

Audit & Governance Committee

11 April 2018

Report from Chief Executive

Observations and Learning from the LGA Peer Review

Summary

1. The report is provided for the Committee members to consider the elements of learning identified through the external LGA peer review.
2. The original LGA review was commissioned by the then Leader (Cllr Carr), the then Deputy Leader (Cllr Aspden) and the current Chief Executive (Mary Weastell), part of the terms of reference agreed was to *“recommend any improvements to the Governance arrangements needed for this Committee and any other actions”*.
3. In addition, Staffing Matters and Urgency Committee, held on the 11 December 2017, also agreed for an appropriate report to be made available to the committee.
4. All other due processes in accordance with the council’s constitution and protocols in relation to any other complaints have been dealt with, the conclusion that no action was deemed necessary or appropriate.
5. The full LGA report cannot be shared due to data protection regulations and the duty the authority has to its staff and members. The Council has a duty not to destroy the relationship of trust and confidence between it and its employees. This is an essential characteristic and principle of any employment contract. A redacted version is available and attached to this report which covers the learning and improvement recommendations.
6. The legal evidence for such a redacted report being shared is provided below.
7. Schedule 12A of the Access to Information Rules under the Local Government Act 1972 as amended states that:

“The following information can be classed as exempt information:

- Information relating to any individual.
 - Information relating to any consultation or negotiation or contemplated consultation or negotiation in connection with any labour relation matter arising between the Authority and employees of the Authority.
 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.”
8. Under paragraph 10 of Schedule 12A of the Local Government Act 1972 it states that “information under the above heading is exempt if and so long in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information”.
9. In this case it can be argued that the public interest in ensuring that there is good employee relations with the staff and relations with the members concerned where the staff and members have objected to its disclosure and where the comments can be attributable to the actions and criticisms of officers that the exemption should be maintained.

Background

10. Following the Audit & Governance (A&G) Committee on 22 February 2017 a number of complaints from members of the public, were made to the Council. Then Leader (Cllr Carr), the then Deputy Leader (Cllr Aspden) and the current Chief Executive (Mary Weastell) commissioned the LGA to carry out an investigation into the conduct of the meeting. The terms of reference for the LGA are shown below. These were kept confidential at the time, as agreed between all parties involved.
11. Terms of Reference

To look at the 22nd February 2017 Audit and Governance Committee meeting with the terms of reference as follows:-

- *consider the governance and decision making processes including preparation for the meeting and the handling of private items;*
 - *consider overall conduct of the meeting itself and input and interaction by the Chief Executive, Section 151 Officer, Monitoring Officer, Auditors, Members of the Committee and members of the public; and*
 - *recommend any improvements to the Governance arrangements needed for this Committee and any other actions.*
12. A copy of the report, redacted to remove any information that can identify an individual is attached for information only. Any names that are shown unredacted in the report is information that is already in the public domain.
13. The relevant internal processes have been followed and concluded with regards to the complaints against officers and members.

Observations and learning recommendations from the LGA peer review for Audit & Governance Committee

14. The following section identifies the recommendations which have not been covered through other processes, from the LGA peer report and information on action to date.
15. ***Recommendation 1 - Both the Chair and Vice Chair should be briefed prior to a meeting.***
16. Officers involved in this meeting (22 February 2017) confirmed that a briefing was provided to the Chair, but that the Vice Chair was not briefed. The Chair requested the brief on the day of the meeting. The brief given was of a legal nature and therefore neutral in its content.
17. The Chair and the Vice Chair of Audit Committee are offered briefings before each Audit and Governance meeting. It is recommended to make the briefings mandatory for the Chair and Vice Chair of Audit & Governance.

18. **Recommendation 3** - *Chairs should be given training and guidance in order to ensure that meetings are conducted in an orderly fashion, and are able to apply appropriate intervention when necessary.*
19. Chair training is covered within the new Councillor Induction. However, it is recommended to provide focussed Chair training to Chair and Vice-Chairs as soon as possible, this will also include bespoke training around data protection and confidential privilege.
20. Currently all new Members are trained on induction and all existing Members are invited to attend at least one course during the life of the Council. However we are recommending a refresh of the member training programme based on the changing needs of the council.
21. **Recommendation 9** - *Care should be given to booking rooms that are fit for purpose.*
22. Care will be taken at all times to ensure the room is a suitable size for the meeting.
23. **Recommendation 10** - *There is no requirement for a security guard unless advance information dictates otherwise.*
24. The Council do not employ security guards, security services are provided through a contract and security staff are present at West Offices during opening hours. During evening meetings the security staff are present to facilitate public participation, gaining entry to the building and the meeting room, as well as ensuring members of the public have access to the toilet facilities.
25. For the meeting on 22 February 2017, the Council was aware of the increase of interest through social media of the agenda items and our expectation was that there would be a higher level of public attendance at the meeting and therefore the need for the security staff to facilitate the movement of the members of the public.

26. **Recommendation 12** - *That the Council works actively to address the heritage governance issues and strives to demonstrate transparency so as to ensure that future meetings proceed in a more appropriate fashion.*
27. A number of peer reviews have been carried out in recent years, demonstrating the Councils willingness to benefit from external views, and to continue to improve. This included a peer review that reported to Audit & Governance in January 2015, and a peer review reported to Executive July 2016. In addition the LGA did a review of procurement during 2018, with this reported to Audit & Governance.
28. There are many standard elements to the package of training provided to new Councillors upon their election and for their induction into being a City of York Councillor. Essential training on the Councillor Code of Conduct is one such essential element. All members new to the Council received this specific training upon their election in 2015. Existing Members were offered (and some attended) the session as a refresher. Most recently, newly elected Members for Micklegate, Hull Road and Holgate wards have been given this training following their success at By-elections in 2017 and 2018. A full induction programme, incorporating Code of Conduct training, will be given to all newly elected Members following the May 2019 local elections and key elements of this (again including Code of Conduct training) will be offered as a refresher.
29. Officers and Members have done a significant amount of work over the past 2 years to improve the effectiveness and Governance of the Council including:
- Member Training and Induction;
 - Members review of code of conduct;
 - Specific training for the Audit Committee – this includes a full day of training provided by CIPFA and regular training in advance of the Audit Committee meeting on a wide range of issues;
 - Performance for FOI's has improved, and all aspects of the transparency code are complied with;
 - New communications protocols;
 - A new Social Media Policy has been approved to assist with expectations of social media use;

- New Values and Behaviours for Staff and Members have been introduced;
- New arrangements for Scrutiny introduced;
- Refreshed Senior Leadership Forums, including Corporate Leadership Group and Leading Together on governance and transparency;
- Introduction of the cost control board
- Improved decision making and forward planning process; and
- Staff Engagement events are held regularly.

30. There is always a need to consider the working relationship between officers and members to ensure there is trust and respect. Officers have to frequently provide advice to Members on issues, and it is for Members to consider that advice and determine their decisions. The Staffing Matters and Urgency committee recommended a cross party working group, via Group Leaders, to be established to work on ensuring the culture between Members and Officers is effective, and this will consider a range of issues. There may be matters arising from this review by Group Leaders that require Audit and Governance committee input/consideration.

31. In respect of Transparency, at times there will be delicate decisions to be made between ensuring the Council protects its interests (or those of individuals) and the public interest. Some decisions are finely balanced, and require members to consider advice received, but also reflect on wider public interests.

32. As members are aware there has been discussion within the committee on the potential to have a review of the effectiveness of the A&G committee. A report was brought to a recent meeting, but was deferred at the request of a member of the committee, pending the outcome of a similar review at a Fire Authority. It is suggested that this report should come to the next A and G meeting.

Consultation

33. The Leader and Deputy Leader have been briefed on the broad content of this report prior to submission to Audit & Governance.

Recommendations

34.

(a) Audit & Governance committee are asked to consider the observations and learning from the LGA peer review report and the response from Officers on actions to take forward.

(b) Audit & Governance committee to consider if they have any further recommendations for improvement that would support them in their roles on this committee.

(c) Audit & Governance committee to receive at the next meeting a report on options for a review of the effectiveness of the committee.

Reason: To update the Audit & Governance Committee on observations and learning from the LGA peer review.

Author:

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Chief Officer Responsible for the report:

Mary Weastell
Chief Executive

**Report
Approved**



Date 03 April 2018

Mary Weastell
Chief Executive

Specialist Implications Officer(s)

Wards Affected: None

All

For further information please contact the author of the report.

Background Papers:

None

Annexes:

Appendix 1 – Redacted LGA Report