

Minutes of a meeting of the Governance and Audit Committee held on Tuesday, 28 June 2016 at 11.00 am in Committee Room 1 - City Hall, Bradford

Commenced 1100
Concluded 1300

Present – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
M Pollard	Johnson Thornton Swallow	J Sunderland

COUNCILLOR JOHNSON IN THE CHAIR

1. DISCLOSURES OF INTEREST

- (1) In the interest of transparency Councillor Johnson and Sunderland disclosed an interest in Minute 5 as the report mentioned developing new and affordable models of care and they were both carers and received care services.
- (2) In the interest of transparency all those who were Members or beneficiaries of the West Yorkshire Pension Fund disclosed an interest.

Action: City Solicitor

2. MINUTES

Resolved-

That the minutes of the meeting held on 26 February, 18 March and 15 April 2016 be signed as a correct record (previously circulated).

3. PROPOSED AMENDMENTS TO THE CONSTITUTION

The Council at its meeting on 21 October 2014 resolved additional training sessions on child sexual exploitation (CSE) for elected members be provided.

The City Solicitor submitted **Document “A”** which recommended an amendment to the Members’ Code of Conduct to require such training to be compulsory.



The City Solicitor reported that;

- the proposal was that all Elected Members and voting co-opted Members of the Council be required to complete a mandatory training course on CSE.
- It was proposed that the Members' Code of Conduct which forms part of the Council's Constitution stipulates that CSE training for Elected Members and voting co-opted Members was compulsory; to do so would act as a timely reminder for existing councillors to undertake such training if they had not already done so and would of course ensure that all newly elected members also undertook the training.
- Elected Members would be required to repeat the training every three years, or earlier if the content of the training was significantly amended, for example as a result of changes to statutory guidance.
- By inserting a requirement in the Code would also ensure voting co-opted Members of the Council also undertook such training.

Members made the following comments:

- It was crucial that take up of CSE training was monitored.
- The proposal that newly elected Members complete their training within 3 months was not appropriate as it did not give sufficient time for IT to be set up for new Members and should be amended to the training being completed within six months of being elected.
- Why was it proposed in the report that elected Members were required to repeat the training every 3 years? it would be more appropriate if it was amended to "Elected Members would be required to repeat the training following their re-election".

The City Solicitor confirmed that the report would be amended to reflect the suggestions made by Members.

Resolved-

- (1) That the proposed amendment to the Members' Code of Conduct, which forms part of the Constitution, be recommended to Council for adoption and implementation subject to paragraph 21A of Document "A" being amended to the training being completed within 6 months of being elected or re-elected rather than 3 months.**
- (2) That the City Solicitor reports any recommendations to Council and ensures any agreed amendments are implemented.**
- (3) That the City Solicitor be granted delegated authority to make consequential amendments to the Constitution as a result of any recommendations approved by full Council.**

Action: City Solicitor



4. **REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) - POLICY, USE AND ENFORCEMENT ACTIVITY - ANNUAL REVIEW**

Previous Reference: Minute 79 (2014/2015)

The City Solicitor submitted **Document “B”** which provided information relating to:-

- The legal framework and how the Council’s officers may deploy covert surveillance techniques authorised and approved under RIPA to investigate serious crime and the implications of using social media in criminal investigations (Appendix I to Document “B”).
- The OSC (Office of Surveillance Commissioners) inspections July 2013 and October 2016.
- The Council’s use and outcomes of authorised and approved covert surveillance operations (where necessary and proportionate) for the last 3 years and overt enforcement activity.
- The role of the Council’s Senior Responsible Officer (SRO), the Council RIPA Coordinator and Monitoring Officer and the annual review and internal audit May 2016
- The Council’s continued compliance with RIPA, use of close circuit television (CCTV), body cameras and covert internet Investigations.
- The 2016/17 annual training programme for officers.
- Contribution to the Council’s priorities.

Members commented on a number of issues which included:

- The Council should be able to undertake covert surveillance without so much red tape; the balance was too much in favour of perpetrators.
- Needed to evaluate the risk to the authority if it did not use RIPA in certain instances.
- Inappropriate use of Social media needed looking at such as random links about teacher stabbing and the use of Social media to attack Members and Council Officers; how were such issues fed in?
- Did investigations into Social Housing Fraud come under RIPA?

In response to Members questions it was reported that:

- Investigations into Social Housing Fraud were undertaken by Housing Landlords such as InCommunities in conjunction with the Council’s Corporate Fraud Unit.
- Only where covert surveillance was considered to be necessary and proportionate could the authorisation be granted and approved by the Councils authorised officers and the Court respectively.
- Any covert surveillance was undertaken working alongside the Police.
- Consideration had been given by the Council’s Senior Responsible Officer



and RIPA coordinator and Monitoring officer as to whether or not covert surveillance outside the authorisation and approval mechanism of RIPA be approved by the Council's policy but such a course of action was refused by this Committee in 2015.

- The Annual training for authorising officers and investigators had been arranged for September 2016.
- Issues highlighted relating to Social media were not covert surveillance and did not come under RIPA.
- All Council staff needed to be aware that covert investigation on public social media websites and the creation of covert relationships with members of the public in their investigations would require approval under RIPA; appendix 3 was a guidance document for use of internet investigations by local authority investigations.
- Covert surveillance could not be undertaken without the use of RIPA; using covert surveillance without using RIPA would leave the authority open to challenge.
- Since November 2012 directed surveillance authorised by RIPA must relate to "serious offence" by definition i.e. carry a penalty of at least six months in prison; less serious crime could not be authorised under RIPA.
- The Council's enforcement teams were very much more often than not able to gather sufficient evidence of the criminal offences which connect with the Council's investigatory powers by overt means.
- Offences committed under the Environmental Protection Act 1990 such as fly tipping carried a penalty of at least 6 months in prison; CCTV made it overt which meant it did not come under RIPA.

Resolved-

- (1) That the duties placed on the Council under the Human Rights Act 1998 were considered in the context of this report.**
- (2) That the Council's continued compliance with RIPA and the completion of OSC (Office of Surveillance Commissioners) recommended training following the inspection in July 2013 be noted.**
- (3) That the OSC inspection scheduled for the 13th October 2016 be noted and a report relating to the outcome of the inspection be presented to the Committee in April 2017.**
- (4) That the 2016 programme of training of Officers (in order to continue to raise awareness) and enforcement officers under RIPA be noted.**
- (5) That the guidance at Appendix 3 attached to Document "B" (regarding Internet investigations and the communication to all Assistant Directors and Enforcement team Managers in order to raise awareness of the risks of such investigations) be approved as Council Policy.**

Action: City Solicitor



5. ANNUAL GOVERNANCE STATEMENT 2015-16

The Director of Finance submitted **Document “C”** which set out the requirement to conduct the annual review of the effectiveness of the Council’s governance framework and system of internal control. It reported the conclusions of that review and produces the Annual Governance Statement for 2015-16 to accompany the Council’s Statement of Accounts.

It was reported that in order to meet the statutory requirements set out in the Accounts and Audit Regulations 2015 the Council must prepare an annual governance statement which must be approved either by a committee or by members of the authority meeting as a whole. In Bradford the Annual Governance Statement is approved by the Governance and Audit Committee in accordance with the guidance contained in the CIPFA/Solace framework ‘Delivering Good Governance in Local Government’.

The Annual Governance Statement included an annual review of the Council’s internal control environment.

Members commented on a number of issues which included;

- How did the Committee satisfy itself that the control environment and associated anti-fraud and anti-corruption arrangements were effective?
- The progress made in improving educational attainment was disappointing.
- Raising standards in education would still be the responsibility of the Local Authority even when they became academies; the Council had responsibility for all children wherever they were educated; the Committee’s role was to ensure that governance arrangements for improving educational attainment were effective; the effectiveness of the various partnerships in raising standards was the responsibility of the Children’s Services Overview and Scrutiny Committee.
- What was the risk to the authority of Scrutiny Committee’s not being chaired by the opposition?

In response to Members questions it was reported that:

- The overall adequacy and effectiveness of the Council’s internal control environment was reviewed on a continual basis by Internal Audit. Monitoring reports throughout the year examined the controls in operation and working effectively in any year; operational internal control issues were addressed through a series of recommendations agreed by senior management and subsequently implemented; External Audit undertook a programme of work during the year covering areas such as value for money and internal control; details were contained within the Audit Strategy Memorandum, regular progress reports and the publication of the Audit Completion Report; The results of this work had been taken into account when determining the measure of risk to the Council.
- Action plans for improvement were devised and implemented in response



to External Audit recommendations.

- The Council adopted a process of risk management and departmental and corporate risk registers were maintained and reviewed on a regular basis.
- Annual reports from the Corporate Fraud Unit were also considered by the Committee.
- Who chaired a Scrutiny Committee was up to each authority to determine its own arrangements.

Resolved-

That the Leader of the Council and the Chief Executive be authorised to sign the Annual Governance Statement 2015-16 (Appendix 1 to Document “C”), on behalf of the Council, to accompany the Statement of Accounts 2015-16.

Action: Finance Director

6. EXTERNAL AUDIT PROGRESS REPORT FOR THE 2015-16 AUDITS OF CBMDC AND WYPF

The External Auditor submitted **Document “D”** which reported on the progress with the 2015/16 audits and highlighted key emerging national issues which may be of interest to the Committee.

Resolved-

That the External Audit progress report was considered.

7. MINUTES OF WEST YORKSHIRE PENSION FUND (WYPF) PENSION BOARD HELD ON 16 MARCH 2016

The Council’s Financial Regulations require the minutes of meetings of the WYPF be submitted to this Committee.

In accordance with the above the Director of West Yorkshire Pension Fund submitted **Document “E”** which reported on the minutes of the meeting of the WYPF Pension Board held on 16 March 2016

Resolved-

That the minutes of the WYPF Pension Board held on 16 March 2016 were considered.

8. MINUTES OF WEST YORKSHIRE PENSION FUND (WYPF) INVESTMENT



ADVISORY PANEL MEETING HELD ON 28 APRIL 2016

The Council's Financial Regulations require the minutes of meetings of the WYPF be submitted to this Committee.

In accordance with this requirement, the Director of West Yorkshire Pension Fund submitted **Not for Publication Document "F"** which reported on the minutes of the meeting of the WYPF Investment Advisory Panel held on 28 April 2016.

Resolved –

That the minutes of the West Yorkshire Pension Fund Investment Advisory Panel held on 28 April 2016 were considered.

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Governance and Audit Committee.

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

