

# **Audit, Governance & Standards**

Monday, 29 July 2019

## **Committee**

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### **MINUTES**

#### **Present:**

Councillor John Fisher (Chair), Councillor Mark Shurmer (Vice-Chair) and Councillors Salman Akbar, Tom Baker-Price, Michael Chalk, Ann Isherwood, Nyear Nazir and Yvonne Smith

#### **Also Present:**

Councillor Matthew Dormer, (Leader of the Council)  
Mr. Richard Percival and Mr. Neil Preece (Grant Thornton)

#### **Officers:**

Kevin Dicks, Chris Forrester, Sue Hanley and Jayne Pickering

#### **Senior Democratic Services Officer:**

Jess Bayley

#### **1. APOLOGIES AND NAMED SUBSTITUTES**

An apology for absence was received on behalf of Councillor David Thain.

#### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **3. MINUTES**

##### **RESOLVED that**

**the minutes of the meeting of the Audit, Governance and Standards Committee held on Thursday 25<sup>th</sup> April 2019 be approved as a true and correct record and signed by the Chair.**

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Chair

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## 4. PUBLIC SPEAKING

The Committee was advised that no members of the public had registered to speak on this occasion.

## 5. MONITORING OFFICER'S REPORT - STANDARDS REGIME

The Executive Director of Finance and Corporate Resources presented the Monitoring Officer's report for Members' consideration.

Members were advised that the Monitoring Officers in Worcestershire had reviewed the findings in the recent review that had been undertaken of standards in public life, also known as the Nolan report. The proposals arising from this review would be reported for Members' consideration at the following meeting of the Committee.

There was one complaint that the Monitoring Officer was in the process of reviewing. The outcomes of this investigation would be reported at the following meeting of the Committee.

A significant amount of training had been provided to Members since the previous meeting of the Committee as part of the new member induction programme. Members praised all those involved in organising and delivering Members' training in 2019 and noted that turnout at training sessions had been much higher than in previous years.

Officers were continuing to work on reducing the amount of paperwork that was generated for Committee meetings. The Committee agreed that all Members should be notified that they needed to opt in to becoming paperless for Committee meetings.

**RESOLVED that**

**the report be noted.**

## 6. GENERAL DISPENSATION REPORT

The Executive Director of Finance and Corporate Resources presented a report which detailed proposals in respect of granting Members both Individual Member Dispensations and general dispensations to participate in Committee meetings when discussing items in which they might have a pecuniary interest. Dispensations could be granted by the Committee in specific circumstances, as set out in Section 33 of the Localism Act 2011.

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General dispensations were generally requested for all Members to enable them to debate and vote on important issues that they all had a pecuniary interest in, such as Council Tax.

Individual Member Dispensations had been requested by Councillors David Thain and Jenny Wheeler. Due to their role as non-voting Directors on the Redditch Town Centre Partnership they had requested an independent Member Dispensation to enable them to take part in the debate and vote in relation to any items involving the regeneration of Redditch town centre. Officers confirmed that the role of Members on the town centre partnership differed from the Members' role on the Rubicon Leisure Shareholders' Committee as the latter were not appointed as directors.

## **RESOLVED that**

- 1) any new Individual Member Dispensations (IMDs) requested by Members up to the point of the meeting, and as advised by the Monitoring Officer at the meeting, be granted under section 33 (2) of the Localism Act 2011, to allow those Member(s) to participate in and vote at Council and Committee meetings in the individual circumstances detailed;**
- 2) the previously granted general dispensation in relation to allowing Members to address Council and Committees in circumstances where a member of the public may elect to speak be re-granted under section 33 (2) of the Localism Act 2011, to allow Members to participate in and vote at Council and Committee meetings when considering these matters;**
- 3) subject to the caveat set out in paragraph 3.10 of this report in relation to setting the Council's Budget, the Audit, Governance and Standards Committee grants dispensations under Section 33 (2) of the Localism Act 2011 to allow all Members to participate in and vote at Council and Committee meetings when considering the setting of:**
  - a) the Budget;**
  - b) Council Tax;**
  - c) Members' Allowances; and**
  - d) Council Rents;**

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- e) **Non-Domestic Rates – Discretionary Rate Relief Policy and Guidance affecting properties within the Borough;**
  - 4) **it be noted that all dispensations granted by the Committee take effect on receipt of a written request from Members for such a dispensation and where Members may have a Disclosable Pecuniary Interest in the matter under consideration, which would otherwise preclude such participation and voting; and**
  - 5) **it be noted that any new or re-granted dispensations will remain valid until the first meeting of the Audit, Governance and Standards Committee following the next Borough Council Elections in 2020.**
- 7. REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) REPORT**

The Executive Director of Finance and Corporate Resources presented a report in respect of the Regulation of Investigatory Powers Act (RIPA). Members were advised that the Council could undertake covert surveillance in certain circumstances. In 2012 the criteria for using the RIPA powers had tightened, with Councils required to demonstrate that the use of covert surveillance was proportionate and for this to be approved by a senior magistrate. The Council had not utilised RIPA powers in the period since 2012 but the authority was still required to have a RIPA policy. However, a desktop review of the Council's RIPA policy had been undertaken and it had been found that training needed to be provided to those Officers who were likely to use the powers and that the Council should be reviewing the RIPA policy on an annual basis.

Members were advised that Officers employed by Worcestershire Regulatory Services (WRS) were most likely to need to use the powers provided in the RIPA policy. As WRS was a shared service it applied the RIPA policy that was relevant to the particular local authority that it was serving.

The potential for RIPA powers to be used to tackle the issues of fly tipping and housing benefit fraud respectively was briefly discussed by the Committee. Officers explained that the Department for Work and Pensions (DWP) would identify any problems in respect of housing benefit fraud, particularly as many benefit claimants were now in receipt of Universal Credit.

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The Committee questioned whether the Council had undertaken any assessments of the potential to use RIPA powers since 2012. The Executive Director of Finance and Corporate Resources explained that she was the lead senior officer responsible for RIPA and she was not aware of any such assessments having taken place. Furthermore, no examples of other district Councils using these powers could be provided for Members' consideration.

Members were asked to note that the Council did use cameras to record the surrounding environment. However, this was undertaken on an overt basis as signs were displayed warning people that cameras were filming in the area.

The debate concluded with a discussion about the training that would be delivered to relevant Officers in respect of using the RIPA powers. Officers explained that it was likely that this training would be delivered on a face-to-face basis.

## **RESOLVED that**

- 1) the Council's RIPA Policy as reviewed, be endorsed; and**
- 2) the update on RIPA activity be noted.**

## **8. EXTERNAL AUDIT - AUDIT FINDINGS REPORT 2018/19 - TO FOLLOW**

The Engagement Lead and Manager from the external auditors, Grant Thornton, presented the Audit Findings report 2018/19. During the presentation of this report the following matters were highlighted for Members' consideration:

- The external auditors were responsible for reaching an opinion on the Council's statement of accounts, for issuing a value for money audit and for identifying any areas of concern.
- The external auditors had concluded that a statutory recommendation, under Section 24 of the Local Audit and Accountability Act 2014, needed to be issued to the Council.
- This was an unusual step to take but the external auditors had issued the Section 24 notice due to concerns about the financial sustainability of the Council's general fund and Housing Revenue Account (HRA).
- Specifically the external auditors were concerned that the remaining balances in the general fund and the HRA were not sufficient for the Council to continue to use them to balance the budget and therefore a significant amount of savings would need to be achieved by the Council in 2019/20.

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- Through issuing the Section 24 the external auditors were encouraging the Council to take urgent action before it became too late for the Council to balance its budget in future years.
- In issuing the Section 24 notice Grant Thornton was not seeking to criticise Officers. Members were advised that the Council's Section 151 Officer and the Financial Services team had acted professionally and provided good advice to Members.
- Unfortunately, Grant Thornton had identified that there was a problem in terms of elected Members' reluctance to take big decisions as well as short-term planning by elected Members when setting the Council's budget.
- As part of the Section 24 notice Grant Thornton was required to make recommendations in respect of managing its budget moving forward.
- The Council was required at a public meeting of the Audit, Governance and Standards Committee, to confirm whether the Council accepted those recommendations and, if so, how the local authority intended to respond.
- As many Members and Officers would be on leave in August it was suggested that a response should be received by the end of September 2019.
- The external auditors were proposing three recommendations which officers were suggesting should be accepted by Members.
- The recommendations focused on the need to balance the Council's budget in 2019/20 without using funding from balances, the need to develop a savings plan that would ensure the budget balanced in 2020/21 and the need to develop a realistic financial plan for 2021/22.
- A key reason for the external auditor's decision to issue the Section 24 was the fact that the Council's balances had been reducing at a significant rate. This was not sustainable in the long-term and if repeated in 2019/20 would cause balances to fall below the level recommended by the Section 151 Officer.
- The process in respect of the Council's financial statements had also been challenging, with the external auditors having to work significant overtime in order to meet deadlines and there would be an additional financial cost to the Council arising from this extra work.
- Grant Thornton were still working on the Council's accounts, though it was anticipated that this process would be completed by the statutory deadline of 31<sup>st</sup> July. However, if the deadline slipped this was unlikely to cause the Council problems and Members were advised that a lot of local authorities were struggling to meet this deadline.

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- Unfortunately there were a number of issues identified in the financial statements that had also been identified in 2017/18 and should not have been repeated.
- The statement in respect of pensions related to a national issue, following a legal case that had implications for organisations' pension liabilities across the country. As such the majority of local authorities were affected by this issue.
- However, the other issues identified by the external auditors in the financial statements had been avoidable.
- No instances had been identified of senior Officers attempting to manipulate the accounts, which was positive news.
- However, Grant Thornton had had difficulties identifying reports for testing and this had taken up a lot of additional time to resolve.
- Areas that the external auditors had asked the Council to amend had included a request for the narrative report to be rephrased in order to be more user friendly for the public and a request for the Council's governance statement to include reference to the issues within the Housing Department that had been identified some years previously.
- Officers had chosen not to accept a suggestion in respect of land and buildings being under depreciated. Members were advised that this was not considered to be material and the external auditors were satisfied that the Council had an appropriate plan in place to address the issue.
- Grant Thornton were intending to issue an unqualified opinion in respect of the Council's 2018/19 accounts.
- Two key risks had been identified in the value for money assessment; procurement and contract management, due to the past issues within the Housing Department, and the financial sustainability of the Council.
- Grant Thornton was issuing an adverse value for money assessment in respect of the Council's financial sustainability. This was due to concerns about short-term decision making by Members and unwillingness to make big decisions amongst Members, a view that the Commercialism Board had made limited impact to date and the delays to the Management Review.
- There remained challenges in respect of the HRA moving forward. However, the external auditors reported that it was felt that reasonable progress had been made in addressing the issues that had been identified in the Housing Department and the correct approach to addressing these issues had been adopted by the Council.

The Executive Director of Finance and Corporate Resources suggested that as a meeting of the Audit, Governance and

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Standards Committee was not due to take place until October an extra meeting should be convened in September to provide Members with an opportunity to respond to the recommendations in the Section 24 notice. Officers also intended to provide an update to the Executive Committee in respect of this matter.

The Leader of the Council explained that the Executive Committee took the Section 24 notice and the recommendations arising from that very seriously. The Executive Committee would make tough decisions to ensure that the problems identified by the external auditors were resolved.

During consideration of this item Members raised the following points:

- The benefits of holding an additional meeting of the Audit, Governance and Standards Committee in September to provide Members with an opportunity to consider the implications of the Section 24 notice further.
- The potential for an action plan to be produced, setting out action that could be taken to address the points raised in those recommendations, for Members' consideration in September.
- The need for the Executive Committee to have sight of this action plan, due to the Committee's responsibility for making difficult decisions on behalf of the Council.
- The option for Officers to provide information about risks associated with any planned savings included within the action plan.
- The need for Members to consider both income and expenditure when seeking to resolve the problems identified by the external auditors.
- The possibility of reviewing why savings had not always been achieved in accordance with planned savings in the past. Members agreed that there would be some value in the Committee receiving an update in respect of lessons learned.
- The risks for the Council arising from including unidentified savings in the Medium Term Financial Plan, as such savings were not easy to achieve.
- The frequency with which Section 24 notices were issued to Councils. Members were advised that only one other Council in the region, Birmingham City Council, had been issued with a Section 24 notice and the external auditors were not aware of other district Councils being subject to a Section 24 notice.
- The reasons why the value of land and buildings had been under depreciated. Members were advised that Officers had been using an overly complicated spreadsheet which meant that there was a higher risk of errors occurring.



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- The work that Officers were undertaking to resolve this issue. The Committee was informed that the Council would be developing a new assets register and the lessons learned through the audit process would be addressed to ensure that improvements were made in the future.
- The reduction in the external audit fee for the Council that had occurred in previous years and the extent to which the costs had increased back to previous levels given the costs of additional work that had been undertaken. Members were advised that the costs were roughly equivalent.
- The potential to amend the savings template used by Officers to ensure that forecasting was more accurate in future.
- The difficulties experienced by the external auditors in terms of accessing information and the potential for Officers to plan ahead, particularly in cases where the same areas were audited on an annual basis. Members were advised that Grant Thornton had found the Finance Team to be very helpful.
- The occurrence of problems that had been identified by the external auditors in the financial statements in both 2017/18 and 2018/19 and the action that Officers were taking to ensure that this did not recur in future. Officers explained that there would be action plans in place for teams as well as individual staff members to ensure that all training needs were identified and addressed.
- The potential for the new finance enterprise system to help manage the Council's finances. Officers advised that the system would be developed in a way that ensured weaknesses within existing systems were addressed.
- The progress in respect of the introduction of the new enterprise finance system and the deadline by which the system would be introduced. Officers explained that the contractors would go online from 19<sup>th</sup> August 2019 onwards. Whilst the system would not be fully operational for approximately 18 months there would be some high priority areas that would be launched early, which was likely to include the Council's new land and building asset register.
- The need for staff to undertake data cleansing prior to the launch of the new finance system and for appropriate resources to be allocated to this work.
- The need for the new finance system to be project managed effectively. Officers advised that a Project Manager had been appointed and a member of the Internal Audit team would be reviewing the roll out of the system.
- The fact that the new system would not be in operation during the finalisation of the Council's account in 2019/20.

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- The work that had been undertaken by the Commercialism Board to date. The Chief Executive advised that the board had considered a lot of suggestions made by staff, had played a pivotal role in the introduction of Rubicon Leisure and had undertaken a review of the Council's fees and charges. Consultants would start working with the Council from 1<sup>st</sup> August 2019 to help identify other commercial opportunities.
- The reasons for the delay to the Management Review. The Chief Executive explained that there had been a number of HR issues which had caused the delays.
- The types of decisions that had been taken by Members which were considered symptomatic of the short-term decision making identified by the external auditors. Members were advised that the decision in February 2019 to increase Council Tax by 2.2 per cent, rather than the maximum level of 2.9 per cent that it could have been increased before triggering a referendum, exemplified this short-term decision making. This had saved each household less than £2, so had probably not been noticed by residents, but had cost the Council in terms of removing a significant amount of potential income over the following four year period.

In conclusion to discussions in respect of this matter Members thanked the Council's Section 151 Officer, the Financial Services team and Grant Thornton for their hard work.

## **RESOLVED that**

- 1) the Audit Findings Report 2018/19 be approved;**
- 2) the recommendations made under section 24 of the Local Audit and Accountability Act 2014, be approved to include the following :**
  - a) A full assessment of the deliverability of the £1.13 million savings challenge for 2019/20 and the agreement and monitoring of actions by the Executive that either prevent or minimise the further use of both General Fund and HRA balances in 2019/20.**
  - b) A financial plan for 2020/21 that includes the identification of further deliverable savings and income generation schemes, cost base reductions and Council Tax increases that eliminates the planned £1.17 million use of General Fund balances and ensures there are no further calls on HRA balances. This will require Members to take difficult**

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decisions about sustainable levels of service and increases in Council Tax.

- c) **Agreement of a realistic financial plan for 2021/22 that has deliverable savings and seeks to ensure that there are no further planned uses of General Fund and HRA balances that would put them below a financial sustainable level.**

- 3) **the Committee request that officers prepare a full and comprehensive response to Grant Thornton to detail actions to be taken to address the concerns raised and for an additional Audit, Governance and Standards Committee meeting to take place before the end of September 2019 to review and approve that action plan; and**

- 4) **the draft letter of representation be approved.**

## **9. GRANT THORNTON (EXTERNAL AUDIT ) AUDIT FEE LETTER 2019/20 - TO FOLLOW**

The Engagement Lead for Grant Thornton presented the Audit Fee Letter for 2019/20. The Committee was advised that the external auditors were required to issue an audit fee letter every year. The Council's fee was set by the external auditor's regulators. The fee would cover the costs of auditing the Council's accounts but not the costs of auditing Rubicon Leisure.

The fee had not increased since 2018/19. That had been the first year of the Council's existing contract with Grant Thornton and it was likely that the fee would remain at the same level, under the terms of the contract, in 2020/21.

**RESOLVED that**

**the fee be agreed.**

## **10. AUDITED STATEMENT OF ACCOUNTS 2018/19 - TO FOLLOW**

The Financial Services Manager presented the Council's audited statement of accounts for 2018/19. A lot of the detail had already been outlined for Members' consideration during a briefing session. There remained some issues with Property, Plant and Equipment (PPE) but it was anticipated that this would be resolved by 31<sup>st</sup> July. A minor typographical error had been identified in the accounts since their publication and an updated page from the accounts was circulated for Members' consideration at the meeting (Appendix 1).

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There were a small number of areas that would need to be resolved after the Committee meeting and by Wednesday evening, though it was not anticipated that this would lead to any material differences. Should any material changes occur the external auditors would discuss these with the Section 151 Officer and Members could agree to delegate power for her to sign off on these and any other changes to the accounts after the Committee meeting. Any amendments that changed the final figure in the accounts would be reported back to Members at the following meeting of the Audit, Governance and Standards Committee.

## **RESOLVED that**

- 1) the Statement of Accounts 2018/19 be approved; and**
- 2) the Committee delegate any final changes on the Statement of Accounts to the Executive Director of Finance and Corporate Resources following consultation with the Chair of the Audit, Governance and Standards Committee and Grant Thornton.**

## **11. EXTERNAL ASSESSMENT UPDATE REPORT**

The Head of the Worcestershire Internal Audit Shared Service presented an update in respect of the external assessment that had been undertaken of the Internal Audit Shared Service in Worcestershire. An action plan had been developed to ensure that the Internal Audit Service could respond to the external assessor's recommendations and Members were advised that all of these actions had now been completed. A further external assessment would be undertaken in two and-a-half years' time and the service would respond to any recommendations that were made at that date.

There were no direct financial implications to the Council arising from work on the external assessment. There were contingency days built into the Internal Audit Plan that could be used for this purpose at no additional cost to the Council. In fact Members were advised that there had been an underspend on the Internal Audit Service for each year of the shared service and the savings arising from this had been redistributed amongst partner organisations, including Redditch Borough Council.

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**RESOLVED that**

**the external assessment update report and implementation progress be noted.**

## **12. INTERNAL AUDIT - ANNUAL REPORT 2018/19**

The Head of the Worcestershire Internal Audit Shared Service presented the Worcestershire Internal Audit Annual Report for 2018/19. During the presentation of the report the following points were highlighted for Members' consideration:

- The report incorporated a combination of all of the update reports that had been provided to the Committee during the 2018/19 municipal year.
- Any risks identified during internal audits were raised for the attention of the Executive Director of Finance and Corporate Resources.
- There was a slight difference between the number of planned audit days and the number that had actually been undertaken, due to the Internal Audit team reviewing the core financial systems on a rolling basis over quarter 1 to 3 and due to the nature of the reviews requiring some additional resource.
- There had been an increase in the number of high priority recommendations that had been issued by the Internal Audit team. However, the majority of findings had been moderate.
- There had also been an increase in the number of limited assurance levels that had been identified. A lot of action was being taken by Officers to address this.
- Any exceptions of concern were reported to the Audit, Governance and Standards Committee. In the previous year an exception had been reported in relation to Disabled Facilities Grants (DFGs) and the Internal Audit team had therefore monitored this area closely during the year.
- Housing Services also continued to be closely monitored, following the identification of a number of issues within the department a few years previously.
- The Internal Audit team undertook a self-assessment at the end of each year to identify areas that could be improved. The Head of the Worcestershire Internal Audit Shared Service had identified five areas for improvement and these would be addressed by December 2019.

Following the presentation of the report Members discussed a number of areas in detail:

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- The questionnaires that were issued to fourth-tier managers and the issue with resources that had been raised in their responses. This had been raised as an area of concern by some officers. However, this did not necessarily mean that lack of resources was a significant risk.
- The possibility that sufficient staff numbers were in place but that they were not structured appropriately. For example Members were advised that the DWP had found the Council had sufficient staff in the Benefits team but too few managers so new managers had been employed and there were now three team leaders for the service.
- The potential implications of audits where limited assurance was identified. Members were informed that any internal audits that identified limited assurance were considered by the whole of the Corporate Management Team (CMT) and not just by individual Heads of Service.
- The limited assurance in respect of Benefits Services and the implications for vulnerable residents. The Committee was informed that the Council's approach to delivering this service had changed and significant improvements had been made.
- The potential impact that financial cuts as well as savings could have on service delivery and the need to avoid reducing resources to the point where services no longer remained sustainable.
- The proportion of Internal Audits that identified limited assurance for the Council. Members commented that this was relatively high when compared to other public sector organisations.
- The need for Members to be provided with assurances that there were no areas in respect of health and safety, identified during an Internal Audit, that could cause harm. Officers agreed to provide a copy of the update in respect of this matter that had been considered at a recent meeting of the Joint Corporate Health, Safety and Welfare Committee.
- The impact that the recruitment of four new members of staff had had on the Internal Audit Shared Service. Members were advised that this had primarily impacted on the service in the first six months of their employment, as they settled into their roles, but the staff were now fully embedded within the team.

**RESOLVED that**

**the report be noted**

**13. INTERNAL AUDIT PLAN 2019-20**

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The Head of the Worcestershire Internal Audit Shared Service presented the Internal Audit Plan for 2019/20 for Members' approval. The draft content of the plan had been considered by Members at the previous meeting of the Audit, Governance and Standards Committee. No material changes had been made since that meeting of the Committee. The number of days for the Internal Audit team's work remained at 400. This was a risk based plan and any changes mid-year would be discussed further with the Executive Director of Finance and Corporate Resources.

**RESOLVED that**

- 1) the 2019/20 Audit Plan be approved; and**
- 2) the Key Performance Indicators be approved.**

**14. FINANCIAL SAVINGS MONITORING REPORT**

The Executive Director of Finance and Corporate Resources presented the Financial Savings Monitoring Report for Members' consideration. The Committee was informed that the majority of the savings that had been incorporated into the Medium Term Financial Plan for 2018/19 had been delivered. The exceptions to this were £4,000 in corporate savings and £50,000 in proposed savings on income from promotions. In total £670,000 of savings had been delivered in the financial year.

Officers would start to report on delivery of savings in 2019/20 in the financial monitoring update report for the first quarter of the year.

**RESOLVED that**

**the final financial position for savings as presented in the report be noted.**

**15. CORPORATE GOVERNANCE AND RISK UPDATE TO FOLLOW**

The Executive Director of Finance and Corporate Resources confirmed that an update in respect of the Council's corporate governance and risk arrangements would be provided as part of the action plan update to the Committee at the extra meeting that Members had requested to take place in September 2019.

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## **16. AUDIT, GOVERNANCE AND STANDARDS' WORK PROGRAMME 2019/20**

The Senior Democratic Services Officer (Redditch) advised that the Committee's work programme would be updated to include the additional meeting that Members had requested as well as any items that would be considered at that meeting.

Members noted that a number of reports had been published late for the meeting. This did not represent good governance and made it difficult to prepare for the meeting. Members requested that in future reports should be published in the main agenda pack for the meeting wherever possible.

The Meeting commenced at 7.00 pm  
and closed at 9.09 pm