

Minutes of the meeting of the AUDIT,
GOVERNANCE AND STANDARDS
COMMITTEE held at 9.30am on Wednesday
29 January 2014 at the Civic Centre, Stone
Cross, Northallerton

Present

Councillor J N Smith (In the Chair)

Councillor Mrs C S Cookman
Mrs B S Fortune

Councillor R W Hudson
M Rigby

(Apologies for absence were received from Councillors D E Adamson and G W Dadd.)

AGS.27

MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 30 October 2013 (AGS.17 - AGS.26, previously circulated, be signed as a correct record.

AGS.28

REGULATION OF INVESTIGATORY POWERS ACT – REVIEW OF ACTIVITY AND REVIEW OF POLICY

All Wards

The subject of the decision:

The Director of Corporate Services presented a report advising the Committee that the Council, like many public authorities, was governed by the Regulation of Investigatory Powers Act 2000 (RIPA). This Act ensured that public authorities complied with their obligations under the Human Rights Act when undertaking investigations which might interfere with the rights of individuals. The Act introduced safeguards on activities such as surveillance undertaken by public bodies. The Committee had now been given responsibility for RIPA matters. This would involve the Committee reviewing the Council's Policy Statement and receiving quarterly reports on any activities which had been authorised under RIPA.

From 1 November 2012 the Council was only able to use RIPA for directed surveillance for potential criminal activity with a possible penalty of at least six months imprisonment. This meant that the Council could no longer use the procedure for low-level offences such as littering, dog control and fly-tipping. For serious offences the Council needed approval from a magistrate before it could use directed surveillance.

The Council's current policy Statement on the use of powers under RIPA was reviewed and no changes were recommended.

The Committee noted that in October 2013 the Office of the Surveillance Commissioner carried out its three-yearly inspection. The report was generally positive, but suggested minor amendments to the Central Register of Authorisations; a programme of training, including external trainers; minor issues in respect of Covert Human Intelligence Sources and minor changes to the Council's procedure documents, which would all be implemented by Officers.

Alternative options considered:

None

The reason for the decision:

To comply with the Regulation of Investigatory Powers Act 2000 (RIPA)

THE DECISION:

That:

- (1) the current Policy on the Regulation of Investigatory Powers Act be approved without amendment;
- (2) it be noted that no RIPA authorisations were made by the Council during the period 1 October – 31 December 2013; and
- (3) the action in respect of the inspection by the Office of the Surveillance Commissioner be approved.

AGS.29

CORPORATE CUSTOMER FEEDBACK POLICY AND PROCEDURE

All Wards

The subject of the decision:

The Director of Corporate Services presented a report regarding the Committees responsibility for overseeing the Council's Customer Feedback and Complaints Procedure. The Committee was asked to approve a time restriction on considering complaints against the Council and restricting complaints to those who either resided in the District or had been directly affected by a Council service or the failure to provide a service.

The Policy and Procedure included those categories of matter which were excluded from its scope but did not include any restriction on the length of time within which a complaint could be made. As the Ombudsman would only consider complaints that were made within one year it was recommended that a similar exclusion be included in the Council's Customer Feedback Procedure.

Almost all complaints were made by people resident in the District or visitors who had been affected by a service. However, there were some people outside the District who had raised issues with the Council when they were not directly affected and this could involve significant resources on the Council's part.

Alternative options considered:

None

The reason for the decision:

To bring the Procedure in line with the Ombudsman's ruling to only consider complaints made within one year and to make the best use of Council resources.

THE DECISION:

That the Council's Customer Feedback Procedure:

- (1) includes a provision that excludes complaints which are not brought within one year of the subject matter of the complaint arising;
- (2) includes a provision which restricts complaints to those who are residents of the district or have been directly affected by a Council service or the failure to provide a service.

AGS.30

CODE OR MEMBER CONDUCT – ASSESSMENT CRITERIA FOR ALLEGATIONS

All Wards

The subject of the decision:

The Director of Corporate Services presented a report regarding the Council's Code of Member Conduct which the Committee was responsible for, together with all procedures under the Standards regime. The Council's procedures provided for initial allegations to be assessed by the Monitoring Officer who decided whether they should be forwarded for consideration by the Standards Hearings Panel. The Council had established criteria for the assessment of allegations and the Committee was asked to consider amending the assessment criteria.

The assessment criteria for allegations was used by the Monitoring Officer, in conjunction with the Independent Person, to determine whether an allegation should be forwarded to the Standards Hearings Panel for investigation. The criteria aim was to ensure that only appropriate cases went forward for investigation; those cases which were not worthy of being investigated, such as those of a vexatious nature, would be filtered out at this stage.

There were other situations where it might be appropriate for allegations not to be forwarded for investigation; where the allegation did not, on its face, come within the matters covered by the Code of Conduct or where the information provided did not provide at least an arguable case that there had been a breach of the Code. It was therefore recommended that these criteria be added to the list. In addition, it was thought that under current criterion number 8, three years might be too long a period in which an allegation could be lodged, as the Ombudsman would normally only consider allegations raised within one year of an incident occurring. It was therefore recommended that the period be reduced from three years to one year.

Members also considered that item 6 within the criteria "If the subject of the allegation happened so long ago that important information may not now be available it may be considered inappropriate to take further action on the allegation" should be deleted.

Alternative options considered:

None

The reason for the decision:

To ensure that only appropriate cases be forwarded for investigation.

THE DECISION:

That amendments contained within the report be adopted subject to the deletion of item 6 from the criteria.

AGS.31

STATUTORY AUDITOR – ANNUAL AUDIT LETTER 2012/13

All Wards

The subject of the decision:

The Director of Resources presented a report on the Statutory Auditor's Annual Audit Letter summarising the conclusions and significant issues, arising from the Auditor's audit and inspection work for the financial year 2012/13.

Alternative options considered:

None.

The reason for the decision:

To take account of the Statutory Auditor's Annual Audit and Inspection Letter for 2012/13.

THE DECISION:

That the Statutory Auditor's Annual Audit Letter for 2012/13 be received.

AGS.32

INTERNAL AUDIT PROGRESS REPORT 2013/14

All Wards

The subject of the decision:

The Director of Resources presented a report informing Members of progress made to date in delivering the Internal Audit Plan for 2013/14.

In the period between April and December, inclusive, 5 out of 18 internal audit reviews had been completed to final report stage. A further 3 audits were at draft report stage and 7 other audits were in progress. This represented 28% of the plan delivered to final report stage and 44% including draft reports. Based on that work, Veritau's initial opinion was that a Substantial Assurance could be given.

Alternative options considered:

None.

The reason for the decision:

To take account of the work of Internal Audit to date.

THE DECISION:

That the work undertaken by Internal Audit in the year to date be noted.

AGS.33

STATUTORY AUDITOR – QUARTERLY UPDATE

All Wards

The subject of the decision:

The Director of Resources provided an opportunity for the Council's statutory auditor, Deloitte, to give an update to the Committee on its activities to date.

Representatives from Deloitte attended the meeting to provide the update and answer questions.

Alternative options considered:

None.

The reason for the decision:

To respond to a request from the Committee.

THE DECISION:

That the comments of the auditor on his quarterly update be noted.

The meeting closed at 10.00am

Chairman of the Committee