

**Audit and Corporate Governance Committee – Meeting held on Thursday, 10th December, 2020.**

**Present:-** Councillors Sabah (Chair), Ali, Akram, D Parmar, S Parmar and Plenty.

Co-Opted Members: Mr Sunderland and Mr Zafar.

Parish Councillor Ahmed (Wexham Court)

**Apologies for Absence:-** Councillor Wright and Parish Councillor Escott (Colnbrook with Poyle)

**PART 1**

**14. Declarations of Interest**

Agenda Item 6 - Schedule of Activity Councillors Code of Conduct (Minute 19 refers) Councillor Plenty declared that two of the matters referred to in the report related to him and he would therefore leave the meeting. Councillor Plenty withdrew from the meeting during consideration of this agenda item.

**15. Minutes of the Last Meeting held on 3rd August 2020**

**Resolved** – That the minutes of the meeting held on 3<sup>rd</sup> August 2020 be approved as a correct record, subject to noting discussion relating to the LGA Working Group and Member input to the development of the action plan in response to the findings of the LGA Peer Review.

In the ensuing discussion a number of points were raised regarding GDPR and it was agreed that a report be considered at the next meeting, detailing the number of breaches on GDPR; those subject to legal action (for duration when GDPR role had remained vacant); and where responsibility for GDPR would sit within the new organisational structure. It was noted that the Corporate Risk Register would be updated to reflect the current position.

**16. Action Progress Report**

Details of the Action Progress Report were noted. A Member sought clarification regarding the arrangements for the appointment of the Monitoring Officer. The Executive Director, Corporate Services explained that details were yet to be finalised within Part 2 of the consultation phase, although it was anticipated that the role would be an advisory role based within corporate services. It was noted that the current Monitoring Officer arrangements would continue until the post had been filled.

**Resolved** – That details of the Action Progress report be noted.

**17. LGA Peer Review on Governance Arrangements - Action Plan**

The Committee were reminded that the Council underwent a formal Peer Review from the Local Government Association (LGA) of its governance arrangements in February 2020. The LGA'S final findings were received by the Council in June 2020. The main findings and recommendations were highlighted for Members as outlined in the report.

The Committee were informed that following completion of the Council's tier 2 and 3 restructure an action plan to address the LA's recommendations would be implemented. However, pending the development of the action plan, there were certain actions that could be considered in the interim, as outlined in the report, which included the establishment of a working group to monitor the completion of the specific actions. In response to when the working group would be convened it was noted that this was likely to be in January 2021.

Referring specifically to the action regarding Members being kept informed of events in their ward, a number of Committee Members expressed their disappointment that this was not already happening. It was suggested that the current weekly Members bulletin include a standing item setting out events and actions in individual wards and it was agreed that this would be explored further.

A Member queried the timescale for the action relating to how far the Council was complying with its minimum obligations under the Local Government Transparency Code 2015. The Executive Director, Corporate Services explained that the matter would be progressed following the appointment of the Associate Director responsible for Customer Services.

**Resolved** – That the actions, as set out in paragraphs 5.6 to 5.9 of the report, are agreed.

**18. Disclosure and Barring Service- Checks on Members**

At its meeting in August 2020 the Committee resolved that the issue of carrying out checks against Members with the Disclosure and Barring Service (DBS) be referred to the Member Panel on the Constitution (MPOTC) to consider in greater detail.

The Monitoring Officer reminded Members that the Council had no powers to procure a "standard check", an "enhanced check" or an "enhanced check with barring list(s)" with the DBS in respect of all Members, but only in respect of Members having portfolio responsibilities involving work with children or vulnerable adults. The Council could however procure "basic checks" against all Members with their consent by way of a provision in the Councillors' Code of Conduct.

Following consideration by the MPOTC at its meeting in September 2020, it was recommended that the Councillors Code of Conduct be amended to include provision to make "basic" checks on all Councillors and "enhanced"

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checks on Councillors who hold portfolios relating to vulnerable adults and children and for any fees payable to the DBS for making checks to be met from the respective Councillors' allowances.

A number of points were raised in the ensuing discussion including why such checks were considered necessary, given that there was no statutory obligation to carry them out and what would be the benefit of obtaining such information. The Monitoring Officer explained that the information could be useful for Group Leaders when considering the suitability of Members to on Cabinet and Committees/Panels. A Member suggested that DBS checks be carried out prior to appointments being formally agreed and or announced. and it was noted that the practicalities of doing so would be explored further by officers.

In recommending the report to Council, Committee Members agreed that the DBS checks be implemented from the new municipal year 2021.

**Recommended to Council** - That the Councillors' Code of Conduct, in the terms set out at paragraph 5.10 of the report, be amended to include provision to make "basic" checks on all Councillors and "enhanced" checks on Councillors who hold portfolios relating to vulnerable adults and children, with the Disclosure & Barring Service ("DBS"), and for any fees payable to the DBS for making checks to be met from the respective Councillors' allowances; effective from the municipal year 2021.

*(Councillor Plenty left the meeting)*

### **19. Schedule of Activity - Councillors Code of Conduct**

The Monitoring Officer updated the Committee with regards to complaints under the Councillors Code of Conduct since the last meeting in August 2020. A summary of the six complaints received was provided. It was noted that since the publication of the agenda, a number of complaints relating to Colnbrook with Poyle Parish Council had been received and that these would be reported to the next meeting. Recognising that previous matters had not been determined within the timeframe as set out in the code, the Monitoring Officer assured Members that any new complaints received would be completed within the prescribed timeframe.

It was brought to the Committee's attention that the Committee on Standards in Public Life had undertaken a review of the Model Code of Conduct for Councillors. It was agreed that a copy of the new Local Government Association model code of conduct would be circulated to Members and the matter scheduled for consideration at the next meeting in March 2021.

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The Chair queried the timetable regarding determination of complaints and it was explained that the current code envisaged the preliminary investigation being completed within 28 days. It was agreed that the current flow chart setting out how complaints under the Code of Conduct for Councillors should be determined would be circulated to the Committee. It was also noted that the complaints/investigation procedure would be included in the future training programme for Members to ensure all were aware of the process.

A Member suggested that future reports include details of any lessons learnt once a matter had been concluded and it was noted that reports would be amended to reflect this.

**Resolved** – That details of the report be noted.

### **20. Local Government and Social Care Ombudsman - Complaints, Findings, Outcomes and Lessons Learnt**

*(Councillor Plenty re-joined the meeting)*

The Committee received an update on the complaints made to the Local Government and Social Care Ombudsman since the previous meeting in August 2020. It was noted that one matter had been referred which concerned School Places and Appeals. A Member asked whether changes had been implemented relating to correct and timely information being provided to parents in advance of school admission appeals and the Executive Director, Corporate Services agreed an update would be circulated to the Committee.

**Resolved** – That details of the report be noted.

### **21. Internal Audit Progress Report Quarter 3 2020/21**

The Head of Internal Audit, Daniel Harris, introduced a report that updated the Committee on the progress of the delivery of the 2019/20 and 2020/21 Internal Audit Plans.

In relation to the 2019/20 plan, three of the four draft reports had been finalised. The only audit remaining in draft from 2019/20 was on Business Rates and work was ongoing with management to finalise this report. A further 11 reports from the 2020/21 plan had been finalised since the last meeting of the Committee in August and a further 8 draft reports had been issued.

The Appendix to the report summarised the high and medium priority management actions from 'partial' or 'no assurance' reports from those finalised from the 2020/21 plan. This included the Business Continuity audit, which had received a 'partial' assurance opinion, and Members expressed concern that it had been found that the Council's various emergency planning documents had not been finalised and approved and that the strategic flood risk assessment had not updated since 2012 despite a requirement to update it every two years. The Director of Finance & Resources responded that the relevant plans did exist and had been followed as evidenced the Council's

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responses to various emergency situations over the past year including the severe wind damage to a building in the High Street, IT issues and the Covid-19 pandemic. In relation to a question about it was recognised there was more work to do to formalise some of these plans and there were a series of management actions which were due to be completed by 31<sup>st</sup> March 2021. The Committee emphasised the importance of completing this work as soon as possible, including the flood risk assessment, although it was noted both emergency planning and IT were still directly involved in the Council's pandemic response which could impact on the timetable.

A Member asked about the finding in the audit of the Everyone Active contract that some payments had been made separately for various projects without it being formally tracked and recorded. It was agreed that further information would be provided to the Committee with details of additional spend with Everyone Active.

**Resolved –** That details of the Internal Audit Progress Report Quarter 3 2020/21 be noted.

### **22. Update on Financial Statements 2018/19**

Julie Masci, the Engagement Lead at the Council's external auditors, Grant Thornton, gave a verbal update on the position regarding the audit of the 2018/19 financial statements.

Ms Masci reported that Grant Thornton were awaiting information from the Berkshire Pension Fund before formally completing the audit. The auditors had met the Chair and Council Officers prior to the meeting to discuss the outstanding actions that would need to be concluded before the financial statements could be presented to the Committee for approval. It had been agreed to seek to complete the audit by the end of January and it was proposed and agreed that an extraordinary meeting of the Committee be scheduled for 27<sup>th</sup> January 2021 to sign off the accounts.

Members were frustrated at the further delay and noted this would have an impact on the 2019/20 financial statements. The reasons for the current delay were discussed. The Chair expressed disappointment on behalf of the Committee that a written update had not been provided to members. The reasons for this were discussed and it was agreed that a written update be circulated to the Committee after the meeting to detail the outstanding information awaited and timeline for finalising the accounts.

**Resolved –**

- (a) That the verbal update be noted.
- (b) That an extraordinary meeting be scheduled for 27<sup>th</sup> January 2021 at which it was expected the 2018/19 financial statements could be approved.

**23. Risk Management Update Quarter 3 2020/21**

The Executive Director, Corporate Services outlined details of the Corporate Risk Register and outstanding actions.

Members asked for an update on the current position in relation to Slough Children's Services Trust, specifically referring to the publication of the SCST 2018/19 accounts which indicated that there was a material uncertainty due to there being no agreed plan to repay the £4m initial start up liabilities owed to the Council from July 2021. It was noted that the possibility of creating a local authority company by April 2021 was being discussed. The Committee were informed that currently there was no realistic plan from SCST for repaying its liabilities and the Council was in discussions with the Department of Education regarding how the funds were likely to be recouped. In response to the likely impact failure of recovering funds from SCST would have on the Council, it was explained that the Council would have to utilise a significant proportion of its estimated general reserves; which would leave the Council's reserves at only £1.3m.

It was noted that the Corporate Risk Register would be updated to reflect the current position regarding SCST.

**Resolved** - That details of the Risk Management Update Quarter 3 be noted.

**24. Internal Audit Update Quarter 3 2020/21**

The Executive Director, Corporate Services provided Members with an update on the progress of the implementation of Internal Audit management actions. The percentage of completed actions had increased to 88% compared to 81% from the previous quarter. It was noted that the Quarter 1 follow up review by Internal Auditors RSM, which monitored the progress of implementation of actions; showed that the Council had made 'reasonable progress.' A Member asked when the Accounts Receivable Debt Recovery Policy was likely to be produced and was informed that work had commenced but progress had been impacted by Covid-19 requirements.

**Resolved** – That details of the Internal Audit Update Quarter 3 2020/21 be noted.

**25. Exception Reporting to Overview and Scrutiny**

This was a standing agenda item to provide a formal mechanism to refer relevant matters to the Overview and Scrutiny Committee. No matters were referred.

**Resolved** - That no matters be reported to the Overview and Scrutiny Committee arising from the agenda.

**26. Forward Work Programme**

Following discussions earlier in the meeting, it was agreed that the March 2021 meeting receive a report on GDPR with details of the number of breaches on GDPR; and those subject to legal action (for duration when GDPR role has remained vacant); and where responsibility for GDPR would be within the new organisational structure.

**Resolved** – That details of the work programme be noted and the March 2021 meeting to receive a report on GDPR .

**27. Members Attendance Record 2020/21**

**Resolved** – That details of the Members Attendance Record 2020/21 be noted.

**28. Date of Next Meeting - 4th March 2021**

The date of the next scheduled meeting was confirmed as 4<sup>th</sup> March 2021.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.52 pm)