



Minutes

Special Meeting of the Audit and Governance Committee

Venue:	Meeting Room 2
Date:	16 July 2015, 5pm
Present:	Councillors M Jordan (Chair), I Reynolds (Vice Chair), K Arthur, J Cattanach, Mrs J Chilvers, J Thurlow and P Welsh.
Apologies for Absence:	Councillor D Buckle (<i>substitute: Councillor J Cattanach</i>).
Officers Present:	Gillian Marshall, Solicitor to the Council; Rose Norris, Executive Director (left during item 6); and Daniel Maguire, Democratic Services Officer.
Public:	0
Press:	0

12. Declarations of Interest

There were no declarations of interest, but Councillor Jordan asked that his position as Chair of the Southern Community Engagement Forum (CEF) be noted in relation to agenda item 6. He remained in the meeting during consideration of the item.

13. Minutes

Councillor Arthur noted that he had arrived at the meeting prior to the commencement of consideration of item 5. In response to a question from Councillor Jordan it was confirmed that the Executive Director (s151) would be attending the September meeting of the committee and

will provide a response to the committee's question relating to council house repairs.

RESOLVED:

To receive and approve the minutes of the Audit and Governance Committee held on 17 June 2015, which were then signed by the Chair.

14. Chair's Address to the Audit and Governance Committee

The Chair welcomed those present and offered congratulations from the Committee to all staff involved with the Selby Leisure Centre being awarded the 'Best Public Service Building' award at the LABC North and East Yorkshire Building Excellence Awards.

15. Audit and Governance Committee Work Programme 2015/16

The Committee considered the current work programme and the Chair asked for comments and suggestions about future work.

Councillor Arthur asked if Treasury Management reports could be brought to the Audit and Governance Committee.

Councillor Jordan suggested that the Committee may wish to investigate issues concerning debt recovery and debt write-off. The Committee suggested that this could also provide an opportunity to consider the potential impact of changes to the payment of Housing Benefit which will mean payments being made to claimants rather than direct to landlords.

Councillor Jordan also suggested that the Committee may wish to consider the management of Council assets such as industrial units and other property, and also the levels and sources of outside income.

RESOLVED:

- (i) To ask the Executive Director (s151) to circulate the Treasury Management report to Committee members, which will allow members to decide if subsequent reports should be considered by the Committee;**
- (ii) To include debt management as an item on the work programme, and to ask Officers to prepare a report to include information about debt levels and debt write-off;**
- (iii) To include management of Council assets on the work programme and;**
- (iv) To include a review of outside income on the work programme.**

16. A/15/6 – Amendments to the Constitution

The Solicitor to the Council presented the report. She explained that the Committee had previously considered a number of constitutional amendments at the meeting on 17 June 2015 and had asked that two particular items be deferred to allow for further consideration. The two items were: proposed changes to Community Engagement Forum (CEF) procedures (which had been developed by Officers in response to the need to secure governance arrangements for CEFs), and a review of the Planning Code of Conduct (which the Committee had been asked to consider by the Executive).

The Executive Director provided some background information about CEFs, explaining that the first pilot CEF had been established in 2008 for Tadcaster and surrounding villages and that the CEF model had been formally adopted in 2009. They are not independent bodies, remain a key part of the Council and are governed by the Constitution. There are currently five CEFs and each has a budget allocated by Council of £20k. Consequently there is a requirement to ensure accountability, transparency and secure governance arrangements. Officers had been looking at tightening the existing governance arrangements to strengthen the CEFs. There is a need to balance the ability of all CEF members to participate equally, while at the same time recognising that decision-making needs to take place within local government legislation. There is no legislative provision for boards with non-councillor members to make decisions on behalf of the Council. Consequently CEFs are able to make recommendations which are then approved by Officers using their delegated powers.

The Solicitor to the Council advised that CEF budgets are part of the Council's overall budget and consequently are covered by transparency guidelines which require that any grant over £500 need to be published. Furthermore there is a need to ensure that CEFs are interpreting the constitutional requirements in a consistent manner. If the amendments to the constitution are approved, officers will draft a consistent funding application rules and procedures guide for CEFs to ensure consistency.

The Committee were guided through the specific amendments provided in Appendices A and B, noting in particular:

- membership of CEFs will remain the District Councillors, statutory partners and co-opted members; and
- the rules relating to the appointment of co-opted members will be revised to provide for a maximum of eight. Currently the requirement is for eight "or another number agreed by the CEF Partnership Board".

The Committee asked questions and raised a number of points. In response to a question relating to the continued inclusion of representatives from North Yorkshire Police and North Yorkshire Fire

and Rescue, it was confirmed that these partners find it increasingly difficult to attend decision making meetings but would continue to support community-based events. The Solicitor to the Council advised that the Committee could recommend removing these partner organisations from the list of CEF members.

The Committee raised further points relating to the proportionality of CEF budgets, recognition that there exists the ability/desire of Town and Parish Councils to raise funds for projects through precepts, and the need for Officer involvement at initial CEF meetings.

The Solicitor to the Council then took the Committee through Appendices C and D, highlighting that each CEF will be required to meet a minimum of four times each year and that all meetings (including meetings of the Partnership Boards) are public meetings. Agendas, reports and minutes will be published on the Selby District Council website. Attention was drawn to section 1.3 of the Procedure Rules which sets out that a co-opted member who does not attend three successive meetings of the Partnership Board will be deemed to have resigned and can be replaced.

It was explained that Appendix D is a Code of Conduct for members of the CEF, but that District Councillors should adhere to the Selby District Council Code of Conduct. Appendix D applies to CEF members who are not District Councillors.

The Committee raised concerns about the administration of CEFs, particularly that CEF meetings sometimes clash with Council meetings and that agendas are not always sent out in a timely manner.

The Committee asked about variations between different CEFs in relation to the maximum level of grant awarded. The Solicitor to the Council advised that Officers would consider how to address this in the guidance that will be produced for CEFs if the proposed amendments are approved.

RESOLVED:

To recommend to Council that the amendments to the Constitution relating to Community Engagement Forums, as outlined in report A/15/6, are approved subject to the following:

- (i) To require Officer participation at the first meeting of each Community Engagement Forum Partnership Board following any changes to the Constitution and procedures;**
- (ii) To remove North Yorkshire Police and North Yorkshire Fire and Rescue from the list of Statutory Partners under rule 1.2 of the Community Engagement Forum Procedure Rules (Appendix C of the report);**
- (iii) The Executive be asked to consider, as part of the future budget setting process, the implications of revising the**

- funding structure to reflect the size of the electorate in each CEF area;**
- (iv) To note the proposed improvements to the administration of Community Engagement Forums, in particular that the distribution of agenda and reports to Councillors will be brought into line with existing arrangements and timescales for other Council meetings and committees; and**
 - (v) To delete paragraph 4 of section 3 in the Code of Conduct for Members of the Community Engagement Forums, which starts “If the views of individuals on the CEF...”**

The Executive Director left the meeting at this point. The Committee thanked her for her attendance and presentation.

The Solicitor to the Council continued to present her report and moved on to the Planning Code of Practice. She advised that the current Planning Code of Conduct was adopted at the time of the last significant updating of the Constitution (which was necessary in anticipation of the reduction in the size of the Council), and that it had been considered at a special meeting of the (then) Audit Committee before being approved by Council. The current Code of Practice is based on the latest national guidance from 2013. At its meeting on 4 June 2015, the Executive asked the Audit and Governance Committee to consider whether there should be amendments to section 11 of the Code of Practice (Site Visits by the Committee).

Report A/15/6 provided the Committee with the current Code of Practice, a summary of research undertaken by an Independent Advisory Group in Wales (2012) and a summary of site visit protocols from neighbouring local authorities.

The Committee were advised that options ranging from no public attendance to a full debate and decision on site were legal and possible, but that there is a need to consider the impact of debate and/or decisions being taken on site, these being: reduced officer availability, practicalities relating to accurate minute taking, and central government targets regarding the need to speed up the planning process. Attention was also drawn to the existing channels through which the views of ward members, parish councils, applicants and the public can be expressed.

Councillors discussed the report and raised concerns about the need for planning decisions, and discussions, to take place in the Planning Committee meeting room. It was felt that there are too many potential distractions ‘on site’ to enable considered contributions to a discussion. Councillors also noted that technological advancements, in particular video recording and satellite imaging, could reduce the need for site visits. Concerns were raised by the Committee that, on occasions, requests for site visits are not being made sufficiently in advance of Planning Committee meetings, and that this can delay the decision.

RESOLVED:

To recommend to Council that the Planning Code of Conduct be amended as follows:

- (i) Site visits should be requested in advance of the Planning Committee meeting and Councillors should liaise with officers at the earliest opportunity to consider the need for a site visit;
- (ii) Wherever possible modern technology, such as the use of video recording and satellite imaging, should be made available to the Planning Committee to reduce the need for site visits;
- (iii) The purpose of a site visit is to gather factual information relating to the planning application;
- (iv) As a consequence of (iii) the attendance at a site visit shall be the Planning Committee, the relevant officer(s) and (where relevant) statutory consultees only;
- (v) The Chair shall set out the rules relating to the site visit at the start of the visit;
- (vi) There shall be no debate or statements during a site visit.

The meeting closed at 6.48pm