

---

|           |  |
|-----------|--|
| Meeting   | Audit & Governance Committee   |
| Date      | 11 December 2013   |
| Present   | Councillors Potter (Chair), Brooks (Vice-Chair), Ayre, Barnes, Burton, Wiseman, Hodgson (Substitute for Councillor Watson) and Mr Whiteley (Co-opted Non-Statutory Member) |
| Apologies | Councillor Watson  |

---

#### **43. 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.

Councillor Barnes declared a disclosable pecuniary interest in agenda item 7 (Community Stadium Project – Risk Management), by virtue of his employment. He withdrew from the meeting during consideration of that item and during the part of agenda item 6 (Project and Programme Management) during which reference was made to the risk management process for the community stadium project.

#### **44. Minutes**

Resolved: That the minutes of the meeting of 6 November 2013 be approved and signed by the Chair as a correct record.

#### **45. Public Participation/Other Speakers**

It was reported that there was one registration to speak at the meeting under the Council's Public Participation Scheme and that two Members had also registered to speak at the meeting.

Ms Swinburn spoke on the following issues:

- She requested that the agenda papers for meetings also made reference to the part of the Protocol for Webcasting, Filming and Recording of Council Meetings which stated

that members of the public were permitted to film or record.

- Referring to agenda item 6 (Project and Programme Management), Ms Swinburn expressed concern that the membership of the boards referred to and the minutes of their meetings were not available to the public.
- Referring to agenda item 8 (Public Participation Scheme), Ms Swinburn stated that she was concerned at the lack of consultation that had taken place regarding proposed changes and she believed that if the changes were implemented they would deter members of the public from speaking at meetings. She requested that the Committee deferred this item to allow time for more discussion.

Councillor Warters spoke on the following issues:

- Referring to agenda item 7 (Community Stadium Project Risk Management), he expressed his concern at the funding that had already been spent on the scheme and highlighted paragraph 16 of the report, which related to risks associated with rental payments.
- Referring to agenda item 8 (Public Participation Scheme), Councillor Warters expressed his concern regarding the proposed changes to the scheme. He stated that his concerns included the role that the Chair would play in determining whether comments fell within the scheme and the restrictions on raising issues that had previously been discussed.

Councillor Steward spoke in respect of agenda item 8 (Public Participation Scheme). He stated that the introduction of the proposed changes would suppress free speech. He expressed concern that the restriction on criticising officers or Members would lead to a weakening in accountability. He also stated that some of the changes could not be enforced, e.g. ensuring that what was said was factually correct.

#### **46. Forward Plan**

Consideration was given to a paper which presented the future plan of reports expected to be presented to the Committee during the forthcoming year to December 2014.

Members were asked to identify any further items they wished to add to the Forward Plan.

Resolved: That the Committee's Forward Plan for the period up to December 2014 be noted.

Reason: To ensure the committee receives regular reports in accordance with the functions of an effective audit committee and can seek assurances on any aspect of the Council's internal control environment in accordance with its roles and responsibilities.

#### **47. Audit Progress Report from Mazars**

Members considered a report on progress made by Mazars in meeting their responsibilities as external auditor.

Members' attention was drawn to the emerging issues and developments detailed in the report. They were also made aware of the comparative data which was available to enable comparisons with other local authorities.

Resolved: That the report from Mazars be noted.

Reason: To ensure that the committee is updated on the progress made by the external auditor.

#### **48. Project and Programme Management**

Members considered a report that outlined the Council's approach to programme and project management and which provided an update on developments in the application of programme and project management methodologies.

Referring to the governance of programmes and projects, officers confirmed that it would be possible to produce a list detailing the internal bodies within the Council which had Member involvement. It was, however, noted that the use of the term "board" did not necessarily mean that a body had decision-making powers. In some circumstances the boards were working groups which were implementing decisions made by Council or Cabinet and carrying out operational activities.

Members were informed of the training and qualifications that were available to officers involved in project management. A number of officers had Prince2 or Managing Successful

Programmes (MSP) qualifications and training was also provided internally. Officers agreed to find out if it was possible to provide data in respect of the percentage of staff who had qualifications in this field.

- Resolved: (i) That the actions taken to improve programme and project management practice, as detailed in the report, be noted.
- (ii) That an update report be presented to the Committee providing further information on the membership of the boards and training and qualifications undertaken by officers in respect of project management<sup>1</sup>.

Reason: To update the committee on the current activity around programme and project management practice.

Action Required

1. Include on work plan

EA

#### **49. Community Stadium Project - Risk Management**

Members considered a report that outlined the risk management process for risks concerning the Community Stadium Project.

Officers stated that, as this was a highly complex project, there were a number of associated risks. The project had a robust risk and issue management system in place which was maintained along Prince II principles. Details were given of the risk register that was in place and the monitoring and reporting arrangements, as outlined in the report.

Clarification was sought as to why a risk relating to rental payments had entered the register as a critical risk when it had not previously been included. Officers stated that the risks were continually under review and that the risk was rated critical as the potential of not reaching agreement would have a high impact, even though the likelihood was considerably lower. The risk related not only to the payment of rent but also to the reaching of agreement with the clubs. The risk would therefore remain high until a legal agreement was signed.

Some Members expressed concern that the Audit and Governance Committee was not permitted access to the risk and issue register referred to in paragraph 10 of the report. Officers stated that this was to protect the commercial sensitivities surrounding the project.

Resolved: That the report be noted.

Reason: To ensure Members are aware of the risk management process for risks concerning the Community Stadium Project.

## **50. Public Participation Scheme**

Members considered a report that sought their views on proposed changes to the Public Participation Scheme within the Constitution.

Members were asked to express support for the current proposals or suggest amendments or additions.

Members expressed their concern regarding a number of the proposed changes. They stated the importance of ensuring that the Public Participation Scheme was an enabling policy which encouraged participation and which did not put barriers in the way of citizens engaging with the council.

Whilst there was general support for the scheme to include restrictions in respect of comments which were defamatory or discriminatory or which disclosed confidential or exempt information, particular concerns were raised regarding the following issues:

- It was inevitable that political points would be made during the decision-making process.
- It would be difficult to enforce some of the rules within the scheme e.g. determining whether comments made were factually correct.
- Judgements on issues such as whether a comment was “frivolous” would be subjective.
- Accountability would be lessened if public participation rights could not be used to criticise the conduct or performance of an individual who was not in a position to respond at the meeting.

- There may be legitimate reasons for citizens to raise issues which had been raised in the recent past, particularly if these had not been addressed.
- The powers and responsibilities that would fall to the Chair in determining whether comments made were outside of the scheme.
- The lack of consultation that had taken place on the proposed changes to the scheme.

Members agreed that, in view of their concerns about some of the proposed changes, the implementation of changes to the Public Participation Scheme should be deferred and that, as part of the wider review of the Council's Constitution, consideration should be given to the enabling of public participation.

Members also recommended that there be an opportunity for the public to comment on any proposed changes to the Public Participation Scheme or issues in respect of engagement with the public, for example by making suggested amendments available for comment on the council's website.

Resolved: That any changes to the Public Participation Scheme be deferred at this time and considered as part of the wider review of the Council's Constitution.

Reason: To enable time for further consideration and consultation on the enabling of public participation.

Councillor Potter, Chair

[The meeting started at 5.30 pm and finished at 6.35 pm].