

Corporate Governance Committee – 15 March 2010

Present: Councillor Williams (Chairman)
Councillor A Wedderkopp (Vice-Chairman)
Councillors Beaven, Critchard, Denington, Govier, Henley, Paul,
Stuart-Thorn, Mrs Whitmarsh and Mrs Wilson

Officers: Adrian Gladstone-Smith (Performance and Client Lead), Dan Webb (Performance and Client Officer), Tonya Meers (Legal and Democratic Services Manager), Chris Gunn (Group Auditor, South West Audit Partnership), Maggie Hammond (Strategic Finance Officer), David Woodbury (Health and Safety Advisor) and Gill Croucher (Democratic Services Officer)

Also Present: Mrs A Elder (Chairman, Standards Committee) and Mr T Bowditch (Audit Commission)

(The meeting commenced at 6.15 pm)

1. Apology/Substitution

Apology: Councillor O'Brien
Substitution: Councillor Stuart-Thorn

2. Minutes

The minutes of the meeting held on 10 December 2009 were taken as read and were signed.

3. Declarations of Interest

Councillors Govier, Henley and Paul declared personal interests as Members of Somerset County Council.

4. Standards Committee Annual Report 2009

Mrs Anne Elder, Chairman of the Standards Committee, presented the Annual Report of the Standards Committee for 2009.

The Committee had been in operation since 2000 and membership was made up of a majority of independent members who were not connected with the Council, together with three Parish Council representatives and one Councillor each from the political groups on the Council. There was a requirement for the Chairman to be chosen from the independent members.

In the last year Anne Elder had been re-appointed Chairman of the Standards Committee and Maurice Stanbury had been re-appointed Vice-Chairman. There was currently a vacancy for a Parish Council representative.

The Standards Committee was responsible for:-

- Promoting and maintaining high standards of conduct by Councillors and co-opted Members;
- Assisting the Councillors and co-opted Members to follow the Code of Conduct;
- Advising the Council on the adoption or revision of the Code of Conduct;
- Monitoring the effectiveness of the Code of Conduct;
- Training or arranging to train Councillors and any co-opted Members on matters relating to the Code of Conduct;
- Assessing and reviewing complaints about Members;
- Conducting Determinations Hearings;
- Granting dispensations to Councillors and any co-opted Members with prejudicial interests; and
- Granting exemptions for politically restricted posts.

Mrs Elder gave a review of the past year that included:-

Local Assessment Framework - six complaints had been dealt with under the new Local Assessment Framework, one of which was withdrawn and the others considered by an Assessment Sub-Committee. Three of the complaints had been referred for investigation;

The continued strengthening of links with Parish Councils;

Raising the profile of the Standards Committee;

Members of the Committee had been represented at the Annual Assembly of Standards Committee, the South West Independent members Group and the annual Standards Board for England Conference;

Most Councillors continued to recognise the benefits of high ethical standards and the level of advice sought on ethics and probity was reassuring following the successful training sessions that had taken place on the new Code of Conduct. Refresher training sessions would be delivered on an annual basis;

Limited resources continued to be available to the Committee. However, for the Committee to make a full and effective delivery, further resources would be necessary if the workload should increase substantially.

The Chairman thanked Mrs Elder for her very informative report.

Resolved that the report be noted.

5. Risk Management Update

Considered report, previously circulated, updating Members on the current position of Risk Management, the process by which risks are identified, evaluated and controlled and was one of the key elements of the Corporate Governance framework.

Reported that progress made in the implementation of Risk Management was as follows:-

- The Risk Management Strategy had been updated and approved by the Corporate Management Team (CMT);
- A new Risk Management Action Plan had been produced and approved by CMT;
- CMT had reviewed the Corporate Risk Register (January and February 2010);
- An internal audit of Risk Management had been undertaken;
- An annual risk reporting and management cycle had been documented and was being implemented and monitored; and
- A revised Risk Register and guidance note had been included in the Service Plan template.

Members requested that an update on Risk Management should be reported on a quarterly basis.

Resolved that:-

1. The Corporate Risk Register, including the risks and control measures, be noted; and
2. The progress with Risk Management, the Internal Audit review and the actions planned be noted.

6. Corporate Governance Action Plan

Considered report, previously circulated, giving details of the progress made against the Corporate Governance Action Plan.

Each year the Council received a number of reports and assessments which resulted in recommendations for improvement. Individual action plans had proved challenging to manage and monitor and, therefore, an aggregated plan provided the details of the scale of improvements required and progress against them in one place.

The Corporate Governance Action Plan listed 68 actions, details of which were submitted.

Good progress had been made and there were no items off target and few where concerns existed.

Categories where doubts had been expressed about achieving improvement by the target dates were submitted and included the following:-

- Business Continuity – to address the weaknesses identified by Internal Audit in the Council's disaster recovery arrangements;
- Corporate Governance – (a) to give a health check on the ethical governance framework; (b) to review the Constitution;
- Equalities and Diversity – to improve the access to buildings for disabled people;
- Transformation – to continue to monitor Southwest One's delivery, to ensure that benefits realisation and the transformation of services was delivered on time and within budget;
- Value for Money – (a) the use of benchmarking more systematically to challenge service costs and delivery arrangements; (b) targeting efficiency savings at those areas which currently provided poor value for money compared to other Councils; and
- Workforce Planning – to prepare an up to date workforce plan.

Resolved that the Corporate Governance Action Plan be noted.

7. Regulation of Investigatory Powers Act 2000

Considered report previously circulated, concerning the new statutory instruments that had been granted under the Regulation of Investigatory Powers Act 2000.

The Council had officers of sufficient seniority to act as authorising officers and were trained to ensure that the Council used the legislation appropriately.

The regulations relating to the issue of revised codes of practice had been issued to give effect to the 2010 Regulations.

Members requested that an updated on the Regulation of Investigatory Powers Act 2000 be made on a quarterly basis.

Resolved that the report be noted.

8. Regulation of Investigatory Powers Act 2000

Tonya Meers, Head of Legal and Democratic Services, reported that every Local Authority was required to have a Policy under the Regulation of Investigatory Powers Act 2000 in order to ensure all the relevant processes and procedures were in place to carry out covert surveillance. Details of the Policy were submitted.

The Policy would be monitored by the Corporate Governance Committee and would also be inspected every three years by the Office of Surveillance Commissioners.

Resolved that the report be noted.

9. Member/Officer Protocol

Considered report previously circulated, giving details of the revised Member/Officer Protocol for inclusion in the Constitution.

The revised Member/Officer Protocol had been approved by the Standards Committee, the Corporate Management Team and the Constitutional Sub-Committee.

Resolved that the revised Member/Officer Protocol be approved.

10. Code of Corporate Governance

Reported that the principals for a local Code of Corporate Governance had been approved by this Committee in 2008. However, the Code had not yet been published or put into practice.

The Code had now been published and would be used in conjunction with the preparation of the Annual Governance Statement. It would also help to focus the Corporate Governance Action Plan.

Resolved that the Local Code of Corporate Governance be noted.

11. Internal Audit – Review of Internal Audit Charter

Considered report previously circulated, setting out the terms of reference of the Internal Audit Charter. The Charter governed the work of the South West Audit Partnership (SWAP) at Taunton Deane Borough Council.

Details of the Internal Audit Charter were submitted for consideration and review by Members.

Resolved that the Internal Audit Charter be adopted.

12. Internal Audit Plan 2010/2011

Submitted for consideration the Internal Audit Plan 2010/2011.

The Plan was derived from a five year strategic audit plan that covered all activities of the Council and was devised with the co-operation and approval of senior management. The strategic plan was risk based and was co-ordinated with the audit plans of the other members of the South West Audit Partnership (SWAP).

The Plan had been drawn up to reflect the wide range of work undertaken by the Internal Audit Section and comprised four main areas of activity:- Operational Reviews; Governance, Fraud and Corruption; Key Control Audits and Other Audit Activity.

Details of the reviews planned for 2010/2011 were submitted for consideration by Members.

Members requested that the Internal Audit Plan reflected areas identified in the Risk Register.

Resolved that the Internal Audit Plan for 2010/2011 be agreed.

13. Internal Audit Plan – Progress Review

Considered report previously circulated, which provided an update on the significant findings and recommendations since December 2009.

Details were also reported of the operational audits completed for the period between January and March 2010 which included the main issues raised and the management responses.

Details of the reviews and managed audits currently underway were also provided.

Members requested that a report giving details of the performance of Taunton Deane Borough Council compared to other councils within the South West Audit Partnership be provided at the next meeting.

Resolved that the report be noted.

14. Forward Plan

Resolved that an update on health and safety across the Organisation be added to the Forward Plan.

(The meeting ended at 7.56 pm)