

Corporate Governance and Audit Committee

Monday, 21st September, 2020

PRESENT: Councillor A Scopes in the Chair

Councillors P Harrand, J Illingworth,
P Grahame, M Harrison, J Taylor,
P Truswell and B Garner

28 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents

29 Exempt Information - Possible Exclusion of the Press and Public

There were no items identified where it was considered necessary to exclude the press or public from the meeting due to the confidential nature of the business to be considered.

30 Late Items

There were no late items of business identified.

31 Declaration of Disclosable Pecuniary and Other Interests'

There were no declarations of disclosable pecuniary interest made at the meeting.

32 Apologies for absence

Apologies for absence were received from Councillor J Bentley.

33 Minutes of the Previous meeting

RESOLVED – That the minutes of the previous meeting held on 27th July 2020 were accepted as a true and correct record.

34 Matters Arising from the Minutes

In relation to Item 23 the Chief Officer Financial Services confirmed that MPS were included in the Council's discussions with MHCLG.

In relation to items 24 & 25, the period of consultation on the Annual Governance Statement and accounts concluded with no questions or comments from public.

In relation to item 24, a briefing note on finance arrangements for lease in and out had been circulated to all members of the committee on 24th August 2020.

Draft minutes to be approved at the meeting
to be held on Monday, 23rd November, 2020

35 Annual Assurance Report on Planning Decision Making and Enforcement Arrangements

The Committee consider a report by the Chief Planning Officer which presented the Annual Assurance report on planning decision making and enforcement arrangements.

The report sought to provide assurance that development management decision making arrangements and compliance matters were, up to date, fit for purpose, effectively communicated and routinely complied with.

This item was the subject of a separate Working Group held on 7th September 2020 when Members discussed the submitted report in detail.

The Chair tabled the notes of the Working Group setting out details of Members' consideration of the matters raised.

Members were supportive of the proposal for the Chair to write to the Chief Planning Officer inviting him to draft a protocol for enforcement of breaches of planning control on Council land which did not rely on formal enforcement action and which should be adopted by the whole council and to also write to the Chief Executive to seek support in ensuring that departments complied with the new protocol once agreed.

Members were also supportive of the proposal to request that the Protocol on Public Speaking at Plans Panel be reviewed with particular regard to Members' rights to speak at Plans Panel, and that the Chief Planning Officer confirm the process for doing so and that the Plans Panel Chairs be engaged in the review.

In offering comment on the planning decision processes one Member said that he was not confident with the present arrangements; often officers were reluctant to investigate complaints, advice about planning processes was often vague, there was a pattern of behaviour suggesting that the public could not rely on what they were told.

Other Members were of a similar view and sought further assurance in relation to the processes considered. In particular Members wished to understand if there were any emerging themes in terms of the provision of advice to the public and whether complaints are adequately addressed.

The Head of Audit offered to undertake a formal review of the planning decision making processes together with the enforcement arrangements, including the case studies identified by Members (Kirkstall Hill application and the proposed construction of 152 affordable dwellings on the former Horsforth Campus site) and that the results of the review be reported back to this Committee in due course.

Members were supportive of the suggestion.

The Chair thanked officers for their attendance and contributions.

RESOLVED –

- (i) To support the Chair in writing to the Chief Planning Officer to inviting him to draft a protocol for enforcement of breaches of planning control on Council land which does not rely on formal enforcement action and which should be adopted by the whole council and undertook to write to the Chief Executive to seek support in ensuring that departments complied with the new protocol once agreed
- (ii) To request that the Protocol on Public Speaking at Plans Panel be reviewed with particular regard to members' rights to speak at Plans Panel, and that the Chief Planning Officer confirm the process for doing so and that the Plans Panel chairs are engaged in the review
- (iii) That the Head of Audit be requested to undertake a formal review of the planning decision making processes together with the enforcement arrangements, including the case studies identified by Members and that the results of the review be reported back to this Committee in due course.

36 Annual Assurance Report on Employment Policies and Procedures and Employee Conduct.

The Committee considered a report by the Chief Officer, Human Resources which presented the Annual Assurance Report on Employment Policies and Procedures and Employee Conduct.

The report sought to provide assurance that: the requirements of employee conduct are established and regularly reviewed; requirements relating to employee conduct are communicated and feedback is collected on whether expected behaviours are being demonstrated; and employee conduct is monitored and reported.

This item was the subject of a separate Working Group held on 7th September 2020 when Members discussed the submitted report in detail.

The Chair tabled the notes of the Working Group setting out details of Members' consideration of the matters raised.

Members confirmed that the notes of the Working Group represented a true reflection of the discussion.

Members noted that it would be helpful to receive information benchmarking the Council's performance in future reports.

Members also requested further information in relation to themes emerging from the pulse surveys undertaken in relation to home working and employee wellbeing under ongoing social distancing working arrangements. Officers undertook to circulate relevant information.

Officers provided an update in relation to progress in respect of gifts and hospitality and register of interest returns, and undertook to further update the committee at its next meeting.

The Chair thanked officers for their attendance and contributions.

RESOLVED – To note the assurances provided by the Chief Officer, Human Resources that the requirements of employee conduct are established and regularly reviewed; requirements relating to employee conduct are communicated and feedback is collected on whether expected behaviours are being demonstrated; and employee conduct is monitored and reported.

37 Applications Portfolio Programme - Update on Access Project

The Committee received an update on the progress with the Access 2003 replacement project.

Addressing the report the Head of Information Management & Governance, Resources & Housing reported that good progress had been made in the conversion from MS Access 2003 to MS Access 2010 and the creation of new MS Access 2003 or 2010 databases had been stopped. In the longer term the replacement of access 2010 databases was currently being scoped out and planned in.

Members were informed that conversations had recently taking place with the Cabinet Office with respect to PSN Compliance and were comfortable with the approach the project was taking and had agreed the plan for Access 2010 delivery. Members requested that the correspondence from the Cabinet Office confirming the agreed arrangements could be circulated to the Committee.

It was confirmed the correspondence from the Cabinet Office would be circulated to Members

Members were advised that governance arrangements in relation to project management in the digital and information service had been strengthened, and new portfolio and compliance boards established. These would provide for regular reporting on all projects and a clear route for risks, issues and escalations.

Members welcomed the removal of MS Access 2003 and the phasing out of MS Access 2010 but queried what would Access be replaced with.

In responding it was reported that about 50% of the databases would be Business Analytical and could be replaced with business intelligence tools;

some could be migrated into relevant line of business applications; and the remainder would require suitable in-house or newly commissioned alternative solutions.

Members sought and received assurance that teams within DIS were sufficiently resourced and skilled, and that the project would be sufficiently prioritised going forward.

The Chair suggested the phasing out of the MS Access 2010 was a key milestone and should be sufficiently prioritised and monitored by this Committee. The Chair of committee asked for further information to be provided on the key milestones in relation to the project. The Chair also undertook to consider with officers the most appropriate way to ensure the committee has oversight of the governance of risk under GDPR, as well as governance arrangements in relation to projects and programmes within the digital and information service.

In responding the Head of Information Management & Governance reflected on the distinction between her role as the Council's Data Protection Officer, and as a manager within DIS. The Head of Information Management and Governance confirmed that the Access project would continue to require monitoring but that other aspects could also benefit from the committee's oversight. It was confirmed that the Director of Resources and Housing also received regular updates. It was suggested that monitoring updates could be included in the Committee Work Programme, enabling the committee to focus on ensuring that appropriate governance arrangements are in place.

The Chair thanked officers for their attendance and contributions.

RESOLVED – That the contents of the report and actions therein be noted.

38 Internal Audit Update Report June to August 2020

The Chief Officer, Financial Services submitted a report which provided a summary of the Internal Audit activity for the period June to August 2020 and to highlight any significant failings or weaknesses.

Addressing the report the Head of Audit explained that 12 reports had been issued in the reporting period, and that the Counter Fraud team also continued to ensure both proactive and reactive work continued as normal.

The Head of Internal Audit explained that the review undertaken in respect of Deprivation of Liberty Safeguards (DoLS) was a follow up, but had limited assurance as management had been awaiting the introduction of new regulations pending their response. However management were now responding positively and putting measures in place to address concerns.

Referring to paragraph 3.8 of the submitted report "Management had responded positively to the follow up audit and would provide updates to their

Directorate Leadership Team” Members queried how often updates would be provided.

In responding the Head of Audit explained that good liaison had been established with the Directorate Leadership Team and that update were provided on a quarterly basis. She undertook to provide further information in relation to the briefing of the Executive Member.

In relation to IR35 Legislation (Central Controls and Directorate Reviews) the Head of Audit explained that the review was a full review of central controls, which had improved, but that controls in directorates had not improved sufficiently. Since conclusion of the review, the Head of Audit reported, that there was now good engagement with the Adults and Health directorate which would enable learning across the Council. The Head of Audit explained IR35 was paid either by invoice or payroll and it would be for the HMRC (Her Majesty's Revenue and Customs) to seek outstanding payments via the local authority.

The Head of Audit explained how the service was working to ensure that audit and risk concerns were incorporated into the design of the core service review work being undertaken.

Members requested information in relation to the breakdown of open referrals in relation to reactive counter fraud work passed to directorates, and asked whether any issues had emerged in relation to Covid-19. The Head of Audit undertook to provide further information.

Members noted that the review in relation to the the Flood Alleviation Scheme was in progress and requested an update. Members were informed that an update would be provided in the next update report to Committee

Members referred to Paragraph 4.3.3 of the submitted report and the statement that Internal Audit would consider the Climate Emergency in the development of Annual Internal Audit Plans. The Head of Audit confirmed that the climate emergency is considered in developing the risk based plan.

The Chair suggested that it may be beneficial for Internal Audit to review the Climate Emergency target (Medium Term Plan) to ensure the Council was moving in the right direction.

RESOLVED –

- (i) To receive the Internal Audit Update Report covering the period from June to August 2020 and note the work undertaken by Internal Audit during the period covered by the report.
- (ii) To note that there have been no limitations in scope and nothing had arisen to compromise the independence of Internal Audit during the reporting period.

39 Work Programme

The City Solicitor submitted a report which set out the ongoing Work Programme for 2020/21.

Commenting on the Audited Accounts and Audit Report scheduled to come to the October meeting of this Committee, the Chief Officer, Financial Services reported that both the accounts and audit report would be delayed for up to one month. It was explained that; a decision on further support from Central Government was still awaited, possibly mid-October, that clarification was required around the pension fund audit which was anticipated to be received by the end of October, and working remotely had also lead to some audit challenges and subsequent delays.

Gareth Mills (Grant Thornton) confirmed he was in regular discussions with the Chief Officer, Financial Services. It was reported that the statutory deadline for the completion of the audited account was 30th November 2020, most sign-offs, including the pension fund were planned for mid-November. Mr Mills mentioned the publication of the Redmond Review and offered to provide some information around the recommendations and the new approach to audit for the 20/21 audit.

The Chair thanked him for the offer to provide some training.

Reference was made to the Governance Arrangements for Devolution and the mayoral authority, due to come to this Committee in December 2020.

The Chair reported that the subject had been discussed at a recent Council Meeting where it had been agreed that this Committee undertake a review of the governance arrangements of the proposed Mayor and consider a number of specific questions raised by the Executive Board (and full council).

Members requested that the devolution issue be considered in formal committee.

In view of the delay to the audited accounts, it was proposed that the next meeting arranged for 16th October 2020 be rescheduled to 23rd November 2020

RESOLVED – That the Work Programme be amended accordingly to reflect the delay in receiving Audited Accounts and Audit Report

40 Date and Time of Next Meeting

RESOLVED - That the next meeting be rescheduled to take place on Monday, 23rd November 2020 at 10.00am (Remote Meeting)