

AUDIT AND GOVERNANCE COMMITTEE

Tuesday, 26 November 2019

Present: Councillors Reilly (Vice-Chair, in the Chair), Everitt, Horwood, Neve, Ms Palmer, Warne, Quigley, Shiels, Edwards and Mackonochie.

Officers in Attendance: William Benson (Chief Executive), Lee Colyer (Director of Finance, Policy and Development (Section 151 Officer)), Jane Fineman (Head of Finance and Procurement), Patricia Narebor (Head of Legal Partnership), Claudette Valmond (Principal Solicitor), Jen Warrillow (Internal Audit Manager) and Emer Moran (Democratic Services Officer)

Other Members in Attendance: Councillor Hayward

CHAIRMAN'S INTRODUCTION

AG33/19 The Vice-Chairman opened the meeting, introduced Committee members and officers in attendance, and outlined procedural matters of the meeting.

APOLOGIES FOR ABSENCE

AG34/19 Apologies for absence were received from Councillor Barrington-King.

DECLARATIONS OF INTEREST

AG35/19 A Declaration of Interest was made by Councillor Edwards as a member of the Tunbridge Wells Alliance in regard to item 9 on the Agenda.

Councillor Reilly expressed a particular interest in regard to item 8 on the Agenda.

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

AG36/19 Councillor Hayward registered to speak on items 7 and 8.

MINUTES OF THE MEETING OF THE AUDIT AND GOVERNANCE COMMITTEE DATED 10 SEPTEMBER 2019

AG37/19 The minutes of the meeting of the Audit and Governance Committee dated 10 September 2019 were submitted.

RESOLVED – That the minutes of the Audit and Governance Committee 10 September 2019 be approved.

INTERIM INTERNAL AUDIT & ASSURANCE REPORT 2019/20

AG38/19 Ms Warrillow, Internal Audit Manager presented her report on behalf of Mr Rich Clarke, Head of Audit Partnership.

Members of the Committee took account of the report and raised a number of questions and issues within their discussions. These included:

- Notwithstanding a reduction of staff, there are sufficient resources in place to complete the Audit plan for the year with more contentious issues being dealt with in house and any less dealt with by contractors.
- Reports issued since June showed strong/sound assurance ratings.
- Material contracts of high significance either have been looked at individually or are on the plan to be looked at.
- No complaints or matters raised through the Whistleblowing Policy and no fraud or errors have been found through bi annual exercise.
- Tender went out on the External quality assessment which Members have already been briefed on. Mr Clarke has liaised with the Chairman and Vice-Chairman of all the audit committees involved with the partnership and section 151 officers
- Ms Warrillow expressed her thanks to the team for all their hard work and also to Members and Officers for their continued support.

RESOLVED:

1. That a report regarding the waste contract, to be prepared and brought to the Cabinet through the correct channels in order for Members to have an informed debate, be agreed; and
2. That the Interim Internal Audit and Assurance Report be noted.

STRATEGIC RISK REVIEW

- AG39/19 Councillor Hayward registered to speak and made the following comments:
- A proposal of an independent audit of the Calverley Square project be considered.
 - Concerns regarding the governance of The Amelia Scott Project.

Mr Colyer, Director of Finance, Policy and Development responded to Councillor Hayward and in addition to that stated:

- An independent audit of Calverley Square would be an appropriate mechanism and stated the terms of reference would be shared with the Chairman of Audit and Governance.
- Adequate provisions are in place for governance for The Amelia Scott project, and the reports are subject to the Council's normal decision making process.
- An enquiry would be made to confirm whether the governance reports regarding The Amelia would be available electronically on the mod.gov app.
- Members had agreed to The Amelia Scott project progressing and that assurance measures are in place which would highlight any major issues before being viewed in quarterly reports.

Mr Benson, Chief Executive updated Members on Risk Scenarios 5 and 7. Members considered the report and points were raised which included:

- The Council's approach to government funding bids are dealt with on a case by case basis, notwithstanding the challenges of applying for these funds they would continue to seize opportunities

as they arose.

- The need for a clear Member decision on what Major Projects they want to deliver for the Borough of Tunbridge Wells was required.

RESOLVED:

1. That an independent audit of the Calverley Square project be endorsed with the terms of reference subject to agreement of the Chairman of Audit and Governance in conjunction with the Director of Finance, Policy and Development; and
2. That the risk management report and arrangements for managing strategic risk be noted.

UPDATE ON COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT

AG40/19 Ms Narebor, Head of Legal Partnership presented her report.

Councillor Hayward registered to speak and made the following comments:

- The Localism Act 2011 had limited the power of local authorities in terms of admonishing poor public behaviour from Councillors including social media.
- It was alleged that a small minority of Members engaged in bullying and harassment behaviour. The bullying culture was unlikely to improve without tougher sanctions put in place as was suggested by Committee on Standards in Public Life.

Ms Narebor acknowledged Councillor Haywards observations and stated that:

- Tunbridge Wells Borough Council worked hard to ensure Members are aware of Code of Conduct through training and guidance and continued to abide by the Government's current legislation regarding sanctions.

In response to questions from Members of the Committee Ms Narebor advised that:

- Serious concerns regarding bullying culture within Local Government had been acknowledged.
- Ongoing training and guidance was in place for all Members and Councillors would receive the Bullying and Harassment Policy along with Social Media Guidance Notes with reference to the provisions in the Code of Conduct. The possibility of a public determination or consideration by a separate Standards Committee of a complaint relating to bullying or harassment can be considered. However the associated cost implications will need to be addressed by the Council. This would also increase the workload of both Officers and Members and result in longer waiting times for decisions.
- A proposal was made to Fast track recommendation on report to work out a quicker local solution.
- It was worth noting that the Borough Council and each Parish Council has its own Code of Conduct which is considered to address complaints.

RESOLVED - That the update on complaints received under the Members'

Code of Conduct be noted.

REQUEST TO CONSIDER A DISPENSATION IN RESPECT OF A DISCLOSABLE PECUNIARY INTEREST

AG41/19 Ms Narebor, Head of Legal Partnership presented her report.

In response to questions raised by Members of the Committee Ms Narebor advised:

- Notwithstanding some Members' association with the Tunbridge Wells Alliance the key distinction with the Disclosable Pecuniary Interests which a particular Member registered and rights to compensation arising from this interest.
- A combination of the Financial Interest, objections made to Calverley Square and CPO enquiry deemed it to not be appropriate to grant a dispensation.
- This issue should not be linked to the Councils acquisition of properties in Grove Hill House where the residents in Tunbridge Wells benefit from the interest rather than individual Councillors. The request before the Committee relates to an individual Councillor's financial interest in a property in the said block.

RESOLVED

1. That the request for a dispensation in relation to any discussion or decision relating to the Calverley Square Scheme and the associated compulsory purchase order and Planning Consent be declined; and
2. That the above decision will have effect for the period of the term of the CPO and the planning consent.

FUTURE WORK PROGRAMME

AG42/19 The Committee's work programme was presented for members' information.

The Strategic Risk Owners due to attend the next meeting in March 2020 are Gary Stevenson, Head of Housing, Health and Environment, and/or Stephen Baughen, Head of Planning.

RESOLVED – That the work programme be noted.

URGENT BUSINESS

AG43/19 There was no urgent business for consideration.

DATE OF NEXT MEETING 31 MARCH 2020 AT 6.30PM

AG44/19 The next meeting of the Committee take place on Tuesday 31 March 2020, at 6.30pm

NOTE: The meeting concluded at 8.05 pm.