

CGAC8A

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KIRKLEES COUNCIL

CORPORATE GOVERNANCE AND AUDIT COMMITTEE

Friday 8 May 2009

Present: Councillor Raistrick in the Chair
Councillors E Firth, D Hall and Simpson

1 Minutes of Previous Meeting

The Minutes of the meeting of the Committee held on 6 March 2009 were approved as a correct record.

2 Interests

No interests were declared.

3 Admission of the Public

The Committee determined those parts of the Agenda during which the public would be excluded.

4 Deputations/Petitions

No deputations or petitions were received.

5 Public Question Time

No questions were asked.

6 Appeals - Councillor Panel

The Committee considered a report of the Head of Human Resources explaining the need for precision regarding issues around grading grievances and disciplinary cases, having regard to the increasing risk of litigation, and pointing out that other Councils had adopted a minimal use of Councillor Appeals Panels for hearing human resources appeals. The report proposed that human resources appeals, including dismissals, be transferred to an Officer Appeal Panel, and that the Members' Negotiating Team be formed from the Cabinet Personnel Committee to consider items, subject to the agreement of the Chair, where trade unions believed the judgement of the Chair of the Central Negotiating Team was unacceptable.

RESOLVED -

(1) That the changes described in the submitted report, principally transferring the human resources appeals to an Officer Appeal Panel, be approved and referred to Annual Council for confirmation by way of

inclusion in the report of the Solicitor to the Council on changes to the Constitution.

(2) That discussions be held with schools about their processes in this regard and that governing bodies be advised on an appropriate approach to follow.

(3) That the position be reviewed in twelve months time.

7 Proposed Structure for Scrutiny Panels

The Committee considered a report of the Head of Policy and Governance putting forward proposed changes to the Overview and Scrutiny Panel structure for 2009/10.

RESOLVED - That the Head of Policy and Governance be asked to commission a formal review of the effectiveness of the Scrutiny function and, pending the outcome of this, there be no changes to the current structure.

8 Review of the Council's Constitution

ITEM 7 REFERS In accordance with the annual practice of reviewing the Constitution of the Council the Head of Legal Services submitted a report putting forward proposed revisions for consideration covering:-

- Council meetings and Council Procedure Rules;
- Standards Committee;
- Appeals Committee;
- Changes to the format of the Delegation Scheme and adjustments to arrangements for determining representatives on Outside Bodies;
- Overview and Scrutiny Procedure Rules;
- Articles relating to change of political control.

The Committee also discussed the position with regard to Members serving as Lead Members on standing Scrutiny Panels.

RESOLVED - That the recommendations contained within the report of the Head of Legal Services, as now amended, be endorsed and the necessary changes to the Constitution, as under, be recommended to the Annual Council meeting:-

- Revisions to the Council Procedure Rule to:
 - (i) allow the Chief Executive, in consultation with Group Leaders, to include different types of business within the programme of Council meetings;
 - (ii) the format of executive type Council meetings to facilitate an improved flow of business;
- Revisions to the Procedure Rule relating to Cabinet Member reports to Council, so as to provide for more regular written reports;

- Provision for the Chair of the Standards Committee to become an ex officio member of the Corporate Governance and Audit Committee;
- Revisions to the Terms of Reference of the Appeals Committee, in line with the recommendations in Minute 6 above;
- Revisions to the Delegations Scheme to change the format to an "Exception Scheme" to provide for every function and power to be delegated to officers, with the exception of those items specifically retained by Members in various Committees; agreed that amendments be made in relation to delegation schemes for Planning, Building Control, Licensing and Environmental Services, with the remaining parts of the Delegation Scheme to be altered to bring them in line with the Exception Scheme by the end of December 2009 and to be reported for approval in due course;
- Extension of the delegation to the Head of Policy and Governance Service to accept nominations to serve on charitable trusts, put forward by Area Committees.
- Changes to Article 6 of the Overview and Scrutiny Procedure Rules for the purpose of consistency, as specified in Appendix E to the submitted document; further, the removal of the words "The Committee will reflect the political composition of the Council" in Article 6.1.2; revision to Article 6.1.2 and Rule 8.4 of the Overview and Scrutiny Procedure Rules to remove the restriction on Scrutiny Lead Members so that they can be drawn from political groups on the Administration.
- Changes to Article 7.6 in relation to a change of political control to clarify arrangements for removal from office of the Leader or any other Member of the Cabinet.

9 Revisions to Contract Procedure Rules and Financial Procedure Rules 2009

ITEM 8 REFERS The Committee considered a report of the Director of Finance putting forward proposed changes to Contract Procedure Rules, as set out in paragraph 2.2 of the covering report, and proposed changes to Financial Procedure Rules, as set out in paragraph 2.3 of the covering report. The report indicated that the proposed amendments to the Contract Procedure Rules would improve the level of control and European Union compliance, whilst reducing bureaucracy, and that the proposed amendments to Financial Procedure Rules reflected current practice.

RESOLVED - That the Annual Council be recommended to make changes to the Contract Procedure Rules as described in the submitted report, subject to the inclusion of additional wording in paragraph 13.2 relating to the procurement of all supplies of £50,000 and above, so as to include the provision of supplies to Outside Bodies; further, Annual Council

be recommended to approve revisions to Financial Procedure Rules, as described in the submitted report.

10 Dates/Times/Venues of Council Meetings - 2009/10

The Committee considered a report of the Head of Policy and Governance incorporating a proposed list of dates, times and venues of Council meetings in 2009/10 which had been compiled following consultation with the Group Leaders.

RESOLVED -

**ITEM 9
REFERS**

(1) That, in accordance with Council Procedure Rule 2(3) the Annual Council meeting be recommended to approve the programme of ordinary meetings of the Council in 2009/10, as set out in the submitted report, subject to further discussions with a view to altering the scheduled meeting on 28 October 2009, to avoid half term.

(2) That Annual Council meeting be recommended to agree that the "Budget" Council meeting be held on 24 February 2010 at 5.00 pm and that the provisions of Council Procedure Rule 3 should apply to this meeting.

(3) That the Annual Council meeting be recommended to note the provisional date of the Annual meeting for the Municipal Year 2010/11, namely 26 May 2010, under the provisions of Council Procedure Rule 1(1).

11 Annual Audit and Inspection Letter - 2008/9

The Committee considered, for information, the Annual Audit and Inspection Letter detailing key messages; purpose, responsibilities and scope; describing how the Council was performing, detailing the audit of the accounts and value for money, including a section on audit of government grant claims, and concluding with a look ahead. The Audit Commission's overall judgement was that the Council was improving adequately and had been assessed as a four star Council under the Corporate Assessment process.

RESOLVED - That the Annual Audit and Inspection Letter for 2008/9 be received.

12 Changes to Representation on Outside Bodies

The Committee considered a report of the Head of Policy and Governance noting that, under the agreed delegation procedure, changes to the Council's representatives had been made as under:-

- Yorkshire Regional Flood Defence Committee - Councillor McBride replaced Councillor Sokhal on 16 March 2009;
- R J Whitehead Almshouses - Mr David Wright was nominated by the Area Committee - Huddersfield North on 24 March 2009 to continue in office for a further four year term.

RESOLVED -

(1) That the change in representation on the Yorkshire Regional Flood Defence Committee be noted.

(2) That Mr David Wright continue as the Council's representative on R J Whitehead Almshouses for a further four year term.

13 Exclusion of the Public

RESOLVED - That acting under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act, as specifically stated in each of the undermentioned Minute.

14 Quarterly Report on Internal Audit - Quarter 4 (January-March 2008/9)

(Exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information). The public interest in maintaining the exemption outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making)

The Committee considered a report of the Senior Audit Manager providing information on the activity and findings from Internal Audit work completed in the quarter to 31 March 2009, comprising 58 pieces of work, and highlighting the action being taken in relation thereto.

Further to requests made at the meeting of the Committee on 12 February 2009 the report also detailed progress on the operation of the Medical Equipment Supplies and Loan Service Software Package in Adult Services; implementation of recommendations in relation to Claremont House; and financial management standards in schools, particularly secondary schools.

RESOLVED - That the report be noted.