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Meeting	Audit & Governance Committee
Date	20 June 2018
Present	Councillors Steward (Vice-Chair), Lisle, Kramm, Williams, Mason, Cannon (Substitute For Councillor Derbyshire) And Reid (Substitute For Councillor Cuthbertson) Mr Mann And Mr Mendus (Independent Members)
Apologies	Councillors Derbyshire and Cuthbertson

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*As amended at the meeting of 26 July 2018]*

[As amended at the meeting of 19 September 2018]

#### **1. Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. None were declared.

#### **2. Exclusion of Press and Public**

Members considered the exclusion of the press and public from the meeting during consideration of Exempt Annex A to Agenda Item 5 as it contained information:

- relating to individuals;
- which was likely to reveal the identity of individuals;
- relating to consultations or negotiations, or contemplated consultations or negotiations, in connection with labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority; and
- in respect of which a claim to legal professional privilege could be maintained in legal proceedings

Resolved: To exclude the press and public during consideration of Exempt Annex A to Agenda Item 5.

Reason: This information is classed as exempt under paragraphs 1,2,4 and of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

### 3. **Public Participation**

It was reported that there had been three registrations to speak at the meeting under the Council's Public Participation scheme, however the Chair advised that two of those had since withdrawn. The Chair stated that, although Mr Laverack had withdrawn his registration to speak, he wished for it to be recorded that his complaint regarding how he had been dealt with by the Council had not been answered.

Honorary Alderman Brian Watson spoke on item 5 – Observations and Learning from the LGA Review. He stated he felt it was in the public interest that this item be considered in public. He also stated that when the report spoke of heritage governance issues and transparency, these issues should be highlighted as something the Council was failing to address. He reminded Members that they had a duty to the public they serve and that therefore Officers' advice to Members should be made public.

### 4. **Minutes**

Councillor Kramm brought to the meeting a list of amendments to the minutes dated 30 April 2018. He stated he had circulated these prior to the meeting. However, as not all Members had seen the email, and the amendments were lengthy, it was agreed they should be brought to a future meeting when all Members had been given time to fully consider his amendments.

The Deputy Monitoring Officer ~~reminded Members~~ *stated* that minutes were brought to the Committee to approve them as an accurate record of a meeting. Therefore, amendments should be to correct factual inaccuracies, rather than to expand on the content.

The Chair stated that ~~he felt~~ the suggested additions added to the accuracy of the minutes.

Resolved: That the minutes of the meeting held on 30 April be added to the next available agenda for consideration.

**5. Observations and Learning from the LGA Review into the Conduct of the Audit and Governance Committee on 22nd February 2017**

Members considered a report presenting recommendations contained in the LGA procured report that related to Audit & Governance Committee.

The Chief Executive attended the meeting to present the report and answer questions from the Committee.

In response to Member questions the Chief Executive stated that she had been at City of York Council for less than two years and was unsure as to whether Members had previously been asked to sign a confidentiality undertaking. As she had not been involved with the Staffing Matters and Urgency Committee which considered the report she was also unable to advise Members as to whether they had signed an undertaking. She clarified that she had received ~~external~~ advice from three sources on the legality of the confidentiality undertaking.

The Deputy Monitoring Officer reminded Members at this point that they would need to move into private session if they wished to discuss this legal advice in detail. She explained to members that, although they had already signed the Member Code of Conduct, that the confidentiality undertaking was a further safeguarding measure. This was not intended to question the integrity of Members, but rather to demonstrate their commitment to keep this information confidential.

In response to Member questions the Deputy Monitoring Officer stated that:

- All but three Members of the Committee had signed the confidentiality undertaking;
- The confidentiality undertaking was put in place to enable the Chief Executive to allow Members to access the exempt information ahead of the meeting.
- Those three Members who had not signed the confidentiality undertaking would still be allowed to access

the exempt information at the meeting, if it moved into private session; and

- All Members would be ~~expected~~ *required* to return the exempt information to the Democracy Officer at the end of the meeting.

*Following advice from the Deputy Monitoring Officer-At this point in the meeting it was agreed to exclude the press and public and move into private session at this point, to allow all Members to consider the confidential legal advice.*

Councillor Rawlings made the Chair and Chief Executive aware of his wish to remain in the room during the private session, as Shadow Executive member for Economic Development and Community and Engagement, which was the portfolio covering governance. *After a short recess, where she took advice from the Deputy Monitoring Officer, the Chief Executive advised Councillor Rawlings he would have that, following the advice she had been given, she had made the decision to exclude him from to leave the meeting as he was not a Member of the Audit and Governance Committee, and had not demonstrated a need to know the exempt information in order to carry out his duties as a Councillor. He was therefore not entitled to access the exempt information. She also stated that letting Councillor Rawlings stay would change the political balance of the meeting. The Chair commented that he would have allowed Councillor Rawlings to remain in the meeting.*

The Chair (Councillor Steward – Vice Chair), Councillor Lisle and Councillor Kramm stated that they would not take the confidential annex from Officers as they would have to hand this back in at the end of the meeting, which they said was not usual procedure. They also reiterated their feeling that a confidentiality undertaking was unnecessary, as they had already signed the Member Code of Conduct. *Finally they stated that they would not have long enough to read the report, given that usual practice was to provide papers 5 days working days before the meeting.* At this point in the meeting they left the table. Councillors Steward and Lisle chose to remain in the public gallery and Councillor Kramm left the meeting.

The remaining Committee Members nominated Councillor Williams as Chair for the remainder of the meeting.

Councillor Reid moved to adjourn the meeting and Councillor Mason seconded this motion. On being put to the vote this motion fell, with the Chair using his casting vote.

The Chief Executive verbally updated the report to amend the references to the 'LGA report' to instead refer to the 'LGA procured report'. This was to clarify that a consultant solicitor had been procured by the Local Government Association (LGA) to undertake the work.

The Chief Executive then presented the report, seeking additional comments from the Committee to those already proposed as a result of the learning from the LGA procured report. *The Chief Executive explained that only the recommendations contained in the public report could be dealt with by this committee, as the recommendations in the exempt annex had all been dealt with via other processes and were provided as background information only.*

The covering report proposed:

- a) That both the Chair and Vice Chair of the Audit and Governance Committee are offered briefings prior to each committee meeting. It is recommended that these are mandatory.
- b) That, whilst Chair training is covered within the new Councillor induction, it is recommended that focused Chair training to Chair and Vice Chairs be provided as soon as possible, including bespoke training around data protection and confidential privilege.
- c) That care is taken to ensure a room is of sufficient size for meetings and fit for purpose.
- d) That it be clarified that security staff are present to facilitate movement of the public within the building where a higher level of public attendance is anticipated.
- e) The report highlighted that a professional working relationship between Officers and Members based on mutual trust and respect is crucial to the good governance of the Council. Officers provide advice and guidance to Members on issues, and it is for Members to make decisions having regard to that advice, acting reasonably

and within the law for the benefit of the communities they serve. The Staffing Matters and Urgency Committee recommended a cross party working group, via Group Leaders, be established to build on ensuring the organisational culture promotes a strong professional relationship of trust and confidence.

The report also explained that Officers commit to the organisational culture of transparency, but there are times when there are legitimate reasons to keep matters confidential in the public interest. At times a balanced judgement must be made about whether the disclosure of information is in the public interest. Some decisions are finely balanced, and require Members to consider advice received, when applying public interest tests.

Members considered and debated the report, together with the exempt information.

Members agreed that briefings prior to committee meetings for the Chair and Vice Chair were beneficial, but that these should be diarised and made available to Members, to be used where appropriate, rather than be made mandatory.

Members considered that further training, in addition to the Chair training in the new Councillor induction would be beneficial to provide a refresh, particularly as new Members may not be tasked with chairing a committee for some time. Members recommended that a programme of training be made available for all Chairs and Vice Chairs. This could include the role of Chair and Vice Chair, management of committee procedures, exempt information and confidential information, GDPR and the legal scope of access to information for Members.

Members also considered that, in order to build further confidence, the Chief Executive could consider making presentational skills training available to all Officers who attend committee meetings as part of their role.

Members agreed that careful management of room bookings and security for visitors is currently in place, and should continue to be monitored.

Members also debated the appropriate forum in which to consider reviewing the Council's constitution, as it was felt this may assist in providing clarity in its construction. It was agreed that the Customer and Corporate Services Scrutiny Management Committee (CSMC) was the correct forum to consider this, rather than Audit and Governance Committee. This could be undertaken in liaison with Joint Standards Committee, who had already programmed a review of the Member/Staff protocol found within the Constitution.

Members agreed that this was an opportunity for looking forward in relation to strengthening professional relationships between Members of this Committee and Officers, and noted the Chief Executive's comments at paragraphs 20 and 21 of the Committee report.

Resolved: That the following recommendations for improvement are made:

- a) Briefings for Chairs and Vice Chairs of committees be diarised and attended as appropriate, but not be mandatory;
- b) A programme of training be made available for all Chairs and Vice Chairs, which may include the role of the Chair, management of committee procedures, exempt information and confidential information, GDPR and the legal scope of access to information for Members;
- c) The Chief Executive considers making presentational skills training available to all Officers who attend committee meetings a part of their role; and
- d) That consideration be given to Customer and Corporate Services Scrutiny Management Committee reviewing the constitution, to provide clarity on its construction. This could be undertaken in liaison with Joint Standards Committee; it having already programmed a review of the Member/Staff protocol.

Reason: In order that the observations and learning from the LGA procured report and the response from Officers be taken forward.

*Councillor Steward, Vice Chair in the Chair*

*Councillor Williams, Committee Member in the Chair during part of the private session*

[The meeting started at 5.30pm and ended at 8.50pm]