

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, 1 SEPTEMBER 2014

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

Also Present: Andy Day (Head of Strategic Support), Alex O'Connor (Assistant Community Safety Officer), Ian Priestley (Chief Internal Auditor) and Andy Walker (Head of Finance), Ian Pennington (KPMG)

PART I

4. Minutes

The Minutes of the meeting held on 28th April 2014 and 15th May 2014 were approved as a true and correct record and signed by the Chairman.

5. Declarations of Interest

There were no declarations of interest received.

6. KPMG Opinion (ISA 260)

The Council's Auditors, KPMG, were required by the Auditing Standards to obtain appropriate representations from Management before their audit report was issued. In a local government context it was appropriate for these representations to be discussed and agreed by the Governance and Audit Committee.

A copy of the proposed representation letter from the Council had been included in the agenda pack and expressed an opinion as to whether the financial statements gave a fair view of the financial position of the Council as at the end of March 2014 and of the Authority's expenditure and income for that year.

Ian Pennington (KPMG) was present. In introducing the item, Ian Pennington reported that this item was intrinsically linked with the Council's Financial Statements 2013/14. In accordance with the Accounts and Audit Regulations, the Governance and Audit Committee were being asked to consider approving the Council's financial statements after hearing the external auditor's opinion. KPMG's audit had been undertaken between July and September of this year.

Ian Pennington reported that KPMG had concluded that their audit opinion was unqualified, which was good news for the Council. The Committee was informed that some areas of governance and risk might need to be reviewed particularly in relation to the following:

- (i) Agresso upgrade
- (ii) Finance Team resilience

Ian Pennington reported that he considered that the Council should review the "ownership" of the corporate risk register. At the present time this was owned by the Chief Internal Auditor. This could be perceived to be a conflict of interest. The issue of

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the recruitment and retention of staff in Children's Services should also be included on the corporate risk register.

Members thanked KPMG for the clear report and thanked Officers and KPMG for the work they had carried out in undertaking the audit.

RESOLVED that the Governance and Audit Committee noted and welcomed the representation letter as tabled at the meeting on 1st September 2014.

7. West Berkshire Council Financial Statements 2013/14

Andy Walker provided Members with the final copy of the Council's Financial Statements for 2013-14 which Members were required to approve in order for the audit to be finalised and the accounts to be closed for the 2013-14 financial year.

The s151 Officer had approved the draft Financial Statements in June 2014 and these had been published online. KPMG had completed their audit over the Summer and had issued an unqualified opinion of the Financial Statements. The Council, delegated to the Governance and Audit Committee, was required to approve the financial statements by the statutory deadline of 30th September 2014.

RESOLVED that the Financial Statements and KPMG's Governance report be approved.

8. Annual Internal Audit Report 2013/14 (GA2863)

Ian Priestley provided the Governance and Audit Committee with an opinion from the Chief Internal Auditor on the Council's internal control framework which provided evidence to support the Council's Annual Governance Statement by setting out the results of the work Internal Audit had undertaken over the last year. The report built on the interim report which had been made to the Committee earlier in the year.

The report highlighted the fact that no fundamental weaknesses had been identified during the year and that where weaknesses had been identified then management action had been taken to remedy them. It was therefore considered that the Council's internal control framework remained robust.

RESOLVED that the report be noted.

9. Annual Governance Statement 2013-14 (GA2868)

Ian Priestley presented the Annual Governance Statement for the Council for 2013-14 which was designed to provide stakeholders of the Council with assurance that the Council had operated within the law and that the Council had met the requirements of the Accounts and Audit Regulations.

No areas of concern, in terms of the Council's governance arrangements, were noted in 2013-14 and it was felt that the Council had effective governance arrangements in place which were kept under constant review. In relation to the summary returns made by the respective Heads of Service, Ian Pennington reported that he would expect all returns to be made prior to the accounts being signed off.

RESOLVED that:

- The Annual Governance Statement for 2013/14 be approved;
- That to enable the 2013/14 accounts to be signed off by KPMG all outstanding Heads of Service returns needed to be made.

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10. **Annual Governance Statement-Statement in Support by the Section 151 Officer (GA2869)**

Andy Walker presented a report which provided evidence and independent verification of governance matters which might impact on the Annual Governance Statement from the viewpoint of the Section 151 Officer.

As part of the Annual Governance Statement, CIPFA guidance recommended that the Section 151 Officer should provide “a key source of assurance that the Council’s systems and procedure of internal control which were in operation were effective, efficient and being complied with”. The Section 151 Officer should ensure that all parts of the Council acted in accordance with the budgetary and policy requirements in connection with the setting of the budget and financial administration standards within the Council.

The Section 151 Officer’s assessment was that all parts of the Council had acted in accordance with the budgetary and policy requirements in connection with the setting of the budget and met financial administration standards as set out in legislation. There had been no formal reports required by the Section 151 Officer to Council under the relevant legislation.

RESOLVED that the report be noted.

11. **Annual Governance Statement-Statement in Support by the Monitoring Officer (GA2870)**

Andy Day presented a report which provided evidence and independent verification of governance matters which might impact on the Annual Governance Statement from the viewpoint of the Monitoring Officer.

As part of the Annual Governance Statement, CIPFA guidance recommended that the Section 151 Officer and Monitoring Officer should provide “a key source of assurance that the Council’s systems and procedure of internal control which were in operation were effective, efficient and being complied with”. The Monitoring Officer looked at the legality of actions by bodies within the Council as part of duties under Section 5 of the Local Government and Housing Act 1989.

The Monitoring Officer’s view of the Council’s governance arrangements were that they were robust and effective. There had been no necessity to report formally to Council under Section 5 of the 1989 Act. Ethical matters were managed by the Standards Committee.

RESOLVED that the report was noted.

12. **Amendment to the Constitution-Part 7 Speaking Rights at Planning Meetings (C2859)**

Andy Day presented a report which proposed an amendment to speaking rights for Ward Members that were Members of a Planning Committee at Planning Committee meetings.

At a recent Planning Policy Task Group meeting Members had requested that consideration be given to amending Part 7 of the Constitution, Regulatory and Other Committees Rules of Procedure (paragraph 7.13.4) which dealt with the time allowed in respect of speaking rights at Planning Committee meetings. The Portfolio Holder for Planning had also request that the current situation be reviewed.

Currently Ward Members who were not Members of the Planning Committee were permitted five minutes to speak, which was the same as all other speakers. However, Ward Members who were also members of a Planning Committee did not have any such

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time constraint. It was therefore proposed that Ward Members, who were Planning Committee Members, should have the same five minute allocation to speak on any application within their Ward. This amendment would not impact on their ability to take part in the debate on the application or to make further comment during the ensuing debate. Where there were two or more Ward Members they too would be required to share the five minute speaking time unless one of the Ward Members wished to speak in support of the application and one Ward Member wished to object to it. In that case each of the Ward Members would have five minutes each to speak.

RESOLVED that the Council be recommended to approve the proposed amendments (as set out in the report) to Paragraph 7.13.4 of the Regulatory and Other Committees Rules of Procedure.

13. **Anti Social Behaviour, Crime and Policing Act 2014 (C2886)**

Alex O'Connor appraised Members of the Anti-Social Behaviour, Crime and Policing Act 2014 in relation to changes required to be made to the Council's Scheme of Delegation.

The Anti-Social Behaviour, Crime and Policing Act 2014 had received Royal Assent on 13th March 2014 and proposed a number of reforms to existing legislation which put the victim at the heart of the response to anti-social behaviour and provided professionals with greater flexibility to deal with any given situation.

The reforms set out in Parts 1-6 of the Act were intended to ensure that professionals from a number of agencies dealing with a variety of anti-social behaviours had effective powers which were quick, practical and easy to use in order to provide better protection to victims and communities whilst acting as a deterrent to perpetrators.

19 existing powers were to be replaced with 6 simpler and more flexible ones but their implementation would require effective and co-ordinated consideration by all the agencies involved. In adopting the powers it would be necessary to amend the Council's Scheme of Delegation (Part 3 of the Council's Constitution) and to be aware of the additional pressures which could be placed on some services. However, it should be noted that this Council would always seek restorative solutions to issues and would only use these powers as a last resort.

RESOLVED that in accordance with the Anti Social Behaviour, Crime and Policing Act 2014, the Council be recommended to amend the Council's Scheme of Delegation as set out below:

- (i) That the Head of Culture and Environmental Protection, in consultation with the Head of Legal Services, be given delegated authority to serve Community Protection Notices in accordance with Part 4 of the Anti Social Behaviour, Crime and Policing Act 2014.
- (ii) That the Council also delegate the serving of Community Protection Notices to Registered Social Landlords in accordance with Part 4 of the Anti Social Behaviour, Crime and Policing Act 2014.
- (iii) That the Council also delegate the serving of Community Protection Notices and Fixed Penalty Notices in the event of a breach to Police Community Support Officers in accordance with Part 4 of the Anti Social Behaviour, Crime and Policing Act 2014.
- (iv) That the Head of Legal Services, in consultation with the Head of Care Commissioning, Safeguarding and Housing, be given delegation authority to seek

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a Civil Injunction in accordance with Part 1 of the Anti Social Behaviour, Crime and Policing Act 2014.

- (v) That the Head of Strategic Support, in consultation with the Head of Legal Services, be given delegated authority to make a PSPO in accordance with Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- (vi) That the Council's partners (Neighbourhood Wardens, Street Rangers etc) be approached to ascertain whether they intend to use the PSPO powers.
- (vii) That the Head of Legal Services or his nominee, in consultation with the Head of Strategic Support, be granted delegated authority to issue an Closure Notice and apply for a Closure Order in accordance with Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014.

(The meeting commenced at 5.00 pm and closed at 6.15 pm)

CHAIRMAN

Date of Signature