

Corporate Governance and Audit Committee

Wednesday, 26th November, 2008

PRESENT: Councillor J Bale in the Chair
Councillors D Blackburn, G Driver, J Elliott,
G Latty, N Taggart, C Campbell and
G Kirkland
Co-optee
Mr M Wilkinson
Apologies Councillor M Iqbal

54 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

55 Exempt Information - Possible Exclusion of the Press and Public

There were no resolutions to exclude the public.

56 Late Items

There were no late items added to the agenda.

57 Declaration of Interests

Councillor Latty declared a personal interest in item 9 of the agenda (Minute 63 refers) as Chair of Plans Panel (East).

Councillor Driver declared a personal interest in item 10 of the agenda (Minute 64 refers) as a member of Aire Valley Homes ALMO.

(Councillor Blackburn arrived during this item.)

58 Apologies for Absence

Apologies for absence from the meeting were received on behalf of Councillor Iqbal.

59 Minutes of the Previous Meeting - 22nd October 2008

RESOLVED – That the minutes of the Corporate Governance and Audit Committee meeting held on 22nd October 2008 be approved as a correct record.

Draft minutes to be approved at the meeting
to be held on Wednesday, 21st January, 2009

60 Matters Arising

Further to Minute 50 (Update Report on Risk Management Arrangements), it was confirmed that a report regarding the audit of the decision making process would be presented at the next Committee meeting.

Further to Minute 51 (Information Security), some Members reiterated the need for the Council's wholly owned subsidiaries to adhere to the same information governance standards as the Council. It was agreed that the further report to be presented to the Committee regarding information security should also address this issue.

61 Minutes of the Standards Committee

Members' attention was drawn to the items regarding Town and Parish Councils. It was reported that this work had been undertaken in order to try to minimise the number of complaints received against Town and Parish Councils. Members were also informed that the Council had been shortlisted in the 'Standards and Ethics' category of the Local Government Chronicle Awards 2009.

RESOLVED - that the minutes of the Standards Committee meeting held on 16th October 2008 be noted.

62 Update on Business Continuity Arrangements at East Moor Secure Children's Centre

The Chief Officer (Audit and Risk) presented a report of the Director of Resources providing the Committee with an update on the efforts made by the Risk Management Unit (RMU) over the last 12 months to work with staff within the East Moor Secure Children's Centre to draw up a Business Continuity Plan.

The need to ensure that staff at East Moor Secure Children's Centre understand the importance of the Business Continuity Plan was highlighted to the committee. The Director of Children's Services, who was also present for this item, apologised for the delays which had occurred and provided the Committee with assurance that, following her personal intervention, the Plan would be signed off by January 2009.

RESOLVED – That the reassurances provided by the Director of Children's Services be welcomed and progress with respect to the Business Continuity Plan for East Moor be noted.

63 The Process by which the Council Makes and Decides Planning Applications

(Councillor Taggart arrived at 10:25am prior to the consideration of this item.)

The Chief Planning Officer presented a report describing the process by which the Council determines its own planning applications, demonstrating that this is substantially the same process used for all planning applications.

Members raised the following points:

- It was important that the process was seen to be as transparent as possible by members of the public;
- Sometimes there may be a conflict of objectives regarding the Council's planning applications, where the service and other benefits arising from an improved development may be advanced, rather than the planning implications (for example traffic impacts or relationship to adjoining properties); and
- In the past it may have been presumed that Council departments' planning applications would always be approved, but this is no longer the case.

In response to their queries, Members were informed that:

- In the interests of transparency, all applications are publicised whether made by the Council or by a private individual;
- The Joint Plans Panels had now agreed a protocol for pre-application discussions for larger and more controversial proposals as well as the use of Planning Delivery Agreements;
- A separate protocol is used for the Public and Private Partnerships Unit due to the complexity of the procurement process and to help ensure project timescales are delivered. However, this doesn't guarantee that permission will be granted;
- There is now a published checklist in place for the validation process which is used nationally; and
- If a Grampian Condition was breached by a Council department, the Council's Monitoring Officer would be able to intervene as a last resort.

Further queries were raised regarding two Private Finance Initiative (PFI) schemes (the Residual Waste Treatment Project and the Independent Living Project). It was confirmed that the planning team had not yet been involved in the Waste project, and that all applications relating to the Independent Living Project had now been approved.

Members felt that the quality of presentations provided by Council applicants could be inferior when compared to those given by private sector applicants' presentations, and that Council applicants should be informed of the need to present their application as effectively as possible so that all parties were fully aware of the implications of schemes.

RESOLVED –

- (a) That the report be noted; and
- (b) That the Chief Planning Officer ensures that internal applicants be advised of the need to provide Plans Panels with high quality presentations which provide a full explanation of their planning implications and enable the merits of schemes to be better communicated to Members and communities.

64 Fraudulent Tenancies

The Head of Housing Delivery and Governance presented a report of the Chief Housing Services Officer outlining the extent of fraudulent tenancies and the measures being undertaken by the ALMOs to ensure that all tenancies are tenanted correctly.

During the discussion of the report, Members raised the following points:

- The definition of a fraudulent tenancy needed to be more clearly defined, and the use of the term 'fraudulent' should be reconsidered;
- The estimate of 10 fraudulent tenancies occurring per annum (which was based on feedback from the ALMOs) appeared to be unrealistically small, and the number of occurrences should be calculated more accurately;
- When customers sign up for a new property, photo ID should be required;
- Whilst photographing new tenants would be useful, it would be important to ensure that the photographs are held in accordance with the Data Protection Act;
- Home visits are worthwhile in assessing the extent of fraudulent tenancies;
- Methods of addressing other issues, for example tenants who do not live in the property all the time, and the occurrence of tenants who aren't actually entitled to social housing should be assessed; and
- There are wide discrepancies in the way in which properties are managed by the ALMOs, therefore the areas in which consistency is required should be examined further.

It was agreed that a report should be brought back to the Committee in order to address the issues raised.

RESOLVED –

- (a) That the report be noted; and
- (b) That a report be brought back to the Committee addressing the points raised above.

(Councillor Latty left the meeting during the consideration of this item.)

65 Corporate Governance Statement Action Plan 2008

The Head of Governance Services presented a report of the Assistant Chief Executive (Corporate Governance) updating Members on the progress that has been made in implementing the Corporate Governance Statement action plan.

Members were informed that although some of the actions didn't have definitive completion dates, successes are reported in the Annual Governance

Statement and the action plan is monitored by the Corporate Governance Board.

Members felt that the use of the term 'portfolio' was unnecessary and it was agreed that the Chief Officer (Audit and Risk) would reconsider this. Members raised a potential concern that there may be some cases where financial management procedures or practice may conflict with the wider Corporate Governance Framework which the Council has adopted. The Head of Governance Services undertook to liaise with the Chief Officer (Financial Management) in order to feed these comments back on behalf of the committee.

RESOLVED –

- (a) That the Chief Officer (Audit and Risk) reconsiders the use of the term 'portfolio';
- (b) That the Head of Governance Services liaises with the Chief Officer (Financial Management) in order to feed back the Committee's comments regarding financial management procedures; and
- (c) That the work officers have undertaken to improve the Council's corporate governance arrangements be noted.

66 Governance Framework for Significant Partnerships - Annual Review 2008/09

(Councillor Campbell left the meeting prior to the consideration of this item.)

The Principal Corporate Governance Officer presented a report of the Assistant Chief Executive (Corporate Governance) detailing the annual review of the Governance Framework for Significant Partnerships, and recommending amendments to the Framework.

It was reported that the Corporate Governance Board had agreed that the specific governance requirements should be detailed in the Framework, and that an exception procedure would be applied where necessary.

Some Members highlighted the importance of the partnerships' work programme being made available before decisions were made, and it was agreed that officers would amend the associated toolkit in order to address this issue.

RESOLVED –

- (a) That the annual review of the Governance Framework for Significant Partnerships, and the suggested amendments following the review, be noted.

67 Work Programme

The Assistant Chief Executive (Corporate Governance) submitted a report notifying Members of the draft work programme for 2008/09.

It was confirmed that an additional meeting of the Committee would be held on Wednesday 11th February 2009, and that a rearranged meeting date for April 2009 would be confirmed in due course.

RESOLVED – That the draft work programme for the remainder of the municipal year be noted.