

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the CORPORATE GOVERNANCE PANEL held in Civic Suite, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Wednesday, 27 November 2013.

PRESENT: Councillor E R Butler – Chairman.
Councillors M G Baker, K J Churchill,
G J Harlock, R Harrison, P Kadewere,
P G Mitchell and R J West.

33. MINUTES

The Minutes of the meeting of the Panel held on 26th September 2013 were approved as a correct record and signed by the Chairman.

34. MEMBERS' INTERESTS

No declarations were received.

35. 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.

36. EXTERNAL AUDITORS: ANNUAL AUDIT LETTER 2012/13

With the aid a report by the Assistant Director, Finance and Resources (a copy of which is appended in the Minute Book) the Panel gave consideration to the Annual Audit Letter for 2012/13. Members were advised that the letter outlined the Auditor's findings, recommendations and fees for their work in respect of 2012/13. It had been produced following the publication of the 2012/13 Annual Financial Report.

In considering the contents of the Audit Letter, Members' attention was drawn to a number of recommendations to strengthen the budgetary control and financial planning process for the medium and longer term. Discussions then ensued on the monitoring of savings and the implications of zero based budgeting.

Members also considered the findings of the Auditor's review into the LGSS HR Contract and their opinion of project management, procurement and contracting.

Having expressed concern that the report lacked any officer response to the issues raised, the Panel received assurances from the Assistant Director, Finance and Resources that they were being addressed. Furthermore, he confirmed that information on the actions taken and planned to address the auditor's comments,

including timescales, would be circulated to the Panel Members.

In response to a question raised by a Member, it was confirmed that the Annual Audit Letter would be circulated to all Members and made available on the Council's internet.

Whereupon, it was

RESOLVED

that the Annual Audit Letter from the Council's External Auditors, PricewaterhouseCooper for the 2012/13 be formally received.

37. ANNUAL REPORT OF THE FREEDOM OF INFORMATION ACT, ENVIRONMENTAL INFORMATION REGULATIONS AND DATA PROTECTION ACT

With the aid of a joint report by the IMD Service Manager and the Head of Legal and Democratic Services (a copy of which is appended in the Minute Book) the Panel received a report on the number of requests received by the Council under the Freedom of Information Act, Environmental Information Regulations and Data Protection Act.

Following a question raised by a Member over the cost to the Council for complying with these legislative requirements, the IMD Service Manager reported that a high level of requests were for general information and that alternative methods of making such data available to the public was being considered, including making maximum possible use of the Council's website.

RESOLVED

that the contents of the report now submitted be noted.

38. CORPORATE BUSINESS CONTINUITY PLANNING

With the assistance of a report by the Corporate Business Continuity Coordinator (IMD Service Manager) (a copy of which is appended in the Minute Book) the Panel received an update on the progress that had been made in reviewing the Council's corporate business continuity arrangements.

The Panel were advised that the Business Continuity Plan had been updated and an exercise to test the robustness of the plan undertaken, as a result of which a number of issues were identified. In referring to the success of the event, the Continuity Coordinator confirmed that the exercise would become an annual event to help ensure that the Plan remains a "living" document.

Members were encouraged to note that there had been no incidents during the last 12 months which required instigation of the Plan.

However, there had been a number of partial IT failures which had been recorded and analysed to avoid re-occurrence.

In terms of alternative accommodation, Members were advised that agreement in principle had been reached with Huntingdon Library to provide alternative accommodation for face to face services if Pathfinder Customer Centre was inaccessible.

Having stressed that it was important to give due and appropriate consideration to the Council's arrangements for business continuity, the Panel congratulated the Officers involved with this work.

RESOLVED

that the contents of the report now submitted be noted.

39. ANNUAL REVIEW OF WHISTLEBLOWING POLICY AND PROCEDURE

With the aid of a report by the Internal Audit Manager (a copy of which is appended in the Minute Book) the Panel were acquainted with legislative changes affecting the Council's Whistleblowing Policy and Procedure, which had arisen from the Enterprise and Regulatory Reform Act 2013 (ERRA). The changes introduced narrow the definition of "protected disclosure", removes the requirement that a worker or employee must make a protected disclosure in "good faith", introduces personal liability for co-workers who victimise whistleblowers and extends the meaning of "worker".

Members were advised that the Government considered that before ERRA, whistleblowing was open to abuse and that cases were being made over spurious issues, but the changes now made it a requirement for the alleged disclosure to be in the public interest.

Having been advised of the necessary amendments to the Council's Whistleblowing Policy and Guidance, the Panel felt that the section on maintaining confidentiality in the guidance should replace the words "in good faith", with "in the public interest".

RESOLVED

that subject to the inclusion of "in the public interest" to reflect the text of the preamble hereto, the contents of the Whistleblowing Policy and Guidance, appended to the report now submitted, be approved.

40. OVERVIEW AND SCRUTINY PANELS CO-OPTED MEMBERS

Further to Minute No.12/52, consideration was given to a report by the Head of Legal and Democratic Services (a copy of which is appended in the Minute Book) detailing the outcome of a review of the involvement of external co-optees on the Overview and Scrutiny Panels.

Members were advised that the review had concluded that instead of making permanent appointments to the Scrutiny Panels, there was merit in inviting individuals who have specialist knowledge or expertise to contribute to particular study areas. There are currently 3 vacancies and as the terms of office of another 2 would end naturally in February 2014, it was proposed that all appointments should finish at that time. Having noted that the Overview and Scrutiny Chairmen had been consulted on and supported the proposal, the Panel

RESOLVED

that the Council be recommended to delete the following words from paragraph 2 of the Overview and Scrutiny Procedure Rules contained in the Constitution:

“Each Overview and Scrutiny Panel shall comprise two co-opted persons appointed for a four year period without voting rights. The co-opted persons shall not be paid an allowance”

41. OFFICER GOVERNANCE WORKING GROUPS

The Panel received a report by the Assistant Director, Finance and Resources on proposals to introduce Officer Governance Working Groups to raise awareness of the importance of good governance throughout the authority. It was noted that the approach had been prepared by the Chief Officers Management Team following concerns raised in the External Auditor’s report over the lack of compliance in some areas.

Members were advised that the new arrangements would result in six working groups reporting to an Officer Governance Board consisting of Chief Officer’s Management Team, the Monitoring Officer and the Internal Audit and Risk Manager. In considering the contents of generic terms of reference for both the board and groups and in noting the main elements to be covered, the Panel were advised that the each group would be led by a Head of Service or Service Manager who has not got responsibility for that service area as part of their normal role in order to develop corporate working. Having expressed certain concerns over the latter and the level of commitment required, the Panel

RESOLVED

that the contents of the report be noted.

42. WORK AND TRAINING PROGRAMME

By way of a report by the Internal Audit Manager (a copy of which is appended in the Minute Book), Members received and noted a work programme for the Panel for the period January to November 2014.

Councillor Baker, a Member of the Council Programme Group, questioned the process followed at a recent Council meeting when dealing with a Notice of Motion. Reference was made of the need to review the Council’s Procedure Rules. In that respect, the Head of

Legal and Democratic Services explained that the Deputy Leader had suggested that such a review be undertaken by the Panel. In order to progress, he agreed to discuss the matter with the Deputy Leader and Councillor Baker.

Having referred to the complexity of the Council's Constitution, the Panel requested that a presentation be made, prior to the start of the next meeting, on the various sections of the Constitution.

43. EXCLUSION OF THE PRESS

RESOLVED

that the public be excluded from the meeting because the business to be transacted contains exempt information relating to consultations or negotiations in connection with labour relation matters between the Council and its employees.

44. INTERNAL AUDIT - PAY REVIEW

The Panel received a report by the Internal Audit Manager (a copy of which is appended in the Annex to the Minute Book) summarising the findings of a review of the job evaluation and pay review process.

In considering the contents of the report, a Member referred to the two job evaluations methodology being used to evaluate the posts and questioned the basis for Inbucon's assertion that their scheme was equality complaint. In response to which, the Head of Legal and Democratic Services explained that Inbucon had considerable experience in such matters and had been engaged by the authority to provide a legally compliant scheme. In the event of any successful challenge to the adopted scheme, then the Council would be able to seek redress from Inbucon. The Assistant Director, Finance and Resources added that Inbucon had submitted their scheme to the Equality Commission, who had raised no concerns.

Having noted the internal auditor's positive endorsement of the process, it was

RESOLVED

that the contents of the report be noted.

Chairman