

Meeting	Audit And Governance Committee
Date	16 November 2021
Present	Councillors Pavlovic (Chair), Fisher (Vice-Chair), Lomas, Mason, Wann, Webb And Carr

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## Apologies

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### 41. **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.

### 42. **MINUTES**

Resolved: That the minutes of the meeting held on 29 September 2021 and 2 October 2021 be approved and then signed by the Chair as a correct record, following the following amendments:

That minute 28 from the 29 September 2021 meeting amend Andy Mendus public participation be amended to read 'Andy Mendus enquired as to whether the use of settlement agreements as outlined in the proposed guidance were exceptional as stated, or if they would be more routine, noting the reference to a budget for these payments. Regarding Make it York he noted that it was good for the Committee to intervene and asked the Committee to seek an explanation as why the missing reports were not chased up, and whether the Council knew if Make it York was in breach of the rules relating to Teckal companies in this period.'

That minute 35 from the 20 October 2021 meeting amend Andy Mendus public participation be amended to read 'Andy Mendus raised a number of questions relating to the internal audit reports

including Council Tax and NNDR's and data corruption issues, whether there had been too relaxed a approach to cyber security when auditing York schools, and relating to Council projects he was concerned that Gateways were not being used correctly but being treated as a tick box exercise.

That minute 38 from the 20 October 2021 meeting add to the resolved that 'That the Committee voted in favour of maintaining the wording 'The Membership of the Audit and Governance Committee will not include in its Membership any Member of the Executive or the Lord Mayor or the Sheriff.'

#### **43. PUBLIC PARTICIPATION**

It was reported that there had been one registrations to speak at the meeting under the Council's Public Participation Scheme.

Andy Mendus spoke in relation to KCR 11 and the Constitution. He asked for further detail as to how Children's and Adult Social Care would balance maintaining value for money with long term collaboration in its contract management procedures. On the Constitution he raised the role of independent members of Audit and Governance, he noted that he had contacted Committee Members and Officers regarding the role of independent members at other Councils and how the role is outlined in legislation. He requested that the Committee ensure roles for independent members be outlined within the Constitution.

The Chair confirmed on behalf of the Committee, as was outlined at the previous Committee meeting. That members were in support of including independent members on the Audit and Governance Committee and supported its inclusion within the Constitution.

#### **44. REVIEW OF THE COUNCIL'S CONSTITUTION**

The Committee continued its review of the constitution by considering the work undertaken, by the cross party working group set up by the Committee, articles 14, 15, 20, 21, 23, 24, and appendices 10, 13, 19, 20, 21, 26 and 28. These articles and appendices can be found in the draft constitution published

in the Audit and Governance Committee agenda from 8 September 2021.

Article 14 - The Council's Licensing Functions, was noted.

Article 15 A - Corporate Appeals Committee, Officers outlined the current issues of single gender panels raised by HR, trade unions, and members of staff around the makeup of the Corporate Appeals Committee. It was therefore discussed how the article could ensure mixed gender panels and it was considered that the article should include the requirement for either one women or one member of a minority gender on each panel.

Article 15 B – Investigating and Disciplinary Committee and Chief Officer Appeals Committee, The Committee discussed whether the article should include a list of chief officers for reference. Officers noted that this would be included in the intro to the constitution which would be completed once the other sections of the constitution were agreed. Therefore, Members requested that reference be included to the intro in this section.

Article 20 - York's Commitment to Corporate Parenting, Members discussed the role of Corporate Parenting and the role of Children's and Education Policy and Scrutiny Committee. Discussions took place around whether opposition members should have a place on the Committee, Officers suggested against this suggesting it was not the place for opposition scrutiny from Members and was instead for young people who were in, or had been looked after by the Council to have their say and that scrutiny would provide the role of offering Members the opportunity to scrutinise the Council and relevant Executive Members. It was noted that the constitution would move meetings to a private setting as there had been challenges including children on live streams and some children had not wanted to engage because of this.

Article 21 - Joint Arrangements, was noted.

Article 23 – Officers, was noted.

Article 24 – Finance, Contracts and Legal Matters, was noted.

Appendix 10 - Financial Procedure Rules, Officers confirmed that breaches if occurred would be reported to the relevant

Executive Member and the Audit and Governance Committee. Members highlighted and requested a review for any typos and the use of gender pronouns.

Appendix 19 – Protocol for use of ICT by Members/Use of Resources, The Committee discussed the importance of Members access to ICT resources and it was outlined by Officers the importance of using Council issued devices. Members raised questions about the potential financial implications relating to providing Council ICT to every Member and requested a future update be provided to the Committee.

Appendix 20 - Member Allowances and Member Allowances Scheme, was noted.

Appendix 21 - Urgent Decision Making Protocol, was noted.

Appendix 26 – Information Governance, The Committee requested that the appendix also include a link to the Ombudsman for ease of use for residents.

Appendix 28 - Protocol on the Production and Content of Minutes of Meetings, was noted.

The work of the cross party working group was discussed, as well as, what could be discussed alongside the scrutiny functions in the constitution at the Committees 1 December 2021. Members also discussed how the Council could promote public comments on the Constitution and it was agreed that the revised constitution would be published online after the 1 December 2021 meeting and a press release would be issued requesting comments before the 2 February 2021 meeting of the Committee.

Resolved:

- i. The Committee noted the work of the Cross Party Working Group;
- ii. That the Committee agreed the Articles and Appendices listed above subject to the following amendments:
  - That Article 15 A include ‘Membership should be one women or one member of a minority gender’;

- That Article 15 B include a link to the introduction of the constitution listing chief officers;
  - That Appendix 10 that typos be corrected and gender neutral pronouns be used in the appendix and to be circulated to the Committee;
  - That Appendix 26 include a link to the ombudsman.
- iii. That a report be brought to the Committee to outline expenditure associated with providing ICT equipment to all Members;
  - iv. That a revised draft of the constitution following the Committee meeting on 1 December 2021 be published on the Council website and a press release asking for public comments on the constitution by the 2 February 2021 meeting.

Reason: To ensure that the Council Constitution is accurate and is fit for purpose to effectively support the service delivery and decision making responsibilities of the Council in a lawful and financially compliant manner. The Council is required to work towards the delivery of the Action Plan in response to the Public Interest Report.

#### **45. MONITOR 2 2021/22 - KEY CORPORATE RISKS**

The Committee provided an update on the Council's Key Corporate Risks (KCRs) before a further in detail introduction to KCR 11 External Market Conditions: Failure to deliver commissioned services due to external market conditions.

Members made a number of enquiries including business continuity planning linked to KCR 10 and what the Council would plan for. Officers noted that plans were held across the Directorates with individual plans held at service level and that if Members wished to explore specific services plans then officers could enquire and provide a update. The Committee also raised suggestions that Government could alter business rates and how this would affect the Council. It was noted that no changes had been announced from Government but it would be expected that the Council would be compensated if they were to be effected by any business rate changes. Finally the

Committee also requested that KCR 8 be updated with examinations of the Local Plan expected shortly.

In relation to KCR 11 officers highlighted challenges of recruitment and retention, which had been problem faced nationally in commissioned services. It was noted that the Council had 2 contract failures with suppliers which officers considered to be lower than expected, the Council had continued to work closely with suppliers and had effectively transferred contracts to new suppliers where necessary.

The Committee enquired about vaccine rates for care home staff in York and it was confirmed that only 1% of staff had yet to get a vaccine and some were now being invited to have a booster jab. Haxby Halls move away from the Council was also raised and it was noted that the Council continued to work closely with the provider, however, it was noted that the provider was facing challenges relating to retaining staff as it renegotiates contracts of staff. It was confirmed by Officers that the current consultation at Haxby Hall were not expected to effect the delivery of the expected services.

Resolved:

- i. Considered and commented on the key corporate risks included at Annex A, summarised at Annex C;
- ii. considered and commented on the information provided in relation to KCR11 External Markets included at Annex B;
- iii. noted that the 2021/22 Monitor 3 report will include a detailed analysis of KCR12 Major Incidents;
- iv. provided feedback on any further information that they wish to see on future committee agendas.

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

#### **46. AUDIT AND GOVERNANCE WORK PLAN**

The Committee considered the 2021-22 work plan and agreed to move the Key Corporate Risks monitor 3, Corporate Governance Report, and Internal Audit & Fraud Plan & Progress report from the Committees meeting on 1 December 2021 to 2 February 2022.

Resolved:

- i. That the Key Corporate Risks monitor 3, Corporate Governance Report, and Internal Audit & Fraud Plan & Progress report from the Committees meeting on 1 December 2021 be moved to 2 February 2022.

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

Cllr Pavlovic, Chair

[The meeting started at 5.30 pm and finished at 8.51 pm].

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