

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

GOVERNANCE AND AUDIT COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 9 FEBRUARY 2015

Councillors Present: Peter Argyle, Brian Bedwell, Paul Bryant, Tony Linden, Geoff Mayes, Julian Swift-Hook (Vice-Chairman) and Quentin Webb (Chairman)

Also Present: Andy Day (Head of Strategic Support), Ian Priestley (Chief Internal Auditor), Moira Fraser (Democratic and Electoral Services Manager)

Councillor Absent: Councillor Sheila Ellison

PART I

17. Minutes

The Minutes of the meeting held on 24 November 2014 were approved as a true and correct record and signed by the Chairman.

18. Declarations of Interest

There were no declarations of interest received.

19. Internal Audit - Interim Report 2014-15 (GA2950)

The Committee considered a report (Agenda Item 4) that provided an update on the outcome of internal audit work.

Ian Priestley noted that in accordance with the Public Sector Internal Audit Standards, as adapted by CIPFA's "Local Government Application Note" required the Chief Internal Auditor to make a formal report annually to the Council. In addition an interim report was drafted in order to address emerging issues arising over the first six months of the year.

The Chief Internal Auditor noted that no fundamental weaknesses were identified in the Council's internal control framework. Where weaknesses had been identified management action had been taken to resolve the issues. During the first six months of the year only one weak opinion had been issued and this was in relation to Personal Budgets/ Direct Payments in Adult Social Care. The main concerns related to the Finance Service not chasing up on non receipt of financial payments from clients nor was the type of expenditure being incurred being checked against the clients support plan. In addition there was no system in place to ensure that clients had an annual fund review and no management information was produced to monitor the reviews that were undertaken.

Since the audit the financial review function had been transferred to the Client Financial Services. The follow up audit showed that the Service had responded effectively to the weaknesses that had been identified and the processes were now deemed to be satisfactory.

The Chief Internal Auditor reported that the audit plan was within target for the current financial year. He explained that the vacancy in the team had been filled in January 2015 and one member of the team was still currently seconded to the Accountancy Team.

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Councillor Julian Swift-Hook commented that it was important that the authority had a culture where internal audits were seen positively as an opportunity to improve the controls and identify any weaknesses so that they could be addressed. The Chief Internal auditor concurred and stated that he was still of the view that this was a well managed authority with strong governance arrangements in place. This opinion was also borne out by the recent Peer Review.

Members queried whether there was any merit in outsourcing the internal audit function. Officers stated that they did not think that this would be a cost effective solution given the range of functions and services the Council provided.

RESOLVED that the report be noted.

20. **Amendment to Constitution - Scheme of Delegation (C2911)**

The Committee considered a report (Agenda Item 5) that set out amendments to the Scheme of Delegation (Part 3 of the Constitution) in light of legislative changes and current practice.

Moira Fraser in introducing the item noted that Finance and Governance Group had been tasked with undertaking an annual review of the Council's Constitution. In addition there was also a constitutional requirement for the Leader of the Council to present a written record of delegations annually.

Officers had proposed the following changes to the document:

The Head of Human Resources

- Change reference from Timelord to homeworking in paragraph 3.3.3 (Human Resources);
- Changes to the procedures in relation to organisational changes in paragraph 3.3.3 (Human Resources).

The Head of Adult Social Care

- Amend paragraph 3.7.2 (Disability) to use the term community care legislation instead of specific legislation previously included;
- Amend paragraph 3.7.3 (Home Care Services: Financial Matters) to use the term community care legislation instead of specific legislation previously included;
- Remove the previously numbered paragraph 3.7.4 (Carers) and replace it by including reference to carers in 3.7.3 (Home Care Services: Financial Matters).

The Head of Care Commissioning, Housing and Safeguarding

- In paragraph 3.8.1 (Housing Act 2004) include reference to Compulsory Purchase Orders;
- Insert an additional heading 3.8.11 (safeguarding) and include authorisations in relation to the deprivation of liberty in relation to the mental Capacity Act 2005.

The Head of Strategic Support

- Inclusion of paragraph 3.9.7 (Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended)) which delegate authority to the Head of Strategic Support in consultation with the Leader of the Council and the Leader of Opposition, to appoint members to the Independent Remuneration Panel.

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The Head of Highways and Transport

- Inclusion of paragraph 3.12.15 (The Traffic Management (West Berkshire Council) Permit Scheme Order 2014) which delegates authority to grant permits to utility companies to work on the public highway.

Head of Planning and Countryside

- Correction of the Job Title of the Head of Culture and Environmental Protection in 3.14.1.

The Head of Culture and Environmental Protection

- The order of some of the delegations has been re-ordered;
- Redirected paragraph 3.15.2 (General) which deals with the delegation in respect of the day-to-day management of the Council portfolio of land and buildings, including lease renewals, assignments and rent reviews, subject to the concurrence of the appropriate Heads of Service and/or Corporate Director;
- Amended paragraph 3.15.3 (Waste Management) which now delegates authority to the Waste Manager to enforce and administer a range of primary legislation secondary legislation as set out in the document;
- Included additional legislation into paragraph 3.15.4 (Exercise of Powers under Legislation);
- Moved the bullet point relating to the granting of a licence and associated consents for the annual Michaelmas Fair. From General to Culture General 3.15.6.

The Head of Education Services

- Included additional legislation into paragraph 3.16.1 (General);
- In paragraph 3.16.2 (Admissions) reference to Standard Numbers has been replaced with the term Admission Numbers which is now used;
- Additional amendments to paragraph 3.16.2 (Admissions) to correct two omissions;
- Amendments to the first two bullet points of paragraph 3.16.3 (Attendance at School) to align the Constitution to the relevant policies;
- To update paragraph 3.16.4 (Special Education Needs) in line with legislative changes and current practice;
- To update paragraph 3.16.5 (School Term Date) to reflect the revised name of the Education Board and the Local Authority;
- To update paragraph 3.16.7 (Curriculum) by removing the first two bullet points;
- To update paragraph 3.16.8 (Staffing – In respect of Nursery Schools) by removing the second, fourth and fifth bullet points;
- To include a comment on redundancy situations in the third bullet point of 3.16.9 (Staffing – In Respect of Primary, Secondary and Special Schools);
- To update paragraph 3.16.10 (All Education Establishments) by removing the first bullet point.

The following additional changes were tabled at the meeting:

Paragraph	Amendment	Reason
3.16.10	Delete The Education (School Teachers' Appraisal) (England) Regulations 2000 and replace	To update reference to legislation

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	with The Education (School Teachers' Appraisal) (England) Regulations 2012	
3.14.22 (new)	<p>Insert:</p> <p>Planning Act 2008</p> <p>To exercise the Council's powers and duties under the Planning Act 2008 and any secondary legislation made thereunder, and including any amendments or updates to the legislation.</p> <p><i>This insertion will require the following two headings under 3.14 to be renumbered .</i></p>	To ensure that the Head of Planning and Countryside has delegated powers to implement CIL and enforce non payment
3.15.3	<p>Delete:</p> <ul style="list-style-type: none"> • Fireworks Act 1951 • Petroleum (Consolidation) Act 1928 • Petroleum (Transfer of Licences) Act 1936 	They have all been revoked

No additional amendments were raised at the meeting.

Councillor Brian Bedwell noted that he had found reading through the document very interesting as he was not aware of some of the impact it had on Members. He therefore asked Officers to ensure that this document was brought to the attention of all Members but particularly new Members. Officers accepted the comments and noted that that was one of the reasons it was brought to Council annually. All Members would again be provided with an electronic copy of the entire Constitution after the election and elements of the Scheme of Delegation would be brought to Members' attention as part of the Induction Programme previously agreed by Members.

(Councillor Tony Linden arrived at 5.26pm)

RESOLVED that the amendments to the Scheme of Delegation as set out in the report and those tabled at the meeting be recommended to Full Council on the 03 March 2015 for approval.

(The meeting commenced at 5.00 pm and closed at 5.29 pm)

CHAIRMAN

Date of Signature