

Audit & Governance Committee

27th June 2013

MINUTES

Present:

Councillor Derek Taylor (Chair), Councillor Roger Hill (Vice-Chair) and Councillors Roger Bennett, Mark Shurmer, Yvonne Smith and Pat Witherspoon

Officers:

R Bamford, A Bromage, T Kristunas and J Pickering

Committee Services Officer:

D Parker-Jones

1. CHAIR'S WELCOME

The Chair welcomed Councillors Shurmer and Witherspoon as new members on the Committee.

2. APOLOGIES

An apology for absence was received on behalf of Councillor John Fisher.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES

RESOLVED that

the minutes of the Committee held on 25th April 2013 be confirmed as a correct record and signed by the Chair.

5. AUDIT & GOVERNANCE COMMITTEE - ACTION LIST AND WORK PROGRAMME

Members considered the Committee's Work Programme and ongoing Action List.

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Action List

- (i) Ref 5 – Future monitoring of use of balances to support expenditure

The Chair brought to Members' attention a recent Local Government Association article entitled 'Increased risk of council failures', in which concern had been raised that the current funding environment meant there was an increasing risk that some councils could become "financially unsustainable". A report of the Public Accounts Committee added that the Department for Communities and Local Government had no plans in place for handling multiple financial failures of local authorities and had not adequately assessed the long-term implications of funding reductions on the services councils provide.

The Chair referred to the Council's current balances and the £700,000 shortfall cumulative effect to the Council of there being no Council Tax increases over a 7 year period, as reported by Officers at the previous meeting. Current balances stood at just under £1m, which could be further reduced in 2015/16. If balances fell below a certain level the Council could potentially become an authority at risk.

Officers provided an explanation of revenue and capital spend and confirmed that revenue could be used for capital spend, but not vice-versa. Officers added that the minimum recommended £850,000 of balances was good practice only and not a legal requirement.

Action: Remain on Action List for ongoing monitoring.

Work Programme

The Committee's Work Programme for the 2013/14 Municipal Year and ongoing was noted.

RESOLVED that

subject to the comments detailed in the preamble above, the Committee Work Programme and Action List be noted and agreed.

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6. CO-OPTION OF INDEPENDENT (NON-ELECTED) MEMBERS ON THE COMMITTEE

The Chair referred to section 4 of the Audit & Governance Committee Procedure Rules, which stated that the Committee could appoint a number of people as non-voting co-optees.

The Chair advised that he had been approached by two people who wished to become independent members on the Committee, both of whom had prior experience on audit and governance committees.

The Chair had discussed this topic with the internal and external auditors earlier in the year, with the conclusion that any such appointment be on a 12-month trial basis.

Officers advised that whilst there was no legislation in place which required the appointment of independent members on audit committees it was deemed best practice to have such members in order to provide for an independent perspective.

Members supported the general principle of appointing independent member(s) to the Committee. In doing so they commented that it would be interesting to have 2 or 3 candidates from differing backgrounds to look at their experience. Members felt that it would be useful to look at the criteria used by other authorities when recruiting independent members, and that the External Auditor's views should also be sought as to what constituted relevant experience.

Officers advised that a recruitment and selection process would be required and that they would speak with the Council's Monitoring Officer regarding any impact the appointment of such member(s) might have on the Council's Constitution.

It was agreed that Officers would bring back further information on the appointments process and any associated matters to the next meeting of the Committee.

RESOLVED that

- 1) **Members support the principle of appointing non-voting co-opted independent member(s) to the Audit & Governance Committee; and**
- 2) **Officers bring back to the next meeting of the Committee further information on the process for appointing independent members and any associated matters.**

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7. RISK MONITORING & REPORTING

The Head of Planning and Regeneration Services spoke on the risk management position in relation to her service area.

She spoke on two identified operational risks: (i) failure to adopt a 2 core strategy for planning policy processes at Redditch Borough Council and Bromsgrove District Council; and (ii) the inability of Building Control to meet costs. Whilst both were deemed low risks they were key areas to the service.

It was noted that the core strategy for planning policy processes risk had previously been a corporate risk which had reduced over the last 18 months/2 years and was now a manageable risk.

The Building Control risk was a marginal risk as this was the only area within the Council which had to compete with the private sector for its services. Also, if the private sector did not wish to undertake certain work the Council had a statutory responsibility to complete this, meaning the private sector could 'cherry pick' its work.

Building Control was a shared service between Redditch, Bromsgrove and Wyre Forest Councils, with Bromsgrove being the host authority. An added complication in the process was that the department was not permitted to make a profit and should not make a loss. The service was also greatly affected by the economy, which made advance planning of staff levels difficult.

The two lead Councillors charged with overseeing risk monitoring on behalf of the Committee reported that they had attended a meeting of the Risk Monitoring Group. This had proven beneficial to them in their roles and had provided a valuable insight into current risk issues. Dates were also being looked at for the Members in question to receive further risk training.

RESOLVED that

the position be noted.

8. FRAUD MONITORING & REPORTING

Officers advised that fraud activity to the end of the financial year had been reported on at the last meeting in April. A further update would therefore be provided at the September meeting.

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One of the Members tasked with monitoring fraud on behalf of the Committee advised that similar training to that for the Risk lead Members was also due to be arranged for the fraud Members.

RESOLVED that

the position be noted.

9. ANNUAL GOVERNANCE STATEMENT 2012/13

The Committee received a report which sought approval of the Annual Governance Statement (AGS) for signature by the Leader of the Council and the Chief Executive, for inclusion in the Statement of Accounts 2012/13.

Officers reported that the draft AGS had been circulated to the Corporate Management Team meaning all were aware of its contents and had been able to comment on this.

The AGS was due to be sent to the External Auditors along with the draft Accounts the following Monday.

Officers responded to Members' questions on elements of the AGS.

In relation to Core Principle 4 (taking informed and transparent decisions which are subject to effective scrutiny and management of risk), a request was made for '4Risk' to be added as name of the risk management software which was being used by the Council.

Members were pleased to note that at section 4 (Review of effectiveness) the Council's external auditors had not identified any significant weaknesses in the Council's control arrangements when working with Officers throughout the year and in the annual audit letter.

Under section 5 (Significant governance and internal control issues), it was noted that only 3 complaints had been received for alleged breaches of the Code of Conduct. Regarding the Review of the Service Agreement in Place with the County Council in relation to the valuation of assets, Members queried whether the request made at the 27th November 2012 meeting for details of any site visits and any comparisons made as part of the valuation process to be included in valuation certificates, as part of the judgement made, was now happening. Officers agreed to check the position on this and report back at the next meeting. The ownership and trust arrangements for the Paolazzi Murals was also discussed, which Officers confirmed were currently being worked on by Legal Officers.

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RESOLVED that

subject to the comments detailed in the preamble above, the Annual Governance Statement be approved for inclusion in the Statement of Accounts 2012/13.

10. GRANT THORNTON - LOCAL GOVERNMENT GOVERNANCE REVIEW 2013

Members considered the Grant Thornton Local Government Governance Review 2013.

It was noted that Officers continually reviewed the good governance of the Council. A number of actions had also been put in place to ensure an ongoing commitment to improve issues that had been raised by the review.

The Governance Review would continue to inform improvements in governance arrangements in the future. Officers would also ensure that the potential changes supported the transformational and systems thinking work which was being undertaken across the Borough.

RESOLVED that

the contents of the report be noted.

11. INTERNAL AUDIT - ANNUAL REPORT 2012/13

The Committee received the Internal Audit Annual Report for 2012/13 and the 2012/13 Worcestershire Internal Audit Shared Services Manager's annual opinion on the overall adequacy of the Council's internal control environment.

The overall message in the annual opinion was that the majority of audits which had received an assurance during the year had returned an assurance of moderate or above, with there being appropriate controls in place and no material losses found.

The Audit Opinion Analysis for audits completed during the year at Appendix 2 to the report was noted. The Chair noted that a number of the areas with a moderate assurance level were income-generating, for which he stated he would prefer to see a significant assurance in view of their financial impact.

Officers advised that moderate assurances were automatically looked by Internal Audit as part of their follow-up work, and

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following that as part of a 3-year work cycle. However, depending on when an assurance had been given there could be a difference in the scope of any subsequent Internal Audit work, with differing aspects of a service's work possibly being looked at between audits. Officers added that moderate assurances were reasonable assurances, with areas which had no assurances being the key areas of concern.

The Chair highlighted additional reviews which were being undertaken by Members as part of the Council's Overview and Scrutiny function. This included a recent Task and Finish Group on the Redditch Market, for which Internal Audit had also undertaken an audit and issued their Final Report in March 2013. Members therefore suggested that relevant final Task and Finish Group reports might be of interest to Internal Audit. The Internal Audit Manager stated that he would be happy to receive any such Task and Finish Group reports in the future and that he would take on board their findings.

A Member stated that they had some concerns in relation to Redditch Market. Officers advised that Members should direct their concerns to the relevant Head of Service to see whether these needed to be included in the relevant risk register.

RESOLVED that

- 1) the report be noted; and**
- 2) copies of any future relevant final Task and Finish Group reports be sent to the Internal Audit Shared Services Manager for information.**

12. INTERNAL AUDIT - MONITORING REPORT

Members considered the Internal Audit Monitoring Report as at 31st May 2013.

It was noted that at the last meeting Members had discussed the Key Performance Indicators which were being reported to the Committee and has requested that Officers review these to see if more relevant information could be provided. Officers advised that some discussions had taken place in this regard and that they had ideas on this which they would bring forward to the Committee in due course.

Concern was expressed by one Member on the term 'critical friend' audits as they did not feel that Internal Audit's role should in any way be seen as that of a 'friend'. Officers explained that during

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such audits the auditors worked alongside managers as part of current transformation processes, and that whilst Internal Audit could suggest certain changes to practices and procedures it was ultimately the managers who made any final decisions in this regard. 'Critical Reviewer' was mooted as a possible alternative term, which Officers agreed to take away to consider.

Members queried aspects of the report and it was noted that the weaknesses identified as part of the Waste audit were being addressed.

Under summary of assurance levels, the Chair, as per the previous agenda item, reconfirmed his wish to see income-generating services increase to significant assurance levels.

One of the members of the Committee charged with overseeing risk monitoring on behalf of the Committee queried whether Members had seen the Action Plan, timescales and responsibilities referred to under Risk Management. Officers advised that it was not necessary for Members to see the fine detail but that it was important for them to ensure that any identified risks were being controlled. It was agreed that the two lead Members for risk would therefore meet with Heads of Service to see what controls they had in place and would report their findings back to the next meeting of the Committee.

Officers responded to further issues raised by Members in relation to Workshop and Fleet – Fuel Usage, and advised that management fuel usage reports were due to be reintroduced. These would monitor miles per gallon and would therefore improve the monitoring process, which would in turn raise any exception reports. Officers always looked at best price fuel and obtained discounts for certain fuel usage.

Regarding Rent Arrears, Payments and Collection, Members expressed their desire, where possible, for Officers to have face-to-face communications with residents, rather than in writing or via telephone. This tied in with the current trial locality working as part of the Transformation Review of Housing Services, where Officers were visiting residents to discuss any issues or concerns.

Under S106 agreements Members stated that they hoped Officers were ensuring developers met their commitments, and that any relevant agreements were backed up by insurance company guarantees. Officers explained the differing types of guarantees, examples of which included highways and drainage. The Borough Council was involved in landscaping and schooling agreements which were not backed up in the same way. Regular meetings took

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place between Planning, Legal and Leisure Officers to ensure the Council was receiving the appropriate monies and that monies were being spent.

The issue of the car parking machines which were no longer in use was raised and Officers agreed to look into whether it was possible for these to be sold on externally.

In relation to the Abbey Stadium, Officers advised that the security concern raised with card payments was being addressed and that Finance Officers were also looking into this for their purposes. The other actions which were being undertaken to address the remaining issues for the Abbey Stadium were noted.

On the back of the Abbey Stadium block bookings issue, a Member raised a concern in respect of significant delays which they had encountered in the Council raising invoices for payment of community meeting rooms and refreshments by external organisations. The possibility of introducing a system where payment was made at the point of booking was suggested. Officers stated that they expected the same procedures to be followed for all Council bookings and that they would refer this matter to the relevant Head of Service to investigate, with a view to ensuring invoices were raised and payments made as soon as possible.

Under Non Domestic Rates, Officers confirmed that historic arrears were now being monitored. More proactive work was also being undertaken to avoid businesses getting into debt and therefore reduce arrears. Members suggested that Officers look at whether it was feasible to introduce monthly rents in advance, via direct debit, which Officers agreed to look at. Officers added that when new leases were issued current lease agreements stipulated payment by direct debit, which was taking place.

RESOLVED that

subject to the follow-up action requested of Officers as detailed in the preamble above, the report be noted.

The Meeting commenced at 7.00 pm
and closed at 8.25 pm

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Chair