

## CORPORATE GOVERNANCE AND STANDARDS COMMITTEE

- \* Councillor Andrew French (Chairman)
- \* Councillor Nick Sutcliffe (Vice-Chairman)

- |  |                                |
|--|--------------------------------|
| * Ms Maria Angel (Independent member)            | Councillor Iseult Roche        |
| * Mrs Isobel Atkinson-Flint (Independent member) | Mrs Pat Scott (Parish member)  |
| * Councillor Adrian Chandler                     | * Mr Ian Symes (Parish member) |
| Councillor Mark Chapman                          | Councillor David Wright        |

\*Present

### **CGS30 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were submitted on behalf of Councillors Mark Chapman, Iseult Roche and David Wright.

In accordance with Council Procedure Rule 17(m), Councillor Anne Meredith attended as a substitute for Councillor Mark Chapman.

### **CGS31 LOCAL CODE OF CONDUCT - DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

### **CGS32 MINUTES**

The minutes of the meeting of the Corporate Governance and Standards Committee held on 27 November 2014 were confirmed and signed.

### **CGS33 COVERT SURVEILLANCE POLICY 2014**

At its meeting in November 2014, the Committee approved an action plan produced by officers to address the recommendations of the Assistant Surveillance Commissioner, following his visit in September 2014. The action plan included updating the Council's Covert Surveillance Policy. The Constitution had already been updated to reflect that the delegations to the Executive Head of Governance include the Senior Responsible Officer role, in accordance with the Assistant Surveillance Commissioner's recommendations.

Further to observations made by the Committee, officers agreed to update the job titles of those who can make authorisations, as listed on page 25 of 37 of the policy, to reflect current job titles namely: Executive Head of Finance and Executive Head of Organisation Development.

The report did not mention the Assistant Surveillance Commissioner's recommendation on wider corporate RIPA training. However, further to a query from the Committee, officers advised that training provided by an external trainer, had been organised for 28 May 2015. This training would be for both authorising officers and other officers that may potentially deal with covert surveillance work. The Managing Director, who would authorise the use of minors or vulnerable people for covert surveillance, would also undertake the training on 28 May 2015.

Having considered the updated policy, the Committee RESOLVED to endorse the updated Covert Surveillance Policy.

### **CGS34 DATA PROTECTION ACTION PLAN**

In June 2013, the Council had asked the Information Commissioner (ICO) to carry out a voluntary audit of its records management and subject access request arrangements. The recommendations from the audit had provided a useful action plan for the Information Risk Group to implement. At its meeting in June 2014, the Committee requested an update on the implementation of the action plan specifically relating to reviewing the arrangement with the Police (as joint occupiers of the Millmead House) and how privacy impact assessments were being progressed.

Work had been done with regard to formal records management, and a records management project group had been formed in response to this.

Work had also been done on reducing the risk of unauthorised access or disclosure of personal information between the three data controllers on the Millmead site, namely Guildford Borough Council, Surrey County Council and Surrey Police. Meetings between representatives from each data controller had been set up by the former Head of Business Systems who had since left the organisation. As such, officers were reassessing the current situation and how to take this forward.

Committee members commented that they were pleased to note the provision of annual data protection refresher training. Officers advised that there were plans to also provide the same training for councillors during the induction programme following the May 2015 borough elections.

Further to a query from the Committee, officers advised that there is an ongoing project to reduce the information held in the archives in order to address issues that arose further to staff from one department accessing documents from another department at the Woking Road depot.

Officers noted that the correct target dates for recommendations B4 and B16 should be 31 March 2015, rather than 2014.

Having considered the progress against the action plan, the Committee

#### **RESOLVED**

1. to note the progress of the action plan as detailed in Appendix 1 to the report
2. to agree that the Information rights Officer includes a further progress report in the annual information rights compliance report for 2014.

### **CGS35 CRIMINAL RECORDS CHECKS FOR COUNCILLORS**

The Committee considered a report which had set out the findings of a review on whether Guildford Borough councillors were eligible under current rules for criminal record checks by the Disclosure and Barring Service (DBS).

The review was prompted by a Freedom of Information request to the Council from a member of the public in August 2014 requesting a "list of all past criminal convictions of, and any criminal charges currently pending against, members of the GBC Executive team".

Although the Council's response to the FOI request was that it did not hold the information requested, the Monitoring Officer accepted that the request raised important issues of concern around the governance of the Council. He therefore took steps to review our current

arrangements by making enquiries of other similar councils to understand the extent to which they require and maintain information regarding councillors' criminal convictions.

The outcome of the review was that there was currently no legal basis upon which the Council could legally require such checks on its councillors by the DBS.

A copy of the report had been sent to the FOI applicant, who responded that, instead of focussing on the legal position, the Council should encourage councillors to disclose their checks voluntarily.

Committee members noted from paragraph 2.17 of the report that regulated activities, as defined by The Protection of Freedoms Act 2012 also included "assistance with cash, bills or shopping or the conduct of their personal affairs... even if only done once". They went on to note that through their casework, borough councillors may give advice to residents on the above issues, especially with regard to getting into debt, or dealing with homelessness and similar incidents.

Further to a query from the Committee, officers advised that it would be down to each parish council to consider whether their members should undergo DBS checks; the Borough Council would not instruct them to do these.

The Committee noted that if the new Council after May 2015 considered asking councillors to apply for voluntary checks and any councillor refused, there would be little difference between that and the current position. The Committee also noted that candidates had to sign a declaration regarding any convictions when they stand for election.

Having considered the report, the Committee RESOLVED to

1. note the position in respect of the DBS
2. agree to defer consideration as to whether it would be appropriate and proportionate to ask councillors to apply for a basic disclosure criminal record check using the service provided by Disclosure Scotland to the new Council following the local elections in May.

### **CGS36 EXTERNAL AUDIT PLAN 2014-15 AND EXTERNAL AUDIT UPDATE**

The Committee considered the annual audit plan of the Council's external auditors, Grant Thornton. The plan detailed the programme of work that the auditors intended to carry out during 2014-15, the approach they will adopt, and any significant risks that they will review as part of the audit.

The Committee also considered Grant Thornton's latest periodic update, which covered the progress up to March 2015 and a work programme for the rest of the audit to September 2015.

The Committee had no comment on the External Audit Plan.

Further to a query from the Committee, the auditors advised that they had concluded the representation against the hackney carriage fees and written to the objector. They were currently considering whether a representation from another member of the public would have any impact on 2013-2014 accounts. If not, they would be able to certify the closure of the audit.

Having considered the report, the Committee RESOLVED to:

1. Approve the external audit plan, including the fee set out in the Appendix; and
2. Note the content of the external auditor's update.

### **CGS37 ENQUIRIES OF THOSE CHARGED WITH GOVERNANCE**

The Committee considered a report by the external auditor, Grant Thornton, setting out their enquiries of those charged with governance (TCWG). Part of Grant Thornton's annual audit included making enquires of TCWG in order to comply with the International Standards on Auditing as adopted by the UK Financial Reporting Council.

The enquiries made were to determine whether TCWG had the knowledge of any actual, suspected or alleged fraud affecting the entity. These enquiries were made in part to corroborate the responses to the inquiries of management.

Grant Thornton sent the Council a questionnaire setting out their inquiries of TCWG. Officers had prepared a response to the questionnaire on behalf of the Chairman of the Corporate Governance and Standards Committee. The Committee was asked to approve the Council's response to the questionnaire.

Further to queries from the Committee, officers clarified the following aspects of their responses to the questionnaire:

- The ethical behaviour of contractors was managed from the tendering process. Potential contractors were asked to include their policies on areas such as equalities and risk, and these would be evaluated against the Council's standards and form part of the overall evaluation criteria.
- There was a number available for members of the public who wished to report their concerns of fraud. Officers were encouraged to report their concerns to their managers, or where this may not be possible or appropriate, to HR or the Head of Internal Audit.
- Officers were aware of a potential threat of judicial review proceedings from the Guildford Hackney Carriage Association regarding personal search fees, but at the time of the meeting they had not received a formal claim. The Council was involved in ongoing communication with the Association to explain the Council's position.

Having considered the report, including the Council's response to Grant Thornton's questionnaire, the Committee RESOLVED to approve the responses to Grant Thornton provided in the Discussions with Those Charged with Governance document at Appendix 1 to the report.

### **CGS38 PROCUREMENT RULES**

The Public Contracts Regulations 2015 came into force on 26 February 2015. Procurements undertaken on or after this date must comply with the new regulations. The Committee considered a report outlining recommended amendments to the Council's Procurement Procedure Rules (PPRs) to comply with these regulations.

Local authorities had only a number of weeks to incorporate the changes into their PPRs, and officers believed that other related changes to our PPRs may be required as the new procurement regime beds down. The report therefore also recommended that the Managing Director, in consultation with the Executive Head of Governance or his nominated deputy, and the appropriate lead councillor, be given delegated authority to make such additional changes

as required. This was to ensure compliance with the new rules, an appropriate level of governance, and adherence to the principles of best value in all procurement activity.

Further to queries from the Committee, officers advised that parish councils may also be subject to the new regime and that there was a new requirement for procurements over £25,000 to be advertised on Contracts Finder, a government portal to encourage bidding from small and medium sized enterprises. Officers agreed that they would bring this to parish councils' attention.

Having considered the report, including the recommended amendments to the Procurement Procedure Rules, the Committee RESOLVED to recommend to Council:

1. The amended Procurement Procedure Rules attached to the report at Appendix 1 be approved and adopted;
2. The Managing Director be given delegated authority to make other related changes to the Procurement Procedure Rules as she, in consultation with the Executive Head of Governance and the appropriate lead councillor, considers desirable and necessary as the new procurement regime beds in.

### **CGS39 WORK PROGRAMME**

The Committee considered its work programme for the following year. The Committee also considered a report outlining proposals for it to consider Treasury Management reports. Under current financial procedure rules, the Council had nominated the Corporate Improvement Scrutiny Committee to be responsible for ensuring effective scrutiny of our Treasury Management strategy and policies. The nomination was consistent with CIPFA good practice.

However, officers led a review as to whether the Corporate Improvement Scrutiny Committee was the most appropriate Committee to consider our Treasury Management strategy and policies. These concerns were prompted by the scrutiny committee's increasing workload, and the level of relevant knowledge and expertise of the Committee.

Further to discussions with the Chairman of the Corporate Improvement Scrutiny Committee, the Chairman of the Corporate Governance and Standards Committee, and the Lead Councillor for Finance and Asset Management, officers agreed that the Corporate Governance and Standards Committee would be the most appropriate Committee to consider Treasury Management reports. This view was shared by the Treasury Management Panel and the Corporate Improvement Scrutiny Committee.

Officers explained that the role of this Committee would be to consider Treasury Management strategies and policies before they are agreed by full Council. Officers confirmed that they would provide Treasury Management training to the Committee to ensure it would be able to effectively carry out its new role.

Officers agreed that the Single Equality Scheme and Action Plan would move from Unscheduled to the main work programme soon.

Having considered the draft work programme including the proposals for the Committee to consider Treasury Management items, the Committee RESOLVED to

1. support the proposals for it to consider Treasury Management reports
2. approve its work programme, as detailed in Appendix 1 of the report.

**Councillor Andrew French**

Councillor Nick Sutcliffe noted that the Chairman, Councillor Andrew French, was not seeking re-election at the forthcoming Borough elections in May 2015, after having served 22 years on the Council, and wished him all the best for the future.

Councillor French in turn thanked officers for their support to this committee, noting that they often had provided clear responses to some complex issues, which he appreciated.

The meeting finished at 8.10 pm

Signed .....

Chairman

Date .....