

**BRIGHTON & HOVE CITY COUNCIL**

**AUDIT & STANDARDS COMMITTEE**

**4.00pm 12 MARCH 2019**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**DRAFT MINUTES**

**Present:** Councillors Miller (Chair) Gilbey (Group Spokesperson), Sykes (Group Spokesperson), Cobb, Greenbaum, Platts, Robins and A Norman

**Independent Members present:** Dr David Horne

**PART ONE**

**54 PROCEDURAL BUSINESS**

**a Declarations of substitutes**

54.1 Councillor Norman was present as a substitute for Councillor Lewry. Councillor Yates was also present at the meeting. Ms Diane Bushell - Independent Member sent her apologies.

**b Declarations of interests**

54.2 Dr Horne stated that he was a trustee of Citizens Advice Bureau.

**c Exclusion of the press and public**

54.3 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

54.4 **RESOLVED:** That there were no Part Two items on the Agenda.

**MINUTES**

55.1 **RESOLVED:** That the Chair was authorised to sign the minutes of the last meeting held on 8 January 2019 as a correct record.

**56 CHAIR'S COMMUNICATIONS**

56.1 There were no Chair's Communications.

## **57 CALL OVER**

57.1 The following items on the agenda were reserved for discussion:

Item 60 – Strategic Risk Focus: SR24, SR29, SR15 and SR31

Item 62 – Rough Sleeping Statistics

Item 63 – Internal Audit & Counter Fraud Progress Report 3<sup>rd</sup> Quarter 2018 / 2019

Item 64 – Internal Audit Strategy and Annual Audit Plan 2019 / 20

Item 65 – External Audit Plan 2018/19

Item 66 – Standards Update

Item 67 - Review of the Code of Conduct for Employees

## **58 PUBLIC INVOLVEMENT**

### **58a Petitions**

58.1 There were no petitions.

### **58b Written Questions**

58.2 The Chair invited Jim Deans to state his Written Question.

58.3 Jim Deans asked the following Written Question on the Rough Sleeping Statistics report by Mark Dallen – Item 62:

“The report shows that the count was at fault the moment it began. Management within council were aware and agreed that snow was expected with wind chill sub-zero. The Head of Housing spoke to me on Tuesday 20<sup>th</sup> November 2018, asking why SWEP was not planned to open. Why was the figure then used by council to claim a 64% drop in rough sleeping when by the reports criteria on "Rough Sleeping" the numbers clearly have increased. Are council aware that this is a slap in the face to those front-line volunteers including Sussex Homeless Support?”

58.4 The Chair stated that the Council had issued the following reply:

“The processes followed in both 2017 and 2018 were recently reviewed, and found to be compliant with national guidance. All rough sleeping returns submitted by local authorities are independently verified and validated by Homeless Link to ensure they are robust. Homeless Link are the national charity for organisations working directly with people who become homeless, and they were in attendance during the estimate (in 2017) and at the full count (in 2018). Homeless Link is funded by MHCLG to provide verification, validation, and guidance to local authorities for the annual rough sleeping street count and evidence-based estimate process.

Both the counts and estimate single night snapshots provide a way of indicating the number of people sleeping rough and assessing change over time. There is currently no national mechanism for recording every person who sleeps rough across the

year although the rollout of the Council's reporting system *b-think* will allow accurate reporting of numbers on the street.

The single night snapshot methodology aims to get as accurate a representation of the number of people sleeping rough as possible, while acknowledging that each process has its limitations. We therefore conclude that the rough sleeper statistics stated at the NICE Committee in December 2018 were based on reliable and relevant data."

58.5 The Chair then asked if Mr Deans had a supplementary question and Mr Deans confirmed that he did. He asked:

"From the report, the formal definition of rough sleeping makes no mention of cars, vans, boats or some of the places that people are forced to sleep. It does seem that these places are not suitable for habitation. Is this council suggesting that these vulnerable people living this way are not rough sleeping and if not, why are they not counted as such?"

58.6 The Chair replied that Officers would provide a detailed response to this question through the committee.

### 58c Deputation

58.7 The Chair asked Adrian Hart to present his Deputation.

58.8 Adrian Hart presented the following Deputation:

"This deputation pivots around two issues which I'd like the Committee's view on. Both have arisen from discussions held by Amex Area Neighbourhood Forum (in Queens Park ward). We became concerned over how our 2018 pro-development resident campaign against what we regarded as a very poor planning proposal (namely 'The Edward Street Quarter' scheme for the old Amex House site) was always destined to fail. In short, we did not know what our council knew.

The first issue is how can ward councillors communicate back to their constituents, vital information on neighbourhood matters which they know but citizens do not know? Acting as a 'forward look-out post' describes this democratic deficit well as there must surely be instances where ward councillors become aware of, for example, future planning proposals currently in discussion which, if approved, impact on their constituents in no uncertain terms. Had ward councillors been able to publicise (fairly and with their duty to their electorate in-mind) any prior knowledge or worry they have (or simply the facts) in a monthly Ward Newsletter then citizens might have had time to respond and seek rejection or amendment of the scheme. Such a newsletter/ bulletin would be delivered to all ward households as well as by online options.

Following the Edward Street Quarter example, despite developer-led public consultation ahead of application (see Brighton Society comment on this: footnote 1), BHCC statutory notices fixed to lamp-posts became the first indication to public that the proposal had changed (bigger, taller, poor public realm, a mere 20% so-called 'affordable housing' as the starting bid and so on). It was too late to effectively oppose. The issue of 'too late' is one underscored by the city's second year of being unable to

demonstrate to Whitehall a 5 year housing land supply. However, if our neighbourhood had known earlier that such a scheme was being discussed with planners, it would not, in theory, have been too late. Recently, planners confirmed to us that prior to the start of the statutory time frame (from application to approval) there are indeed real opportunities for a council to have a developer return to the drawing board.

The second issue follows on from the first: will the council accept that there is a democratic deficit here by exploring possibilities of making production of Ward Newsletters a reality? Insofar as leaflets purporting to be 'ward newsletters' do exist, these are laden with the party promo items on behalf of party-focused councillors. 'Forward look-out' items might exist in these occasional leaflets but only when a party branch feels it serves party interests. Surely it would be better that our council look into ways of requiring these newsletters to conform to an entirely new model of 'ward newsletter'?

I note that at the planning hearing for the 'Edward St Quarter' one of our local ward councillors on the planning committee commented, seemingly in despair, words to the effect 'I already have one of these ill-conceived schemes in Circus Street, I don't want another one in my ward'. And yet communities on the front line of both Circus Street [2] and Amex site had and continue to have little or no communication with residents least of all to warn their constituents and thereafter advise, support, defend or advocate. Indeed it feels at street level and citywide that troubled times inflict evermore distractions on councillors buried deep in party political warfare if not infighting.

And so I end by asking that answers to my questions be placed in the context of 2019 and of, we hope, a new intake of councillors who, if our own Queens Park ward candidates are anything to go by, share my desire for better democracy and for councillors as 'look-outs' equipped with new methods of communicating to constituents what constituents need to know."

58.9 The Chair read the following Response to the Deputation:

"There is a minimum requirement regarding Members having to attend certain meetings of the Council under the Local Government Act 1972. Beyond that, how a Member discharges their role, what information they publish and how they communicate with the residents of their ward is a matter for the individual Councillor.

All planning applications are published on the Council's website and the public can get information about important events from the Council's digital newsletter as well as the Council's website.

Article 2 of the Council's constitution sets out what the Council expects of its Councillors in a general way. But that is not legally binding.

I believe that Councillors of all political Groups do communicate with their residents and represent their issues to the best of their ability. Members do not always know of proposals before they reach the planning application stage and there are sometimes issues of commercial sensitivity in what they are able to share with their residents.

Members are accountable to the electorate through the democratic process. However, as long as they comply with the code of conduct for Members, the Council cannot dictate the specifics of how they discharge their roles”.

## **59 MEMBER INVOLVEMENT**

59.1 There was no member involvement.

## **60 STRATEGIC RISK FOCUS: SR24, SR29, SR15 AND SR31**

60.1 The Committee considered a report of the Executive Lead Officer, Strategy, Governance & Law that provided detail on the actions taken and future actions to manage each strategic risk.

60.2 The Risk Management Lead introduced the report, highlighting that there were now a total of eighteen strategic risks, including one new risk SR35 related to Brexit as detailed in Appendix 1. She also highlighted the scoring and questions that Members may want to put, as summarised in Appendix 2 of the report. She then confirmed that as part of the Strategic Risk Focus item, the four strategic risks to receive focus would start with SR29 owned by David Kuenssberg – Executive Director, Finance & Resources and Clifford Youngman, Head of Procurement would introduce SR29 by way of a presentation.

### **SR29 - Clifford Youngman, Head of Procurement**

60.3 The Executive Director, Finance & Resources introduced the Head of Procurement who gave a short presentation on this risk. He stated that the Council spent £350 million with contracted suppliers and yet of the 200 or so officers involved in managing contracts, an estimated less than 20% had professional experience, and that managing contracts was an add-on part of most officers' jobs. He confirmed that there was a weakness shown in the authority and that City Clean had also recently shown a lack of resources in this area. In the area of Health & Adult Social Care there were some areas of excellence, but these were not consistent and social workers were not naturally finance-minded, as part of their job. Adult Social Care had been supported since 2017 by a Contract Management team with the aim to reduce the cost of social care. £0.600 million had been allotted to enhance the contract performance team and most risks were identified. He also confirmed that in the forward planning of 126 contracts had been undertaken and 44 had been completed. He confirmed they had achieved a saving of £0.950 million in 2018 (some cost avoidance, some cashable) and that they were now looking at rolling out more training in September 2019. He also stated that for 2020 / 21 there was a business case to look at further investment in this area.

60.4 Councillor Sykes questioned why, since they had installed a team, they had not been able to deal fully with the challenge of contract management. The Head of Procurement replied that, although it was possible to get quicker results by throwing ten times the amount of resources at it, these results could still take months to achieve, and additional 'pay back' might not be secured. He confirmed that he felt the balance was right as an ongoing project. He confirmed that they aimed to change the ratio of

80:20 in terms of prevention versus intervention. He also confirmed that 44 contracts were currently ongoing in their progression, but others had been started.

- 60.5 Councillor Sykes stated that he felt for SR29 the risk register Introduction [Cause and Consequences] painted a negative picture since there was currently a 5 to 1 return on current investments and he supported the idea of a further business case to put more resources into this area.
- 60.6 Dr Horne stated that he welcomed the report's frankness, including the aspects on risk weakness and he was pleased to see that social care was now looking to the longer term. Since he felt that training was the way forward in ensuring the sustainability of this risk, he asked whether the training was mandatory, who the contract owners were and how the results could be obtained and measured. The Head of Procurement replied that training was imperative and that a radical shift in thinking would be required initially for the Local Authority. He confirmed that Brighton & Hove were the only Local Authority to implement a contract performance team within Orbis to significantly improve the situation. He confirmed that training would be mandatory; that there was a keen focus on intervention; that the vast majority of officers were budget holders; and that the contracts needed to be revisited in the future.
- 60.7 The Executive Director, Finance & Resources stated that managers had a limited amount of time to spend on training courses and that for the next financial year, one aspect they were trying to advocate was to resource areas like contract management properly.

#### **SR24 – Paul Ross-Dale - Revenue & Benefits Manager**

- 60.8 The Revenue & Benefits Manager introduced this risk, which he stated had existed for some time, but that he wanted to highlight the key impact of current welfare reforms, which affected how people were supported in navigating the benefit system on a day to day basis. He confirmed that the Welfare Rights Team were experts in legislation and assisted people in maximising benefits and the Social Fund team was enabling those who had been benefit-capped to gain more specific support such as the purchase of basic household items. He confirmed that they were currently looking at redesigning their strategic approach along with colleagues in Housing and Adult Social Care so that they could offer a unified council approach and that this would be presented in due course.
- 60.9 Councillor Sykes asked about the first risk action on page 32 of the report about the Benefit Cap, where the Council do not currently have access to the lists of those affected. He wondered if this made the Council's response more reactive on this issue and whether there was a need to redefine the way assistance was offered. The Revenue & Benefits Manager confirmed that the Council was now forced to be reactive to some extent since the move to Universal Credit had meant that the DWP (Department of Work & Pensions) did not inform the council in advance about which claimants were benefit-capped. He stated that since these claimants would now approach the Council in crisis through either the voluntary sector or as a result of council tax arrears, and it was up to the various teams to ensure they received the right help within the local authority.

**SR15 – Pinaki Ghoshal, Executive Director, Families, Children & Learning**

- 60.10 The Executive Director, Families, Children & Learning gave a brief presentation of this risk, which he said had now reduced in comparison with previous years. He confirmed that the July 2018 Ofsted report judged the City's services to be good, which was the first time in the City and that the reduction in numbers in care and child protection plans was different to other parts of the UK. He also confirmed that both the number of re-referrals were complaints received were reducing, with the number of compliments increasing.
- 60.11 The Chair asked about how the areas for improvement mentioned in the recent Ofsted report were factored in to the risk. The Executive Director, Families, Children & Learning replied regarding the recommendations for children who go missing and he also confirmed that they were in the process of terminating the joint contract with East Sussex. He confirmed that they had shared the action with Ofsted on these issues. He also confirmed that regarding the issue of private fostering arrangements, there had been a vacancy in the role and a new person was appointed to this position in the summer. Regarding the area of Children in Need, the children in the highest risk category had been registered as part of a monitoring audit and these actions had also been shared with Ofsted and a further meeting to check this had already been arranged with Ofsted on the 1<sup>st</sup> April 2019.
- 60.12 Councillor Norman asked about the local troubled families programme and whether it was proving successful with the most vulnerable families. The Executive Director, Families, Children & Learning replied that they were successful and that the funding arrangements were now more flexible since the Council was now one of the 19 authorities that had been awarded more autonomy – which resulted in a lower level of monitoring, and that also the Council now acquired Government funding upfront. He also confirmed that this aspect of the risk would continue only up until 2020, since the Government plans were not known after this date.
- 60.13 Councillor Robins asked about the impact of risk SR15, which he felt was given a low impact score of 3 (moderate). The Executive Director, Families, Children & Learning replied that the risk was reduced due to the actions that had already been taken and that since the number of children at risk had been reduced, therefore the level of impact for those children had also been reduced. The Risk Management Lead also stated that the revised risk score was lower due to work having been done to mitigate the risk (the Existing Controls) and therefore it was possible that the Directorate Management Team would think again on this issue and advise the Risk Owner.

**SR31 – Pinaki Ghoshal, Executive Director, Families, Children & Learning**

- 60.14 The Executive Director, Families, Children & Learning stated that regarding the budget situation for the City's schools, they had seen an increase in schools entering a deficit situation, which had exceeded the number of schools who had surpluses. In order to address this situation, there had been a joint action with the Executive Director, Finance & Resources regarding the spend in schools. The Executive Director,

Families, Children & Learning stated that over the course of the year the balance between school deficits and school surpluses had been well managed and that the current estimate for overall surpluses across all schools is now £2.8 million. Therefore he confirmed that their actions had made a difference and only some schools were facing deficits. He also confirmed that the level of deficits was at a level where they did not have to call upon the Council's General Fund.

- 60.15 Councillor Sykes asked about the potential consequences of this risk, which was both a resource and financial risk and therefore together was a big risk. The Executive Director, Families, Children & Learning confirmed that it was a big risk in theory, but that in all his years in this position, it had never happened. He confirmed that if a school was not managing, the Council had the powers to give a warning about the situation, which would be passed to the Secretary of State.
- 60.16 Councillor Gilbey asked about Risk 6 regarding Local Authority schools, since they buy particular services from the Council and the Executive Director, Families, Children & Learning replied that they did a lot of work with buy backs from problem schools. The Executive Director, Finance & Resources stated that there was focus on providing a good service, because schools could go elsewhere if this were not the case.
- 60.17 The Chair asked that since the budget was increasing, at what point did it no longer qualify as a strategic risk. The Executive Director, Families, Children & Learning replied that this had already been discussed and that they would review the situation again at the end of the financial year. He confirmed that they were confident, but had not received all the figures yet.
- 60.18 **RESOLVED:** That the Committee:
- 1 Noted in paragraphs 3.3 of the report, changes to the Council's Strategic Risk Register as agreed at ELT on 6 February 2019.
  - 2 Noted Appendix 1 for details of SR24, SR29, SR15, and SR31.
  - 3 Noted Appendix 2: Information on the Council's risk management process relative to Strategic Risks; and suggested questions for Members to ask Risk Owners and officers on Strategic Risks.
  - 4 Having considered Appendix 1 and any clarification and/or comments from the officers, the Committee did not make any recommendations to any other relevant council body.

## 61 ANNUAL SURVEILLANCE REPORT 2018

- 61.1 **RESOLVED:** That the Committee agreed :

1 That the continued use of covert surveillance was approved as an enforcement tool to prevent and detect crime and disorder investigated by its officers, providing the

activity was in line with the Council's Policy and Guidance and the necessity and proportionality rules were stringently applied.

2. That the surveillance activity undertaken by the authority since the report to Committee in January 2018 as set out in paragraph 3.3 was noted.

3 That the continued use of the amended Policy and Guidance document as set out in Appendix 1 was approved.

## **62 ROUGH SLEEPING STATISTICS**

- 62.1 The Audit Manager introduced this report which had been produced on the request of Councillor Nemeth to examine the rough sleeping statistics methodology. The Audit Manager introduced this report which had been produced on the request of Councillor Nemeth to examine the rough sleeping statistics methodology.
- 62.2 Councillor Yates stated that it was unwelcome that Officers' work was questioned by a councillor and he could not see anywhere that there was a lack of veracity in the figures. He commended the officers involved in the report for their integrity and stated that he felt that hours of public sector resources had been spent on this report, which had been requested by people who should know better.
- 62.3 Councillor Gilbey stated that the figures were monitored on a daily basis by St. Mungo's, and the council's figures were a snapshot of one particular night. She confirmed that the bus used by Sussex Homeless Support was not running the night of the original survey and that although figures vary, at the time of the survey, there may have been fewer rough sleepers in hostels than during the daytime.
- 62.4 Councillor Cobb stated that there were various legitimate ways of achieving a result and asked if the statistics took into account those rough sleepers who did have accommodation, but still chose to sleep rough. The Audit Manager replied that the count last year was made up of people who were on the street and he would have to check and come back to confirm the answer.
- 62.5 Councillor Sykes stated in reply to Councillor Yates' previous remarks, that he felt it was a good use of officers' time, since the Administration were happy to use these figures for their own purposes and the Council needed to be honest and acknowledge this.
- 62.6 Councillor Robins confirmed that the night of the original survey was a particularly snowy night and that therefore the figures were not a genuine reflection of rough sleeping numbers.
- 62.7 Councillor Cobb suggested that due to the weather, the people carrying out the survey may have taken other people off the streets with them.
- 62.8 Councillor Platts stated that no-one was sleeping on the streets through choice and if the rough sleepers that night were in temporary accommodation, would they still be counted. The Audit Manager confirmed that they would still be counted after the time of 1am.

- 62.9 Councillor Platts also queried whether there had been a discussion with the Government Department involved in providing the figures, since she wondered if they had now chosen a system that would be adhered to in future years. The Audit Manager replied that there were two different approved methods of counting and that different authorities had different methodologies. Councillor Platts then stated that the council should write to the Government department to ask about the problem of two different systems. The Audit Manager replied that he did not know why there were two methodologies and could not speculate on the reason for this.
- 62.10 The Chair queried the decision to change the way the count was made and he wondered when this was made and whether it was included in the audit. The Audit Manager replied that this was not looked into.
- 62.11 Councillor Yates pointed out that there was both national and local data asked if it would be worth suggesting that instead of the different ways of measuring rough sleeping, it might be better to have one method that was agreed. The Chair mentioned the monthly figure given out from St Mungo's would surely be a better way of counting homeless numbers.
- 62.12 RESOLVED:** That the Committee agreed to note the report and did not consider any further actions were required in response to the issues raised.

### **63 INTERNAL AUDIT AND COUNTER FRAUD PROGRESS REPORT Q3 2018/19**

- 63.1 The Audit Manager introduced the report.
- 63.2 Councillor Sykes queried the complexities of homecare payments and how confusion on this could impact on the recipients, as stated on page 107. The Audit Manager replied that the reason behind this was to get the processes working efficiently for homecare and secondly to ensure costs be passed on to the customers in a transparent and timely way. He acknowledged that getting bills out to elderly clients accurately and on time was important and said that some suppliers had to be paid in advance due to IT problems.
- 63.3 Councillor Sykes asked about the plan to look at asset disposals of agricultural buildings. The Audit Manager replied that audits which included the agricultural element were carried out regularly on the council's property portfolio. He added that this included disposals and that he was happy to check this again and report back on this.
- 63.4 Councillor Gilbey queried the hours stated for carers or third party care providers, as mentioned on page 105 and asked how this was monitored and whether there was a rota system. She also asked whether it was checked whether workers were on zero hours contracts and paid the Living Wage. The Audit Manager replied that recent changes had meant that they did not record home visits using the same process as before and that he would have to check the current methods used and report back. The Executive Director, Finance & Resources replied that since there were a number of different processes used, he was happy to check these and report back to the Committee on these findings.

63.5 Dr Horne asked for clarification on the importance of recommendations, since it was not currently clear whether recommendations were flagged up as high or low priority within the current report. The Audit Manager replied that this was easy to do and would be addressed going forward.

63.6 **RESOLVED:** That the Committee noted the report.

#### **64 INTERNAL AUDIT STRATEGY AND ANNUAL AUDIT PLAN 2019/20**

64.1 The Audit Manager introduced the report, stating that he had consulted with many Strategic Directors, looked at other Authorities and reviewed past work from the previous three years work as part of the process. He confirmed that there were always emerging issues which were covered by a general contingency and one for emerging risks. He also highlighted the chart depicting the planned use of audit days for 2019/20.

64.2 Councillor Sykes asked about the Bar Chart on page 126 where the two areas of Adult Social Care and Children & Learning appeared to have fewer resources, and asked the Audit Manager what he would do if he had 30% extra audit resource? The Audit Manager replied that the levels on the Bar charts did may appear to appear to be lower than expected but he was aware of this. He stated that last year they had undertaken more work in these directorates and that secondly, for example, the Finance & Resources plan includes audits such as Care Payments. The Audit Manager also stated that with more resources, he would possibly choose to audit areas that were not currently being covered. He stated that this year unplanned audits were carried out on the Royal Pavilion and the Brighton Centre and historically these had occurred more regularly.

64.3 The Executive Director, Finance & Resources stated that a review of audit days was undertaken. He confirmed that this indicated that the number of audit days were quite close to the minimum and he could not see any way at present of reducing this.

64.4 Dr Horne asked about the erosion of the number of auditing days and when these would be carried out since, in his opinion there seemed to have been a loss of detail on how these days should be allocated for the period 2019 / 20. The Audit Manager replied that previously they had listed the detail of the audit days in order to be transparent and now they were trying to streamline the detail and use a bar chart on how these were delivered to each Directorate.

64.5 Dr Horne also asked about how these days would be aligned to the Strategic risk register, which he felt was important. The Audit Manager replied that there was a shrinkage in the coverage of corporate risks but as stated in the risk management report under the third line of defence these are mapped and would be presented at the financial year end. Russell Banks, Chief Internal Auditor stated that a number of different audits covered those Directorates, citing the example of the Budget Management audit which cut across all of those services.

64.6 **RESOLVED:** That the Committee approved the Internal Audit Strategy and Annual Audit Plan for 2019 / 20, subject to the identification of any areas for further

consultation, or the potential addition or deletion of reviews currently included in the plan.

## 65 EXTERNAL AUDIT PLAN 2018/19

- 65.1 Mr Darren Wells, Grant Thornton introduced this report, stating that it set out key aspects for their plan. He confirmed that the audit planning was a culmination of risk assessment work that they were undertaking.
- 65.2 Dr Horne asked whether Grant Thornton had been able to get a picture of risks and the wider Council environment from the internal audit team's work. Mr Wells confirmed that they currently looked at key audit reports from internal audit, and that this was standard for external auditors.
- 65.3 Councillor Sykes queried whether the materiality level stated on page 147 of the report was based on net or gross General Fund expenditure. Mr Wells replied that it was based on the gross expenditure.
- 65.4 Councillor Norman queried the significant pension fund risk highlighted in the second paragraph on page 151. Mr Wells replied that this was a standard risk for Councils, and that detailed work by a pension's expert would inform Grant Thornton whether this was a serious concern for Brighton & Hove.
- 65.6 **RESOLVED:** That the Committee:
1. Agreed to consider and notify the external auditor if there were any other matters which it considered may impact on the planned audit.
  2. Noted the External Audit Plan 2018/19.

## 66 STANDARDS UPDATE

- 66.1 Victoria Simpson, Senior Lawyer introduced the report as this Committee's regular standards update consisting of three parts. She asked the Committee to note the information provided about Standards complaints before proceeding to highlight the second part of the report, which dealt with the review of ethical standards in government carried out by the Committee on Standards in Public Life. A report had been generated by the Committee on Standards in Public Life following a consultation process to which a cross party working group of members of this Committee had contributed on behalf of the authority. It was proposed that a further informal group of members be convened to consider the recommendations of that very detailed report.
- 66.2 The Senior Lawyer also asked the Committee to note that a cross party Panel made up of members of this Committee had selected a preferred candidate for appointment as an Independent Person following a recruitment process. As Ms Diane Bushell's term as Independent Person was due to expire in the next two weeks, she asked the Committee to thank Ms Bushell for her work and commitment.

66.3 Dr Horne asked whether the recent consultation on updating the disqualification criteria for councillors had resulted in any changes in the rules which might affect candidates seeking to be elected in the forthcoming elections. He thus wondered if there were suitable arrangements in place to monitor this. The Senior Lawyer replied that she was aware of the consultation outcome, which had resulted in an indication that government was minded to introduce changes to the disqualification criteria. Doing so would involve changes to primary legislation which had not as yet been proposed: a situation was being and would continue to be monitored.

66.4 **RESOLVED:** That the Committee

1 Noted the information provided in the report on member complaints and on standards-related matters. The latter included the approaching end of the tenure of Diane Bushell, whose four year term as one of the Council's two Independent Persons was to expire on 25<sup>th</sup> March 2019. The Committee acknowledged her contribution with thanks.

2. Noted that the recruitment process described in the report had resulted in a recommendation being put to Full Council on 28<sup>th</sup> March 2019 that it approve the appointment of a new Independent Person to exercise the statutory functions of the role in addition to the ongoing incumbent, Dr David Horne.

3 Would invite an informally constituted cross-party working group of members to review the detailed recommendations of the Committee on Standards in Public Life, with a view to making such recommendations as it considers appropriate to a future meeting of this Committee.

## 67 REVIEW OF THE CODE OF CONDUCT FOR EMPLOYEES

67.1 The Committee considered the report of the Executive Lead Officer for Strategy, Governance & Law. The report was introduced by Victoria Simpson, Senior Lawyer and Liz Boswell, Lead Consultant, Reward & Policy. The Senior Lawyer asked the Committee to note that the overall aim was to update the rules regulating the conduct of council employees, which form a key part of the Council's Constitution. The Committee's earlier discussion about the demands on those officers involved in letting contracts on behalf of the authority highlighted the clear need to ensure that the rules which specify the expectations of officers who let council contracts are made as clear as possible.

67.2 Councillor Gilbey asked for clarification regarding the working time directive on the maximum working hours for staff, since she was concerned about the health and safety of staff working longer hours, she asked how the council monitored this. The Lead Consultant, Reward & Policy replied that working long hours was an important health and safety risk which could result in errors and accidents. She confirmed that it was made clear to staff that they should not take on more work than they could manage and that staff had to report to managers if they were taking on another job outside or within the council and a risk assessment would then be made as to whether they could take this on safely. She confirmed that this was a commitment made by staff when they started working for the council. The Executive Director, Finance & Resources replied that an audit had already been requested on this issue, for this

quarter and therefore a future report on this subject would soon be submitted to this Committee. Councillor Yates stated that, in addition to the issue of the maximum hours staff could work per week, there was also the issue of the length of rest periods for staff, under the working time directive and he asked whether all of these issues would be picked up within the proposed audit and the Executive Director, Finance & Resources replied that he would ensure that all of these issues were addressed.

67.3 The Chair enquired how employees would be informed of any of these changes and the Lead Consultant, Reward & Policy replied that every new member of staff would take part in induction training which would involve receiving information according to maintained checklist. Employees continue to be kept informed via a number of sources, including through their managers and via staff communications on The Wave.

67.4 **RESOLVED:** That the Committee recommended the Council’s revised Code of Conduct for Employees to full Council for approval.

**68 REVIEW OF PARTS OF THE CONSTITUTION**

68.1 The Committee considered the report of the Executive Lead Officer for Strategy, Governance & Law.

68.2 **RESOLVED:** That the Committee referred the draft revised documents in Appendix 1 ( the Code of Conduct for Members), Appendix 2 (the Practice note on Publicity and the Use of Council Resources) a Appendix 3 The Code of Conduct for Member/ Officer Relations to Full Council for approval.

**69 ITEMS REFERRED FOR COUNCIL**

69.1 There were two items referred to Full Council on 28<sup>th</sup> March 2019:

- Item 67 – Review of the Code of Conduct for Employees
- Item 68 - Review of parts of the Constitution.

**70 ITEMS FOR THE NEXT MEETING**

70.1 There were none. The Chair thanked everyone for supporting the Committee, since this would be the last Audit & Standards Committee before the election.

The meeting concluded at 6.08 PM

Signed

Chair

Dated this

day of