

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE AUDIT COMMITTEE - 12 SEPTEMBER 2022

SUBMITTED TO THE COUNCIL MEETING – 18 OCTOBER 2022

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr Peter Marriott (Chairman) Cllr Julian Spence
Cllr Jerome Davidson (Vice Chairman) Cllr George Wilson
Cllr Richard Seaborne

Apologies

Cllr Sally Dickson, Cllr Jan Floyd-Douglass and Cllr John Gray

Also Present

AUD 15/21 MINUTES (Agenda item 1.)

The Minutes of the Meeting held on 13 June 2022 were agreed as a correct record.

AUD 16/21 APOLOGIES FOR ABSENCE (Agenda item 2.)

Apologies were received from councillors Jan Floyd-Douglass, John Gray and Sally Dickson.

AUD 17/21 DISCLOSURE OF INTERESTS (Agenda item 3.)

There were no disclosure of interests submitted for this meeting.

AUD 18/21 QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda item 4.)

There were none.

AUD 19/21 QUESTIONS FROM MEMBERS (Agenda item 5.)

There were none.

AUD 20/21 REVIEW AUDIT COMMITTEE'S TERM OF REFERENCE (Agenda item 6.)

The Committee noted the current terms of reference and made recommendations as to changes that were required.

Changes recommended:

- Added Version Control table
- 8.1 -
 - Joint Planning Committee removed

- Area Planning Committees changed to 'Eastern and Western'
- Licensing & Regulatory, added 'and Sub Committees'
- 8.3 b (iii) – spelling mistake rectified
- 8.3 c (iii) – removed 'client'
- 8.3 c (v) – changed 'recommendations' to 'actions'
- 8.4 a (i) – added 'up to' eight Councillors
- 8.4 a (ii) – added 'to co-opt external members as required to deliberate specific items'
- 8.4 a (iii) – ii now iii

8.3 a (ii) – Cllr Seaborne asked if there was a list of the regulations and legislation we need to comply with? He was advised that they were regularly changing and difficult to list. Specific questions on the Annual Governance Statement and the letter of representation indicates if we are complying.

Action:

a) revised ToR with tracked changes would be circulated for comment.

AUD 21/21 AUDIT COMMITTEE ANNUAL REPORT (Agenda item 7.)

The Committee were asked to note the annual report circulated with the agenda and make comment on errors or omissions.

Comments:

- 2nd para should state we met twice in November.
- Membership should also include Cllr Sally Dickson who replaced Cllr Wicks in November 2021. It should also state there was a vacancy throughout the municipal year.
- 1.3 - Need to include narrative on response to action. E.g. response provided by Head of Planning.
- Cllr Hyman, who had registered to speak on this item, advised he was still not convinced that a correct response had been received and that he was attending a meeting this Wednesday with Head of Planning and Portfolio for Planning to discuss Habitats regulations and appropriate assessments. He also advised we had still not received the updated bird numbers from Natural England.
- It was noted that in March 2022 the Committee received an informal briefing on the Strategic Risk Register. A number of actions had come out of this briefing and the committee asked for an update on those actions to be provided.

Actions: A special meeting would be arranged to bring back an update on the actions relating to the Strategic Risk Register.

AUD 22/21 ANNUAL GOVERNANCE STATEMENT TO APPROVE (Agenda item 8.)

Patrick Tuite attended for this item. A copy of the draft Audit Governance Statement had been circulated with the agenda for comment.

He thanked the committee members for the comments already submitted and advised that this year had been quieter than previous ones.

The Committee were advised that the leader was happy with the document and the Joint Chief Executive had just asked for the paragraph on the s151 officer be removed.

Comments:

- 5.4 – the list of items we are required to look at does not include reporting.
- Does the legislation allow the s151 officer to cover two authorities? What if there were conflicts between the two authorities?

Graeme Clark confirmed there was nothing to prevent them working for two authorities. The committee were advised that the CIPFA guide sets out the principles for the s151 officer as stipulated in the Local Government Act 1972. They were also assured the Inter Authority Agreement adequately addresses any conflict of interests and how they will be handled. After a discussion, the Committee were satisfied that adequate governance arrangements are in place for the Inter Authority Agreement and therefore a specific role for the Audit Committee is not necessary.

Cllr Hyman, who had registered to speak on this item, asked how we could be confident that the law and legislation was being followed? He felt that the principles set out in the document was not of use as:

Principle 1 - There was no openness,

Principle 3 – There was no vision

Principle 5 – there was no compliance.

The Chairman asked if external legal support could be used to address issues when members were not happy with the advice they were being given by officers. He was advised to speak to Robin Taylor as Monitoring Officer.

Action:

- a) a copy of the CIPFA compliance document would be circulated to members.**
- b) The draft Annual Governance Statement was ENDORSED subject to the minor changes and comments made.**

AUD 23/21 ANNUAL GOVERNANCE STATEMENT - CONSIDERATION OF POTENTIAL GOVERNANCE ISSUES. (Agenda item 9.)

Cllr Hyman, who had registered to speak on this item raised a number of items he felt the Committee should address around:

- Air Quality (AQ) – He stated there was no AQ action plan and had not been one for some time. There was no scrutiny of AQ and the newly formed AQ Board was Executive only.
- He raised concern at the delay in the Local Planning Enforcement Plan and felt this should be questioned by the Committee.
- He felt there was no scrutiny around working from home productivity.
- He felt there was no 'Duty of Candour'.

AUD 24/21 REVIEW OF PROGRESS IN THE IMPLEMENTATION OF INTERNAL AUDIT ACTIONS (Agenda item 10.)

Gail Beaton outlined the report set out in the agenda. She advised that the actions set out in annexe 1 were outstanding but most were scheduled to be completed by end September 2022.

Annexe 2 set out the actions which were unlikely to be completed by their target date and the Head of Service had requested extensions.

Sally Busby attended for this item and outlined the reasons for the requests for extensions for Planning.

IA20/08.001 – The Local Planning Enforcement Plan (LPEP) was currently in draft form but needed further work before it was ready to be presented for scrutiny and then to the Executive. It was scheduled to go to the Services O&S in November and to Executive in January 2023. It was also connected to Local Plan Part 2 (LPP2) and would link into its scheduled publication in March 2023.

The Committee asked what would happen if the inspector refused LPP2 and if this would further delay the LPEP as it was already a year overdue? Sally advised she did not envisage the LPEP being delayed any further even if LPP2 was.

Members were advised that if they had concerns about the governance for LPEP they could make representation to the Executive.

Decisions

- IA20/08.001 & 08.002 – Committee requests that the LPEP be implemented ASAP and the Head of Planning to ensure it was ready for the Services O&S in November.
- IA22/08.002.1 – Agreed extension to October 2022
- IA22/08.003.1 – Agreed extension to January 2023
- IA22/10.003.1 and 2 – Agreed extension to September 2022

AUD 25/21 REVIEW OF THE PROGRESS IN ACHIEVING THE AUDIT PLAN (Agenda item 11.)

Gail Beaton outlined the report set out in the agenda papers. She explained we were currently at the end of Q2 and 30% of actions were progressing and 60% were still to start. Additional reviews have been added since the Committee last saw the plan.

The Committee asked for an explanation of the process for completion of actions especially those actions started in Q4. Gail explained this was a rolling programme so not all actions are completed by the end of the municipal year, although the majority are, and these would then be reported as and when completed.

Action: The Review of the progress in achieving the Audit plan was NOTED.

AUD 26/21 AUDIT COMMITTEE RECURRENT ANNUAL WORK PROGRAMME (Agenda item 12.)

The Committee **NOTED** the Audit Committee Recurrent Annual Work Programme. The committee were advised that the proposed October Meeting to note the Statement of Accounts and External Audit Findings Report would no longer take place and these items would be considered at the scheduled November meeting.

AUD 27/21 EXCLUSION OF PRESS AND PUBLIC (Agenda item 13.)

This meeting would be the last one attended by Graeme Clark as he was leaving Waverley at the end of September. The Chairman thanked Graeme for his help and advise to the Committee and wished him well for the future.

There were no items to discuss in exempt session so the Chairman closed the meeting.

The meeting commenced at Time Not Specified and concluded at Time Not Specified

Chairman