

## Minutes of the Audit and Standards Committee Meeting held on 14 October 2019

Present: Martyn Tittley (Chairman)

### Attendance

Derek Davis, OBE	Paul Northcott
Carolyn Trowbridge (Vice-Chairman)	Susan Woodward
Ross Ward	Alastair Little
Bernard Williams	Ann Edgeller
Jill Hood	David Williams

**Also in attendance:** Lisa Andrews, Rob Salmon, Ann-Marie Davidson, Debbie Harris and Stephen Clark (Ernest Young, External Auditors).

**In attendance for part of the meeting:** Kate Bullvant and Mike Sutherland (Cabinet Member for Finance) (Item 4), Julie Plant (Item 7), Tim Moss (Item 12), Natalie Morrissey and Vic Falcus (item 13).

**Apologies:** Michael Greatorex, Colin Greatorex, Victoria Wilson and Jonathan Price

### PART ONE

#### 104. Declarations of Interest

There were no declarations made.

#### 105. Minutes of the meeting held on 30 July 2019

**RESOLVED:** That the Minutes of the Meeting held on the 30 July 2019 were approved as a correct record and signed by the Chairman.

The County Solicitor agreed to follow up Minute 90.

#### 106. Local Government Social Care Ombudsman (LGSCO) Investigation resulting in a Formal Report

The Complaints, School Appeals and Access to Information Manager informed the Committee that during 2019 the LGSCO launched several investigations in relation to the care and support provided to a citizen who has mental health and physical health problems. The Complainant was the subject of previous recommendations from the LGSCO after delays in completing a Care Act assessment last autumn. The Authority had accepted the Ombudsman's recommendations requiring the Chief Executive to write to apologise for the distress caused and provide compensation of £500. The apology and payment were made through Midlands Partnership Foundation Trust (MPFT) but unfortunately were delayed, which resulted in a further complaint and the current report.

Whilst acknowledging that there were some failings with the initial assessment and the delays in apology and compensation, the Council had made representations to the Ombudsman on previous and ongoing difficulties in engaging with the complainant. The findings of the LGSCO investigation were published in September 2019. The report stated that the Council had been at fault because, for a second time it had failed to send the apology or payment within the agreed timescale; and it had failed to identify adequate service improvement to prevent the problems experienced by the complainant from being repeated.

The Committee was disappointed that the case had come back to the Committee and that the recommendations had not been actioned the first time, holding the view that whilst the complainant had been difficult to engage with, this did not excuse the delay in action.

**RESOLVED:** The report be noted.

### **107. Report to those Charged with Governance (ISA 260)**

The External Auditor informed the Committee that there had been a small number of queries to resolve and that the report would be ready soon.

**RESOLVED:** That the verbal update be noted.

### **108. Annual Audit Letter 2018/19**

The External Auditor informed the Committee that Annual Audit Letter could not be produced/finalised until the Whole of Government Accounts work has been finished. It was expected that this would be available in December.

The Committee accepted that there may have been issues with the accounts but raised concerns that this should have been signed off by now and expressed disappointment over the delay.

**RESOLVED:** That the verbal update be noted.

### **109. Code of Conduct**

In March 2019 the Committee had considered the annual report on the handling of complaints about breaches of the Code of Conduct by County Councillors. The national Committee for Standards in Public Life (CSPL) had also published their review of Ethical Standards in Public Life. The CSPL report contained 26 recommendations covering Code of Conduct and Standards Complaints. The recommendations were attached to the report with a comment on each in relation to the County Councils current and suggested position. Three main areas were highlighted where the code and arrangements for dealing with complaints might benefit from amendments. These were:

- **Code of Social Media** – Separately, the CSPL had also issued a report which suggested that the use of social media needed to be considered in relation to the seven Principles of Public Life which are the lynchpins of the Code of Conduct. Consequently, it was proposed that a new general undertaking should be added

to the code and a revised guide on the use of Social Media and criteria against which complaints could be assessed be adopted.

- **Declaration of ‘Other Interests’** – The CSPL advised that there should be consistency between local authorities in the same geographical area. The suggested revised declaration form, providing for the declaration of ‘other’ interests was attached to the report.
- **Processes for consideration of Alleged Breaches of the Code of Conduct and Sanctions available** – changes to the process were suggested to improve communication lines between the monitoring officer and parties affected. Additional sanctions were also proposed.

Regarding the Social Media Guidance, it was felt that it was very difficult to separate comments made in a personal capacity to those made as a Councillor and that any comment made under a personal account could show predetermination.

There was also concern that the term “bringing the Council into disrepute” needed to be clearer as it could be argued that opposing the Council’s direction or a decision made, could be classed as “bringing the Council into disrepute” which would undemocratic.

It was reported that Gifts and Hospitality would be considered as a separate item to this report.

With regards to sanctions, it was felt that they should be applied for all members. However, if a Councillor had a position of special responsibility, it could be viewed that they were speaking on behalf of the Committee and therefore a recommendation to a group leader to remove them from a position of or outside body was reasonable.

Other proposals considered by the Committee included:

- The period of office for the Independent person
- The role of the independent person in formal decision making
- The publication of statistics on Code of Conduct complaints

The Committee discussed the appointment of the Independent Person (IP). The CSPL advocated a two-year fixed term, renewable once. Members felt that a two-year appointment was too short and that the period should remain at four years with the option to reappoint at the end of the period. It was also felt that the IP’s views should be formally recorded in the minutes of the Committee and that they should be covered by the Councils legal indemnity to protect them from the challenge, should their views influence a complaint decision.

**RESOLVED:** That the following be recommended to Council:

- a) That subject to the term included in the Social Media Guide “bringing the Council into disrepute” being defined, the Guide; the additional undertaking relating to Social Media; and the criteria for determining alleged breaches of that code, be agreed.
- b) That the Declaration of Interests Form be amended to include ‘Other Interests’.
- c) That the process chart for dealing with allegations of breaches of the Code of Conduct, and the additional two sanction, be supported.

- d) That the Independent Persons Period of Office remain at four years with the option to renew at the end of the first term.
- e) That the Independent Persons views be included in the decision of any hearing and that that Legal Indemnity be extended to cover the Individual.

#### **110. National Fraud Initiative (NFI) 2018 - Update**

The NFI is a data matching exercise, designed to help participating bodies to detect and deter fraudulent and erroneous payments. The data matching exercise involved the County Council submitting data sets to the Cabinet Office for matching against relevant data from other participating organisations including the Department of Works and Pensions.

Following an exercise to match data, overpayments of £51,510 had been recovered with a further £32,356 identified.

The Committee asked what work was being done to stop this happening again and was it the same companies who continually received the overpayments. In response, Members were informed that it involved more than one company and that there were agreements in place to require prompt notification of changes. Work was also taking place within the Council to highlight changes earlier in the process in order to reduce overpayments.

**RESOLVED:** That the report be noted and that the Chief Internal Auditor inform Committee members of the number of companies the overpayments related to.

#### **111. Forward Plan**

A revised, updated copy of the Forward Plan was circulated at the meeting. The Interim Head of Audit and Financial Services introduced the Forward plan and briefly went through the work programmed for the next meeting which was scheduled for the 2 December 2019.

A report, to this Committee covering specific aspects of the Special Committees findings had been agreed at the Special Committee. A Members asked for reassurance that they would still be reported to the Committee. The Chairman agreed to follow up this request but stated that any report would have to be in considered with the exclusion of the public and press.

Items of business that that been deferred from this agenda would be moved to the next meeting.

**RESOLVED:** The Forward Plan was noted.

#### **112. Exclusion of the Public**

**RESOLVED** - That the public be excluded from the meeting for the following items of business which involve the likely disclosure of exempt information as defined in the

paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972 indicated below.

The Committee proceeded to consider the following items:

**113. Exempt Minutes of the meeting held on 30 July 2019**

**RESOLVED:** That the Exempt Minutes of the meeting held on 30 July 2019 be confirmed as a correct record and signed by the Chairman.

**114. SEND Joint Inspection - Initial Review - Final Position Statement 2019/20**

(Exemption Paragraph 3)

**115. Update on Cyber Security Essentials Audit**

(Exemption Paragraph 3)

**116. Prisons and Approved Premises Assessment and Care Management - Special Investigation Update**

(Exemption paragraph 3)

**117. Questions arising from reports circulated outside the Agenda**

(Exemption Paragraph 3)

**Chairman**