

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the CORPORATE GOVERNANCE PANEL held in 0.1A Civic Suite, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Wednesday, 24 July 2013.

PRESENT: Councillor E R Butler – Chairman.

Councillors M G Baker, K J Churchill, R Harrison, P Kadewere, P G Mitchell and R J West.

APOLOGY: An apology for absence from the meeting was submitted on behalf of Councillor G J Harlock.

14. MINUTES

The Minutes of the meeting held on 22nd May 2013 were approved as a correct record and signed by the Chairman.

15. MEMBERS' INTERESTS

No declarations were received.

16. CORPORATE GOVERNANCE PANEL - PROGRESS REPORT

The Panel received and noted a report by the Head of Legal and Democratic Services (a copy of which is appended in the Minute Book) which contained details of actions taken in response to recent discussions and decisions.

17. FILMING AND RECORDING AT COUNCIL MEETINGS

The Panel received and noted the content of a report by the Head of Legal and Democratic Services (a copy of which is appended in the Minute Book) proposing an amendment to paragraph 17A of the Council's Constitution relating to the filming, recording and taking of photographs at meetings that are open to the public and the use of social networking and micro-blogging websites.

Members were advised that the amendment had arisen as a result of new guidance produced by the Department of Communities and Local Government in June 2013 entitled "Your Council's Cabinet – going to meetings, see how it works – a guide for local people". Whilst the guidance relates to meetings of the Cabinet only, Members agreed that it would be reasonable for any new Procedure Rule to apply to all meetings held by the Council which are open to the public.

The Head of Legal and Democratic Services referred to the circumstances surrounding the filming of the Council meeting on 26th June 2013 by a member of the public. In that respect, Members' attention was drawn to correspondence sent to the Panel's Chairman from the individual involved on the proposed variation and the Panel were advised of the representations made.

Members recognised that some members of the public attending

meetings may not wish to be filmed. However, they were of the opinion that those making representations would normally expect to be filmed.

Having had their attention drawn to the circumstances in which termination or suspension of filming might occur, the Panel felt that there would be no benefit in halting filming after a defamatory statement has been made. Furthermore, Members suggested that future training for Chairman be adapted to include dealing with such situations.

Members supported a proposal that the Chairman should have the power to require filming to take place from a specific location or locations in appropriate circumstances.

The Panel agreed that it would be preferable for anyone proposing to film, record or take photographs of a meeting to advise the Democratic Services Team in advance of the meeting and to provide their name and contact details.

A discussion then ensued on the streaming of Council meetings live on the internet by the authority and Members requested the Head of Legal and Democratic Services to investigate the possibilities and cost of using such technology.

Other matters discussed included the importance of communicating the rules for filming on agendas, the use of mobile phones at meetings and the definition of a public place. Members also considered whether Members of a committee should expressly be prohibited from texting or tweeting during a meeting, but whilst it was considered such actions would not be appropriate, it was agreed that this should be left to the common sense of individual Members and controlled, if necessary, by the Chairman.

Given that the change requires an amendment to be made to the Council's Constitution, the Panel

RESOLVED

- (a) that full Council be recommended to approve the proposed variation to the Council's Constitution as set out in paragraph 3.4 of the report now submitted;
- (b) that Annex (vi) be amended to reflect the changes identified by members above; and
- (c) that, to avoid any potential difficulty in the interim, the guidelines for filming, recording and taking photographs at meetings open to the public be introduced informally pending their formal approval by the Council on 25th September 2013.

18. COMPLAINTS FEEDBACK ANNUAL REPORT

The Panel received and noted a report by the Head of Legal and Democratic Services (a copy of which is appended in the Minute Book) containing an analysis of the Council's internal complaints and

a summary of complaints concerning the District Council which had been determined by the Local Government Ombudsman in 2012/13. Having requested clarification over the recording of complaints to individual services given that Customer Services had experienced nine complaints in 2010/11 but none in the other three years referred to in the report, the Panel

RESOLVED

that the contents of the report now submitted be noted.

19. PREPARING THE ANNUAL GOVERNANCE STATEMENT

With the aid of a report by the Assistant Director, Finance and Resources (a copy of which is appended in the Minute Book) the Panel was apprised of the action taken to review the Code of Corporate Governance.

Members also considered a number of issues identified as significant for inclusion in the Annual Governance Statement. It was anticipated that the draft statement would be finalised shortly. Members would then be given the opportunity to review and comment upon the statement prior to its submission to Panel in September.

In concluding that the supporting principle to the Code of Corporate Governance, which dealt with the use of resources, should refer to providing good value for money rather than excellence, the Panel

RESOLVED

(a) that the following governance issues be recorded as being significant in the annual governance statement:

- ◆ to develop the themes and aims in the Leadership Direction through service plans and performance measures;
- ◆ to improve budgetary control
- ◆ to reinvigorate engagement with stakeholders
- ◆ to introduce a project management methodology; and
- ◆ to prepare an annual report for the 2013/14 financial year.

(b) that the following supporting principle be approved - "Ensure that the Council makes best use of resources and that tax payers and service users receive good value for money."

20. REVIEW OF RIPA POLICIES AND PROCEDURES

Consideration was given to a joint report by the Heads of Legal and Democratic Services and of Customer Services (a copy of which is appended in the Minute Book) to which was appended draft RIPA Policy and Procedure statements for covert surveillance and communications. Members' approval was sought for the adoption of the policies which have been revised to comply with recent changes in legislation, primarily the requirement for all applications to be

authorised by a Justice of the Peace and the requisite that all RIPA activity only take place where serious crime was being investigated.

Having noted that the revisions did represent significant variations from previous practices and that further minor changes to the policies may be required, the Panel

RESOLVED

that the Council be recommended to

- (a) approve the content of the new RIPA Covert Surveillance Policy and Procedure as appended to the report now submitted;
- (b) approve the content of the new RIPA Communications Data Policy and Procedure as appended to the report now submitted;
- (c) subject to recommendations (a) and (b) above, approve the consequential amendments to the Constitution ; and
- (d) that the Head of Legal and Democratic Services be authorised to make any amendments to the policies in the future after consultation with the Chairman of the Corporate Governance Panel and subject to the matter being reported to the next meeting of the Corporate Governance Panel.

21. INTERNAL AUDIT SERVICE ANNUAL REPORT

By way of a report by the Internal Audit Manager (a copy of which is appended in the Minute Book) the Panel was advised of the requirement under the Public Sector Internal Audit Standards to provide an annual opinion on the overall adequacy and effectiveness of the Council's internal control and governance processes.

The Internal Audit Manager outlined his view that the Council's internal control environment and systems of internal control as at 30th June 2013 provided limited assurance over key business processes and financial systems, a downturn on the previous classification of adequate. In that respect, Members have expressed their disappointment that one no assurance and seven limited assurance audit reports have been issued. Having queried the reasons why actions were not being introduced on time, the Internal Audit Manager explained that responsibility for these actions were outside of his direct control and lay with service managers. The Assistant Director, Finance and Resources explained that the transfer of HR services to LGSS had resulted in one manager not being aware that agreed actions had been allocated to them as client manager. There was the need to create a culture within the authority whereby actions are undertaken and any failures reported to the Chief Officers' Management Team.

In addition, the lack of compliance with the Code of Procurement remained a concern with Members. Having queried the reasons why

procurement practices continued to be ignored in some cases, the Panel stressed that efforts should be made to ensure that the Code was being adhered to across the authority. In response to which the Assistant Director, Finance and Resources reported that all Officers would be reminded of the need to comply with the Code and training provided where required. In acknowledging the need to deliver assurances that procedures are being followed, the Internal Audit Manager suggested that, in light of the recurring nature of the concerns, updates should be received on a regular basis from the Chief Officers' Management Team. Whereupon, it was

RESOLVED

- (a) that the content of the report be noted and the opinion of the Internal Audit Manager taken into account when considering the Corporate Governance Statement; and
- (b) that the Panel's concerns in respect of the implementation of agreed audit actions and the lack of compliance with the Code of Procurement be relayed to Chief Officer Management Team.

22. WORK PROGRAMME AND TRAINING

By way of a report by the Assistant Director, Finance and Resources (a copy of which is appended in the Minute Book) Members were acquainted with a work programme for the Panel for 2013/14.

Given that Members may have a greater understanding of some areas than others, the Internal Audit Manager encouraged the Panel to feedback to him any areas requiring additional training. Having been advised that the review of the effectiveness of the Panel would consider how to identify and provide relevant training, the Panel

RESOLVED

that the contents of the report now submitted be noted.

23. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

that the public be excluded from the meeting because the business to be transacted contains exempt information relating to the financial or business affairs of any particular person (including the authority holding that information).

24. APPOINTMENT OF PROFESSIONAL ADVISORS

By way of a report by the Internal Audit Manager (a copy of which is appended in the Annex to the Minute Book) the Panel was apprised of the outcome of a review into the procedures followed to appoint a contractor for a major leisure redevelopment scheme. Members were advised that during the review, internal audit had raised a number of concerns.

Members' attention was drawn to a series of recommendations aimed

at modifying or reinforcing the Council's processes to minimise the likelihood of such issues arising again. In considering the Internal Audit Manager's conclusions, specifically the need for training/reinforcement on Employees' Code of Conduct and Code of Procurement, Members expressed disappointment that procedures had not been followed. Having stressed the importance of ensuring that the Code of Procurement is fully complied with, the Panel

RESOLVED

- (a) that the Internal Audit Manager's intention to review the internal audit plan to ensure adequate contract reviews are undertaken be noted;
- (b) that the items identified in the report now submitted and any other procurement related information be taken into account when considering the Annual Governance Statement; and
- (c) that any amendments to the Employees' Code of Conduct and Code of Procurement be submitted to the Panel in due course.

Chairman