

GOVERNANCE AND AUDIT COMMITTEE

MINUTES OF THE MEETING HELD ON 19 NOVEMBER 2008

Councillors: Jeff Beck (*Chairman* (P), Paul Bryant (P - arrived 7.57pm), Tony Linden (AP), Irene Neill (P), Julian Swift-Hook (P), Tony Vickers (*Vice-Chairman*) (P), Quentin Webb (P)

Substitutes: Brian Bedwell, Keith Woodhams, Adrian Edwards (SP), Owen Jeffery

Also present: Ian Priestley (Assurance Manager), Charles Morris (Risk and Insurance Manager), June Graves (Head of Housing and Performance), Moira Fraser (Democratic Services Manager), and Lydia Mather (Policy Officer)

PART I

27. APOLOGIES.

Apologies for inability to attend the meeting were received on behalf of Councillor Tony Linden. Councillor Adrian Edwards substituted for Councillor Linden.

28. MINUTES.

The Minutes of the meeting held on 29 September 2008 were approved as a true and correct record and signed by the Chairman subject to the following amendment:

Item 16 - should refer to the minutes of the meeting on the 09 September 2008 and not the 19 September as stated.

Matters Arising:

Item 23 - Ian Priestley to circulate the proposed amendment to the terms of reference relating to partnership activity prior to the next meeting.

29. DECLARATIONS OF INTEREST.

Councillor Julian Swift-Hook declared an interest in Agenda Item 5, but reported that, as his interest was personal and not prejudicial, he was permitted to take part in the debate and vote on the matter.

Councillor Tony Vickers declared an interest in Agenda Item 5 but reported that, as his interest was personal and not prejudicial, he was permitted to take part in the debate and vote on the matter.

30. RISK MANAGEMENT TERRORISM INSURANCE

(Paragraph 3 - information relating to the financial/ business affairs of a particular person)

In accordance with paragraph 7.6.2 of the Constitution the Committee voted to exclude the press and public in accordance with the statutory provision.

The Committee considered the implications associated with terrorism insurance.

Charles Morris in introducing the report noted that this was an update following the queries that had been raised at the meeting on the 29 September 2008. The report addressed almost all of the queries raised at the previous meeting, the only exception being an exploration as to what happened in London Boroughs post the

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July 2005 and whether they felt that any cover in place had been beneficial. Charles Morris verbally reported that he had contacted a number of the Boroughs and Transport for London and they had confirmed that most of them insured against acts of terrorism. The organisations had also stated that would continue to insure even where they had opted not to make a claim after this incident.

Charles Morris provided Members with an estimated premium which had been provided by the Council's insurance company. The premium was based on the post codes of the properties included on the Council's Property Schedule.

Members debated whether it would be in the Council's interest to purchase this insurance. Some Members felt that given the current level of concern the Executive should be encouraged to include this insurance in the budget. Other Members were of the opinion that the likelihood of an attack was low and that the budget would be better spent elsewhere.

RESOLVED: That a recommendation be made to the Executive that the Council considers purchasing insurance cover for terrorism.

REASON FOR THE DECISION: To ensure that the Council's strategic objectives are met and that any associated risks with achieving them are identified and appropriately managed.

31. SERVICE RISK REGISTER - HOUSING AND PERFORMANCE

(Councillor Julian Swift-Hook declared a personal interest in Agenda item 5 by virtue of the fact that he was the Chairman of West Berkshire Mencap. As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter).

(Councillor Tony Vickers declared a personal interest in Agenda item 5 by virtue of the fact that his wife was a health visitor. As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter).

The Committee discussed the Housing and Performance Risk Register. June Graves noted that the Committee had requested that the Service's Risk Register be brought to a meeting for discussion. June Graves explained that the main aim of the register was to allow the Head of Service to identify and assess the risks to the delivery of service objectives. The risk register was based on the Service Plan and risks identified by the Head of Service were then incorporated into the Risk Register. All risks that remained red after controls were applied were incorporated into the Action Plan.

Members noted that the risk registers were reviewed on a quarterly basis. A number of minor amendments had been made to the Housing and Performance register throughout the year. Members felt that it would have been useful to have had the most recent version of the risk register included in the agenda.

Members noted that one of the controls listed against the service objective of 'ensure safety of staff working remotely' was the 'Dangerous Persons Register'. June Graves noted that work on the register was ongoing but that its use and content was constrained by information sharing protocols and data protection. June Graves felt that it was essential to train staff to deal with difficult situations rather than relying solely on the list.

The Committee felt that it would be useful to ask the Overview and Scrutiny Committee to look into the Dangerous Persons Register. Specifically they requested that the OSC look into the current situation with regard to information

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sharing in respect of dangerous persons. The Committee felt that, depending on the outcome of the OSC review, it might be necessary to delegate a piece of work to the Safer, Stronger and Sustainable Communities Policy Development Commission.

Members requested that consideration be given to indexing all risk registers for ease of reference.

RESOLVED:

1. That the Housing and Performance Action Plan and Risk Register be noted.
2. The Overview and Scrutiny Commission be asked to look into measures to protect the safety of staff, e.g. lone working – clients of concern etc
3. That consideration be given to indexing all risk registers for ease of reference.

REASON FOR THE DECISION: At the request of Members.

32. DELEGATION OF AUTHORITY TO HEAD OF EDUCATION

The Committee were invited to consider an amendment to the Scheme of Delegation (Agenda item 6) which would permit the Head of Education Services to consult annually on admission arrangements. Moira Fraser noted that there was no existing provision in the Scheme of Delegation to allow the Head of Education to consult annually on admission arrangements prior to determination as required by Section 89(2) of the SSFS (Schools Standards and Framework Act) 1998. In order to make the process more efficient it was proposed to add this function to the delegation already permitted.

Members asked what the consequences were of not delegating the authority. Moira Fraser advised it would result in extra reports continuing to go through the Executive cycle and clarified the proposed delegation was only to consult. Consultation findings would be presented to the Executive and any amendments to Admission Arrangements would require their approval.

Members queried why the annual consultation on admission arrangements needed to be explicitly delegated and queried whether it formed part of the Head of Education's role already? Moira Fraser confirmed it was a legal and statutory obligation that the delegation be made.

The Committee requested clarification on whether admission arrangements included changes in the catchment area which was confirmed to be the case. It was noted that although the authority was delegated to the Head of Service if required the Executive could still consider the consultation if deemed appropriate.

Members commented they agreed with the delegation of authority on the basis comments/results from consultation, including major changes in catchment area, would be reported back to the Executive, and that the Admissions Forum would be made aware of any exceptions.

RESOLVED: That a recommendation be made to Full Council to amend the Scheme of Delegation to permit the Head of Education Services to consult annually on admission arrangements.

REASON FOR THE DECISION: To comply with the requirements of the School Standards and Framework Act of 1998.

33. AMENDMENT TO THE INDIVIDUAL DECISION MAKING PROTOCOL

The Committee were asked to consider extending the protocol for decision making by Individual Portfolio Members (Agenda item 7) to include approval of statutory consultation questionnaires that the Council had to produce. Moira Fraser noted that the Council's protocol for decision-making by Individual Portfolio Members had been adopted in May 2002. The protocol was drafted on the basis that Portfolio Holders would not be able to make 'key decisions'. This was felt to be too restrictive and over time a number of exceptions to the key decision restrictions have been agreed.

Moira Fraser noted that at present the Council was required to produce a range of statutory consultation documents each year which required Executive approval. This report sought to extend the list of exemptions to key decisions to allow the Portfolio Holder to approve the statutory consultation documents. Such documents often had little scope for amendments by Local Authorities as the contents were prescribed by Government.

Members sought clarification on the findings of consultations - whether they were subject to Individual Decision - and the process of carrying out consultations. Moira Fraser explained consultation findings were not included as part of the Individual Decision making protocol. There were clearly defined steps in the consultation process regarding who should be consulted including a list of interested parties. Policy and Communication send out batches of Individual Decisions to all Members who could then comment further.

Members discussed consultations that were not Individual Decisions and the limitations of Consultation Finder. A briefing note on consultation protocols generally to be circulated to members out side of the meeting.

RESOLVED: That a recommendation be made to Full Council to extend the protocol for decision making by Individual Portfolio Members to include statutory consultation documents that the council has to produce.

REASON FOR THE DECISION: To expedite the decision making process.

34. Date of the Next Meeting

Members agreed that the next meeting would take place on the 19 January 2009 at 6.30pm. Members requested that partnership activity be included on the agenda.

(The meeting commenced at 6.30pm and closed at 8.15pm)

CHAIRMAN

Date of Signature: