

Governance Committee

Tuesday, 19 January 2016

Attendees: Councillor Christopher Arnold (Member), Councillor John Elliott (Member), Councillor Julia Havis (Member), Councillor Jo Hayes (Deputy Chairman), Councillor Professor Peter Higgins (Member), Councillor Cyril Liddy (Chairman), Councillor Ben Locker (Member)

Substitutes: No substitutes were recorded at the meeting

32. Minutes

The minutes of the meeting held 24 November 2015 were confirmed as a correct record.

33. Work Programme 2015/16

The Chairman introduced to the Work Programme for 2015/16. The Committee heard that following the cancellation of two meetings during 2015/16 the Work Programme for 2016/17 will not hold a meeting during August 2016. In addition the Work Programme for 2016/17 has also been updated to reflect the changing timescales for completion and approval of the Statement of Accounts. It was also confirmed that a briefing date for the next municipal years Governance Committee would be scheduled as soon as possible.

RESOLVED that the Work Programme be noted.

34. Certification of Claims and Returns - Annual Report 2014/15

Kevin Suter, Director, and Francesca Palmer, Assistant Manager, from Ernst and Young introduced the Certification of Claims and Returns Annual Report for 2014/5. The report requests the Committee to note and comment on the contents of the 2014/15 Certification of Claims and Returns annual report from the external auditor, Ernst and Young.

Kevin Suter introduced himself to the Committee as he will be replacing Debbie Hanson as the representative for Colchester Borough Council.

Francesca Palmer highlighted the work undertaken including the Housing Benefit subsidy claim. This work was undertaken on behalf of the Department for Work and Pensions. Five issues were identified, with two amendments made, one case reviewed and two areas where 40+ testing was required.

The Committee heard that whilst this was the first time in a number of years that 40+ testing was required this is common for other Local Authorities. Reducing the instances of 40+ testing is difficult due to the amount of data being entered which increases the likelihood of human error. The performance of Colchester Borough Council is not a concern as 85% of all housing benefit claims are either qualified, amended or both; there are also frequent legislation changes, which make it harder to keep up to date with the latest developments.

In response to a query on the procedure of 40+ testing, Kevin Suter confirmed that it is taking a sample and checking forty further entries for any further error. If the population of the area that is being surveyed is smaller, then a smaller sample will be assessed. Francesca Palmer added that in certain circumstances where the sample rate is small it is better to amend the claim rather than run further testing; an example of this is the Housing Revenue Account rebate.

RESOLVED that the Governance Committee noted the Certification of Claims and Returns – Annual Report 204/15

35. Amendment to the Member / Officer Protocol

Andrew Weavers, Monitoring Officer, introduced the report requesting that the Governance Committee approve the revised wording to paragraph 10 (4) of the Member/Officer Protocol.

Andrew Weavers stated that the Committee at its meeting of 13 October 2015 approved an amendment to the Member/Officer Protocol regarding Councillors use of social media. Following the decision, Will Quince MP wrote to the Chairman of the Committee and expressed concern that this could lead to Councillors being in breach of the Members Code of Conduct when criticising the Council, and cause issues for backbench Councillors representing the views of the constituents.

Mr Weavers stated that whilst the original wording was not intended as such, and in reality would not have been interpreted as such a revised wording was circulated to the Chairman and Group Spokespersons.

RESOLVED that the Amendment to the Member/Officer Protocol be approved and included in the Council's constitution.

36. Gifts and Hospitality – Review of Guidance for Councillors and Policy for Officers

Andrew Weavers, Monitoring Officer, introduced the report on Gifts and Hospitality – Review of Guidance for Councillors and Policy for Officers. The report requests that the Committee approve the Guidance for Members regarding Gifts and Hospitality and that it be included in the constitution, and to approve the Gifts and Hospitality for Officers.

Andrew Weavers highlighted that following the meeting on 13 October 2015, it was

agreed that the item be deferred to seek clarification on 'civic' night hospitality. In addition as a result of the Governance Chairman's briefing prior to the meeting, Andrew Weaver's highlighted a number of suggested amendments to the Guidance, which were agreed by the Committee.

In response to a question from the Committee Andrew Weavers confirmed that the amendment would prevent the issue of Councillors having to declare Civic night at the Mercury as Gifts.

RESOLVED that;

1. The final sentence in Paragraph 4.6 be amended to 'The Monitoring Officer in consultation with the Chairman of the Governance Committee will determine whether it is appropriate for the Council to retain the gift in question and if so it will be donated to the Mayors Charities'
2. Paragraph 5.3, bullet point two, be amended to 'Offers of theatre tickets for Individual Members and their family or free travel.'
3. Paragraph 5.3, bullet point two, be deleted.
4. The Guidance for Members regarding Gifts and Hospitality and that it be included in the Constitution be approved.
5. The Gifts and Hospitality Policy for Officers be approved.

37. Risk Management Progress Report

Andrew Weavers, Monitoring Officer, introduced the Risk Management Progress Report. The report comes to the Governance Committee each six months providing an update with the work undertaken and current strategic risk register.

Andrew Weavers stated that the most significant risk continues to be risk 4d, which is the potential impact of future central government decisions to reduce public funding, including that of partners. In addition the risk 5a, failure of inappropriate performance management of one of more strategic partnerships of key contracts is the second most significant risk to the Council.

Mr Weavers also highlighted that as the probability of Risk 6c, inability to deliver the budget strategy as planned, has decreased from 4 to 3, with the level of risk reducing from high to medium.

RESOLVED that the Risk Management Progress report be noted.

38. Annual Review of Business Continuity

Andrew Weavers, Monitoring Officer, presented the Annual Review of Business Continuity Report to the Governance Committee. The report requests that the business continuity work undertaken so far be noted, the Business Continuity Strategy be reviewed, and for the Committee to note the intended work plan for 2016.

Andrew Weavers stated that the key risks continue to be the loss of IT and buildings. In addition, Mr Weavers highlighted that following the creation of the Corporate Governance Team in 2014, the Emergency Planning and Business Continuity functions were brought together which has aided resilience within the team. The Council is also a member of Resilience Direct, which is a cloud based secure document store and mapping application, enabling access to important documents if IT systems are not accessible.

The Committee welcomed the news that the Council was above the Essex average for Business Continuity. In response to a question from the Committee, Ann Hedges stated that officers had attended a workshop run by South Oxfordshire District Council to gain a greater understanding of the lessons learnt as a result of the loss of their building through fire.

RESOLVED that the Annual Review of Business Continuity report be noted.