

Report from Chief Executive

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

Background Summary

1. At the 11 April 2018 Audit & Governance Committee, Members resolved that this item be deferred to a private meeting. The reason for this was that Members requested an un-redacted version of the LGA Report to be able to understand in context those recommendations that relate to improving governance arrangements needed for the A&G Committee going forward. Members agreed at the last A&G Committee that the public interest in maintaining the exemption outweighs that of disclosing it, and therefore the public will be excluded from the meeting and the LGA Report will remain exempt from publication. The Confidential Report is within the Annex.
2. The LGA review was commissioned by the then Leader (Cllr Carr), the then Deputy Leader (Cllr Aspden) and the current Chief Executive (Mary Weastell). The Terms of Reference were as follows

To look at the 22 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.*
3. It is noted that at minute 48 (iii) of the Staffing Matters and Urgency Committee on 11 December 2017, it was resolved that:

“(i) no further action be taken and the relevant parties (Officers affected and complainants) be informed accordingly:

(ii) wider cross party discussions be organised with Group Leaders, initially to develop agreed joint approach to improving organisational culture

(iii) an appropriate report be produced for circulation to Audit & Governance Committee Members in the first instance identifying the issues raised in the independent report from the investigator appointed by the LGA.

Reason: To enable complaints to be considered and next steps determined. “

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

4. The following section identifies the recommendations from the LGA Report which have not been concluded through other processes and information on action to date.
5. ***Recommendation 1*** - *Both the Chair and Vice Chair should be briefed prior to a meeting.*
6. 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.
7. 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.
8. ***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.*
9. 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.

10. 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.
11. ***Recommendation 9*** - *Care should be given to booking rooms that are fit for purpose.*
12. Care will be taken at all times to ensure the room is a suitable size for the meeting.
13. ***Recommendation 10*** - *There is no requirement for a security guard unless advance information dictates otherwise.*
14. 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.
15. 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.
16. ***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.*
17. 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.

18. 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.
19. 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.
20. 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 professional 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. 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 at a later date.

21. 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 judgment 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 the relevant legal public interest tests.
22. As members are aware there has been discussion within the committee about the potential to review 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 be brought before a future A and G meeting.

Consultation

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

Recommendations

24. That the Committee:
 - (i) consider the observations and learning from the LGA Report and the response from Officers on actions to take forward;
 - (ii) make any further recommendations for improvement that would support them in their roles on this committee; and
 - (iii) receive a report on options for a review of the effectiveness of the committee at a future meeting of the A&G Committee.

Contact Details

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Chief Officer Responsible for the report:
Mary Weastell, Chief Executive

Report
Approved

Date 20 April
2018

Mary Weastell, Chief Executive

Wards Affected: List wards or tick box to indicate all

All

For further information please contact the author of the report

Annexes:

Exempt Annex A

This information is classed as exempt under paragraphs 1,2,4 and 5 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

Background Papers:

None