

## Report of Administration and Democratic Services Manager

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### **Subject: Code of Corporate Governance**

#### Purpose of the report

This report seeks approval of the Authority's revised Code of Corporate Governance.

#### Introduction

The Code of Corporate Governance (the Code) comprehensively describes the Authority's commitment to, and understanding of, corporate governance and outlines the arrangements that it has put in place to ensure ongoing effective implementation and monitoring of that process.

Adopting a Code of Corporate Governance is another way in which the National Park Authority evidences its recognition that effective local government relies upon establishing and maintaining the confidence of local people, both in its Members and Authority officials. Good corporate governance underpins credibility and confidence in the leadership and forms the foundation from which all Authority services are provided.

The Code is linked to our Annual Governance Statement, which is a statutory document which explains the processes and procedures in place to enable the Authority to carry out its functions effectively. The Annual Governance Statement is produced annually following a review of the Authority's governance arrangements and includes an action plan to address any significant governance issues identified.

The Code has been updated to strengthen references to the Well-being of Future Generations (Wales) Act 2015 and to reflect the principles within the Chartered Institute of Public Finance and Accountancy (CIPFA) and Society of Local Authority Chief Executive (SOLACE) Framework Delivering Good Governance in Local Government. Additional amendments have been applied to update the Code of Governance to reflect changes relating to internal organisational or Authority governance arrangements.

Members and the Authority's Leadership Team were consulted on the draft Code of Corporate Governance.

#### Financial and Risk Considerations

The Code of Corporate Governance sets out governance arrangements for financial management and audit, as well as the Authority's mechanisms to manage performance and risk. There is the potential for negative financial, service delivery, safety, legal and reputational impacts if the Code is not effectively implemented.

### Compliance

The Code outlines the governance arrangements the Authority has in place to manage compliance with a range of legislative requirements placed on Public Bodies.

### Human Rights/Equality issues

The Code recognises that the Authority must consider in its governance arrangements the Public Sector Equality Duty and Socio-economic duty under the Equality Act 2010. It also must consider the sustainable development principle and Well-being Goal – A more equal Wales as set out in the Well-being of Future Generations (Wales) Act. It recognises that assessments, such as Integrated Assessments which include equality and socio-economic considerations play an important role in decision making processes.

### Sustainability/ Section 6 Duty

The Code recognises that the Authority must consider in its governance arrangements the Section 6 Biodiversity duty and Sustainable Management of Natural Resources under the Environment (Wales) Act 2016. It recognises that assessments, such as Integrated Assessments which include biodiversity considerations play an important role in decision making processes.

### Welsh Language

The Code recognises that the Authority must consider in its governance arrangements the Welsh Language Standards. It recognises that assessments, such as Integrated Assessments which include Welsh Language considerations play an important role in decision making processes.

### **RECOMMENDATION:**

**Members are asked to approve the Code of Corporate Governance.**

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# Pembrokeshire Coast National Park Authority

## Code of Corporate Governance



### Review

Version	Effective Date	Document Owner	Review Date Trigger
2	(TBC – NPA Date)	Admin and Democratic Services Manager	Every 3 years or due to legislative, guidance, audit recommendations, governance, or organisational changes.

### Target Audience

PCNPA Officers, Members and external stakeholders

### Consultations

Group	Date
Leadership Team	August 2022 Meeting 4/9/22
Members	September 2022

### Approvals

This document requires the following approvals.

Approved by	Name	Date	Signature
National Park Authority			

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## Introduction

The 1995 Environment Act specifies that the purposes of a National Park Authority are to:

- Conserve and enhance the natural beauty, wildlife and cultural heritage of the park area.
- Promote opportunities for the understanding and enjoyment of the special qualities of the area by the public.

The Act also states that in pursuing these purposes the Authority has a duty to seek to foster the social and economic well-being of local communities.

The National Park Authority is committed to the principles of good corporate governance in delivering its statutory purposes. Through the development, adoption and continued implementation and monitoring of a Code of Corporate Governance the Authority formally confirms its ongoing commitment and intentions.

Importantly, the Code of Corporate Governance:

- Comprehensively describes the Authority's commitment to, and understanding of, corporate governance and outlines the arrangements that it has put in place to ensure ongoing effective implementation and monitoring.
- Makes provision for a joint commitment by Members and officers to the principles it contains, as well as a statement of assurance jointly signed by the Chair of the Authority and the Chief Executive. This helps to ensure that the principles of corporate governance are not only fully embedded and cascaded throughout the Authority, but that they have the full backing of all Members as well as the Chief Executive and the Leadership Team.
- Incorporates the sustainable development principles and the goals set out in the Well-being of Future Generations (Wales) Act 2015 and takes account of the Planning (Wales) Act 2015 and the Environment (Wales) Act 2016. Accordingly, our decision-making processes will ensure that we keep the following principles at the heart of strategic planning and operational delivery of our work in order to contribute to the Wellbeing Goals:
- **Section 5 (Well-being of Future Generations [Wales] Act 2015): Sustainable Development Principles and the five ways of working:**
  - ✓ Long term
  - ✓ Integration
  - ✓ Collaboration
  - ✓ Involvement
  - ✓ Prevention

- **Section 4 (Well-being of Future Generations [Wales] Act 2015): Well-being Goals:**
  - ✓ A Prosperous Wales
  - ✓ A Resilient Wales
  - ✓ A Healthier Wales
  - ✓ A More Equal Wales
  - ✓ A Wales of Cohesive Communities
  - ✓ A Wales of Vibrant Culture and Thriving Welsh Language
  - ✓ A Globally Responsible Wales
  
- **Section 6 (Environment [Wales] Act 2016): Biodiversity and Resilience of Ecosystems Duty**
  
- **Section 4 (Environment [Wales] Act 2016): Principles of Sustainable Management of Natural Resources:**
  - ✓ Adaptive management
  - ✓ Scale
  - ✓ Collaboration and engagement
  - ✓ Public participation
  - ✓ Evidence
  - ✓ Multiple benefits
  - ✓ Long Term
  - ✓ Preventative action
  - ✓ Building resilience

### **Why adopt a Code of Corporate Governance?**

Adopting a Code of Corporate Governance is another way in which the National Park Authority evidences its recognition that effective local government relies upon establishing and maintaining the confidence of local people both in its Members and Authority officials. Good corporate governance underpins credibility and confidence in the leadership and forms the foundation from which all Authority services are provided.

Adopting, monitoring and complying with a Code of Corporate Governance helps enhance the Authority's legitimacy and increases trust placed in the Authority by local communities, visitors and other stakeholders.

Clear, robust, transparent and responsive governance enables the National Park Authority to put citizens first by pursuing its aims and priorities effectively, and by underpinning them with appropriate mechanisms for managing performance and risk. In order to maintain citizens' confidence, these mechanisms must be sound and be seen to be sound.

Overall, adopting and committing to this Code of Corporate Governance puts in place a basis for an Authority-wide commitment to the way in which it intends:

- Fulfilling its role in leading and representing the community.

- Discharging its responsibilities.
- Providing opportunities for all.
- Ensuring that there is a strong customer focus in all the Authority does.

## **What is Corporate Governance?**

The Authority has a key role in delivering its statutory purposes for the benefit both of its local community and the nation. Effective local government relies on public confidence in the Members and Authority officers, and effective systems of Corporate Governance provide confidence in public services.

Corporate Governance is a phrase used to describe how organisations direct and control what they do. Good Corporate Governance requires local authorities to carry out their services in a way that demonstrates the Nolan Principles:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

For local authorities this also includes how a National Park Authority relates to the communities that it serves.

The National Park Authority sees Corporate Governance as doing the right things, in the right way, by the right people, for the right people in a timely, inclusive, open, honest and accountable manner. It comprises the systems and processes, as well as the culture and values by which the Authority is directed and controlled and sets out how it accounts to, and engages with, its stakeholders.

## **Why do we need a Code of Corporate Governance?**

Corporate Governance is crucial in:

- Providing high quality public services:  
Nationally, governance weaknesses have led to service failure and, on occasion, to tragedies. High performing organisations, on the other hand, have effective governance arrangements.
- Raising public trust:  
The public's trust is increased when the quality of services that they experience is high, and when organisations are seen to be open and honest in setting their standards and direction, communicating their performance, and in learning from mistakes.

The National Park Authority is committed to the principles of good Corporate Governance in delivering its statutory purposes. Through the development, adoption and continued implementation and monitoring of a Code of Corporate Governance the Authority formally confirms its ongoing commitment and intentions. The Code is consistent with the principles of the Chartered Institute of Public Finance and Accountancy (CIPFA) and Society of Local Authority Chief Executives (SOLACE) Framework Delivering Good Governance in Local Government Framework (2016) (“the Local Government Framework”):

1. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.
2. Ensuring openness and comprehensive stakeholder engagement.
3. Defining outcomes in terms, of sustainable economic, social and environmental benefits.
4. Determining the interventions necessary to optimise the achievement of the intended outcomes.
5. Developing the entity’s capacity, including the capability of its leadership and the individuals within it.
6. Managing risks and performance through robust internal control and strong public financial management.
7. Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

Each of these principles is an important part of the National Park Authority’s Corporate Governance arrangements.

The Authority will also respond on an ongoing basis to CIPFA briefings when issued.

## **The Authority’s Corporate Governance Principles**

### **Principle 1: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law**

High standards of conduct and effective governance can only be achieved if those who hold public office have the highest standards of behaviour and encourage others to do so.

The Authority will adopt a culture of behaviour based on shared values, ethical principles and good conduct.

The Authority will achieve this by having in place and keeping under review:

- Members’ Code of Conduct.
- Employee Code of Conduct.
- Member/Officer protocol (to be developed).
- An effective programme of Member development that encompasses the Codes of Conduct.
- Registers of Interests, Hospitality and Gifts.



- Contract Procedural Rules and Financial Standards.
- Anti-Fraud, Bribery, and Whistleblowing Policies.
- Standards Committee.
- Complaints procedure.
- Grievance Policy and Procedure.

## **Principle 2: Ensuring openness and comprehensive stakeholder engagement**

The Authority will strive to engage fully with a diverse and comprehensive range of stakeholders to secure and demonstrate its commitment to acting in ways that are open, effective and seen to be so. It will use processes that are accessible, transparent, planned and suitably resourced, aiming to secure views and responses from the whole community and all stakeholders.

The Authority will achieve this by:

- Forming and maintaining open and mutually respectful relationships with stakeholder groups and the leaders of other organisations.
- Providing and supporting ways for the public to communicate and present community aspirations and concerns to the Authority.
- Working with other public sector partners to help customers and stakeholders understand our respective responsibilities and explaining the ways in which we work in partnership.
- Ensuring diverse, effective, and meaningful routes and mechanisms for consultation to capture and embrace the views of all parties.
- Maintaining and reviewing an effective complaints procedure.
- Webcasting Authority and Committee meetings.
- Maintaining procedures for public participation in planning matters at Development Management Committees.
- Responding to Freedom of Information requests and implementing a publication scheme in line with statutory requirements.

## **Principle 3: Defining outcomes in terms of sustainable economic, social and environmental benefits**

The Authority's purposes and duty are set out by the Environment Act (1995). It is also required to have Well-being Objectives under the Well-being of Future Generations (Wales) Act (2015) and must take account of the following duties:

- Section 6 Biodiversity duty and Sustainable Management of Natural Resources under the Environment (Wales) Act 2016.
- Public Sector Equality Duty and Socio-economic duty under the Equality Act 2010.
- Welsh Language Standards.

The Authority will define its outcomes through publishing:

- National Park Management Plan, setting out the Authority's purpose and vision for the area for which it is responsible.
- Local Development Plan and any successor plan(s), setting out local planning policy for the National Park area.
- Corporate and Resources Plan, setting out the Authority's Well-being Objectives and statement, contribution to the Well-being Goals, and how the Authority takes account of the Sustainable Development Principle, 5 ways of working.

Plans will be subject to consultation and relevant assessments as part of their development.

The Authority will report on its performance against identified outcomes annually through its respective Annual Reports.

The Authority will publicise the impact of its projects and activities through the press and other media.

The Authority will take account of the Pembrokeshire Public Services Board's Well-being Plan and National Indicators and Milestones for Wales when defining its outcomes.

#### **Principle 4: Determining the interventions necessary to optimise the achievement of the intended outcomes**

Informed decision-making is a fundamental part of good corporate governance. It requires authorities to be rigorous in their examination of options and consideration of risk. They also need to be open to consider representation and views from all sectors of the community.

The Authority will ensure the decision-making process for Members, Senior Management Team, Leadership Team and any other decision-making body or group includes appropriate written risk assessment relevant to the subject area and scale of matter being considered. The risk assessment may include:

- Financial, legal and human resources implications (authors of reports will be accountable if they are providing advice themselves).
- Integrated Assessments or summaries of assessments that address Equality, Socio Economic Duty, Welsh Language, Biodiversity and Carbon Emission impacts.
- Data Protection Impact Assessments.
- Risk Register, framework, and mitigating actions.

The Authority will also:

- Ensure that decision-making reports include advice from relevant officers and explain the background in an open and transparent way.
- Detail consultation representations and the Authority's responses to these representations.
- Record all decisions that are made by Committees or delegated to officers and make such details publicly available.
- Maintain rules and procedures which show how decisions are made, for example terms of reference and minutes.
- Develop and maintain an effective scrutiny function which encourages constructive and open challenge.

The Authority will have a Risk Management approach that assists the achievement of its corporate aims and priorities, protects the Authority's exposures, including to reputation and assets, and is compliant with statutory and regulatory obligations as well as good practice.

The Authority will have in place relevant delivery plans to support operational delivery of its outcomes.

The Authority's Audit and Corporate Services Review Committee will carry out the following quarterly reviews of:

- Budget and financial planning, and operational as well as project spend
- The Authority's Risk Register including strategic, operational, and developing risks

Both Audit and Corporate Services Review Committee and Operational Review Committee will receive quarterly reports on performance against the Authority's Corporate and Resources Plan.

### **Principle 5: Developing the entity's capacity, including the capability of its leadership and the individuals within it**

Ensuring that Members and officers have the necessary skills to operate the organisation is an important aspect of governance.

The Authority will ensure that those responsible for the governance of the Authority have the skills, knowledge, experience and training they need to perform well.

The Authority will achieve this by:

- Implementing a Member Development Strategy
- Developing and reviewing Member role descriptions for the various roles undertaken within the Authority
- Developing leadership skills, general capabilities, and capacity across the Authority
- Continually improving and maintaining the personal performance appraisal process for staff

- Developing and maintaining the Personal Development Review process for Members
- Cascading information to Members and officers
- Contributing to the criteria for selection of Welsh Government appointed Members and those nominated to the Authority by Pembrokeshire County Council

Effective leadership requires clarity regarding roles of the Authority Members and respect and recognition for an appropriate scrutiny function. In addition to this, a constructive working relationship between Members and staff, and mutual respect for each of these respective roles is vital.

The Authority will ensure that the necessary roles and responsibilities for the governance of the Authority are identified and allocated so that it is clear who is accountable for decisions that are made.

The Authority will achieve this by:

- Electing a Chair and Deputy Chair of the Authority at the Annual General Meeting.
- Annually appointing Committees to carry out the Authority's responsibilities (Details of Committees are in Appendix 1).
- Maintaining a scheme of delegated Authority responsibilities to the Chief Executive.
- Recording all decisions that are made by Committees or delegated to officers and making the details publicly available.
- Ensuring Authority partnerships have clear governance arrangements including clarity about the legal status of the partnership and the roles and responsibilities of the partners.
- Holding the decision makers to account.

### **Principle 6: Managing risks and performance through robust internal control and strong public financial management**

The Authority will ensure it has a robust and effective internal control system in place, reviewed annually in its Annual Governance Statement (published as part of the Annual Accounts).

The Authority will ensure that its risk management approach:

- Formally identifies and manages risks.
- Involves Members, Senior Management Team, Leadership Team and officers in the risk management process.
- Links risks to financial and other key internal controls.
- Incorporates service and business continuity planning.
- Reviews and, if necessary, updates its risk management processes at least annually.

The Authority will make arrangements to ensure that data protection, freedom of information, and cyber security arrangements and accountability measures are in place and effective. This includes:

- The appointment of responsible officers including a Data Protection Officer.
- Completion of associated assessments including Data Protection Impact Assessments.
- Having in place robust policies and procedures to ensure security and protection of the organisational and stakeholder information, data, and assets.

The Authority complies with legal standards, good practice, and guidance from government and professional bodies and produces annual accounts and statements in accordance with CIPFA guidelines.

The Authority manages performance through:

- Working closely with internal and external audit to ensure that its processes comply with the law and good practice.
- Reviewing practices and implementing recommendations made through internal and external audit.
- Collecting performance information on an ongoing basis through its performance reporting system, with performance reports going to Audit and Corporate Services Review Committee and Operational Review Committee for Member comment and scrutiny.
- Reporting annual performance through its Annual Report on Meeting Well-being Objectives.
- Reporting performance against its Local Development Plan and successor plan(s), through annual monitoring report.
- Participating in Welsh Government performance reporting requirements including those relating to planning services and carbon emissions net zero reporting.
- Reporting annually on its stewardship of its resources and evidencing Value for Money through Annual Financial Statements.
- Providing budget performance updates to Audit and Corporate Services Review Committee. Budget monitoring reports are sent monthly to budget leads.
- Assessing its performance against this Code and identifying areas for improvement through its Annual Governance Statement.

### **Principle 7: Implementing good practices in transparency, reporting, and audit to deliver effective accountability**

The Authority will be open and honest in its conduct and how decisions are taken and recorded, by:

- Ensuring that decision-making reports include advice from relevant officers and explain the background in an open and transparent way.
- Recording all decisions that are made by Committees or delegated to officers and making the details publicly available.

- Having rules and procedures which show how decisions are made, for example terms of reference and minutes.
- Developing and maintaining an effective scrutiny function which encourages constructive challenge.
- Publishing Committee Papers including Agendas and Minutes on the Authority Website, subject to exclusions set out in the Local Government Act 1972 and the Local Government and Elections (Wales) Act 2021.
- Holding meetings in public including live streaming Committee meetings, subject to exclusions set out in the Local Government Act 1972 and the Local Government and Elections (Wales) Act 2021.
- Ensuring decisions are subject to relevant assessments.
- Maintaining procedures for public participation at Development Management Committees.
- Openly providing its reports and information for public access and scrutiny.

The Authority will promote accountability and develop a culture of continuous improvement by:

- Ensuring clarity of roles and responsibilities of Members, employees, and others with whom it works.
- Being proactive in fostering and driving improvements, including reviewing practices and working closely with internal and external audit to identify and embed improvements and good practice.

The Authority will regularly, routinely, and clearly report:

- Its performance and stewardship of resources on an ongoing basis against its objectives, plans (and successor plans), and targets.
- Through its structure of committees and bodies, and its annual and statutory reporting requirements and Governance Statements.
- By means of openly accessible reports.
- Evidencing its probity, effectiveness, value for money, and achievements.
- Demonstrating its strategic, operational, and financial planning and active drive to improvement.
- Ensuring public and stakeholder trust and confidence in its application of this code through its Annual Governance Statement.

## **Monitoring and Review**

Good Corporate Governance requires:

- Effective and robust strategic oversight by the Authority.
- The active participation of and ownership by Members and staff across the Authority.
- Development, implementation and continuous improvement of the Authority's Corporate Governance culture and performance.

- Preparation, adoption and maintenance of an up-to-date Code of Corporate Governance, including arrangements for ensuring its implementation, and ongoing application.
- Co-ordination and review of the Annual Governance Statement.
- Promotion of best practice in Corporate Governance throughout the Authority.

The Authority will ensure that these arrangements are kept under continual review by:

- Proactively supporting the work of Internal and External Audit, and adopting recommendations.
- Updating its practices and conduct in line with reports prepared by managers with responsibility for aspects of this Code.
- Other review agencies and Inspectorates.

### **The Annual Governance Statement**

Each Year the Authority will publish an Annual Governance Statement, which will provide an overall assessment of the Authority's Corporate Governance arrangements and an appraisal of the key controls in place to manage the Authority's key governance risks.

The Statement will also provide details of where improvements have been, or need to be, made.

The Annual Governance Statement will be reviewed by the Authority's Leadership Team and approved by the Authority, prior to being signed by the Chair of the Authority and the Chief Executive.

The Annual Governance Statement will be published as part of the Authority's Annual Statement of Accounts and will be audited by our External Auditors.

**Signed**

**(Chair)**

**(Chief Executive)**

## **Appendix 1: Pembrokeshire Coast National Park Authority Committee Structure**

### **National Park Authority:**

All 18 Members, meets approximately 8 times per year.

### **Development Management Committee:**

All 18 Members, meets every 6 – 8 weeks.

### **Human Resources Committee:**

9 Members (6 Pembrokeshire County Council [PCC] elected Members, 3 Welsh Government [WG] Members), meets quarterly.

### **Audit and Corporate Services Review Committee:**

9 Members (6 PCC elected Members, 3 WG Members), meets quarterly.

### **Operational Review Committee:**

9 Members (6 PCC elected Members, 3 WG Members), meets quarterly.

### **Member Support and Development Committee:**

9 Members (6 PCC elected Members, 3 WG Members), meets quarterly.

### **Sustainable Development Fund Committee:**

6 Members (4 PCC elected Members, 2 WG Members), meets quarterly.

### **Employee Forum:**

6 Members (4 PCC elected Members, 2 WG Members) and 6 officers, meets quarterly.

### **Investigating and Disciplinary Committee:**

5 Members, meets when required.

### **Grievance Committee:**

5 Members, meets when required.

### **Appeals Committee:**

5 Members, meets when required.

### **Standards Committee:**

3 Members (2 PCC elected Members, 1 WG Member) and 4 Independent Members, meets at least annually.



## Appendix 2: List of Key Documents

List of Pembrokeshire Coast National Park Authority key documents:

- National Park Management Plan.
- Local Development Plan 2.
- Corporate and Resources Plan.
- Equality Plan and Objectives.
- Welsh Language Strategy.
- PCNPA Signposting document – S6 Duty Environment (Wales) Act 2016.
- Statement of Accounts.
- Annual Report on Meeting Well-being Objectives.
- Local Development Plan Annual Report.
- Code of Corporate Governance.
- Financial Standards.
- Welsh Language Standards.
- Customer Services Standards.
- Members' Code of Conduct.
- Manager Behaviour Framework.
- Employee Code of Conduct.
- Planning Enforcement and Compliance Policy.
- Environmental Policy.
- Financial Reserves Policy.
- Volunteer Policy.
- Equal Opportunities Policy.
- Data Protection Policy.
- ICT User Policy.
- Information and Data Security Policy.
- Asset Management Policy.
- Sustainable Procurement Policy.
- Dignity at Work Policy.
- Whistleblowing Policy.
- Anti Fraud and Bribery Policy.
- Health and Safety Policy.
- Publication Scheme.

### Appendix 3: Version History

Version	Effective Date	Summary of Changes
2	(TBC – NPA Date)	Updating Governance Principles to bring them in line with CIPFA and Solace guidance, strengthening references to Well-being of Future Generation (Wales) Act and updating relevant areas in terms of current Governance arrangements.