

Audit and Standards Committee

Meeting held 16 November 2017

PRESENT: Councillors Josie Paszek (Chair), Dianne Hurst, Pat Midgley and Peter Price

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Liz Stanley.

2. EXCLUSION OF THE PRESS AND PUBLIC

2.1 No items were identified where resolutions may be moved to exclude the press and public from the meeting.

3. DECLARATIONS OF INTEREST

3.1 As Councillors, all Members of the Committee declared personal interests in items 6 – ‘Consultation on the Disqualification Criteria for Councillors’ and item 7 – ‘Revised Procedure for Dealing with Standards Complaints’.

4. MINUTES OF PREVIOUS MEETINGS

4.1 The minutes of the meeting of (a) the Committee held on 14 September 2017 and (b) the Consideration Sub-Committee held on 25 September 2017, were approved as correct records.

5. CONSULTATION ON THE DISQUALIFICATION CRITERIA FOR COUNCILLORS

5.1 The Monitoring Officer/Director of Legal and Governance submitted a report in relation to a Consultation on the Disqualification Criteria for Councillors and Mayors. The Government had issued a consultation paper, which set out its proposals for updating the criteria disqualifying individuals from being elected, or holding office, as a local authority Member or directly elected Mayor. The Committee was asked to consider a response to the consultation.

5.2 David Hollis, Assistant Director, Legal and Governance, introduced the report. He commented that the Government were consulting on widening the scope for disqualification to include any conviction related to sexual offences or anti-social behaviour. The Government was proposing that this criteria did not include sexual risk orders which was a Civil Order.

4.3 As there were no Members present from the main opposition party, Members asked that their responses to the consultation be shared with them for their input.

4.4 **RESOLVED:** That: (a) the Council’s response to the consultation should be as

outlined below:-

“Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Agreed

Q2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or the London Mayor?

Disagree – They should be prohibited. The highest standards should be expected from those in public office and this is also a safeguarding issue as elected members can have contact with vulnerable individuals. As a Sexual Risk Order is made by a court after considering evidential submissions, it has the necessary safeguards for the individual.

Q3. Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Agreed but see response to Q6 below.

Q4. Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Agreed

Q5. Do you consider that the proposals set out in this consultation paper will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010?

No

Q6. Do you have any further views about the proposals set out in this consultation paper?”

In making the comments above, it has had to be assumed that all orders are based on proper process and any convictions are correct. However, it has to be recognised that there can be wrongful convictions and we are

concerned that some forms of legitimate protest can lead to incidents that have arrests and prosecutions. We want to be assured that the proposals will not have the effect of preventing or discouraging elected members and those seeking election from taking part in legitimate protest and think that a safeguard would be that any prohibition would only be effective at the end of any appeal process that was being pursued; and

(b) the Director of Legal and Governance and Monitoring Officer be requested to formally submit the Committee's response to the Department for Communities and Local Government.

6. REVISED PROCEDURE FOR DEALING WITH STANDARDS COMPLAINTS

6.1 The Monitoring Officer/Director of Legal and Governance submitted a report in relation to proposed revisions to the Council's procedure for dealing with Standards Complaints. The procedure for dealing with standards complaints was approved by Full Council on 25 March 2016 following a recommendation from the former Standards Committee.

6.2 A revised procedure was approved by the Audit and Standards Committee in January 2017 in the light of the experience of dealing with complaints over the previous 14 months. However, a number of further revisions were now proposed arising from a review of the complaints considered this year.

6.3 Members requested that the revised procedure be circulated to Members of the Committee from the main opposition party prior to its submission to the Full Council meeting to be held on 6 December 2017.

6.4 **RESOLVED:** That:-

(a) the Committee recommends that Full Council adopt the revised procedure at its meeting to be held on 6 December 2017 and that the Constitution be amended accordingly; and

(b) the revised procedure be referred to the Parish and Town Councils for consideration and adoption.

7. REVIEW OF THE MONITORING OFFICER PROTOCOL

7.1 The Monitoring Officer/Director of Legal and Governance submitted a report providing details of proposed changes to the Monitoring Officer Protocol which was to be submitted to Full Council for approval at its meeting to be held on 6 December 2017.

7.2 **RESOLVED:** That the Committee recommends to Full Council the adoption of the revised Monitoring Officer Protocol at its meeting to be held on 6 December 2017 and that the Constitution be amended accordingly.

8. ANNUAL OMBUDSMAN AND COMPLAINTS REPORT 2016/17

8.1 The Director of Human Resources and Customer Services and the Director of Legal and Governance submitted a joint report providing an overview of the complaints received, and formally referred and determined by the three Ombudsmen (Local Government Ombudsman, Parliamentary & Health Service Ombudsman and Housing Ombudsman) during the twelve months from 1 April 2016 to 31 March 2017. The report also identified future developments and areas for improvement in complaint management.

8.2 Andrew Fellows, Customer Services Manager, responded to questions from Members of the Committee as follows:-

- Despite numbers of formal complaints to the Council going down, complaints were still being made. However, these may be being dealt with through an informal route. It was difficult to conclude this definitely, however, as complaints resolved informally were not recorded.
- Officers undertook post-closure monitoring and would liaise with service managers to ensure that a complaint had been addressed. The complaint was kept open until officers were satisfied this was the case.
- Evidence such as the large number of complaints received regarding tree felling showed that people were aware of the Council's complaints process.

8.3 **RESOLVED:** That the report, now submitted, be noted.

9. **UPDATE ON THE 2016/17 STATEMENT OF ACCOUNTS AND LETTER OF MANAGEMENT REPRESENTATIONS**

9.1 Tim Cutler, representing KPMG, circulated the External Audit report for 2016/17 in relation to the Statement of Accounts. He commented that the first stage of this process had been completed and there would now be a further stage of work in relation to objections received.

9.2 Mr Cutler added that the main changes related to the work on the objections and an adjustment to the accounts had been identified. This had no bearing on the financial health of the Local Authority. He had undertaken work in relation to both of the objections and was satisfied that this would not have an impact on being able to sign off the accounts.

9.3 Mr Cutler responded to questions from Members of the Committee as follows:-

- It was hoped that responses to the objectors would be provided within weeks.
- Objections, similar to the ones received, had been submitted nationally and auditors were working together to apply consistent judgements.

9.4 **RESOLVED:** That;-

(a) the report, now submitted, be noted; and

(a) the Executive Director, Resources, be authorised to sign off the management letter.

10. MID-YEAR REVIEW OF THE INTERNAL AUDIT PLAN

10.1 The Senior Finance Manager, Internal Audit, submitted a report presenting to the Committee the outcomes of a mid-year review of Internal Audit's annual workplan.

10.2 Kayleigh Inman, Senior Finance Manager, Internal Audit, introduced the report and commented that the service had not been able to deliver many of the planned audits due to changes within the services that were to be audited.

10.3 There had been a number of vacancies within the Internal Audit team as a result of internal secondments. There were, however, sufficient mitigations in place for all vacancies. Any audits deferred would be back in the planning process for the 2018/19 plan.

10.4 In response to questions from Members of the Committee, Ms. Inman responded that the issue of vacancies had been a result of resources being required elsewhere and the internal secondments which had taken place as a result. This issue would be reduced in the future and the Internal Audit team would have sufficient resources to carry out the work planned.

10.5 **RESOLVED:** That:-

(a) the Committee notes the report, now submitted; and

(b) the Committee agrees the revised Internal Audit 2017/18 work plan included in the report.

11. WORK PROGRAMME

11.1 The Director of Legal and Governance submitted a report providing details of an outline work programme for the Committee to July 2018.

11.2 **RESOLVED:** That the work programme now submitted be approved, subject to the inclusion of the External Auditor's report in the programme for the meeting to be held in January 2018.

12. DATES OF FUTURE MEETINGS

12.1 It was noted that meetings of the Committee would be held at 5.00 p.m. on:-

- 14 December 2017 (additional meeting if required)
- 11 January 2018
- 8 February 2018 (additional meeting if required)
- 8 March 2018 (additional meeting if required)
- 12 April 2018
- 14 June 2018
- 26 July 2018

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