required;
 - to receive information concerning any matter under investigation; and
 - to have access to the Chief Executive, the Executive, the Audit Committee and Scrutiny Committees.
46. To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

Chief Officers and Heads of Service

47. To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
48. To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
49. To consider and respond promptly to recommendations in audit reports.
50. To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
51. To notify the Head of Internal Audit immediately of any suspected fraud, irregularity, improper use or misappropriation of the Council's property or resources. Pending investigation and reporting, the Chief Officers and Heads of Service should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
52. To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with the Head of Internal Audit prior to implementation.

EXTERNAL AUDIT

53. The External Auditor has rights of access to all documents and information necessary for audit purposes.
54. To provide assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Council's resources.
55. The Council may, from time to time, be subject to audit, inspection or investigation by various external bodies such as HM Revenues and Customs and the Inland Revenue, who have statutory rights of access.

Audit Committee

56. Responsibility to review the External Auditor's reports, the Annual Audit Letter and approve the Annual Statement of Accounts.

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City Treasurer

57. To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.
58. To ensure there is effective liaison between External and Internal Audit.
59. To work with the External Auditor and advise the Full Council, Executive and Chief Officers and Heads of Services on their responsibilities in relation to external audit.

Chief Officers and Heads of Service

60. To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.
61. To ensure that all records and systems are up to date and available for inspection.

CHAPTER 3 – PARTNERSHIPS

PARTNERSHIPS

Executive

1. The Executive to provide the strategic direction for forming partnership arrangements with other local public, private, voluntary and community sector organisations to address local needs and deliver outcomes linked to Council and city-wide priorities.
2. The Executive will delegate functions as appropriate, including those relating to partnerships, to Chief Officers and Heads of Service. These are set out in the Scheme of Delegation that forms part of the Council's Constitution. Where functions are delegated, the Executive remains accountable for them to the Full Council.
3. Representation of the Council on partnership and external bodies will be decided in accordance with the Scheme of Delegation.

Chief Executive

4. In conjunction with the City Treasurer must also ensure adequate and robust governance arrangements are in place and consider the overall corporate governance arrangements, risk and legal issues when arranging contracts with external bodies.
5. Responsible with the City Treasurer and City Solicitor for developing and maintaining the Partnership Governance Framework and ensuring that the arrangements to ensure compliance are adhered to.

City Treasurer

6. Must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory.
7. In conjunction with the Chief Executive must also consider the overall corporate governance arrangements, risk and legal issues when arranging contracts with external bodies.
8. Ensure that all new partnership arrangements the Council enters into are registered where applicable, on the Register of Significant Partnerships, and that arrangements are risk assessed. Ensure that accounting and monitoring arrangements adopted by partnerships and joint ventures are satisfactory.
9. To ensure that partnership governance arrangements are underpinned by clear and well-documented internal financial controls.
10. In conjunction with the appropriate Chief Officers and Heads of Service must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

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11. To advise on effective controls that will ensure resources are maximised, not wasted.
12. To advise, as appropriate, on the key elements of funding a project, including:
 - a scheme appraisal for financial viability in both the current and future years.
 - risk appraisal and management.
 - resourcing, including taxation issues.
 - audit, security and control requirements.
 - carry forward arrangements.

Chief Officers and Heads of Service

13. Ensure that all new significant partnership arrangements the Council enters into are registered under the Register of Significant Partnerships, and that arrangements are risk assessed and that the accounting arrangements to be adopted by partnerships and joint ventures are satisfactory.
14. In conjunction with the City Treasurer ensure that the risks have been fully appraised before agreements are entered into with external bodies.
15. Chief Officers and Heads of Services are responsible for ensuring that the City Treasurer is consulted on the progress of negotiations and that appropriate approval is granted prior to the conclusion of any negotiations with partner organisations.
16. To consult with the City Treasurer, as necessary, on a scheme's appraisal for financial viability in both the current and future years.
17. To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the City Treasurer.
18. To provide the City Treasurer with all necessary information.
19. To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the City Treasurer.
20. To ensure that such agreements and arrangements do not impact adversely upon the services provided by the Council.
21. To ensure that all agreements and arrangements are properly documented.
22. To provide appropriate information to the City Treasurer to enable sufficient information to be entered into the Council's Statement of Accounts concerning material items.

ROLES AND RESPONSIBILITIES

WORK FOR THIRD PARTIES

Executive

23. Responsible for approving the contractual arrangements for any work for third parties or external bodies unless this is delegated to Chief Officers and Heads of Service.

City Treasurer

24. To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.
25. To issue guidance on how proposals for any work with third parties should be costed.
26. To issue guidance on financial matters to be included in the completion of contracts.

Chief Officers and Heads of Service

27. To ensure that proposals for working with third parties are costed properly and in accordance with guidance provided by the City Treasurer.
28. To ensure that contracts are drawn up using guidance provided by the City Treasurer and the formal approvals process is adhered to.
29. To ensure that the approval of the Executive is obtained before any negotiations are concluded to work for third parties.
30. To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the City Treasurer.
31. To ensure that appropriate insurance arrangements are made.
32. To ensure that the Council is not put at risk from any bad debts.
33. To ensure that no contract is subsidised by the Council without the approval of the Executive.
34. To ensure that, wherever possible, payment is received in advance of the delivery of the service.
35. To ensure that the service/unit has the appropriate expertise to undertake the contract.
36. To ensure that such contracts do not impact adversely upon the services provided for the Council.
37. To ensure that all contracts are properly documented.
38. To provide appropriate information to the City Treasurer to enable relevant disclosures to be made in the Statement of Accounts.