

**Minutes of a Meeting of the
Joint Governance Committee of
Adur District and Worthing Borough Councils**

Gordon Room, Town Hall, Worthing

Tuesday 24 March 2015

Councillor Noel Atkins (Chairman)

Adur District Council:

Councillor Rod Hotton
*Councillor Carson Albury
*Councillor James Butcher
*Councillor Ann Bridges
Councillor David Donaldson
Councillor Emily Hilditch
Councillor Paul Graysmark
*Councillor Barry Mear

Worthing Borough Council:

*Councillor Elizabeth Sparkes
*Councillor Mark Nolan
*Councillor Sean McDonald
Councillor Louise Murphy
Councillor Luke Proudfoot
Councillor Hazel Thorpe
Councillor Bob Smytherman

*Absent

JGC/14-15/015 Declarations of Interest / Substitute Members

There were no declarations of interest or substitutes.

JGC/14-15/016 Public Question Time

There were no questions from the public.

JGC/14-15/017 Minutes

The minutes of the Joint Governance Committee meeting held on the 20th January 2015, were agreed as an accurate record.

JGC/14-15/018 Items Raised Under Urgency Provisions

There were no urgent items raised.

JGC/14-15/019 Adur District Council and Worthing Borough Council - Certification of claims and returns annual reports 2013-14

Before the Committee was a report by the External Auditor, copies of which had been circulated to all Members and copies of which are attached to the signed copy of these Minutes as Item 5.

The Committee was informed that the certification work focused upon the 'housing benefits subsidy claim' and the 'pooling of housing capital receipts'. Auditors completed three samples of 20 cases, covering HRA Rent Rebate, Non-HRA Rent Rebate and Rent Allowance cases, plus an undefined sample of Modified Scheme Cases. This work was included in the scale fee.

Where errors were identified in the initial testing, more extensive testing on an additional sample of 40 cases was required for each error found (11 errors). This work was not included in the scale fee.

Due to the number of errors identified and lack of staff capacity, CenSus staff stated they would not be able to complete all the '40+' testing. Ernst & Young agreed to complete the outstanding 8 workbooks, which led to a considerable additional fee.

The Committee noted that similar results had been identified at both Mid Sussex and Horsham Councils.

Members were advised that the additional testing required was underway and a number of recommendations had been made and were included in the report.

It was noted that no qualification letters were required for Adur's Housing Capital Receipts or Worthing's Housing benefits subsidy claim and housing capital receipts.

Members asked why there was such disparity between the two services and whether the Councils should go forward with a single joint service in future. Officers advised that they were currently reviewing the CenSus arrangements and it was not possible to give a definitive view at this time.

Members questioned who was responsible for covering the additional costs. Officers confirmed that the cost would be split across the 3 authorities in CenSus that shared the service.

Resolved,

That the Joint Governance Committee noted the certification of claims and returns annual report 2013/14 for Adur and Worthing Councils.

JGC/14-15/020 Internal Audit Progress Report

Before the Committee was a report by the Acting Head of Internal Audit, copies of which had been circulated to all Members and copies are attached to the signed copy of these Minutes as Item 6.

The report outlined the performance of the Internal Audit Section for the period 1 April 2014 to 28 February 2015 against the agreed 2014/15 Annual Internal Audit Plan and provided a summary of the audit work completed.

It also provided a summary of the key issues raised in final audit reports issued since the last report to Committee and provided the current status on the follow-up on the agreed audit recommendations made in final audit reports.

Members were advised that the situation regarding the implementation of recommendations had not changed greatly since the last meeting of the Committee with a significant number still outstanding.

Officers had sought to obtain written explanations from service leads that had ignored previous requests from Internal Audit for information regarding the implementation of recommendations. It was noted that of the three service areas written to, no responses had been received in relation to IT Asset Management or the Data Centre. This was the 13th occasion where no responses were forthcoming.

Members expressed concern that certain service areas were ignoring request for information from Internal Audit and considered how this could be taken forward. Officers advised that the matter would be raised at the Council Leadership Team and a way forward identified.

Members stated that they would like to see the people in charge of these service areas present themselves and a report to the Committee, explaining why recommendations had not been implemented and requests for information ignored.

Resolved,

The Joint Governance Committee

- i) noted the performance of the Internal Audit Section for 1 April 2014 to 28 February 2015 against the 2014/15 audit plan;
- ii) noted the summary of the key issues raised in final audit reports issued since the last report to this Committee and the current status on the follow-up on Internal Audit recommendations made as a result of audits completed during 2012/13, 2013/14 and 2014/15;
- iii) requested that a report be presented to the Committee in June 2015, by the appropriate service managers, regarding the status of recommendations from Internal Audit relating to IT Asset Management and the Data Centre.

JGC/14-15/021 2015/18 3 Year Strategic Audit Plan & 2015/16 Annual Audit Plan

Before the Committee was a report by the Acting Head of Internal Audit, copies of which had been circulated to all Members and copies are attached to the signed copy of these Minutes as Item 7.

The report presented the Internal Audit 2015/16 Annual Audit Plan and the 2015/18 3 Year Strategic Audit Plan for consideration and approval.

Members questioned how flexible the plan was in relation to the forthcoming general election. Officers confirmed that a contingency plan could be applied with the dates of audits being changed depending on urgency.

Resolved,

The Joint Governance Committee approved the 2015/16 Annual Audit Plan and the 2015/18, 3 Year Strategic Audit Plan.

JGC/14-15/022 Joint Treasury Management Strategy Statement and Annual Investment Strategy 2015/16 to 2017/18 Adur District Council and Worthing Borough Council

Before the Committee was a report by the Director for Digital & Resources, copies of which had been circulated to all Members and copies are attached to the signed copy of these Minutes as Item 8.

The Committee were advised that the Chartered Institute of Public Finance and Accountancy's Code of Practice for Treasury Management in Public Services (the "CIPFA TM Code") required local authorities to determine before the start of the financial year the Treasury Management Strategy Statement (TMSS) and Annual Investment Strategy (AIS). Together these elements prescribe the parameters within which treasury management shall operate.

A Member requested an update regarding the use of Variable Net Asset Value (VNAV) Money Market Funds (MMF's). Officers confirmed that they were keeping a close eye on the legislative changes proposed by the European Commission and would provide an update to Members as soon as practicable.

A Member questioned why, as part of the arrangements for establishing the Worthing Leisure Trust, a provision for Worthing Council to provide the Trust with temporary cash flow advances, up to a maximum of £500k was necessary. Officers advised the Committee that the funds would be used to assist with paying bills rather than for investment purposes and that the amount was deemed to be sufficient to ensure cashflow availability.

Resolved,

The Joint Governance Committee noted the TMSS and AIS report (including the Prudential Indicators and Limits, and MRP Statements) for 2015/16 - 2017/18.

JGC/14-15/023 Local Government Ombudsman's Complaints

Before the Committee was a report by the Director for Customer Services, copies of which had been circulated to all Members and copies are attached to the signed copy of these Minutes as Item 9.

The report was the first of a quarterly summary of ongoing and completed Local Government Ombudsman (LGO) complaints referred to the LGO. It covered the period from August 2014 to March 2015.

The report also supplemented the annual report to the Joint Governance Committee which considered the LGO's annual review letters issued to both Councils which was last considered by the Committee at its meeting on 25 November 2014.

The Committee was informed that 25% of complaints to the LGO had been upheld and that Officers were reviewing these cases.

It was suggested by the Committee that the complaints procedure be incorporated into the Constitution.

Resolved,

The Joint Governance Committee:-

- i. noted the contents of the report and agreed to receive a further report, on the LGO complaints, at its meeting in June 2015;
- ii. agreed that the complaints procedure be incorporated into the Constitution.

JGC/14-15/024 Constitution Review – Part 5

Before the Committee was a report by the Monitoring Officer, copies of which had been circulated to all Members and copies are attached to the signed copy of these Minutes as Item 10.

The Committee was requested to note the progress of the 2014/2015 complete review of the Councils' Constitutions; to consider revisions to Part 5 of the Constitutions of the District Council of Adur ("Adur") and the Borough Council of Worthing ("Worthing"); to consider revisions to the Scheme of Delegations to Officers and to recommend to the Full Councils of Adur and Worthing that the Constitutions be revised accordingly.

A Member asked whether the Deputy Monitoring Officer should be appointment by the Councils. Officers advised that the position could not be a Council appointment, it was a Monitoring Officer appointment. It was noted that historically, the Monitoring has appointed two deputies, 1 to act for Adur sand 1 to act for Worthing.

A Member questioned the timescale for implementation of a Social Media Policy for Members, as referred to in paragraph 4.2.1 of the report. Officers started a preference for a single policy which covered both Officers and Members. It was noted that work was underway and it was anticipated that the revised policy could be brought back to the Committee in June 2015.

Resolved,

- 7.1 That the Joint Governance Committee recommended to the Borough Council of Worthing:
- 7.1.1 that it adopts the following documents as set out in the Appendix to the report, to be effective from 1st May 2015:
- Code of Conduct for Members - subject to an amendment by the Monitoring Officer to include provision for registering Gifts and Hospitality.
 - Code of Conduct for Officers
 - Protocol relating to the Relationship between Members and Officers
 - The Monitoring Officer Protocol
 - The Protocol relating to Officer Decision Making
 - The Council Call for Action Protocol
 - The Protocol Relating to the Pre-Election Period
 - The Protocol Relating to the Recording of Public Meetings
 - The Scheme of Delegations to Officers with the exception of paragraphs 1.2.1, 1.2.2 and 1.2.5 which should remain as worded in the current scheme.
- 7.1.2 that it authorises the Monitoring Officer to make further minor amendments to the Constitution as required;
- 7.1.3 that it authorises the Monitoring Officer to make consequential changes to the Joint Committee Agreement;
- 7.1.4 report re safeguarding protocol and social media policy / or explain why we're not.
- 7.2 That the Joint Governance Committee recommends to the District Council of Adur:
- 7.2.1 that it adopts the following documents as set out in the Appendix to this report, to be effective from 1st May 2015:

- Code of Conduct for Members – subject to an amendment by the Monitoring Officer to include provision for registering Gifts and Hospitality.
- Code of Conduct for Officers
- Protocol relating to the Relationship between Members and Officers
- The Monitoring Officer Protocol
- The Protocol relating to Officer Decision Making
- The Council Call for Action Protocol
- The Protocol Relating to the Pre-Election Period
- The Protocol Relating to the Recording of Public Meetings
- The Scheme of Delegations to Officers with the exception of paragraphs 1.2.1, 1.2.2 and 1.2.5 which should remain as worded in the current scheme.

7.2.2 that it deletes the following document from its Constitution with immediate effect

- Members Code of Good Practice

7.2.3 that it authorises the Monitoring Officer to make further minor amendments to the Constitution as required.

7.2.4 that it authorises the Monitoring Officer to make consequential changes to the Joint Committee Agreement

7.3 That the Joint Governance Committee requested a report be brought to a future meeting regarding a possible safeguarding protocol and a revised social media policy.

The meeting was declared closed by the Chairman at 7.39pm, it having commenced at 6:30pm.

Chairman