

TUNBRIDGE WELLS BOROUGH COUNCIL

AUDIT AND GOVERNANCE COMMITTEE

MINUTES of the meeting held at the Council Chamber, Town Hall, Royal Tunbridge Wells, TN1 1RS, at 6.30 pm on Tuesday, 14 March 2023

Present: Councillor Nicholas Pope (Chair), Alain Lewis (Vice-Chair), Allen, Barrass, Dawlings, Lidstone, McMillian and Morton.
Parish Representatives: Councillor Edwards.
Independent Members: Messrs Elliott and Turner.

Officers in Attendance: Lee Colyer (Director of Finance, Policy and Development (Section 151 Officer)) and Emer Moran (Democratic Services Officer)

Other Members in Attendance: None.

CHAIR'S INTRODUCTION

AG93/22 The Chairman opened the meeting, introduced Committee members and officers in attendance, and outlined procedural matters of the meeting.

APOLOGIES FOR ABSENCE

AG94/22 Apologies for absence were received from Councillor Mackonochie.

DECLARATIONS OF INTEREST

AG95/22 No declarations of interest were received.

NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK (IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 18):

AG96/22 No notifications of any members of the public or visiting Members wishing to speak had been received.

MINUTES OF THE MEETING OF THE AUDIT AND GOVERNANCE COMMITTEE DATED 22 NOVEMBER 2022

AG97/22 **RESOLVED** – That the minutes of the Audit and Governance Committee dated 22 November 2022 be approved as a correct record.

FUTURE WORK PROGRAMME AS AT TUESDAY 14 MARCH 2023

AG98/22 **RESOLVED** – That the Future Work Programme as at Tuesday 14 March 2023, be noted.

STRATEGIC RISK REVIEW MARCH 2023

AG99/22 Lee Colyer Director for Finance, Policy and Development gave an overview and introduced Tony Bullock, Chief Technical Officer Mid Kent IT Services who presented the report as per the agenda.

CSR09: ICT security and loss of systems access

Questions and discussion from Members and Officer clarification

included:

- i. Although it was not possible to commit to it currently, the intention was that the immutable backups would be carried out daily.
- ii. It was confirmed that there were no physical servers currently in the server room in Tunbridge Wells Borough Council (TWBC), everything for TWBC, Swale Borough Council and Maidstone Borough Council are all up on the sixth floor of Maidstone House.
- iii. It was advised that there was enough equipment in the disaster recovery sites in Medway to run the critical functions of the organisation.
- iv. Multi-factor authentication was being rolled out, and this was explained to Members.
- v. Officers considered that publishing the names of the security tools used by TWBC did not increase exposure to cyberattacking.

RESOLVED:

1. That the Committee considers and notes the strategic risk register and the arrangements for managing strategic risk.

UPDATE ON MEMBER COMPLAINTS

AG100/22 Claudette Valmond, Head of Legal Partnership presented the report as per the agenda.

Questions and discussion from Members and Officer clarification**included:**

- i. It was confirmed that the last line in paragraph 1.1 on page 14 of the report should read 1 September 2022 to 28 February 2023.
- ii. It was confirmed that an apology required from a subject matter to a complainant was a public apology.

RESOLVED:

1. That the update on complaints received under the Members' Code of Conduct, be noted.

PROCUREMENT PROCESS AND POLICY UPDATES

AG101/22 Dan Hutchins, Procurement Manager presented the report as per the agenda.

Questions and discussion from Members and Officer clarification**included:**

- i. It was advised that there were set processes in place which dealt with investigation of a potential abnormally low tender.
- ii. It was clarified that a local supplier would be sought at borough level in the first instance and if that was not possible it was county level. Outside of that the supplier was not considered to be local.
- iii. The process of how evaluating contracts was explained.
- iv. The wording of 'best value' and 'value for money' was explained and it was advised that the Council were not just looking for the cheapest price, there were a lot of different factors into consideration.
- v. The relevance of the code of conduct for Members was reinforced, what was outlined in that about what Members can and cannot do

where there was a conflict of interest where there was a an interest to be declared because there was a pecuniary interest that would be taken into account and ensured that there was no breach and that the Council was seen to be acting independently.

RESOLVED:

1. That the proposed changes to the Constitution in relation to the Contract Standing Orders, be approved.
2. That the Head of Legal Partnership and Monitoring Officer be authorised to make the necessary amendment to the Constitution to give effect to the recommendation at paragraph 1 above, be approved.
3. That the proposed changes to the constitution be approved by Full Council at the meeting scheduled for 5th April 2023, be approved.

INTERNAL AUDIT ASSURANCE PLAN

AG102/22 Katherine Woodward Head of Mid Kent Audit presented the report as per the agenda.

Questions and discussion from Members and Officer clarification included:

- i. It was acknowledged that Safeguarding had not been looked at since 2016/2017 however, members were advised that although it received a weak assurance, actions recommended at that point had been implemented which meant the service had not remained weak throughout all of that time. The safeguarding in question related to potentially any vulnerable adults and children that had contact with the borough.
- ii. Officers noted Members suggestion that both sides of contract management and consultants were looked at from an audit perspective and it was advised that they would endeavour to include that within the resources available.

RESOLVED:

1. That the Internal Audit & Assurance Plan for 2023/24, this includes delegating to the Head of Audit Partnership authority to keep the plan current as set out in the appendix, be approved.
2. That the Head of Audit Partnership's view that the Partnership currently has sufficient resource to deliver the Plan and a robust Head of Audit Opinion, be noted.
3. That the Head of Audit Partnership's assurance that the Plan is compiled independently and without inappropriate influence from management, be noted.

EXTERNAL AUDIT AND VALUE FOR MONEY REPORT MARCH 2022

AG103/22 Lee Colyer Director for Finance, Policy and Development gave an overview and introduced Mr Jerry Barton, Local Government Value For Money Manager who presented the report as per the agenda.

Questions and discussion from Members and Officer clarification included:

- i. The turnover of staff at Tunbridge Wells Borough Council (TWBC) was discussed and the strain that it put on services and staff. It was advised that it was a national problem however, the Council agreed that an up-to-date human resources strategy was required.
- ii. It was advised that TWBC had always been a flexible employer however the recruitment of a Human Resources Change Manger to review and update policies was ongoing.
- iii. Members and Officers spoke at length with regard to the vacant posts at the Council which was seen as a serious issue to be addressed.
- iv. It was acknowledged that TWBC had received 13 clean audit reports which was considered a remarkable achievement. It was considered that the audit plan agreed at full council needed to have priorities, cost and timetables implemented so that it satisfied auditors and resulted in continued clean reports.
- v. The culture at the Council was discussed and it was considered important to have a formal ongoing plan to ensure it was overseen.
- vi. A suggestion that the performance framework be reviewed was welcomed and that Members heard from the Human Resources Manager or the Head of Paid Service who had overall responsibility for those policies and performance.

RESOLVED:

1. That the auditor's annual report and value for money conclusions, be agreed.

EXTERNAL AUDIT CONTRACT

AG104/22 Lee Colyer Director for Finance, Policy and Development gave an overview and introduced the report as per the agenda.

Questions and discussion from Members and Officer clarification included:

- i. The report was taken as read.

RESOLVED:

That the appointment of Grant Thornton UK LLP as external auditor for five years from 2023/24 to 2027/28, be noted.

URGENT BUSINESS

AG105/22 There was no urgent business for consideration.

DATE OF NEXT MEETING TUESDAY 25 JULY 2023

AG106/22 The next meeting of the Audit and Governance Committee was scheduled for Tuesday 25 July 2023.

NOTE: The meeting concluded at 7.54 pm.

