



CORPORATE GOVERNANCE AND AUDIT COMMITTEE

**Meeting to be held in Civic Hall, Leeds on
Wednesday, 12th May, 2010
at 10.00 am**

MEMBERSHIP

Councillors

G Driver
P Grahame
N Taggart
A Lowe

C Campbell
G Kirkland

Vacancy
G Latty

T Leadley

D Blackburn

Co-opted Member

M Wilkinson
(Chair of Standards Committee)

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded).</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF INTERESTS</p> <p>To declare any personal / prejudicial interests for the purpose of Section 81(3) if the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence.</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To confirm as a correct record the minutes of the meeting held on 14th April 2010.</p>	1 - 4
7			<p>ASSURANCE OF THE PROCESS BY WHICH PLANNING DECISIONS ARE TAKEN BY THE COUNCIL</p> <p>To receive a report of the Chief Planning Officer informing the Committee of the arrangements that are in place to underpin the decision making process within the remit of the Chief Planning Officer these being planning decisions taken by officers under delegated authority and planning decisions taken by the Plans Panel.</p>	5 - 18
8			<p>ANNUAL UPDATE ON THE COUNCIL'S RISK MANAGEMENT ARRANGEMENTS</p> <p>To receive a report of the Director of Resources updating the Committee on the Council's Risk Management developments over 2009-10 focusing on the period following the six-monthly report in November 2009.</p>	19 - 30

Item No	Ward	Item Not Open		Page No
9			<p>LEEDS CITY REGION - EMERGING GOVERNANCE STRUCTURES</p> <p>To receive a report of the Assistant Chief Executive (Planning Policy and Improvement) providing an update on progress in establishing two new Boards and the functions that they will be undertaking. These Boards form part of the Leeds City Region (LCR) and its emerging sub-structures.</p> <p>The report also sets out the extent to which they have taken account of the governance themes contained within the Leeds Partnership Governance Framework.</p>	31 - 54
10			<p>WORK PROGRAMME</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) notifying and inviting comment from the Committee upon the work programme for the 2010/11 municipal year.</p>	55 - 64

Agenda Item 6

Corporate Governance and Audit Committee

Wednesday, 14th April, 2010

PRESENT: Councillor J Bale in the Chair
Councillors G Driver, G Latty, N Taggart,
C Campbell, G Kirkland, A Lowe and
A Blackburn as substitute for D Blackburn

Co-optee Mr M Wilkinson

Apologies Councillors D Blackburn, P Grahame and
T Leadley

114 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

115 Exempt Information - Possible Exclusion of the Press and Public

There were no appeals against refusal of inspection of documents.

116 Late Items

There were no late items added to the agenda.

117 Declaration of Interests

Councillor Driver declared a personal interest in Agenda item 6 (Minute 121 refers) as a Member of the Aire Valley Homes ALMO.

Councillor Latty declared a personal interest in Agenda item 6 (Minute 121 refers) as a Member of the ALMO Outer North West Area Panel.

118 Apologies for Absence

Apologies were received from Councillors D Blackburn, P Grahame and T Leadley.

119 Minutes of the Previous Meeting

RESOLVED - The minutes of the Corporate Governance and Audit Committee meeting held on 17th March 2010 be approved as a correct record.

120 Matters Arising

Further to minute 56 (Six Monthly Update Report on Risk Management), Mr M Wilkinson asked what action had been made regarding the request to have the Committee's recommendation regarding the publication of the Council's Corporate Risk Map considered by Executive Board before the end of the current municipal year.

The Assistant Chief Executive (Corporate Governance) advised that it had not been considered at the April Executive Board but she would make enquiries.

121 Fraudulent Tenancies

The Strategic Landlord and the Housing Policy and Monitoring Manager presented a report which informed the Committee of the work undertaken by the Communities and Local Government Social Housing Fraud Initiative. The report also informed the Committee of policy development and performance information regarding social housing fraud.

Members particularly discussed the options available to the Council to counter tenants who sublet Council properties. Also discussed, was the availability of resources to address subletting and the accessibility of the service that responds to reports of subletting.

RESOLVED – The Committee resolved to:

- (a) note the report; and
- (b) request that a report be submitted to the Committee to outline the types of irregularities to identify where tenancy fraud may be occurring and the information trigger points within the Council.

Councillor A Lowe entered the meeting during the discussion of this item at 10.10 am.

Councillor A Blackburn entered the meeting during the discussion of this item at 10.15 am.

122 Regulation of Investigatory Powers Act 2000 Policy

The Head of Property Finance and Technology presented a report which outlined the Council's proposed policy on covert surveillance conducted within the Regulation of Investigatory Powers Act 2000 (RIPA).

Members discussed the report in detail and use of RIPA as an investigatory need to use as a last resort. Members, though, agreed that in certain circumstances covert surveillance is an essential tool for gathering evidence where it is believed laws are being broken. Members further considered:

- the level of authorisation required to sign off a RIPA request; and

- which elected body should receive the annual report and their view was that it be this Committee

Members also discussed the draft RIPA policy and agreed that further work be done to make the policy more clearly worded and directly linked to the legislation, including greater emphasis on definitions.

RESOLVED - The Committee resolved to request that a further report be submitted with a revised RIPA policy prior to the policy being considered by the Executive Board.

123 Corporate Governance and Audit Committee Annual Report 2009/10

The Corporate Governance Officer introduced a report of the Assistant Chief Executive (Corporate Governance) which presented the Committee with the first draft of the Corporate Governance and Audit Committee Annual Report for 2009/10.

Members reviewed the Annual Report and suggested amendments that could be made to ensure the report more clearly demonstrated the impact which the Committee's work has had over the municipal year.

During discussion of this item, Councillor Bale thanked Members and officers for their hard work and contributions to the Committee over the past three years of his Chairmanship.

RESOLVED – The Committee resolved to:

- (a) approve the draft report subject to the amendments suggested; and
- (b) authorise the Assistant Chief Executive (Corporate Governance) to approve the final report prior to it being received at full Council in the new municipal year.

124 Corporate Governance Statement Action Plan

The Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) which updated the Committee on the progress that has been made in implementing the Corporate Governance Statement Action Plan 2009/10.

Members discussed the progress made with the Corporate Governance Statement Action Plan and commented on the importance of focussing on outcomes and impact with regards to the actions contained in the Action Plan.

RESOLVED – The Committee resolved to note the Corporate Governance Statement Action Plan.

125 Work Programme

The Assistant Chief Executive (Corporate Governance) submitted a report notifying Members of the draft work programme for the remainder of the 2009/10 and the 2010/11 municipal year.

Members of the Committee expressed their thanks to Councillor Bale for his hard work over the last three years as the Chair, as this was his last Committee meeting.

RESOLVED – The Committee resolved to note the draft work programme.

Report of the Chief Planning Officer

Corporate Governance and Audit Committee

Date: 12 May 2010

Subject: Assurance of the process by which planning decisions are taken by the Council

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

- 1.1 At its meeting in June 2009, the Corporate Governance and Audit Committee requested an annual report setting out arrangements and giving assurances for planning decisions taken by the Council.
- 1.2 This report outlines the arrangements that are in place to underpin the decision making process within the remit of the Chief Planning Officer:
 - Planning decisions taken by officers under delegated authority
 - Planning decisions taken by the Plans Panel
- 1.3 It will provide assurances to the Committee as to the operation of the arrangements and processes that are in place, ensuring they are accountable, transparent, have integrity, and are effective and inclusive.
- 1.4 Consideration is also giving to the risk of challenge and the measures in place to mitigate any potential risk and to the programme of continuous improvement to ensure that processes take into account best practices and from learning from past errors.

2.0 Background Information

- 2.1 The planning system in England and Wales is plan-led. This involves preparing plans that set out what can be built and where. The plan-led system was updated by the Planning and Compulsory Purchase Act in 2004. All decisions on applications for planning permission should be made in accordance with the Development Plan unless material planning considerations indicate otherwise.
- 2.2 All applications are publicised so the public are aware of them and some are subject to more detailed consultation (depending on their scale and sensitivity).

The decisions made on applications are not made on the grounds of popularity or unpopularity, or if there are objections or support for a proposal. The decision on whether to grant permission is within the context of published national planning policy and guidance and those contained in the Development Plan and other material planning considerations. Material considerations covers a wide variety of matters including impact on neighbours and the local area.

2.3 In 2009-10 4,628 applications were received by Leeds City Council. The decisions were made by one of two methods; by the Plans Panels or by officers under delegated powers. The following section describes the arrangements and processes for these two ways of determining an application.

2.4 **Terms of reference of the Plans Panels**

2.5 There are three Plans Panels in Leeds- East, West and City Centre. Each panel is authorised to discharge functions within its own geographical area and comprises a number of council members:

East Plans Panel 10 members of the authority
West Plans Panel 10 members of the authority
City Centre Plans Panel 8 members of the authority

2.6 The Plans Panel terms of reference are included as appendix 1.

2.7 There are a number of types of applications and circumstances where an application would be considered by a Plans Panel and these are described as exceptions in the officer delegation scheme as functions the Chief Planning Officer is not allowed to discharge. But normally, it is the largest, most sensitive and strategically important applications, together with those applications that would constitute a significant departure from the development plan that would go to panel.

2.8 Requests to the Chief Planning Officer from a ward member or member of an Area Committee for an application to come to Panel is allowed. The request needs to be made within 21 days of the date of notification and must include reasons for the requested referral which should be based on material planning considerations and must give rise to concerns affecting more than neighbouring properties.

2.9 In the 2009-10 financial year, 150 decisions on applications were made by the Plans Panels.

2.10 **Delegation scheme**

2.11 The Chief Planning Officer is authorised to carry out functions on behalf of the authority. The delegation scheme forms part of the Constitution.

2.12 All planning applications are considered to fall within the delegation scheme and will be determined by officers under the sub-delegation scheme, unless they fall into defined exceptional categories. The exceptions, which will be determined by Plans Panels are set out in appendix 2 of this report.

2.13 However, the Plans Panel may arrange for the discharge of any of its functions by the Chief Planning Officer.

2.14 **Sub delegation scheme**

2.15 The scheme sets out which functions have been sub-delegated by the Chief Planning Officer to other officers and any terms and conditions attached to the

authority sub-delegated by the Chief Planning Officer. The latest sub delegation scheme was approved in March 2010.

- 2.16 The latest Chief Planning Officer's sub-delegation scheme reflects internal staffing changes and seeks to ensure that decision making is undertaken at the appropriate level of seniority and experience. For example, only officers at Area Planning Manager level and above have the authority to determine applications considered as major but which fall within the officer delegation scheme. Other applications can only be signed off by officers at PO4 level and above. This is to ensure that decisions are taken at the correct level of seniority given the importance, complexity and potential far reaching impact of major applications. No officer can 'sign off' their own applications and therefore an appropriate level of external scrutiny is brought to bear on each proposal before it is finally determined.
- 2.17 For the 2009-10 financial year, 96.68% of the decisions made were under the officer delegation scheme.
- 2.18 Officers, under the sub-delegation scheme may decide not to exercise their authority in relation to a particular matter. This may occur on an application where there are issues which are difficult to resolve, despite negotiation between officers and the applicant, such as a reduced Section 106 contribution or where there are wider implications to the local area. In such cases officers would refer the matter to the Chief Planning Officer, who may in turn decide to refer the matter to the relevant Plans Panel.
- 2.19 **Officer review process**
- 2.20 There is a procedure in place where a ward member who is concerned about a possible recommendation to approve a household application, where there has been objections from neighbours, can request that the application is reviewed by a senior officer. The senior officer, usually the lead officer for the Plans Panel, will also consider whether it is appropriate that the application is determined under delegated powers or referred to the Plans Panel. The final decision where the application is determined is made jointly by the chair and lead officer, with reasons for the decision clearly set out.
- 2.21 **Officer conflicts of interest**
- 2.22 Officers must follow the officer code of conduct and any other rules or requirements in relation to personal conflicts of interest, which apply to them. All officers at Principal Planner level and above are required to complete a Register of Interests.
- 2.23 A precautionary approach is followed within the service to ensure that case officers and decision makers are not involved in matters where potentially a conflict of interest could arise. Where any such conflicts could arise they are normally identified at an early stage in the life of a project and action is taken to reallocate cases to minimize risk and reduce any possible later challenge to the decision making process.
- 2.24 Any application for planning approval for officers working in development control / management are dealt with at Plans Panels, in accordance with the scheme of delegation.

3.0 Arrangements in place

3.1 Delegated decisions

- 3.1.1 Planning Services recognises the importance of ensuring that the arrangements in place for decision making on planning applications is accountable, transparent and

effective. There are a number of internal arrangements in place to provide assurance in the process.

- 3.1.2 There is a clear process for determining an application, which is adhered to and understood by all officers. Case officers prepare written reports considering material planning matters, the development plan, government advice, responses from consultees and representations from the public and come to a recommendation whether to approve or refuse. Conditions may also be attached to an approval. There is a clear hierarchy of officers, so officers always have the opportunity to consult with more senior officers about any issues they may have in reaching their recommendation.
- 3.1.3 Reports are checked thoroughly by a more senior officer, to ensure that all material considerations have been addressed and that there is a clear basis for the decision which is being made. During this process the senior officer takes time to acquaint themselves with the details of the application and can ask for additional information or question the case officer on points, in order that thorough and robust consideration is given to each application.
- 3.1.4 Internal procedural guidelines make it clear that in the exercise of the delegation scheme, the decision needs to be made by an officer other than the case officer and the final authorisation requires a signature of a more senior officer, at Principal Planner level or above..
- 3.1.5 In the case of major applications, these can only be signed off by Area Planning Managers or Senior Managers to ensure that the decision is made at a sufficiently high level and that the appropriate level of scrutiny and experience is brought to bear.

3.2 **Professional updates- ensuring best practice**

- 3.2.1 The pace of change in the planning field is rapid, so planning officers need to be kept up to date with changes in legislation and practice and what the implications may be. This is achieved by a variety of methods including formal training courses from external providers such as the annual update from Trevor Roberts Associates; in-house training from other officers explaining changes such as the Core Strategy and from the Architectural Liaison Officer on planning out terrorism through *Project Argus Planners*. Speakers on particular issues are invited to the case workers meetings which is a forum for all planners. In circumstances where not all officers receive the training, the process is to cascade the information to the team to ensure everyone is aware of changes or new practices. Team Leaders in the Planning Service meet on a fortnightly basis to review performance, keep up to date with legislation and good practice, ensure consistency of approach and progress service improvements. Information is cascaded to caseworkers via regular team meetings and caseworker sessions, as well as on the intranet. Officers are also responsible for their own continuous professional development (CPD), and keep abreast of planning changes. Membership of the Royal Town Planning Institute also requires that regular CPD is undertaken. Performance is also dealt with as part of the officer appraisal system, which occurs on an annual basis, ensuring that all staff have the correct information, skills and competencies to undertake their role efficiently and effectively.

3.3 **Decisions involving Section 106 agreements**

- 3.3.1 A Section 106 agreement allows a local planning authority to enter into a legally-binding agreement or planning obligation with a landowner in association with the granting of planning permission. These agreements are a way of delivering or

addressing matters that are necessary to make a development acceptable in planning terms. They are used to support the provision of services and infrastructure, such as highways, recreational facilities, education, health and affordable housing.

3.3.2 The agreements are prepared by the applicant in conjunction with the case officer and council solicitor, or external solicitor. Once the final draft is agreed, they are checked by the Area Planning Manager (or equivalent), prior to the issue of the planning consent. Draft Section 106 heads of terms are included in all Plans Panel reports for consideration and the Section 106 is publicly available as part of the planning register.

3.4 **Plans Panel decisions**

3.4.1 A number of significant changes have been made in recent years to ensure that the Plans Panels work effectively and that there are no grounds for suggesting that a decision made by the Plans Panels has been biased, partial or not well founded in any way.

3.4.2 The Plans Panels have reduced in size in order for them to work more effectively to between 7 and 11 members. It had been felt that the larger panels inhibited the ability for effective involvement in pre-application presentations and involvement in policy making, two things that are encouraged in the recent Local Government White Paper and Communities and Local Government report *Councilor Involvement in Planning Decisions*.

3.4.3 A comprehensive training programme for all Plans Panel members seeks to ensure that members have all the relevant information and updates in changes in planning legislation. This helps to ensure more informed and transparent decision making with the reasons for each decision clearly articulated and communicated. Members on the Plans Panels must attend 2 training sessions each year- a planning update session to receive guidance in relation to regulations and procedures and a governance and conduct session for training on declaration of personal and prejudicial interests. Failure to undertake either or both of these sessions will result in the member being unable to sit on the panel.

3.4.4 Reports are taken to the joint meetings of the Plans Panels about the number of member decisions which are not in accordance with the officers' recommendation and the potential consequences. There could be the perception that officers and Members are not working well together and the risk of a lack of confidence in the planning system by developers and the community. It also gives rise to inefficiencies, poor appeal performance and a higher risk of costs being awarded against the council.

3.4.5 There has been a reduction in the number of decisions taken contrary to the officers recommendation. The table below shows that performance has improved considerably between 2006-07 where 72 decisions, or 24%, were decisions contrary to the officers recommendation and 2009-10 where 18 decisions, or 12% were contrary to the officers recommendation. This reflects an improvement in the quality of reports by Planning Officers and the role of the Head of Planning Services in achieving greater consistency in decision making by the Plans Panels and greater knowledge and awareness of the issues by members.

Year	Decisions	Number of decisions not in accordance with officers recommendation	% of overall decisions
2006-07	305	72	24%
2007-08	230	28	12%
2008-09	238	44	18%
2009-10	150	18	12%

3.4.6 A full record of appeals performance is dealt with in section 6.12.

3.4.7 Compliance with the Council's own Code of Practice for the Determination of Planning Matters is monitored and reviewed for any breaches. In 2009-10 there was one formal complaint made about breaches of the code. However, after a preliminary investigation of the complaint, the monitoring officer decided that it did not warrant a full investigation.

4.0 Continuous improvement

4.1 Over the last few years a number of improvements have been made to ensure that decision making is of a high quality, transparent and impartial. In 2007 a thorough review of the workings of the Plans Panels was carried out with the aim of improving the working relationship between all parties – the community, applicants, officers and members in relation to processes and outcomes to ensure confidence in the judgments made. This was achieved through better decision-making processes and by ensuring high quality decisions were achieved in a consistent way across the city and by ensuring the decision-making process was both cost effective and fit for purpose. A number of changes and improvements have been made:

- Guidelines were issued to officers to produce better quality presentations and use position statements and pre-application presentations for the largest and most sensitive applications. Officer reports also now provide more comprehensive and contextual information complete with site and application history and clearly detail the reasons for the decisions.
- A protocol for pre-application presentations to ensure there is a consistent and transparent approach at all Panels.
- Shorter duration and greater focus meetings to facilitate effective decision making
- Good governance achieved through the adoption of a public speaking protocol and site visit protocol. The public speaking protocol establishes who can speak, including provisions for applicants, objectors, ward members, parish councillors and objectors. The protocol ensures there is a consistent approach to length of time people can speak in the interests of equity and sets out the procedure for dealing with members personal and prejudicial interest. The site visit protocol sets out the arrangements for visits, encouraging consistency and transparency and reduces the risk of an accusation that the visit is arbitrary and unfair or a covert lobbying device.
- Adoption of a pre-application protocol which means that wherever possible ward members are aware of issues *before* the formal application stage and there are no surprises, which may hinder the effectiveness of the decision making process. This is aimed at helping local communities and Members to influence the content of schemes before they are formally submitted. It flags up issues at an early stage that developers need to address and increases the predictability of the outcome. The pre-application discussions now take place within clear guidelines for officers and members, in order to limit the risk of

accusations of pre-determination nor bias. (The Killian Pretty Review highlighted the need for Local Planning Authorities to have a pre-application protocol and Leeds had adopted its protocol well in advance of the Killian Pretty recommendation.)

- The Head of Planning Services now attends all meetings of the Plans Panels to achieve consistency of advice and decision making

- 4.2 A charter between the Council and Parish and Town Councils has been adopted in 2010 to clarify arrangements describing the operational relationships between services and local councils, including the provision of service standards. The Charter promotes greater community involvement and through it, the service seeks to improve the level of information provided so that local people feel more involved in the decision making process.
- 4.3 A cross party member-officer working group was set up as a result of the Plans Panel review. This group initially dealt with the improvements arising from the review, but now meets on a monthly basis to discuss wide planning issues and is an essential forum for continuous improvement.

5.0 Monitoring and review arrangements

- 5.1 The service has arrangements in place for internally reviewing decisions and proactive checks for consistency of decision making. There is now more rigour in the preparation of reports for the Plans Panels and an increased role for the Head of Planning Services. The Chair of each of the Plans Panels meets with the Area Planning Manager, Head of Planning Services and other appropriate officers prior to the Plans Panel meetings. The presence of the Head of Planning Services ensures that similar applications are dealt with in a consistent way across all three Panels.
- 5.2 A 5 week review takes place by on all major applications by the Area Planning Managers with the Case Officer. This is to ensure that key issues are dealt with at an early stage and appropriate action is taken, guide the negotiation process and to avoid any last minute changes. This helps to ensure there is greater consistency of decision making.
- 5.3 A review will take place this year of the effectiveness of Planning Performance Agreements in terms of satisfaction of the developer in the way the agreement worked. It is anticipated that any identified improvements will be implemented wherever appropriate.
- 5.4 Reviews of previous applications and past decisions take place periodically. The Scrutiny Board has asked for a report which looks at four major applications, two of which were in time and two which went out of time and to address the reasons why some major planning applications had not been determined in time whilst others were determined on time. This will be a valuable exercise to identify where common problems arise and what actions can be taken to prevent them happening again.

6.0 Risk of Challenge

- 6.1 Planning decisions are not based on an exact science, they rely on informed judgement, within a firm policy context provided by national and local planning policy. This is heightened by the openness of the system; a system that actively asks for public opinion before making a decision. Decisions can be controversial as they have the potential to effect the lives of many people.

- 6.2 In order to mitigate the risk of challenge, the service adopts the current best practice and reviews its procedures and processes to ensure they are transparent, effective and accountable.
- 6.3 Officer reports are robust, clear and address all the issues arising, relevant policies that have been taken into account and particularly addressing the comments of any members of the public who have made representations on an application, even if the comments are non-material planning considerations. All decisions made by officers are made publicly available.
- 6.4 The process for signing off case officer reports is strictly adhered to with clear lines of accountability and checking by a more senior officer.
- 6.5 Possible officer conflicts of interest are dealt with at an early stage in the process (see section 2.21 – 2.24 above). Members declare any possible personal and prejudicial interests at the start of Plans Panel meetings and they are recorded in the minutes.
- 6.6 Members of the Plans Panels are required to be present throughout the whole debate on an application if they are to vote and there is more robust minute taking to record who is and who is not present for an application so that clear records are available. There is greater input from the monitoring officer, to ensure the code is being adhered to so as to reduce the risk of challenge of a decision if a member leaves the room part way through the discussion.
- 6.7 A legal officer attends all Plans Panel meetings and provides legal advice where appropriate and to ensure the probity and propriety of the planning and decision making process.
- 6.8 Ward members who wish to refer an application to the Panel, rather than it being dealt with under officer delegation, must express the reasons in writing, so there is a record of the decision and should refer solely to matters of material consideration. The reasons are also recorded and repeated in the Panel report to ensure transparency of the process.
- 6.9 Clear and accurate recording of reasons why other decisions have been made are also recorded, such as reasons for a site visit. Such information is in the public domain to minimise any risk of claims of unfairness or impartiality.
- 6.10 **Quality of service**
- 6.11 There are several ways to measure the quality of decision making: number of lost appeals, numbers of complaints and number of upheld complaints.
- 6.12 **Appeals**
- 6.12.1 All applicants have a right of appeal to the Planning Inspectorate against a refusal of planning permission or a failure of the council to determine the application within time limits set by Central Government. In many cases, particularly those with a high subjective element such as design issues or impact of a development on the character of an area or the streetscene, different decision makers may well reach a different conclusion as to what should and should not be permitted. Therefore, the number of appeals made per se should not be used as an indicator of level of performance. However, where appeals are brought, the appellant can apply to the Planning Inspectorate for a costs award against the council in circumstances where the council has acted unreasonably and the appellant has incurred costs as a result.

- 6.12.2 In 2009-10 the service received 298 appeals but this should be seen within the context of 4,449 decisions made by the service. There has been a steady improvement in the performance levels of dismissed appeals on the authority's decision to refuse on planning applications. 57% of appeals were dismissed in 2007-08, 69% in 2008-09 increasing to 74% in 2009-10.
- 6.12.3 In 2009-10, 20 cost claims were made against the council of which 14 were dismissed, 4 were allowed in full, and a further 2 partial awards were made. There has been 4 costs claims made for the council, of which 3 have been dismissed and one allowed.
- 6.12.4 Of those applications determined by Panel in 2008-09 contrary to the officers recommendations 20 resulted in appeals and 10 (50%) of these were allowed.
- 6.12.5 Appeal outcomes are regularly reviewed by the Head of Planning Services to see if there are any common themes arising and to identify where changes and improvements need to be made .

6.13 **Complaints**

- 6.13.1 At first glance it appears if the services receives a high number of complaints, however, again, this needs to be seen in the context of the high number of applications received each year. Over the last 3 years, the number of complaints has reduced from 167 in 2007\08 to 105 in 2009\10. In this period, the Council dealt with 18,794 planning applications. The number of complaints, therefore, represented about 2% of the total applications received in this 3 year period.
- 6.13.2 There has been a reduction in the number of stage 1 complaints received by the service over the last 3 years by almost 37% and there has also been a reduction in the number of complaints upheld compared with previous years:
- 2009-10: 105 complaints were received, 18, or 17% were upheld
 - 2008-09: 118 complaints were received, 32, or 27% were upheld
 - 2007-08: 167 complaints were received, 32, or 19% were upheld
- 6.13.3 There have been significant changes to planning processes (as a result of the outcome of complaint investigations) to reduce the number of complaints through improvements in customer care and enhancement to processes and procedures.
- 6.13.4 A dedicated complaints team regularly provide the planning services leadership team meeting with an analysis of complaints information. At the meeting, the nature of the upheld complaint is discussed and any learning points are identified. Measures have been put into place to minimise the risk of the complaint arising again.

6.14 **Ombudsman and local settlements**

- 6.14.1 The Planning Service receives most cases from the Ombudsman where there has been a refusal of planning permission or where a decision has been taken that it is not expedient to take enforcement action. The number of Ombudsman complaints has reduced significantly over the last 3 years:

	Numbers received	Local settlements	Closed on arrival at the Ombudsman's discretion
2009-10	21	6	11
2008-09	24	3	2
2007-08	56	16	15

6.14.2 In 2009-10, the number of cases closed, requiring no investigation by the Ombudsman, accounted for over half of the complaints received. There were 6 local settlements, 5 were cash settlements and the other local settlement involved a site meeting to provide advice on safely maneuvering a vehicle from the complainants garage on to the highway. The cash settlements involved totaled about £5,000.

6.14.3 Of the local settlements three related to how a planning application was considered by the case officer. The cases have been the subject of a management review to reduce the likelihood of a reoccurrence. Steps taken as a result include the implementation of a new protocol for seeking advice from highways officers on householder planning applications.

6.15 Judicial reviews

6.15.1 In the last 3 years 18,794 decisions have been made and during this time there have been 3 judicial reviews. 1 case in 2005 to quash planning permission was allowed on the grounds of procedural irregularities. Limited permission was granted to appeal for a judicial review on a case in 2007 on the grounds that the council's reasons for granting planning permission were inadequate. In both cases there were lessons to be learnt about providing proper, clear and robust reasons for decisions and service improvements have put in place to minimise the risk of future challenges on the same grounds.

6.15.2 The most recent case was in 2010 and the Judge concluded that the grounds on which he made his decision were case specific rather than setting a precedent or having wider implications for other cases or planning practices. Issues which were raised by the Judge have already been considered and reviewed by the service and specific improvements made;

- Grampian conditions to secure green space contributions are no longer used, Section 106 agreements are used instead ;
- a culture of more senior officer and legal involvement in decisions making on more sensitive applications so that the greater scrutiny and advice is brought to bear in the decisions making process and especially where there is a risk of legal challenge.

7.0 Implications for Council Policy and Governance

7.1 The importance of ensuring that the council's processes for decision making on planning applications are lawful, accountable, transparent, fair and in compliance with the principles of good governance and best practice is crucial to ensuring public confidence in the system from all sectors of the community including residents and developers. Regular reviews and public reporting on our systems such as this report to the Committee assists this process and provides an opportunity for testing the measures currently in place and a basis for continuous improvement in the way the planning service operates.

8.0 Legal and Resources Implications

8.1 The legal implications of ensuring that the system is fair and lawful is the potential reduction in the numbers of legal challenges, complaints resulting in financial

settlements and costs awards on appeals. There are no resource implications arising from this report.

9.0 Conclusions

- 9.1 Committee can be assured that the arrangements that are in place to underpin the decision making process are accountable, transparent and effective. The service places emphasis on ensuring there is good governance and quality assurance.
- 9.2 There is a commitment to a programme of continuous improvement activity in all areas of planning decision making. There has been a thorough review of the officer delegation scheme, review of the process and procedures of the Plans Panels and continuous improvements in planning practices for officers where the emphasis is on consistency and benchmarking with other local planning authorities and adopting best practice.
- 9.3 Importance is placed on learning from results of complaints, judicial reviews and Ombudsman cases to minimise the risk of complaints arising on the same grounds. However, it should be pointed out that the number of complaints is low in proportion to the total number of applications the service receives each year.
- 9.4 There is tangible evidence of progress in the form of fewer complaints, fewer local settlements and a reduction in the number of upheld appeals and the low level of successful judicial reviews of planning decisions.
- 9.5 A number of recent changes have sought to strengthen the decision making process making it more robust, consistent and to ensure there is confidence in the judgments being made. Arrangements for determining applications by Plans Panels, officers are clear and fit for purpose and are embedded and complied with by all parties. The officer delegation scheme has been the subject of significant changes so that decisions on major applications are made at the right level with the right level of scrutiny by senior officers.
- 9.6 Good governance has been achieved through the introduction of a number of protocols. The protocols promote a transparent and consistent approach and the pre-application protocol allows officers and particularly, members to be involved without the risk of accusations of pre-determination or bias.
- 9.7 A revised code of practice for the determination of planning matters for members is being drawn up, which will support members carry out their role as champions of their communities, whilst being able to make decisions openly, impartially with sound judgements and for justifiable reasons.

10.0 Recommendations

- 10.1 Members of the committee are asked to:
- Comment on and note this report
 - Receive a reports on planning decision making on an annual basis.

Background documents

Communities and Local Government *Councilor Involvement in Planning Decisions 2007*
Local Government Association *Probity in Planning.2009*
Local Government Association *delivering Delegation 2004*
Planning Officers Society *Checklist for a successful Scheme of Delegation 2004*

Plans Panel Terms of Reference

The Plans Panels are authorised¹ to discharge² the following functions³

1. all Council (non-executive)⁴ functions relating to:
 - a) town and country planning and development control⁵;
 - b) safety certificates for sports grounds and fire certificates⁶;
 - c) common land or town and village greens⁷;
 - d) street works and highways⁸;
 - e) public rights of way⁹;
 - f) the protection of hedgerows and the preservation of trees¹⁰; and
 - g) high hedges¹¹
2. in respect of any approval, consent, licence, permission, or registration which they may grant:
 - a) to impose conditions limitations or restrictions;
 - b) to determine any terms;
 - c) to determine whether and how to enforce any failure to comply;
 - d) to amend, modify, vary or revoke; and/or
 - e) to determine whether a charge should be made or the amount of such charge.
3. to discharge any licensing function¹², where full Council has referred a matter to the panel.

¹ Each Plans Panel is authorised to discharge functions in respect of its own geographical area as indicated on the plan attached (A larger scale more detailed copy of the plan is maintained by the Chief Planning Officer)

² With the exception of any licensing function under the Licensing Act 2003, the Panels and the Council may arrange for any of these functions to be discharged by an officer – the functions for the time being so delegated are detailed in Section 2 of Part 3 of the Constitution.

³ “Functions” for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions

⁴ Local Authorities (Functions and Responsibilities)(England)Regulations 2000 as amended

⁵ Items 5-31, Para. A of Schedule 1 of the 2000 Regulations

⁶ Items 26 and 27 of Para B of Schedule 1 of the 2000 Regulations

⁷ Items 37, 38 and 72 of Para B and Items 51-53 of Para I of Schedule 1 of the 2000 Regulations

⁸ Items 41,46A to 55 of Para B of Schedule 1 of the 2000 Regulations

⁹ Part I of Para I of Schedule 1 of the 2000 Regulations

¹⁰ Items 46 and 47 of Para I of Schedule 1 of the 2000 Regulations

¹¹ Item 47A of Para. I of Schedule 1 of the 2000 Regulations

¹² (section 7 (5) (a) of the Licensing Act 2003) The matter must relate to: • a licensing function of the licensing authority and • a function which is not a licensing function. Unless the matter is urgent, the Panel must consider a report of the Licensing Committee

Extract from Delegation Scheme

The Chief Planning Officer is not allowed to discharge a number of functions and these will be determined by the Plans Panels:

- the determination of applications following a written request to the Chief Plans Officer by
 - a Ward Member concerning an application within his/her ward
 - a Chair of a Area Committee, concerning an application within his/her Area Committee Area that an application be referred to the relevant Plans Panel;
- the determination of applications for development that would constitute a significant departure from the Development Plan, including a significant departure from any Local Development Framework currently in force;
- the determination of applications for development that would be materially different from any supplementary planning guidance or planning brief approved by or on behalf of the Council;
- the determination of applications for major development which would have significant impacts on local communities;
- the approval of applications, where approval would reverse a previous decision taken by Plans Panel;
- the approval of applications, where approval would conflict with an objection raised by a statutory technical consultee;
- where the Chief Plans Officer considers that the application should be referred to the relevant Plans Panel for determination because of the significance, impact or sensitivity of the proposal;
- the determination of applications submitted in a personal capacity by or on behalf of
- Members, the Chief Executive, Deputy Chief Executive, an Assistant Chief Executive, Director, Chief Officer or any officer who carries out development control functions.

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Originator: Coral Main

Tel: 51572

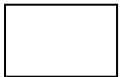
Report of the Director of Resources

Report to Corporate Governance and Audit Committee

Date: 12th May 2010

Subject: Annual Update on the Council's Risk Management Arrangements

Electoral Wards Affected: N/A



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report provides an update on the Council's risk management arrangements. It notes key developments since the previous annual report on 12th May 2009 and subsequent six-monthly report on 12th November 2009. These include the increased role of elected members in inputting to and reviewing the corporate risk register, review of the Leeds Risk Management Framework and the risk management element of the Use of Resources Comprehensive Area Assessment.
2. During 2009/10, the authority has continued to develop its risk management arrangements. The corporate, directorate and budget risk registers and risk reporting processes are now well-established as are the role, functions and membership of the Corporate Risk Management Group. Project risk management is becoming more consistent and more accepted as an integral part of project management.
3. However, whilst excellent processes are in place, they are not always consistently carried out and there are some known gaps and so the report also outlines future areas for improvement and discusses how these will be addressed.

1.0 Purpose of this Report

- 1.1 This report provides Corporate Governance & Audit Committee with an overview of the Council's key risk management developments over 2009-10 focusing on the period following the six-monthly report in November 2009. It also reports on the corporate risk register and highlights future areas of work to improve our risk management arrangements. The report helps provide assurance to the Committee on the strength of these risk management arrangements and is therefore an important source of evidence for the Committee to approve the Council's Annual Governance Statement.

2.0 Background Information

- 2.1 Under the Council's Risk Management Policy (updated and approved by Executive Board in January 2008) and the Committee's own Terms of Reference, Corporate Governance & Audit Committee is responsible for reviewing 'the adequacy of the Council's Corporate Governance arrangements (including matters such as internal control and risk management).' (Paragraph 4, CGAC Terms of Reference and Para. 5.2.1 Risk Management Policy.) It is also responsible for reviewing 'the adequacy of policies and practices to ensure compliance with statutory and other guidance.' (Paragraph 3, CGAC Terms of Reference.)
- 2.2 In terms of the Council's Code of Corporate Governance, risk management arrangements fall within the governance area, '*taking informed and transparent decisions that are subject to effective scrutiny and risk management*'. Risk management improvement activities are aimed at being risk aware (not risk adverse), linking risks to strategic outcomes and demonstrably taking account of risk in decision-making.
- 2.3 The report will also help the Council to meet its risk management requirements under the Audit Commission's Comprehensive Area Assessment which include:

Level 2: Performing Adequately

- 'The cabinet ensures the council identifies and effectively manages corporate business risks in line with its risk management strategy.'
- 'A corporate focus on risk management ensures regular review and effective management of current and future risks. Members are responsible for, and engage in, corporate risk management and work closely with the audit committee.'

Level 3: Performing Well

- 'The council equips all members to effectively undertake their roles and responsibilities for risk management. For example, the council delivers risk management awareness training suitable to member's needs and responsibilities.'
- '...Other examples of outcomes through good risk management may include... a sound system of corporate governance..... [and] confidence in the rigour of the Annual Governance Statement.'

3.0 Main Issues

Corporate Risk Register

- 3.1 The corporate risk register continues to be updated quarterly by all directorates, the three housing Arms Length Management Organisations (ALMOs) and Education Leeds. It was last reviewed by the Corporate Risk Management Group and members of the Corporate Leadership Team in February 2010 and is due its next review by these two groups in May, shortly after this Committee meeting.
- 3.2 There are currently 41 risks on the corporate register of which 9 have the highest 'red' rating: Safeguarding Children, Significant Financial Deficit¹, Waste Management, Equal Pay, School Places, Climate Change, NEET (Not in Education, Employment or Training), Teenage Pregnancies and Secondary School/Further Education Capital. Work is currently underway to analyse and assess the two new risks agreed last quarter on the Children's Services Improvement Notice and the Loss of Senior Officers (notably at Corporate Leadership Team level) so the ratings for these are not yet known.
- 3.3 At the time of writing, the Risk Management Unit (RMU) has begun meeting with Executive Board members for their six-monthly review of the corporate risk register. At these meetings, Executive members consider the contents of the register, the relative accuracy of the ratings and propose possible new risks. The Risk Management Unit then feeds these comments back to relevant officers for action where required prior to more formal consideration at Corporate Risk Management Group and Corporate Leadership Team. Following the review sessions, a number of new risks proposed by Executive members have been added to both the corporate and to directorate risk registers. This process, which began for the first time in February 2009 and was repeated upon Executive Board members' request in September of that year, should provide the Committee with a significant source of assurance on the rigour of the Council's corporate risk register and that it accurately reflects both members' and officers' concerns.
- 3.4 In November 2009, members of this Committee resolved to 'seek Executive Board support to the committee's proposal for the regular publication of the Council's corporate risk register in a summary form along with the corporate risk map.'² The annual report on risk management, which would incorporate the Committee's resolution, was included in the Executive Board work programme for June 2010. However, following the Committee's request in its 10th February 2010 meeting at which 'Members expressed their desire for proposals to come to an earlier Executive Board meeting preferably 7 April 2010'³, the RMU prepared a draft report for the Executive Board April agenda. We were subsequently requested that this issue be dealt with in the annual report scheduled for the Executive Board meeting 16th June 2010.

Operational Risk Registers

- 3.5 Directorate risk registers are in place for all directorates, Education Leeds and the three housing ALMOs. These are reviewed by senior management teams within these directorates and organisations each quarter and then reported to the RMU and CRMG for consideration as to whether any of the most significant and/or cross-

¹ NB: this risk rating relates to the 2009/10 budget. The risk for the new 2010/11 budget will be evaluated in May 2010.

² Corporate Governance & Audit Committee minutes 12/11/09

³ Corporate Governance & Audit Committee minutes 10/2/10

cutting risks should be put forward to Corporate Leadership Team for escalation on to the corporate risk register.

- 3.6 Whilst there are no non-compliance issues to report, there are sometimes problems of timeliness in that updated risks are not returned to the RMU in line with its quarterly reporting cycles (e.g. because this may not tie in with a specific directorate's own reporting timescales or due to an unannounced inspection). In these instances, the RMU will continue its existing practice of seeking alternative assurances that the risks are being managed (e.g. through reviewing reports to Executive Board and/or the Corporate Leadership Team).
- 3.7 Since the establishment of a corporate service planning template and guidance, all services which produce service plans draw up a service-level risk register using templates and guidance documents produced by the RMU. Over time, these service-level risk registers will be housed on the corporate risk management software and used to inform their directorate risk registers.

Project & Programme Risk Management

- 3.8 The RMU continues to maintain the risk management sections of the Council's Delivering Successful Change documentation which provides officers with guidance and templates on applying scaleable risk management to their projects and programmes.
- 3.9 In the case of programmes and projects for which the RMU has facilitated risk management workshops, a full range of risks have been properly identified and, time permitting within the workshop, action plans to manage the most significant risks drawn up. The RMU documents all output in the form of a risk register with accompanying report as to the register's completion and ongoing maintenance, reporting and escalation.
- 3.10 Risk registers are in place for all 16 of the Council's current PFI projects with Project Boards responsible for ensuring mitigating actions are undertaken. The Public Private Partnerships Unit (PPPU) has confirmed that they keep these PFI registers up-to-date.
- 3.11 The Project Assurance Unit (PAU) within the Resources Directorate also reviews the risk registers and makes recommendations on the risk management arrangements for all projects they are assuring through their 'Healthchecks'. These are held quarterly as a minimum. In none of the PAU's Healthchecks for the unit's current caseload of programmes and projects has the area of risk/issue management been rated as 'red' (i.e. none of these programmes and projects show 'limited evidence of control') which is a good indication of embedded risk management processes. However, there are a number of programmes and projects across the Council which at present do not undergo independent assurance. (Please refer to the annual Report on LCC Programme and Project Management Arrangements on today's agenda for more information.)

Partnership Risk Management

- 3.12 Partnership risk management requirements have been built in to the Council's Partnership Framework and guidance given in both the accompanying toolkit and within a more detailed RMU-produced 'Partnership Risk Management Guide'. These are accessible to all staff on the Council's Intranet site. Compliance with the Partnership Framework is reported separately to the Committee by the Head of Governance Services.

Financial Risk Management

- 3.13 As part of the budget process, consideration is given to all the risks which are managed within each directorate's overall risk management framework. Within this framework a register of those items considered to carry the highest risks, and therefore require careful and regular monitoring, is prepared. Included within the budget report to Executive Board is a commentary on the major areas of risk within each directorate. Areas of high risk are very closely monitored and projected variances reported quarterly to Executive Board with appropriate actions being identified.
- 3.14 The directorate budget risk registers are monitored and reviewed by directorates during the year and are reported to Financial Performance Group each quarter. As part of budget monitoring, any significant risks are also reported to the lead portfolio member. In addition, a financial risk assessment is carried out each year to identify, assess and manage the principal risks that could threaten the delivery of the Financial Plan.
- 3.15 A risk-based reserves strategy is in place to ensure that reserves are maintained at an appropriate level to secure financial stability. This is reviewed and updated each year prior to the finalisation of the budget process and contributes to the evidence required for the Director of Resources to give assurance on the robustness of the budget and the adequacy of reserves.
- 3.16 Whilst there is a sound risk management framework in place for financial management, the achievement of the 2009/10 budget has presented a significant challenge with the Council having to meet increasing cost pressures on ensuring services for vulnerable children and adults are maintained, whilst suffering the effects of the challenging economic climate. The 2009/10 accounts are still being finalised.

Leeds Risk Management Framework

- 3.17 The RMU has now completed its initial research into the Council's Risk Management Framework (Policy, Strategy and Toolkit) to gauge whether it remains fit-for-purpose in meeting officers' and members' needs and also in meeting the increasingly mature risk management requirements as set by the Audit Commission.
- 3.18 This research has been based on a variety of tools including one-to-one meetings with key internal stakeholders (e.g. Corporate Risk Management Group members, project managers, financial management officers, corporate governance staff, internal audit), benchmarking the Framework against those of external organisations (such as other local authorities, the NHS etc.) and review of the new International Standard on Risk Management published in November 2010 and the British Standard on Risk Management published the year before.
- 3.19 Analysis of the results is underway and will be used to inform the RMU's revision of the Framework. Any substantial changes will be reported to this Committee in the next six-monthly report.

Corporate Risk Management Group

- 3.20 The Council's Corporate Risk Management Group continues to meet quarterly and consists of senior officers representing all directorates, Education Leeds and the 3 Housing ALMOs. As noted in the six-monthly risk management report to this

Committee, the group's role was expanded in August 2009 to include business continuity management. Membership of the group is shown at Appendix 1.

- 3.21 Meeting attendance throughout 2009-10 has been very good with an average of 74% attendance or, if representatives for those who have sent apologies are included, the average goes up to 90%.

Risk Management Unit Workshops & Training

- 3.22 In 2009-10, the RMU carried out risk management and options appraisal workshops for key projects and programmes plus provided risk management training and briefing sessions for 144 people. This number incorporates representatives from some of our most significant partners, such as NHS Leeds and the Housing ALMOs, as well as voluntary organisations and private sector contractors, thereby strengthening the Council's partnership risk management arrangements. Workshops have included Changing the Workplace, Waste Management Solutions, Building Schools for the Future, Wellbeing Programme, World Cup Bid, Eastmoor Secure Children's Unit, Intermediate Care and Adult Social Domiciliary Care.

- 3.23 Feedback forms have been completed for the majority of these events, the responses to which provide the RMU with a good indication of its performance and highlight areas for improvement. Based on the total number of feedback forms returned (105), the RMU has achieved the following results:

- Overall, 98% rated the Risk Management Unit's events as either 'excellent' or 'good'.
- 94% agreed that the objectives had been met to an 'excellent' or 'good' level. 4 people disagreed and two failed to answer this question on the feedback form.
- 100% of people found the trainer(s) to have either 'excellent' or 'good' knowledge of the topic.
- 99% of people found the trainer(s) to have the skills to deliver the workshop. The 1 person who disagreed noted on their feedback form that this was in response to the skills of the external facilitator. This was the only workshop/training session in which the RMU jointly presented.

Elected member training

- 3.24 The RMU provided risk management briefing sessions for the two new Executive Board members last year (Councillor Smith in April 2009 and Councillor Monaghan in September 2009) and, as this Committee will be aware, to Corporate Governance & Audit Committee members in September 2009⁴. The purpose of these briefings was to remind members of their risk management roles and responsibilities under the Council's Risk Management Policy, to notify them of the revised risk management requirements under CAA, to review the contents of the corporate risk register and to discuss risk management within reports.

⁴ Of the 10 Corporate Governance & Audit Committee elected members (not including the non-voting co-opted member), 3 attended the full session, 2 attended the first half and one member had sent a representative to the Committee's meeting and subsequent training.

Assurance

Comprehensive Area Assessment (CAA)

- 3.25 In our November 2009 report, we noted that the Council's indicative score for risk management under last summer's Use of Resources CAA was a 3. This was subsequently confirmed and was a significant achievement given the 'raising of the bar' by the Audit Commission in its assessment criteria. A Level 3 denotes, 'Exceeds minimum requirements – performs well' and evidences that the Council has 'Implemented effective arrangements that are: forward looking and proactive in identifying and developing opportunities for improvement; and include more sophisticated measuring and assessment techniques. Outputs and outcomes demonstrate arrangements which are effective and have the intended impact. Where appropriate, the arrangements show evidence of effective partnership working.'⁵
- 3.26 In its summary CAA report, the Audit Commission noted that, 'The Council understands the risks it faces and manages them well'⁶ and made no recommendations on our risk management arrangements.
- 3.27 Since then, the authority has undergone an additional Use of Resources assessment. The RMU and Corporate Risk Management Group began to prepare for this in November 2009 by developing a number of case studies which highlighted how risk management had been used to deliver successful and/or innovative outcomes. These case studies were submitted to KPMG in February 2010 as part of a corporate portfolio of evidence.
- 3.28 Initial discussions with KPMG in March indicate that we are on track to consolidate our score of '3'. Our indicative score should be released to us on 21st April and thus in time to report to the Committee, although there is then a lengthy period of local, regional and national challenge before the final scores are published on 30th July.
- 3.29 The Audit Commission has noted that it may make substantial changes to the Use of Resources assessment in the coming year but no details are yet known. As and when information is released, the RMU will work with the Corporate Risk Management Group and corporate performance colleagues to ensure we are fully prepared.

Future Improvements

Leeds Risk Management Framework

- 3.30 As noted above, the RMU is currently undertaking a complete review of the LRM Framework. The need for this review reflects the greater maturity in the Council's risk management arrangements since the previous revisions made to the Framework in 2007/08 as well as the increased expectations of risk management evidenced in the Audit Commission's Use of Resources assessment criteria.
- 3.31 Changes to the Framework may also be made as a result of the Unit's ongoing benchmarking of the authority's risk management arrangements. We are currently taking part in a national public sector benchmarking exercise which requires us to rate our organisation in the following risk management areas:

⁵ p.7 'Use of Resources Framework: Overall Approach and Key Lines of Enquiry', Audit Commission (October 2009)

⁶ p. 3 'Leeds City Council: Organisational Assessment – Summary Version', Audit Commission (9 December 2009)

- Leadership and management
- Strategy and policy
- People
- Partnership, shared risks and resources
- Processes and tools
- Risk handling and assurance
- Outcomes and delivery

3.32 The results will be collated at a national level and reports issued enabling comparisons to be made with all other participating organisations as well as selected ones (e.g. other Core City local authorities). This exercise will help demonstrate current maturity in respect of external inspection agencies and international standards and provide the opportunity to learn from other organisations' successes and failures.

Risk Management Software

3.33 The biggest single improvement to the quality, consistency and ease of maintaining and reporting on risk registers will be the implementation of the Council's new risk management software system. At the time of writing, all bespoke developments have been completed and the majority of issues rectified in preparation for user acceptance testing, piloting and then a phased roll-out starting with each directorate risk register, the corporate risk register and the PFI project risk registers. Over time, it is anticipated that all risk registers, whether these are budget-, service-, project- or any other level, are housed on the system. This will address the concern raised by Executive members in the past over the lack of consistency (format and amount of detail included) in the various risk registers they have sight of.

Project & Programme Risk Management

3.34 As part of the launch of the Council's Corporate Approach to Programme Management, the RMU will write a new programme risk management section that will tie in to the existing project management methodology.

Partnership Risk Management

3.35 Partnership risk management is an area requiring significant attention and so will be the focus of one of the 10/11 CRMG meetings to identify areas of good practice, any gaps in arrangements and to begin addressing these gaps at a corporate and directorate level. It is likely that this will form part of a wider piece of work on CAA. Any non-compliance issues with the risk management element of the Partnership Framework that are identified by Governance Services and/or Internal Audit through their own reviews should be passed on to the RMU to enable the Unit to then work with relevant service areas.

3.36 Alongside this, the risk management software will be shared with our external partners and contractors where possible so that they can update their risks and actions plans directly. The RMU has liaised with the Information Knowledge Management Team and with Procurement to ensure confidentiality clauses are included in any user agreements with partners to correctly manage the sharing of this risk data.

3.37 The software will also have additional fields that do not exist in the variety of current risk register templates to strengthen partnership risk management arrangements. These include noting whether a risk is wholly-'owned' by Leeds City Council, by a partner or contractor or whether it is shared. Where shared or owned on behalf of the authority by a partner or contractor, the controls already in place by that partner or contractor and the strength of these controls to manage each risk must be

documented. In addition, the Council must document what monitoring arrangements it has in place to gain assurance that its outsourced risks are being properly managed.

Risk Management Training

- 3.38 The RMU will continue to provide training to elected members with specific responsibility for risk management and offer training sessions open to all elected members. For members of staff, a massive training programme for all those set up on the risk management software system will be undertaken to cover not just how to use the system but to ensure that everyone has a good understanding of the Council's risk management processes and how to apply them in their particular area.

4.0 Implications for Council Policy and Governance

- 4.1 This report provides information for Corporate Governance & Audit Committee on the Council's risk management arrangements to enable it to fulfil its risk management responsibilities under the authority's Risk Management Policy and requirements through the Audit Commission's Comprehensive Area Assessment. It will also provide additional risk management assurance to support the Annual Governance Statement.

5.0 Legal and Resource Implications

- 5.1 None

6.0 Conclusions

- 6.1 Since the previous annual report presented to Corporate Governance & Audit Committee on 12th May 2009, the authority has continued to develop its risk management arrangements. The corporate, directorate and budget risk registers and risk reporting processes are now well-established as are the role, functions and membership of the Corporate Risk Management Group. Through the work of the RMU and the PAU team, project risk management is becoming more consistent and more accepted as an integral part of project management.
- 6.2 Having such risk management arrangements in place provides assurance to our customers, staff and elected members that we are aware of our biggest risks and that we have taken steps, as far as we can, to manage them. This means that they are both less likely to occur and also have less of an impact if they did. It also means that our projects and decision-making are more likely to deliver the outcomes and benefits they set out to do and resources are used more effectively.
- 6.3 However, whilst we can give substantial assurance that excellent processes are in place, they are not always consistently implemented and there are also known gaps in the areas of programme risk management (and programme management in general) and partnership risk management which require addressing. Further, although there is a sound risk management framework for financial management, the achievement of the 2009/10 budget has presented a significant challenge with the Council having to meet increasing cost pressures on ensuring services maintained, as well as dealing with the difficult economic climate.

7.0 Recommendations

- 7.1 It is requested that Corporate Governance & Audit Committee notes this report and progress made on further embedding risk management across the authority and uses the information to support its approval of the Annual Governance Statement.
- 7.2 It is also requested that Committee members continue to review and challenge the Council's risk management arrangements and attend risk management training sessions and briefings provided by the Risk Management Unit.

Background Documents Used

- Corporate Governance & Audit Committee Terms of Reference
- Leeds City Council Risk Management Policy
- Leeds City Council Code of Corporate Governance
- 'Guidance for audited bodies on the Use of Resources 2008/-09 overall approach and Key Lines of Enquiry', Audit Commission (revised February 2009)
- Corporate Governance & Audit Committee minutes, 12/11/09
- Corporate Governance & Audit Committee minutes, 10/2/10
- Annual report to Corporate Governance & Audit Committee on LCC Programme and Project Management Arrangements, 12/5/10
- 'Leeds City Council: Organisational Assessment – Summary Version', Audit Commission (9 December 2009)

Corporate Risk Management Group

Name	Job Title	Representing
Chair		
Tim Pouncey	Chief Officer, Audit & Risk	Resources
Leeds City Council Directorates / Service Areas		
Roger Carter	Principal Emergency Planning Officer	Resources
Steve Clough	Head of Performance & Improvement	Planning, Policy & Improvement
Mark Forbes	Chief Officer, Resources & Strategy	Environment & Neighbourhoods
Dennis Holmes	Deputy Director of Strategic Commissioning	Adult Social Care
John Kearsley	Chief Officer, Corporate Property Management	Resources
Coral Main	Principal Risk Management Officer	Resources
Clare Millington	Section Head	Corporate Governance
Ed Mylan	Chief Officer, Resources & Strategy	City Development
Sarah Sinclair ⁷	Deputy Director (Commissioning)	Children's Services
Council Partners		
Pamela Bleasdale ⁸	Interim Head of Finance & Corporate Services	West North West Homes Leeds
David Heels	Director of Corporate Services	East North East Homes Leeds
Greg Jessop ⁹	Interim Head of Support Services	Aire Valley Homes Leeds
Liz White	Performance Management & Information Officer	Education Leeds

⁷ Replaced David McDermott, Chief Officer Resources & Strategy, in March 2010.

⁸ Replaced Edward Charters, Head of Finance & Corporate Services, in February 2010.

⁹ Replaced Gail Teasdale, Head of Support Services, in April 2010.

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Report of the Assistant Chief Executive (Planning, Policy and Improvement)

Corporate Governance and Audit Committee

Date: 12th May 2010

Subject: Leeds City Region Emerging Governance Structures

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Introduction

1.1 Leeds City Region (LCR) signed its Forerunner agreement in November 2009. The detail of the agreement had been negotiated with Government throughout 2009 and will bring a range of freedoms and flexibilities to the City Region.

1.2 As previously reported, the agreement to take on greater devolved powers was likely to require certain elements of the existing City Region governance to be reviewed and amended in order that Government can be satisfied that decisions made by the City Region are appropriately taken, transparent and accountable.

1.3 Two areas of work have been reported previously to this Committee and both have made significant recent progress. These are the establishment of the Leeds City Region Employment and Skills Board (ESB) and the Leeds City Region HCA (Homes and Communities Agency) Board.

1.4 At its meeting held on 10 February 2010, the Corporate Governance and Audit Committee resolved that a further report should be submitted to the Committee in May to address the extent to which the LCR and emerging structures have taken account of governance themes contained within the Leeds Partnership Governance Framework This report sets out progress relative to this resolution.

2.0 Purpose of the report

2.1 This report provides an update on progress in establishing two new Boards and the functions that they will be undertaking. These Boards form part of the LCR and its emerging sub-structures

2.2 It also sets out the extent to which they have taken account of the governance themes contained within the Leeds Partnership Governance Framework.

3.0 **Leeds City Region HCA Board**

3.1 As previously reported the primary purpose of the Leeds City Region HCA Board is:

- to work collaboratively with the HCA and other relevant bodies;
- to oversee HCA investment across the City Region, particularly in relation to the next comprehensive spending review period;
- to oversee delivery of key strategic projects in the City Region; and
- to provide a mechanism for the voluntary alignment of other related public sector resources.

3.2 A new governance model similar to the London Housing Board has been established. Within a new model of devolution from central government to localities, responsibility for determining and managing HCA investments is delegated by the national HCA Board to the new LCR HCA Board. In relationship terms, the LCR HCA Board is a committee of the national HCA Board. It is governed its terms of reference (attached at appendix A) agreed by the national HCA Board and the LCR Leaders Board. Membership has been endorsed by the Secretary of State for Communities and Local Government as part of the LCR Forerunner agreement. This is set out below:

- Chair □ Chair of the existing LCR Housing Panel (currently Leader of City of York Council)
- Vice Chair □ a Board Member of the HCA (Shaukat Moledina)
- HCA □ The Regional Director or nominee (David Curtis)
- 3x City Region Local Authorities - nominated by the Leaders Board to be elected Members from Kirklees (Cllr Khan, Leader), Harrogate (Cllr Butterfield, Housing Portfolio Holder); and Leeds (Cllr Andrew Carter, Joint Leader)
- Yorkshire Forward - one senior representative (Jan Anderson)

3.3 The Joint Board met for the first time on April 19th 2010 and agreed:

- terms of reference;
- an investment agreement for 2010□2011;
- an interim investment plan for 2010□2014; and
- further economic assessment and appraisal work to inform future investment decisions

The terms of reference is attached at Appendix A and the investment agreement and investment plan are both available via the Leeds City Region website (www.leedscityregion.gov.uk).

3.4 **Process for establishing the LCR HCA Board**

- **Nolan principles**
The four Board members from local authorities representing the city region partnership were selected by the City Region Leaders Board at a previous meeting. The Leaders Board meets in public and papers and minutes are publicly available. The membership of the Board has been endorsed by the Secretary of State for Communities and Local Government as part of the agreement described in paragraph 3.2 above.

- **Agenda and minutes**
Minutes and agendas of LCR HCA Board meetings are to be published on the Leeds City Region website and are included in Leaders Board papers which are also placed within the public domain.
- **Declaration and registration of interests**
The normal declaration and register of interests applied to local authorities and other public bodies will apply to the LCR HCA Board.
- **Audit arrangements**
As a Committee of the national HCA Board, the LCR HCA Board will be subject to the HCA auditing arrangements.
- **Website access**
There is an open housing and regeneration section on the Leeds City Region website, and minutes of the LCR HCA Board meetings will be publicly available on the website.
- **Code of Conduct for non elected Members**
The LCR HCA Board Terms of Reference and operating principles are set out in Appendix A. As a Committee of the national HCA Board, the non elected members of the Joint Board are subject to HCA's Code of Practice which is set out in Appendix B.

3.5 Leeds City Region Employment and Skills Board (ESB)

- 3.6 Leeds City Region ESB will be responsible for developing a skills and employment strategy for the City Region, which will underpin any statutory strategy setting (so-called "Section 4") powers in respect of adult skills funding. It is anticipated that the Board will use the strategy and the Section 4 powers to influence how the "100 million adult skills budget for the city region is prioritised.
- 3.7 The City Region partnership has been working within Government issued guidance setting out the criteria for designating ESBs as strategy-setting bodies. The Board will be externally assessed by the UK Commission for Employment and Skills (UKCES) to ensure it meets the criteria within the draft assessment process for city region ESBs. The UKCES will also be responsible for recommending to the Secretary of State the readiness of the City Region ESB to take on the powers outlined above.
- 3.8 The City Region secretariat met with a representative of UKCES in January and based on upon these early discussions, it is envisaged that the UKCES assessment could take place following the first meeting of the full ESB (23 April 2010).
- 3.9 The ESB is now (largely) recruited to and - in line with Government recommendations - has representation from private sector employers; place leaders; public sector employers and commissioners. The intent is to establish the ESB to promote the "demand" side of the skills agenda, hence its prevalence towards employer-led representation

The City Region ESB currently consists of:

- Ten private sector employers to ensure coverage of the key economic sectors driving growth in the City Region. Eight employers have been appointed:

- John Anderson, Regional Director, BT (Chair)
- Mark McDavid, MD Hallmark Cards plc
- Stephen Kennedy, MD CPP plc
- Jill Ezard, Director, Pace plc
- Amjad Pervez, MD, Seafresh
- John Horvath, Director, Cedar Court Hotels
- Gale Campbell, Director, LIP Europe
- Kevin O'Connor, Managing Partner, Baker Tilly

Two places are still to be filled to cover one public sector employer and one further business representative.

- Local authority representatives □ as representatives of 'Place' and as key City Region employers:
 - Cllr Kris Hopkins, Bradford Council
 - Cllr Stephen Baines, Calderdale Council
 - Cllr Chris Metcalfe, North Yorkshire County Council
 - Phil Coppard, Barnsley Council
 - Rob Vincent, Kirklees Council
- Commissioning agencies
 - David Hodges, Skills Funding Agency
 - Ian Hunter, Jobcentre Plus
 - Thea Stein, Yorkshire Forward

Other, non-executive, partners (such as the Young People's Learning Agency) will be co-opted to attend ESB meetings when the agenda is relevant.

3.10 The ESB met for the first time on 23rd April 2010 April and agreed:

- terms of reference and governance; and
- process for recruiting additional ESB members

And discussed:

- the development of the employment and skills strategy;
- assessment for Section 4 powers; and
- partner engagement

The terms of reference and Governance for the ESB are attached at Appendix C. Further information on the work of the Board can be found on the Leeds City Region website (www.leedscityregion.gov.uk)

3.11 **Process for establishing the Employment and Skills Board (ESB)**

The principles of transparency and accountability have been built into the early phases of development of the ESB as follows:

- **Nolan principles**
The employer members of the ESB have been recruited via an open and transparent process, with cvs and interviews held with an appointments panel, supported by Odgers Berndtson executive search consultants.

- **Agenda and minutes**
Minutes and agendas of ESB meetings are to be published on the Leeds City Region website and are included in Leaders Board papers which are also placed within the public domain.
- **Declaration and registration of interests**
Employer applicants to join the ESB were asked to declare any interests as part of the recruitment process. Declarations of interest form a standing item at each ESB meeting.
- **Audit arrangements**
The Leeds City Region Partnership is serviced by Leeds City Council and therefore subject to its internal audit processes. The accounts are then subject to external audit and are published on the Leeds City Region website, following the Annual General Meeting.
- **Website access**
There is an open skills section on the Leeds City Region website which provides updates on key developments.
- **Code of Conduct for non elected Members**
The ESB terms of reference and operating principles (see appendix C) set out the expected conduct of ESB members.

4.0 Interface between Leeds City Council and the Partnership Boards

- 4.1 Further reports will be presented to report progress being made to address the committee's other resolution set out in paragraph 93 of the minutes of the meeting held on 10 February 2010 - note that further reports will be provided on the required interface to ensure that the Council is in a position to engage with and influence the decisions taken by the proposed governance arrangements. Significant progress is now being made in this regard and it is suggested that a report on this be brought to the next meeting of the Corporate Governance and Audit Committee.

5.0 Recommendations

- 7.1 The Corporate Governance and Audit Committee is requested to:
- Note the progress on establishing decision making arrangement being developed at the Leeds City Region level for skills and housing.
 - Comment on the approach taken to establishing the two new Boards.
 - Note that further reports will be provided on the resolution set out in paragraph 4.1 above.

Attached:

Appendix A: LCR HCA Board Terms of Reference

Appendix B: HCA Code of Practice for Board Members

Appendix C: Employment and Skills Board Terms of Reference

Appendix A: LCR HCA Board Terms of Reference

LEEDS CITY REGION HCA BOARD □ Terms of Reference

1 Constitution and Membership

- 1.1 The Leeds City Region HCA Housing □ Regeneration Board [herein after referred to as the Leeds City Region HCA Board] shall be established by the HCA, in liaison with the Leeds City Region Leaders Board, and shall comprise the following members:

Chair □ A local authority Leader from Leeds City Region

Vice Chair □ a Board Member of the HCA

HCA □ the Regional Director or his nominee

LCR Local Authorities □ 3 Members nominated by the Leeds City Region Leaders Board

RDA □ one senior representative of Yorkshire Forward

- 1.2 The City Region Lead local authority Chief Executive for Housing and Regeneration and the associated City Region Secretariat lead officer shall attend, but not be members of, the Leeds City Region HCA Board.
- 1.3 Nominated representatives of CLG and the Government Office may attend as observers.
- 1.4 The HCA Board may, on the advice of the Chair and Vice Chair of the Leeds City Region HCA Board, appoint independent members, in an advisory capacity.
- 1.5 Appointment of non-HCA members to the Leeds City Region HCA Board is subject to the approval of the Secretary of State.
- 1.6 HCA Board Standing Order 13 (Standing Orders to Apply to Committees) shall apply to the Leeds City Region HCA Board, with the exception of arrangements for voting and quorum, which are set out in these terms of reference. A summary of all applicable Standing Orders is available separately for persons appointed.

2 Functions and Responsibilities

- 2.1 The Leeds City Region HCA Board will oversee the delivery of agreed city region strategic projects and programmes, determined through the City Region HCA Single Conversation and set out in the Housing and Regeneration Investment Plan and other associated strategies, having regard to relevant national policies and directives. It will oversee and direct the distribution of HCA investments across the city region, within the scheme of delegation set by the HCA Board.
- 2.2 The Leeds City Region HCA Board shall have the same delegated authority to approve proposals for housing and regeneration schemes in Leeds City Region as are given to the Investment Committee for proposals for the rest of England, except that,
- (a) nationwide programmes shall be considered by the Investment Committee but the Leeds City Region HCA Board will be consulted on, and may consider and make recommendations on the implications for the City Region of national policies and investment proposals, as appropriate.

- (b) where there are cross-boundary proposals these may be considered by both the Investment Committee and the Leeds City Region HCA Board in parallel, and in liaison with appropriate sub-regional bodies, and subsequently will be considered by the HCA Board if appropriate.

2.3 In particular, the Leeds City Region HCA Board shall:

- (a) provide advice to the HCA Board and City Region Leaders Board on levels of housing and regeneration investment needed to deliver strategic priorities in the city region;
- (b) prepare, monitor and review the City Region Housing Investment Plan, providing advice to the City Region Leaders Board and the HCA Board on city region housing and regeneration policy and investment priorities;
- (c) provide an input into the preparation, monitoring and review of the City Region Housing and Regeneration Strategy and Investment Framework;
- (d) oversee the distribution of HCA investments across the city region;
- (e) prepare the City Region Investment Plan setting out the city region's programme for housing and regeneration, and oversee its delivery based on regular monitoring information and analysis;
- (f) consider and approve, or refuse, project and programme proposals for housing and regeneration in the city region, within the scope of delegation set by the HCA Board for the time being, subject to consideration of any advice from officials arising from full appraisal of proposals within the city region Partnership's HCA;
- (g) consider and, on approval, recommend to the HCA Board, programme and project proposals for housing and regeneration in the city region, where these are above the limits of delegation set by the HCA Board for the time being;
- (h) oversee the delivery of the HCA's programmes in Leeds City Region based on regular monitoring information;
- (i) provide a mechanism for voluntary alignment and co-ordination of the activities of public sector investors in housing and regeneration in the City Region;
- (j) liaise with relevant national, regional and local bodies and city region Panels or Boards as necessary
- (k) develop and agree appropriate delivery models for housing supply, improvement of existing stock and regeneration to meet housing requirements in the City Region.

3 Quorum

3.1 No business shall be transacted at a meeting of the Leeds City Region HCA Board unless at least four members are present including at least one Member of the HCA.

4 Voting

4.1 The Leeds City Region HCA Board shall operate on a consensus model, wherever possible without voting.

4.2 Where consensus is not achieved, a matter shall be carried by a majority of votes of the members present at the meeting, subject to 4.4 below.

- 4.3 In the case of an equality of votes, the Chair shall have a second or casting vote, subject to 4.4 below.
- 4.4 In exceptional circumstances, on any decision taken by the Leeds City Region HCA Board relating to HCA investments, the HCA representatives, or, in the absence of either, their nominee shall have the right to refer the decision to the HCA Board for determination. Where such a referral occurs the matter shall not be decided until it is determined by the HCA Board.
- 4.5 Where the Board seeks to recommend a course of action or decision on the voluntary alignment of other related public sector investments, decisions on such alignments would remain the responsibility of the respective funding body.

5 Other issues

- 5.1 The secretariat will be provided jointly by the city region secretariat and HCA.
- 5.2 The Board shall meet quarterly. Additional meetings may be called as necessary in accordance with Standing Order 5.1.

6 Amendment

- 6.1 Any of the above terms of reference may be altered and amended from time to time by express resolution of the HCA Board, in liaison with the City Region Leaders Board, of which notice shall have been given in the meeting notice at which they are proposed. Any such proposal shall be subject to consultation with the Leeds City Region HCA Board.

Homes and Communities Agency: Code of Practice for Board Members

- 1 This document sets out the Code of Practice for Members of the Homes and Community Agency (HCA).

Public service values

- 2 The HCA Board and its Members undertake at all times to:
- observe the highest standards of **impartiality, integrity and objectivity** in relation to the stewardship of public funds and management of the HCA;
 - be **accountable** to Parliament, individual citizens and the Department of Communities and Local Government (CLG) for the activities of the HCA; its stewardship of public funds and the extent to which key performance targets and objectives have been met;
 - maximise **value for money** through ensuring that services are delivered in the most economical, efficient and effective way, within available resources, and with independent validation of performance achieved wherever practicable.
 - In accordance with Government policy on **openness**, comply fully with the principles of the Code of Practice on Access to Government Information and the Freedom of Information Act;

Standards in public life

- 3 All Members must:
- comply with this Code, and ensure they understand their duties, rights and responsibilities, and that they are familiar with the function and role of this body and any relevant statements of Government policy;
 - not misuse information gained in the course of their public service for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations; and to declare publicly any private interests which may be perceived to conflict with their public duties;
 - ensure that they comply with the Board's rules on the acceptance of gifts and hospitality.
- 4 Members should also have regard to the seven principles of public life which are listed at Annex 1.

Relationship with the sponsor department

- 5 Relationships with the sponsoring Government Department (CLG) are governed by the Framework Document. Copies are available on request. The Board has corporate responsibility for ensuring that the HCA fulfils the overall aims and objectives set by the Secretary of State and for complying with any statutory or administrative requirements for the use for public funds. To this end, the Board shall:
- ensure that the HCA's affairs are conducted with probity, and that high standards of corporate governance are observed at all times;
 - establish the overall strategic direction of the HCA within the policy and resources framework agreed with CLG, ensuring that the HCA's policies and strategies are consistent with CLG's;
 - ensure that the Board operates within the limits of its statutory authority and any delegated authority agreed with CLG;
 - ensure that, in reaching decisions, the Board takes into account guidance and directions issued by Ministers;
 - ensure that the Board receives and reviews regular financial and non-financial information concerning the management of the HCA; is informed in a timely manner about any concerns about the activities of the HCA; provides positive assurance to CLG that appropriate action has been taken on such concerns; and ensures that CLG are made aware of any changes which might impact on the strategic direction or attainability of targets; and to determine the steps needed to deal with such changes;
 - ensure that the Board manages HCA's estate sustainably in line with the Government's Framework for Sustainable Development on the Government Estate.
 - appoint, with the Secretary of State's approval, the HCA's subsequent Chief Executives; with the Chairman, set performance objectives for the Chief Executive which give due weight to the proper management and use of public monies and remuneration terms linked to those objectives. The Board may delegate this task to the Remuneration Committee.

The role of the Chairman

- 6 The Chairman is appointed by the Secretary of State and has particular responsibility for providing effective strategic leadership on matters such as:
- formulating the Board's strategy for discharging the HCA's policies and statutory duties and presenting it to CLG's accounting officer, Board and Ministers;
 - encouraging high standards of propriety and promoting the efficient and effective use of staff and resources;
 - ensuring that the Board, in reaching decisions, takes proper account of guidance provided by CLG and the Secretary of State

- representing the views of the Board to the general public;
- providing an annual assessment of performance of individual Board members necessary for them to be considered for re-appointment to the Board;
- ensuring that all members of the Board, when taking up office, are fully briefed on the terms of their appointment and their duties, rights and responsibilities and receive appropriate induction training; and, when Board vacancies arise, advising the Secretary of State of the needs of the HCA with a view to ensuring a proper balance of professional and financial expertise;
- ensuring that a Code of Practice for Board Members is in place, based on the model "Guidance on Codes of Practice for Board Members of Public Bodies" produced by the Cabinet Office;
- ensuring that a comprehensive and publicly available register of Board Members' interests is in place and an annual return completed by each Board member.

7 The Chairman should ensure that the Board meets at regular intervals throughout the year and that the minutes of meetings accurately reflect the decisions taken and, where appropriate, the views of individual Members.

8 Communications between the Board and the Secretary of State will normally be through the Chairman except where the Board has agreed that an individual member should act on its behalf. Nevertheless, an individual Member has the right of access to Ministers on any other matter which he or she believes raises important issues relating to his or her duties as a member of the Board. In such cases the agreement of the rest of the Board will normally be sought.

9 The main point of contact between the HCA and CLG on day-to-day matters will normally be the Chief Executive and other members of staff who are so authorised.

Corporate responsibilities of Members

10 The Board is responsible for ensuring that HCA does not exceed its powers or functions, whether defined in statute or otherwise, including any limitations on its authority to incur expenditure. The Chief Executive should alert the Board to such matters.

11 Members' responsibilities include:

- ensuring that HCA complies with all relevant statutory or administrative requirements for the use of public funds;
- ensuring that high standards of corporate governance are observed at all times;
- establishing the overall strategic direction of the organisation within the policy and resources framework agreed with the Secretary of State and publishing a Corporate Plan which outlines how HCA will meet its duties;

- overseeing the delivery of planned results by monitoring performance against agreed strategic objectives and targets set out in the Corporate Plan;
- ensuring that the Board operates within the limits of its statutory authority - within the limits of the Board's delegated authority agreed with the CLG and in accordance with the Financial Memorandum;
- ensuring that, in reaching decisions, the Board has taken into account guidance issued by CLG including the Framework Document;
- monitoring and reviewing the risk management and internal control strategy;
- promoting equality and diversity throughout HCA;
- promoting learning and development throughout HCA;
- ensuring that a whistle blowing policy is in place;
- ensuring that HCA operates sound environmental policies for example obtaining the environment ISO 14001.

- 12 The Board must ensure that the Annual Review and Accounts include a full description of Board activities; state the extent to which key strategic objectives and agreed financial and other service standards have been met; list the names of current Board members and their term of office and the names of senior staff and remuneration. Details of how to access the Members Register of Interests should also be included.

Responsibilities of individual Members

- 13 Responsibilities of individual Members include the duty to comply at all times with this Code of Best Practice (or any agreed modification of it) and with rules relating to the use of public funds; and to act in good faith and in the best interests of the HCA. Members must not use information gained in the course of their public service to promote their private interests.
- 14 Members have a responsibility to prepare for meetings and attend meetings and away days. Apologies should be given prior to the start of the meeting. After three missed meetings the Chairman will be informed.
- 15 In their capacity as Members of the HCA, Members must not accept cash or personal gifts with a significant monetary value under any circumstances, nor must they solicit personal gifts under any circumstances. Similarly, Members should never solicit or accept an offer of lavish hospitality, nor any hospitality which could be interpreted as a means of exerting an improper influence over the way in which they carry out their duties. The timing of hospitality in relation to sensitive matters should also be a crucial consideration in accepting or offering hospitality. All Members are required to submit quarterly a list of all gifts and hospitality received. This information will be collated and held in the HCA's Gifts and Hospitality Register.
- 16 At the end of their term of office, Members must return to the HCA all HCA property in their possession. They should continue to treat as confidential the information they learned during their time as Members.

Strategic planning and control

- 17 One of the main tasks of the Board will be oversight of the production of a Corporate Plan. The process of preparing such a document provides an opportunity for agreeing, with the responsible Minister, or officials on his or her behalf, the policy and resources framework within which the HCA will discharge its duties; and for determining its key strategic objectives and targets. Such targets should normally cover areas such as the HCA's financial performance; the efficiency and effectiveness of its operations; and the quality of the services it provides.

Delegation

- 18 Members serve on a part-time basis. To the extent permitted by legislation and other provisions, responsibility for day-to-day management matters should be delegated to staff so far as is practicable, with a clearly understood framework of strategic control.
- 19 The Board may decide to delegate responsibility for specified matters to individual Members or committees of the Board. Decisions taken by individual Members or committees of the Board under delegated powers should be recorded in written minutes available to the Board as a whole.
- 20 The Board will establish a management scheme of internal guidance covering those matters delegated to individual Members, committees or staff and those reserved for decision by the Board.

Handling conflicts of interests

- 21 The Chairman and other Members should declare any personal or business interests which may conflict with their responsibilities as Members.
- 22 Members are required to ensure that their interests are recorded in the HCA's Register of Interests and that the Register is updated as these changes occur.
- 23 The Register shall list all direct or indirect pecuniary interests of Members which members of the public might reasonably think could influence the Member's judgement; non-pecuniary interests of Members where these have a direct bearing on the business of the HCA; and interests of close family members and of persons living in the same household, where the Member is aware of these.
- 24 Members should also declare any shareholdings that are significant or relevant to the work of the HCA, either in terms of volume, value or the nature and dealings of the business, if the said shareholdings represent 3% or more of the share capital of the company concerned.
- 25 The Register of Member's Interests is open for public inspection, including on the HCA website.
- 26 In Board and Committee meetings, Members must ensure that any interests they may have in a matter due for discussion at the meeting are declared as

soon as practicable after the beginning of a meeting and minuted as appropriate. It is at the discretion of the Chairman whether the individual Member should withdraw from the meeting during discussions of matters in which they have registered an interest. However Members must not participate in discussion or determination of matters in which they have a direct pecuniary interest.

- 27 When an interest is not of a direct pecuniary kind, Members should consider whether participation in the discussion or determination of a matter would suggest a real danger of bias. This should be interpreted in the sense that Members might unfairly regard with favour or disfavour, the case of a party to the matter under consideration. In considering whether a real danger of bias exists in relation to a particular decision, Members should assess whether they, a close family member, a person living in the same household, or a firm, business or organisation with which the Member is connected are likely to be affected more than the generality of those affected by the decision in question. This would cover, for example, a decision to invite tenders for a contract where a firm with which a Member was connected was significantly better placed than others to win it.
- 28 Beyond this level, Members should consider whether they need to disclose relevant non-pecuniary interests or interests of other family members where members of the public might reasonably consider that these could influence the Member's judgement or where participation in the discussion or determination of a matter would suggest a real danger of bias.
- 29 Because the HCA is required to follow generally accepted accounting practice, Board Members must facilitate compliance with the need under Financial Reporting Standards for material transactions with related parties to be disclosed in financial statements. "Related parties" include close members of the family of an individual, who are defined for the purposes of the standard as those family members, or members of the same household, who may be expected to influence, or be influenced by, that person in their dealings with the reporting entity .

Personal Liability of Board Members

- 30 Although any legal proceedings initiated by a third party are likely to be brought against the Board, in exceptional cases proceedings (civil or, in certain cases, criminal) may be brought against the Chairman or other individual Members. For example, a Member may be personally liable if he or she makes a fraudulent or negligent statement which results in loss to a third party. Members who misuse information gained by virtue of their position may be liable for breach of confidence under common law or may commit a criminal offence under insider dealing legislation.
- 31 However, as stated in Members terms and conditions of appointment, if legal proceedings are brought against any HCA Member by a third party, the Department will meet any civil liability which is incurred in the execution of their functions, unless they acted recklessly and provided that they have acted honestly and in good faith.
- 32 Members who need further advice should consult the Board's legal advisers.

The Board as Employer

- 33 The Board shall ensure that:
- it complies with all relevant employment legislation and that it employs suitably qualified staff who will discharge their responsibilities in accordance with the high standards expected of staff employed by public bodies
 - all staff are familiar with the HCA's corporate strategy, including its main aims and objectives, and the internal management and control systems which relate to their work
 - HCA's rules for the recruitment and management of staff provide for appointment and advancement on merit on the basis of equal opportunity for all applicants and staff, and that the rules of conduct for its employees reflect the public service values set out in this code and management practices which will use resources in the most efficient and economical manner.
 - In filling senior staff appointments, an adequate field of qualified candidates is considered, and normally operates full open competition for recruitment of external candidates
 - its Members, and HCA's staff, have access to expert advice and suitable training opportunities which they may require in order to exercise their responsibilities effectively
 - HCA's management practices use resources in the most economical, efficient and effective manner.
- 34 The Board shall adopt a Code of Conduct for its staff in accordance with current guidance issued by the Cabinet Office for executive NDPBs, which has been agreed with CLG.
- 35 The Board shall monitor the performance of the Chief Executive and senior staff. Where the terms and conditions of employment of the Chief Executive and other members of staff include an entitlement to be considered for performance-related pay, these will be assessed by the Remuneration Committee on the basis of the necessary information and advice.

Annual Report and Accounts

- 36 As part of its responsibilities for the stewardship of public funds, the Board must ensure that it includes a full statement of the use of such resources in its Annual Report and Accounts. Such accounts should be prepared in accordance with the Accounts Direction issued by the responsible Minister and such other guidance as may be issued, from time to time, by the sponsor department and the Treasury.
- 37 The Annual Report and Accounts should provide a full description of the Board's activities; state the extent to which key strategic objectives and agreed financial and other performance targets have been met; list the names of the current Members and senior staff; and provide details of remuneration of Members and senior staff in accordance with Treasury guidance. The Annual Report should contain information on access to Registers of Interests in accordance with paragraph 25 above.

Elections and Referendums

- 38 Prior to any UK local or national election or referendum certain restrictions will apply to Members' activities for the 21 or 28-day period ending with the date of the poll. The restrictions, under the Political Parties, Elections and Referendums Act 2000, are that:
- For local elections, Members are prohibited from publishing material that would impact on any local issues raised.
 - For General Elections, Members are prohibited from publishing any material that would impact on any of the issues raised.
 - For referendums, Members are prohibited from publishing material which deals with any of the issues raised by the question posed in a referendum
- 39 Members may only participate in a referendum campaign – whether for a “Yes” or “No” vote – in their capacity as private citizens. All Members should avoid engaging in specific election activities on matters directly affecting the work of the HCA.

ANNEX 1: THE SEVEN PRINCIPLES OF PUBLIC LIFE

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merits.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Appendix C

Leeds City Region Employment and Skills Board Terms of Reference

Statement of purpose

To bring together employers of key sectors, along with Local Authorities and commissioners of employment and skills provision, to give collective local leadership to setting the strategic priorities for public sector investment in adult skills and employability programmes that drive the economic growth of the City Region and raises the demand for skills.

The Employment and Skills Board will seek to act as the designated body to set strategy for skills in Leeds City Region as per Section 24 (A) of the Learning and Skills Act 2000, with the addition of devolved commissioning responsibilities as set out in "Raising Expectations and Increasing Support: Reforming Welfare for the Future" (White Paper, Department for Work and Pensions, 2008). It will seek to influence and ensure coherence with 14-19 strategies and policies.

Remit and responsibilities

The Employment and Skills Board will:

- Promote a shared understanding of skills and employment demand in the City Region economy, now and in the future, the related challenges and opportunities, and share this with partners as appropriate.
- Formulate, publish and programme manage an overarching Strategy for employment and adult skills in the City Region, which is co-produced by employers, adds value to local work and skills plans and Employment and Skills Boards and is aligned with the proposed Regional Skills Strategy and Integrated Regional Strategy.
- Set priorities for employment and skills provision which respond to existing and future needs of the Leeds City Region economy and City Region work streams.
- Inform the development of priorities for other work streams of the City Region, including Transport, Innovation and Housing.
- Provide challenge and transparency to the commissioning of skills and employability programmes in the City Region.
- Seek to influence and ensure coherence with 14-19 strategies and policies for the future workforce needs of the City Region.
- Review the Employment and Skills Strategy and publish an Annual Report setting out distance travelled and the future challenges and opportunities for the Board.
- ensure the widest possible consultation with employers across the City Region and promote best practice in recruitment, retention and staff development.
- Make recommendations to the City Region Leaders Board, the Regional Minister, the appropriate Secretaries of State, Yorkshire Forward the Regional Development Agency, the Skills Funding Agency, Jobcentre Plus and other relevant bodies and organisations on issues related to its responsibilities.

Key Outcomes

- Improved employment, skills, progression and productivity outcomes for the City Region.

Key Outputs

- Long range (5 year) Employment and Skills Strategy
- An Annual Report setting out progress on implementation

Performance framework

The ESB will consider appropriate measures for Performance Management, with any proposed framework having due regard to: Multi Area Agreement indicators; Local Area Agreement indicators and Regional targets (such as RES Regional Skills Strategy).

Leeds City Region Employment and Skills Board Operating Principles

Membership

Membership of the ESB shall have tripartite representation covering:

- 6-9 private sector employers to ensure coverage of the key economic sectors driving growth in the City Region and 1 non-LA public sector employer representative,
- 5 Local Authority Representatives as representatives of place and as key City Region employers;
- Non-voting commissioning partners, to consist of 1 representative each from the Skills Funding Agency, Jobcentre Plus, Yorkshire Forward.

The ESB retains the right to co-opt other non-voting partners (such as Young People's Learning Agency) to the Board when the agenda is relevant.

Membership will be of senior level (Chief Executive, Leader or Senior Management level) with executive decision making responsibility and the ability to represent their geographic area and/or sector.

Membership of the Board will be for three years, reviewed annually.

All members of the ESB will be expected to adhere to the codes of conduct identified by the seven principles of standards in public life established by the Nolan Committee.
(<http://www.archive.official-documents.co.uk/document/parlament/nolan/seven.htm>)

Chair/Deputy Chair

The Employment and Skills Board will be chaired by a publicly recruited employer. Details of this process will be publicised via the city region website. The Chair of the ESB will be appointed for a period of up to three years, subject to formal review after two years.

The nomination to Chair will require endorsement from the City Region Leaders Board.

The Deputy Chair will be selected by the ESB through a nomination and voting process.

Changes to Structure

The ESB may identify the need to develop relevant task and finish groups to pursue specific issues. These task groups will report directly to the ESB and be chaired by an identified member of the ESB.

The Board must agree all changes to its structure, although the Chair is delegated to make temporary changes if deemed necessary.

All membership changes must meet with the criteria set out in the Membership section.

Resignations

Any member that resigns their seat on the Board will be replaced by an equivalent (i.e. an employer who resigns would be replaced by an employer) through an appropriate process.

Individuals who no longer meet the basic eligibility requirements of their position will be expected to resign from the Board.

Meetings

The Board will formally convene four times a year. Special meetings may be called with the agreement of the Chair. Where possible, members should be given a minimum of seven days notice.

Meetings will have an emphasis on open and constructive debate. Members are encouraged to contribute their views and will be given a reasonable opportunity to be heard. All comments should relate to issues and not to individuals.

Meetings will be closed to the press and public (to allow full and open debate between partners), however the Chair may invite observers to attend if appropriate.

The Chair conducts all meetings, or if they are absent the Deputy Chair does this. If neither the Chair nor Deputy Chair is present then the members will agree a Chair for that meeting.

Papers will be circulated to members not less than five working days before the publicised date of the meeting. Minutes will be uploaded to the Leeds City Region website no less than one month after the publicised date of the meeting.

Standing agenda items for meetings will include a declaration of interest for members. Any member declaring an interest in an agenda item will be expected to leave the meeting for the duration of that item.

Any declaration of interest will be recorded in the minutes of the meeting.

Attendance

Members are encouraged to attend each meeting. A schedule of meetings will be issued yearly.

If a member is unable to attend a meeting they are encouraged to send a named alternative or to submit their views to be tabled. Provision will be made to appoint named alternates with appropriate executive decision making authority.

If a member has a continued reason for absence for 2 or more meetings then (with the prior agreement of the Chair) a designated 'interim replacement' can be appointed.

If a member does not attend for three meetings in a row then the Chair can review the situation. This could result in the Chair inviting the nominating body to consider whether its representative should be changed.

Ad-hoc substitutions will not normally be accepted at the Board. The Chair may permit it, in the interests of inclusivity, should a matter of major strategic importance to the Board be on the agenda.

Voting and Quorum

Collegiate decision making will be encouraged as the norm. Where a specific issue requires a vote, the Chair shall not be entitled to a second or casting vote and any tied resolution will

therefore, be deemed to be defeated. The resolution however, may be deferred for further discussion at another meeting.

Voting is conducted by a show of hands by eligible members - and a simple majority carries the vote. Any member who has declared an interest in an item will not be eligible to vote.

There is no right of veto by any partner and once a decision is made then all members shall be bound by it.

The quorum for meetings should be at least comprised of 50% of the public sector and 50% of private sector members (or their named alternates).

If a meeting is not "quorate" then members may continue to discuss items but cannot take decisions (unless there is an urgent matter which can then be covered by the urgent decisions arrangement outlined below).

Members of the Employment and Skills Board who declare an interest and/or leave a meeting shall not form part of the quorum.

Urgent decisions

If an urgent decision is required which cannot wait until the next meeting then a written resolution will be circulated to all board members or a special meeting may be convened.

If neither of the above are practical then the Chair may take a decision "in discussion and agreement with the Deputy Chair and at least one other board member. The decision must be reported at the next scheduled meeting.

Local accountability lines

The ESB will be the designated holder of devolved "Section 4" powers, a service level agreement with Jobcentre Plus and be responsible for developing and delivering an employment and skills strategy for the city region.

The Leaders Board will endorse the Employment and Skills Strategy.

The ESB will be responsible for developing and maintaining strong links to local and regional scrutiny arrangements to ensure transparency, alignment and value added.

Board review

Membership of the Board will be for up to three years, with a "light touch" review conducted annually by the chair, at least two other members of the Board and the secretariat. Board members may choose to remain on the board or step down at this stage.

This will also be used to review the structure and functions of the Board to ensure that it remains fit for purpose.

Support and secretariat arrangements

Arrangements will be established within the LCR secretariat to support the Employment and Skills Board and the overall City Region Employment and Skills agenda and to ensure linkages to City Region governance arrangements, for example: Leaders Board; Chief Executives; Business Leadership Group; and the Thematic Panels.

A support group of city region officers will provide policy support to the Board and promote links with local and regional arrangements.

Any task and finish groups established to progress individual technical work streams (such as performance management or funding) or support the strategic focus of the ESB, will be supported by the Secretariat.

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Originator: Phil Garnett

Tel: 51632

Report of the Assistant Chief Executive (Corporate Governance)

Corporate Governance and Audit Committee

Date: 14th April 2010

Subject: Work Programme 2010/11

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

1.1 The purpose of this report is to notify members of the Committee of the draft work programme for the current municipal year. The draft work programme is attached at Appendix 1 to this report.

2.0 Background Information

2.1 The work programme provides information about future items for the Corporate Governance and Audit Committee agenda, when items will be presented and the which officer will be responsible for the item.

3.0 Main Issues

3.1 The draft work programme for 2010/11 is attached at Appendix 1.

3.3 Members are requested to consider whether they wish to add any items to the work programme.

4.0 Implications for Council Policy And Governance

4.1 There are no implications for Council Policy and Governance.

5.0 Legal And Resource Implications

5.1 There are no legal or resource implications.

6.0 Recommendations

- 6.1 Members are asked to note the draft work programme and advise officers of any additional items they wish to add.

**CORPORATE GOVERNANCE AND AUDIT COMMITTEE
WORK PROGRAMME 2010/11**

ITEM	DESCRIPTION	RESPONSIBLE OFFICER
June 2010		
KPMG report on Grants and Returns in 2008/09	To receive a report updating the Committee on work undertaken by KPMG in relation to Grants and Returns. (Requested in February by KPMG following work completed)	Chief Officer (Financial Management) Doug Meeson
KPMG report on Financial Statements	To receive a report updating the Committee on the Financial Statement expanding on the Audit Plan Letter. (Requested in February 2010 by KPMG following work completed)	Chief Officer (Financial Management) Doug Meeson
Value for Money Arrangements	To receive a report regarding the Council's arrangements in relation to achieving Value for Money. (Report to be brought to the Committee to gain assurance that value for money is being achieved across the Council)	Director of Resources Alan Gay
ALMO Re-inspection Reports	To receive a report informing Members of the outcomes of the re-inspections of East North East Homes Leeds and West North West Homes Leeds. (Report requested by the Committee 29 th July 2009 during discussion of the Belle Isle Tenant Management Organisation – Governance Arrangements)	Head of Housing Delivery and Governance John Statham
Annual Monitoring of Key and Major Decisions	To receive a report presenting the outcome of the monitoring process relating to Key and Major decisions. (The annual report to the Committee to gain assurance that Key and Major decisions are being made in line with procedure)	Head of Governance Services Andy Hodson

**CORPORATE GOVERNANCE AND AUDIT COMMITTEE
WORK PROGRAMME 2010/11**

ITEM	DESCRIPTION	RESPONSIBLE OFFICER
Review of the Committees Terms of Reference	To receive a report presenting the terms of reference to the Committee. (The terms of reference have not been fully reviewed since February 2009)	Head of Governance Services Andy Hodson
Annual Governance Statement	To receive the draft Annual Governance Statement (This report is on the agenda as part of the Committee's Annual work programme)	Head of Governance Services Andy Hodson
Audited Statement of Accounts	To received the Audited Statement of Accounts (This report is on the agenda as part of the Committee's Annual work programme)	Chief Officer (Financial Management) Doug Meeson
Decision Making Arrangements in Licensing	To receive a report informing the Committee of the decision making arrangements in licensing. (This report was requested by the Committee at the meeting held on 30 th June 2009 to clarify the Licensing decision making arrangements and for the Committee to gain assurance that the arrangements in place are operating as intended)	Chief Officer (Legal, Licensing and registration) Stuart Turnock
Annual Report on the Standards Committee	To receive a report regarding the annual report of the Standards Committee. (This report is a regular annual report to update the Committee on the work of the Standards Committee)	Head of Governance Services Andy Hodson
July 2010		

**CORPORATE GOVERNANCE AND AUDIT COMMITTEE
WORK PROGRAMME 2010/11**

ITEM	DESCRIPTION	RESPONSIBLE OFFICER
Annual Internal Audit Report	To receive the Annual Internal Audit Report (The Annual Internal Audit report to the Committee to gain assurance that the Council's systems and control environment are operating as intended)	Chief Officer (Audit and Risk) Tim Pouncey
Arrangements in response to the Children's Services Inspection	To receive a report to provide assurance that arrangements described in response to the inspection are operating as intended (Report requested at the meeting held on 17 th March 2010 following discussion on the CQC inspection of Children's Services)	Deputy Director Children's Services Mariana Pexton
Internal Audit Protocol	To receive a report detailing a revised Internal Audit Protocol to enable arrangements to be formalised. (Requested at the meeting held on 13 th January during the discussion of the Half Yearly Internal Audit item)	Head of Internal Audit Neil Hunter
Partnership Registration	To receive a report updating the Committee on the registration of Partnerships (Added to the agenda to ensure the Committee are up to date on progress made with embedding the partnership framework)	Head of Governance Service Andy Hodson
Section 106 and Section 278 Agreements – Update	To receive a report which updates Members on the actions being taken to ensure the transparent monitoring of Section 106 and Section 278 agreements. (This report was requested by the Committee at the meeting held on 18 th June 2008)	Chief Officer (Planning Services) Phil Crabtree
RIPA policy	To receive a report presenting the revised draft RIPA policy (This report is on the agenda following the initial draft being presented to the Committee at the meeting on 14 th April where amendments were requested)	Head of Property Finance and Technology Mark Turnbull

**CORPORATE GOVERNANCE AND AUDIT COMMITTEE
WORK PROGRAMME 2010/11**

ITEM	DESCRIPTION	RESPONSIBLE OFFICER
Fraudulent Tenancies	<p>To receive a report informing the Committee of the types of irregularities to identify where tenancy fraud may be occurring.</p> <p>(Requested at the meeting held on 14th April 2010 during discussion on the Fraudulent Tenancies item.)</p>	Strategic Landlord John Statham
September 2010		
Audited Statement of Accounts	<p>To receive a report detailing any issues with the audited accounts.</p> <p>(This report is on the agenda as part of the Committee's Annual work programme)</p>	Chief Officer (Financial Management) Doug Meeson
Attempted Security Breaches	<p>To receive a report detailing any attempted security breaches that the Council has been subject to and the work done to reduce the impact and mitigate against such attempts.</p> <p>(This report is on the agenda following a request from the Committee during discussion on the Annual Information Security report at the meeting held on March 17th 2010)</p>	Chief Officer (Business Transformation) Lee Hemsworth
Annual Governance Statement	<p>To receive the final version of the Annual Governance Statement</p> <p>(This report is on the agenda as part of the Committee's Annual work programme)</p>	Head of Governance Services Andy Hodson
Local Government Ombudsman's Annual Letter	<p>To receive the annual letter from the Local Government Ombudsman.</p> <p>(This report is on the agenda as part of the Committee's Annual work programme)</p>	Corporate Customer Relations Manager Wendy Allinson
October 2010 – no items scheduled as yet		

**CORPORATE GOVERNANCE AND AUDIT COMMITTEE
WORK PROGRAMME 2010/11**

ITEM	DESCRIPTION	RESPONSIBLE OFFICER
November 2010		
6 Monthly Update Report on risk Management	To receive a report updating members on the Council's risk management arrangements	Chief Officer (Audit and Risk) Tim Pouncey
Corporate Governance Statement Action Plan	To receive a report detailing progress made against actions in the Corporate Governance Statement Action Plan	Head of Governance Services Andy Hodson
December 2010		
Compliance with the Governance Framework For Significant Partnerships.	To receive a report updating the Committee on progress made on ensuring that partnerships are complying with Governance Framework for Significant Partnerships. (This report was requested at the meeting held on 10 th February 2010 to ensure compliance with the Framework was improving.)	Head of Governance Services Andy Hodson
Comprehensive Area Assessment	To receive a report informing the Committee of the Outcome of the Comprehensive Area Assessment	Assistant Chief Executive (Planning, Performance and Improvement)
January 2011		
Half Year Internal Audit Report 2009/10	To receive a report detailing the work of the Internal Audit Section to date.	Head of Internal Audit Neil Hunter
Standards Committee Update Report	To receive a report summarising the activities of the Standards Committee over the last 6 months	Head of Governance Services Andy Hodson
February 2011 – No items currently scheduled		

**CORPORATE GOVERNANCE AND AUDIT COMMITTEE
WORK PROGRAMME 2010/11**

ITEM	DESCRIPTION	RESPONSIBLE OFFICER
March 2011		
Information Security Annual Report	To receive a report on the Council's Information Security arrangements	Chief Officer (Business Transformation) Lee Hemsworth
April 2011		
Annual Audit and Inspection Letter	To receive a report presenting the Annual Audit and Inspection Letter 2008/09.	Chief Officer (Audit and Risk) Tim Pouncey
Consultation on External Audit and Inspection Plan 2010/11	To receive a report consulting Members on the content of the External Audit and Inspection Plan 2010/11.	Chief Officer (Audit and Risk) Tim Pouncey
Corporate Governance Statement Action Plan	To receive a report detailing progress made against actions in the Corporate Governance Statement Action Plan.	Head of Governance Services Andy Hodson
Corporate Governance and Audit Committee Annual Report 2009/10	To receive a report presenting the draft Corporate Governance and Audit Committee Annual Report 2009/10.	Head of Governance Services Andy Hodson
May 2011		
Annual Report on Risk Management	To receive a report regarding the Council's risk management arrangements.	Chief Officer (Audit and Risk) Tim Pouncey
Annual Report on Delivering Successful Change	To receive a report presenting the annual report on Delivering Successful Change.	Chief Officer (Audit and Risk) Tim Pouncey

**CORPORATE GOVERNANCE AND AUDIT COMMITTEE
WORK PROGRAMME 2010/11**

ITEM	DESCRIPTION	RESPONSIBLE OFFICER
Annual Report on Community Engagement	To receive a report presenting the annual report on Community Engagement.	Assistant Chief Executive (Planning, Policy and Improvement) James Rogers
Annual Monitoring of Key and Major Decisions	To receive a report presenting the outcome of the monitoring process relating to Key and Major decisions.	Head of Governance Services Andy Hodson
Un-scheduled items for 2010/11		
Children's Services Performance Measurement	To receive a report outlining a consistent process by which Children's Services can measure its own performance, including a 'traffic light' system. (Report to be brought to the Committee to gain assurance on the process used by Children's Services to measure its own performance)	Interim Director of Children's Services Eleanor Brazil
Leeds City Region Governance Arrangements	To receive a report to ensure that the Council is in a position to engage with and influence the decisions taken by the proposed governance arrangements for the Leeds City Region. (Further reports requested at the meeting held on 10 th February 2010 with regards to the Governance arrangements of the Leeds City Region)	Chief Officer (Leeds Initiative and Partnerships) Kathy Kudelnitzky
Council and Partner responses to anti-social behaviour	To receive a report detailing the results of the anti-social behaviour process review. (Report requested at the meeting held on 17 th March 2010 following the overview of Council responses to anti social behaviour)	Chief Officer Community Safety Simon Whitehead

**CORPORATE GOVERNANCE AND AUDIT COMMITTEE
WORK PROGRAMME 2010/11**

ITEM	DESCRIPTION	RESPONSIBLE OFFICER
Remuneration Committee	<p>To receive a report updating the Committee on the developments in relation to the creation of a Remuneration Committee</p> <p>(Report requested at the meeting held on 17th March 2010 following discussion on the progress made in establishing a Remuneration Committee)</p>	Chief Officer Human Resources Lorraine Hallam
Annual Report on Delivering Successful Change	<p>To receive a report presenting the annual report on Delivering Successful Change.</p> <p>(The annual report to the Committee to gain assurance that the Delivering Successful Change agenda is making progress)</p>	Chief Officer (Audit and Risk) Tim Pouncey
Corporate Performance Management	<p>To receive a report detailing the wider corporate performance management governance adopted by the authority, that enables early warning of possible severe failure, rather than relying on inspection from external bodies.</p> <p>(Report requested at the meeting held on 17th March 2010 following discussion of the Ofsted and care Quality Commission Inspection of safeguarding and looked after Children's Services in Leeds)</p>	Assistant Chief Executive (Planning, Performance and Improvement) James Rogers
Annual Report on Community Engagement	<p>To receive a report presenting the annual report on Community Engagement.</p> <p>(The annual report to the Committee to gain assurance that work on Community engagement is being effectively undertaken)</p>	Assistant Chief Executive (Planning, Policy and Improvement) James Rogers