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Meeting	Audit and Governance Committee
Date	7 September 2022
Present	Councillors Lomas (Chair), Fisher (Vice-Chair), Baker, Cuthbertson, Wann and Webb  Mr Leigh (Independent Member)
Apologies	Councillor Musson
Officers Present	Debbie Mitchell – Chief Finance Officer Helen Whiting – Head of HR (attending remotely) Helen Malam – Principal Accountant

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#### **10. Declarations of Interest (17:35)**

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.

Cllr Cuthbertson declared a personal interest in Agenda Item 7 (Amendments to the Constitution) as a member of the Board of City of York Trading Ltd.

#### **11. Minutes (17:36)**

On being invited by the Chair to comment on the minutes, the Independent Member mentioned the lack of a control mechanism to monitor actions agreed by the committee.

Resolved: That the minutes of the meeting held on 29 June 2022 be approved, and then signed by the Chair as a correct record.

#### **12. Public Participation (17:39)**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

### **13. Key Corporate Risks monitor 1 (17:40)**

Members considered a report which provided an update on the key corporate risks (KPRs) to the Council, as at August 2022.

Details of the 12 KCRs, and progress in addressing them, were set out in Annex A to the report. A summary of the current gross and net risk ratings of all KCRs was provided in Annex B.

Members raised questions and comments on specific risk areas, as summarised below:

KCR 1 (financial pressures):

- Information was requested on the impact of inflation on business rates and council tax payments, the potential impact of the care cap, and any indications of additional government support.

KCR 9 (communities):

- Officers confirmed that the process to appoint an Access Officer was underway, with the post to be advertised from 8 September.
- A suggestion was made to include relationships with parish councils in this KCR.

KCR 12 (major incidents):

- It was suggested that an explanatory note be added against the new risk (relating to commercial power outages).

Resolved: That the report be noted, and that officers be asked to note the comments made by Members in respect of KCRs 1, 9 and 12, and provide the feedback requested.

Reason: To provide assurance that the authority is effectively understanding and managing its key risks.

### **14. Embedding Good Governance (18:15)**

Members considered the second report prepared by the Local Government Association (LGA) to support delivery of the council's Action Plan to address the recommendations in the Report in the Public Interest of April 2021. The report confirmed that progress had been made but that several matters remained outstanding, including mandatory training on the new Constitution and re-training on the Code of Conduct.

Mark Edgehill of the LGA was in attendance to present the report (attached as Annex 1 to the officer cover report) and answer any questions. In doing so, he highlighted the importance of the final stage of the process, which would be about the changes brought about by implementing the Action Plan. The next stage would involve an on-site visit, as explained in paragraph 7 of the report. In response to a question about the consequences of ignoring a Monitoring Officer's advice on a conflict of interest, he agreed to seek a view on this from the Monitoring Officer on the LGA team.

In response to Members' questions, officers confirmed that an extensive training programme was being developed, much of it mandatory, in a variety of formats. It was understood that Code of Conduct training would be offered by the end of October, but they would check on this, and on the provision of guidance on meeting agendas referred to at page 52 of the papers.

Resolved: (i) That the report, and the information provided at the meeting, be noted.

(ii) That Members' comments regarding the training programme currently in preparation by officers be fed into the process, and that the committee have sight of the programme prior to the election period.

Reason: In order to monitor the delivery of the Action Plan prepared in response to the Public Interest Report, as required by Council.

## **15. Exit Strategies Guidance (18:58)**

Members considered a report which informed them of the council's response to DLUHC's 'Statutory Guidance on the making and disclosure of special severance payments by local authorities in England'.

The report confirmed that the council's Exit Strategies document, as approved by Staffing Matters & Urgency Committee and shared with Audit & Governance Committee, reflected the requirements of the Statutory Guidance, and that the supporting Pay Elements and Discretions document had been incorporated in the Constitution.

Resolved: (i) That the council's response to the DLUHC's publication on 12 May 2022 of 'Statutory Guidance on the making and disclosure of special severance payments by local authorities in England' be noted.

(ii) That it be noted that the council's Exit Strategies: Guidance on the use of Settlement Agreements including Special Severance Payments' was approved by the Staffing Matters and Urgency Committee on 18 October 2021.

Reason: To confirm that the council has complied with statutory guidance issued by the government, as required.

## **16. Amendments to the Constitution (19:00)**

Members considered a report which invited them to note the amendments to the Constitution approved by Full Council on 14 July 2022, along with updated arrangements for the appointment of Caldicott Guardians for the council.

The amendments agreed by Council were attached as Appendix A. The report detailed requirements to review the appointment of Caldicott Guardians now that the Corporate Director of Children & Education had taken up post. It was proposed to appoint the following, with the Monitoring Officer to make the associated technical changes to the Constitution:

- Corporate Director of Adult Social Care & Integration
- Corporate Director of Children & Education
- Director of Public Health.

A query was raised on the terms of reference of the Shareholder Committee (page 115 of the agenda papers), with a request that this be passed to the Monitoring Officer.

Resolved: (i) That the amendments approved by Full Council on 14 July 2022, as detailed in Annex 1 to the report, be noted.

(ii) That the revised arrangements for the appointment of the council's Caldicott Guardians, and the technical changes to be made by the Monitoring Officer to Appendix One: Scheme of Delegation, be noted.

Reason: To ensure that the council's Constitution is accurate and fit for purpose to effectively support the service delivery and decision-making responsibilities of the council in a lawful and financially competent manner.

**17. Audit and Governance Work Plan (19:04)**

Members considered the committee's work plan for the remainder of the current Municipal Year.

The Chair noted that the Key Corporate Risks Monitor 2 scheduled for the additional meeting on 19 October had been included in the Monitor report to today's meeting (Minute 13 refers) and the remaining business could be held over to November. Therefore it was suggested that the October meeting be cancelled. This would not, however, prevent Members receiving information on the development of Member training before the November meeting.

Resolved: That the work plan be agreed, subject to the cancellation of the meeting on 19 October, with the business scheduled for that meeting to be moved to the next meeting.

Reason: To ensure that the committee has a planned programme of work in place.

Cllr K Lomas, Chair

[The meeting started at 5.33 pm and finished at 7.16 pm].