

CIVIC AFFAIRS COMMITTEE24 June 2009
6:00pm – 7:45pm**Present:** Cllrs Blackhurst (Alt), Boyce (Chair), Herbert, Pitt, and Ward**Also Present:** Cllr Nimmo-Smith**FOR ADOPTION BY THE COUNCIL****09/Civ/22 Code of Corporate Governance 2009**

The Council had adopted a Code of Corporate Governance on 25 April 2002 and it had been reviewed annually since then. There had been a major review of the Code in 2008, as a result the current review proposed minimal changes. The changes proposed included the addition of more supporting evidence. A sentence has been amended to reflect the Council's revised autumn committee cycle timing, and the statement has been changed to reflect current consultation arrangements with the Trades Unions with the addition of the monthly Joint Trade Unions Group meetings.

Members referred to the monitoring of public access to information about the workings of the Council and, through its Freedom of Information Publication scheme, prompt response to requests for information.

The Chair referred to the addition of recording the response by Executive Councillors to Oral Questions from members at Council meetings.

Resolved (with no vote being taken) that the comments by Standards Committee be noted and

Recommended that the Council approve the Code of Corporate Governance at its meeting on 16 July.

09/Civ/23 Scrutiny of Crime and Disorder Functions

The Chair ruled that under 100B(4)(b) of the Local Government Act 1972, the recommendation on the Strategy and Resources Scrutiny Committee being designated the crime and disorder committee should be considered despite not being made publicly available for this meeting five clear days prior to the meeting. The reason for this was that unless this decision was made at this meeting the Council would not be compliant with the relevant legislation.

Section 19 of the Police and Justice Act 2006 required local authorities to have a crime and disorder committee with the power to review or scrutinise decisions made by the Council or by the Crime and Disorder Reduction Partnership.

The scrutiny role could involve contributions to strategy development, review of performance of the Crime and Disorder Reduction Partnership and enquiries into particular issues of local concern, which needed partnership solutions. This role could be fulfilled by an existing committee or by setting up a new committee. The committee needed to meet to review or scrutinise decisions relating to crime and disorder functions at least twice every twelve months. The scrutiny committee had powers to co-opt members, to require the provision of information, to summon witnesses and to issue reports and recommendations.

Under the City Council's Constitution, the Leader had executive responsibility for community safety and those matters were scrutinised by the Strategy and Resources Scrutiny Committee.

Recommended that the Council agree that the Strategy and Resources Scrutiny Committee be designated the crime and disorder committee for the purpose of this new statutory duty.

Chair

CIVIC AFFAIRS COMMITTEE24 June 2009
6:00pm – 7:45pm**Present:** Cllrs Blackhurst (Alt), Boyce (Chair), Herbert, Pitt, and Ward**Also Present:** Cllr Nimmo-Smith**FOR THE INFORMATION OF THE COUNCIL****09/Civ/24 Minutes**

The minutes of the meeting on 30 March were approved as a correct record. The minutes of the meetings on 11 and 21 May had not been published in sufficient time for the current meeting.

In relation to the minutes of 30 March, Cllr Herbert commented on the need for clarity in the minutes and the level of detail recorded. He accepted that the principle aim of the minutes was to record the Committee's decisions.

The Chair said that a balance was needed in recording discussion; he had discussed the minuting of meetings with the Democratic Services Manager and would agree some guidelines for further consideration in consultation with officers and the Labour spokesperson.

09/Civ/25 Apologies for Absence

Cllrs Dryden and Rosenstiel (Cllr Blackhurst attended in place of Cllr Rosenstiel).

09/Civ/26 Declarations of Interest

None

09/Civ/27 Public Questions

A member of the public asked, in relation to the Folk Festival Investigation, whether the date shown in the timeline analysis represented the first and only time the Police had been contacted about the failure of the contractor.

The Principal Auditor confirmed that it was the first time, but that officers had been in consultation with Police since that date.

09/Civ/28 Annual Audit and Inspection Letter 2007- 08: Action Plan

The performance Manager said that at its meeting on 11 May, the Committee had requested a report setting out the action the Council was taking to address areas for improvement identified in the Annual Audit and Inspection letter 2007-08.

The Council had already been aware of these areas for improvement and had taken action to improve performance in a number of existing improvement plans including Service Plans. Improved performance could already be demonstrated in some areas.

Further progress against improvement actions could be monitored through the mid year Service Plan Performance Review reports for each of the relevant service areas which would be compiled in October 2009

The Standards Committee had considered the report and had agreed the recommendations

The Chair asked that the report next year be brought to the Committee at the same time as the Annual Audit and Inspection letter for 2008-09.

Resolved (with no one voting against) that

- 1) the actions set out in Appendix A to the report be noted;
- 2) progress against the areas for improvement would be monitored by members through the mid year Service Plan Performance Progress Reports to be compiled in October 2009.
- 3) the report be brought to the same meeting as the Annual Audit and Inspection letter for 2008-09 next year.

09/Civ/29 Head Of Internal Audit's Annual Opinion 2008/09 and Review of the System of Internal Audit – 2008/09

Under the Code of Practice for Internal Audit in Local Government in the United Kingdom 2006, the Head of Internal Audit (HIA) provided members with a report, to support the Annual Governance Statement (AGS), which was also being presented to this committee for challenge by Members. The Statement would be signed off by the Leader of the Council and Chief Executive, following consideration by the Committee. The Head of Internal

Audit was also required, under the code, to give an opinion on the overall adequacy and effectiveness of the organisation's internal control environment and the risk management framework.

The Head of Internal Audit's overall opinion was that there was an acceptable level of internal control within the majority of the Council's systems and procedures and the risk management framework, with 66% of audits which provided an assurance rating giving "significant assurance". However, some weaknesses had been identified in a number of audits conducted during the year, details of which are in sections 4.9 to 4.14 of this report.

Under paragraph 6(3) of the Accounts and Audit (Amendment) (England) Regulations 2006 each local authority was required to conduct an annual review of the effectiveness of its system of internal audit. The regulation anticipated that the findings of the review would be considered by a relevant committee, as part of the wider consideration of the organisation's system of internal control.

The report circulated as Appendix 3 to the report by the Head of Internal Audit constituted the outcome of the review for 2008/09, and gave a view on the effectiveness of the system of internal audit, to be considered alongside the Head of Internal Audit Opinion and the Annual Governance Statement.

The review work undertaken indicated that an appropriate and effective system of internal audit was place within the Council during 2008/09.

Members of Civic Affairs Committee were asked to review, and provide challenge to, the opinion of the Head of Internal Audit. The Head of Internal Audit responded to members' questions and said that he would circulate further information on those reviews on which a limited assurance had been given. The Principal Auditor confirmed that officers were actively looking at means of making more reports on audits accessible to members.

Resolved that the opinion of the Head of Internal Audit set out above be accepted.

09/Civ/30 Assurance Framework and Draft Annual Governance Statement (AGS)

The Principal Auditor said that the preparation of an Annual Governance Statement (AGS) was necessary to meet the statutory requirements as set out in Regulation 4(2) of the Accounts and Audit Regulations 2003 as amended by the Accounts and Audit (Amendment) (England) Regulations

2006. The AGS was prepared as part of the annual Statement of Accounts and covered the Council's governance arrangements for the 2008/09 reporting year. The report included the draft AGS and incorporated AGS action plan, a summary of supporting evidence, and a summary of assurances gathered for the Members of Civic Affairs Committee to review, challenge and advise the Leader and Chief Executive upon accordingly.

This report also identified progress with the 2007/08 AGS action plan and presented the necessary information to allow the Council to ensure that the AGS was produced in accordance with CIPFA guidance and therefore meet External Audit requirements.

Members commented on the contents of the report and noted that the Whistleblowing Policy was to be relaunched and that the recommendation of providing a Members Training register had been set in motion and a member champion, Cllr Pitt, appointed to underline the importance of the register.

Resolved that

- 1) The arrangements for compiling, reporting on and signing the Annual Governance Statement (AGS) be noted.
- 2) The information in the draft AGS and incorporated action plan (at Appendix A) having regard to the Head of Internal Audit Annual Opinion (see minute 09/Civ/27) and the information presented at Appendices B and C of the report be noted; and
- 3) The Leader of the Council and Chief Executive be advised on the implications of this review and on any recommendations for the AGS process.

09/Civ/31 Annual Report and Statement of Accounts for the Year Ended 31 March 2009

The draft Statement of Accounts for the year ending 31 March 2009 was presented for review and approval by the Committee. The Accounts and Audit Regulations 2003, which governed the preparation, approval and publication of local authority accounts, required that the accounts for 2008/09 be approved by resolution of a committee of the Council (or the full Council) by 30 June 2009. Under the Council's Constitution, this responsibility rests with the Civic Affairs Committee.

The Director of Finance had circulated an update of the Statement of Accounts before the meeting.

Members commented on the accessibility of the information contained in the statement and in the budget information circulated to members in the Scrutiny Committee reports, for example what the Council's turnover was.

The Head of Accounting Services explained that a summary of the Statement was published on the website and could be made available to members if required. This had been held up as best practice by CIPFA.

Resolved (by 5 votes to 0) that

1 the draft Statement of Accounts for the year ending 31 March 2009 be approved.

2 Councillor R A Boyce be authorised, as Chair of the Committee, to sign the Statement of Accounts for the financial year ending 31 March 2009 on behalf of the Council.

09/Civ/32 Folk Festival Update

As part of the consideration of the Review of In-Line Ticket Sales for the 2008 Folk Festival report at the 30 March 2009 meeting of this committee, it was agreed that updates would be provided to the next meeting outlining the corporate elements of the action plan resulting from the report and the process that had led to the completion of the initial investigation.

This report by the Director of Finance provided the relevant updates.

The action plan, which covered corporate elements, had been considered at Corporate Management Team on 12 May 2009 and was attached at Appendix B of the report. As agreed in the original report, the intention was that the implementation of the action plans would be monitored by this committee, and update reports covering progress, would be provided in due course.

Cllr Herbert expressed disappointment that, in his view, the role of the Committee in this issue had been transferred to the Community Services Scrutiny Committee which would make it difficult to examine the procurement of on-line ticketing for the Folk Festival. He referred to the comments by the

public speaker at the beginning of the meeting and the need to provide public access to ensure transparency.

Members noted the difference between the relative risk factor in the worth of the contract to the Council and to the contractor.

Resolved (by 4 votes to 0) that the corporate action plan attached as Appendix B be agreed.

09/Civ/33 Interim Appointment of Monitoring Officer

The Chief Executive said the post of Monitoring Officer was one of three designated posts that the Council was required by law to have. The others were the Head of Paid Service (Chief Executive) and the Chief Financial Officer (Director of Finance).

The Director of Customer and Democratic Services had been designated as the Council's Monitoring Officer, with the Head of Legal Services acting as Deputy Monitoring Officer. However, a change was needed following on from the Director's appointment as Chief Executive. The Chief Executive could not also be the Monitoring Officer. It was common for Councils to appoint their chief legal officer as monitoring officer.

Resolved that the Head of Legal Services be designated as Monitoring Officer and Jane Connell, Principal Solicitor, be designated as Deputy Monitoring Officer, both on an interim basis, while consideration was given to longer-term arrangements.

09/Civ/34 Annual Complaints Report 2008-09

The Council had been recording the number of complaints received by each department and how they were dealt with, for a number of years. Regular complaints monitoring was recognised as good practice in customer service, and by looking at data across the Council performance could be monitored and assessed to identify areas where there was room for improvement.

Standards Committee had been asked for any comments that it wished to pass on to the Chair of Civic Affairs about the draft Annual Complaints report 2008-09 before publication.

The main issues were highlighted, particularly the growing number of Freedom of Information requests and the increasing impact of the use email and other forms of technology noted.

Members asked what the proportion of Freedom of Information requests could be met by referring those asking the questions to information on the Council's website. It was important to collate the information sought and ensure it was publicly available and consider which information could be published in anticipation. The number of requests should be monitored and the Government informed of the number and type of requests.

Resolved that

1. the comments from Standards Committee be noted and
2. the Annual Complaints Report 2008-09 be approved for publication on the Council's website.

09/Civ/35 Updating the Council's Constitution

The Head of Legal Services said the format and style of the Constitution had not been reviewed since 2002. The report set out the proposed scope and timescale of a review. It was not intended to make major changes to the Constitution but to make it more user-friendly for the reader both internal and external audience. The working assumption was that there would be no change to the Council's decision-making principles, i.e. Executive portfolios, the number of scrutiny committees or how scrutiny was done. The Financial Regulations and Financial Procedure Rules and the Scheme of Delegation would not be considered in the review.

Cllr Herbert welcomed the review and said that he felt there would be value in all Councillors having the opportunity to suggest amendments; his own suggestion was the simplification of the rules of debate of Motions at Council.

The Chair said that it would be helpful to have a meeting with representatives of all political parties in September to identify particular areas of the constitution that the officers should review in parallel to the work already identified in the report. Officers would work towards a first draft being available for comment in December.

Resolved that

1. The scope of the review as set out in paragraph 4 of the report be approved.
2. Officers report back with final proposals for consideration on 7 April 2010.

Chair