

**BRIGHTON & HOVE CITY COUNCIL**

**AUDIT & STANDARDS COMMITTEE**

**4.00pm 17 SEPTEMBER 2019**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Littman (Chair) Appich (Group Spokesperson), Hamilton, Hugh-Jones, Nemeth, Peltzer Dunn, Robins and West

**Independent Members present:** Dr David Horne and Helen Aston

**PART ONE**

**18 PROCEDURAL BUSINESS**

**18a Declarations of substitutes**

18.1 There were none

**18b Declarations of interests**

18.2 There were none

**18c Exclusion of the press and public**

18.3 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.

18.4 **RESOLVED** - That the public are excluded from the meeting from items listed on Part 2 of the agenda.

**19 MINUTES**

19.1 **RESOLVED:** That the minutes of the previous meeting held on 23 July 2019 be approved and signed as the correct record.

**20 CHAIR'S COMMUNICATIONS**

20.1 The Chair communicated the information below regarding the number of service areas with zero staff sickness days.

<b>Directorate</b>	<b>Staff</b>	<b>Staff with no sickness</b>	<b>%</b>
Health & Adult Social Care	894	272	30%
Families Children & Learning	1,577	604	38%
Neighbourhoods Communities & Housing	742	243	33%
Economy Environment & Culture	1288	535	42%
Finance & Resources	698	251	36%
Chief Executive	3	3	100%
Strategy Governance & Law	237	100	42%
<b>Grand Total</b>	<b>5,439</b>	<b>2,008</b>	<b>37%</b>

**21 CALL OVER**

21.1 The following items were reserved for discussion:

- Item 24 – Strategic Risk Focus SR13, SR20, SR32 and SR33
- Item 25 – Internal Audit Progress Report Quarter 1
- Item 28 – Home to School Transport (Procurement)

21.2 The following items were not called and therefore have been approved with the recommendations therein and adopted:

- Item 26 – External Audit – Update Audit Findings Report 2018/19
- Item 27 – Approval of the Revised Audited Statement of Accounts
- Item 29 – Whistleblowing Policy
- Item 30 – Standards Update

**22 PUBLIC INVOLVEMENT**

22.1 There were none.

**23 MEMBER INVOLVEMENT**

**(C) LETTERS**

**(i) School Transport- Councillors Wares and Mears**

23.1 Councillors Mary Mears and Lee Wares spoke on the letter to the committee. It was considered that another authority should look at the situation as the Members felt there was a lack of information sharing with Councillors. It was noted that Brighton and Hove City Council (BHCC) had apologised but this was not enough. Any investigation should be independent. It has been reported that parents and carers have been horrified. The authors felt shut out of the process following the Policy, Resource & Growth Committee on 11 July 2019 when the Members were not allowed to ask further questions. Councillors Mary Mears and Lee Wares considered a cross party scrutiny panel would

be the preferred way forward. It has been calculated that 32,000 hours of teaching has been lost and this is not considered acceptable by the Members.

- 23.2 The Chair considered an external investigation would be preferable to a cross party scrutiny panel and no additional review is needed. The letter is noted, although the letter referred to was not the same as the agenda.
- 23.3 Councillor Garry Peltzer-Dunn stated his preference for an external audit, independent from the Council. The honesty of appendix 1 was noted.
- 23.4 Councillor Alan Robins expressed concerns regarding which letter was being discussed. The decision of the Children, Young People and Skills (CYPS) Committee was noted.
- 23.5 Councillor Les Hamilton felt that a report should have come before CYPS first. It was noted that all parents and carers would be contact within 24 hours of the CYPS committee on Monday 16 September 2019. The phone calls need to be acted on with information for way forward.
- 23.6 Councillor Pete West questioned the way the issues were being dealt with and noted that not all Councillors agreed. The councillor did not support an external audit.
- 23.7 Councillor Robert Nemeth felt more detailed information would have been more appropriate for the A&S Committee.
- 23.8 Councillor Garry Peltzer-Dunn was informed that item 28 on the agenda included more detail and was the response to the original letter.
- 23.9 **Resolved:** That the Committee note the Letter.

#### **24 STRATEGIC RISK FOCUS: SR13, SR20, SR32 AND SR33**

- 24.1 The committee received an introduction to the report from Jackie Algar which provided the Committee with details of any changes to the council's Strategic Risk Register (SRR) last reviewed by the Executive Leadership Team (ELT) on 14 August 2019.
- 24.2 Councillor Pete West was expressed concerns that the SR36 was rated as 5 (Almost Certain - likelihood) x 4 (Major) and not 5 x 5 (Catastrophic impact). The Chair expressed the same concerns.
- 24.3 Dave Kuenssberg felt more detail would be appreciated by the Members and Officers could do a 'deep dive'.
- 24.4 Councillor Alan Robins felt that under SR15 Children should be rated with an impact of 5 (Catastrophic) and no less.
- 24.5 The Committee were informed that regular audits are held. Training is critical to staff understanding and ability to implement safeguarding for adults and children.
- 24.6 Councillor Siriol Hugh-Jones was informed by Robert Persey that the fewer precautions were in place for adults than for children. Adult support is usually based care in the

home or in a Care home. It was noted that due diligence would be carried out for whoever was being transported and any neglect would be reviewed with the provider. It was also noted that vulnerable adults require services to the same level as children. The committee were informed that workshops are to be set up for Members regarding safeguarding.

- 24.7 The committee were informed that under SR20 the risks were challenging with a fast-moving situation in the NHS. The front-line operations are good. The financial repercussions are a challenge. The Health and Wellbeing Board will review the situation.
- 24.8 Dr Horne confirmed that the Winter Plan has been agreed and the risk management was better than perceived. It was noted that the key risks have been agreed to filter through NHS with the Clinical Commissioning Group (CCG). This is considered better collaboration for the future.
- 24.9 Robert Persey Director HASC informed the Members that SR33 'Not providing adequate housing and support for people with significant and complex needs' involved challenges when residential care units can institutionalise residents. It was noted that this challenge and was being worked on by BHCC to achieve understanding and resolution. It was also noted that meetings are being held at BHCC to give more holistic view.
- 24.10 Councillor Siriol Hugh-Jones was informed that a report regarding the assessment of older people's accommodation would be presented at the November 2019 meeting.
- 24.11 Councillor Garry Peltzer-Dunn was informed that the joint homeless and rough sleepers' strategy will continue to be developed to ensure the right services are ready to meet needs. An update is scheduled for January 2020.
- 24.12 The Committee were informed that with regard to SR32 the fatality of an employee at a school was being investigated. It was noted that the Health & Safety Executive recommendations following a visit to City Clean was an improvement notice was still awaited from H&SE to generate increased resource to develop and action plan and revised risk assessment process. The Members were also informed that the insurance liability was under review.
- 24.13 Councillor Carmen Appich was informed by Dave Kuenssberg that the wellbeing steering group was linked to the Wellbeing Board and covers different service areas all working together. With reference to Grenfell Tower, the Councillor Appich was informed by Mike Meik that the need for sprinklers in high rise blocks was seen as urgent. It was noted that resident groups have been active on this point and have requested new systems. New builds have new to standard sprinklers. The fitting of new systems to older buildings is very challenging. The issue of noise for manual staff is being reviewed and noted that this is not just a construction issue.
- 24.14 Councillor Siriol Hugh-Jones was informed that the replacement of fire doors was an issue. Doors across the city have been looked at. The industry standards have not been agreed since Grenfell, however replacing will need to take place.
- 24.15 Councillor Pete West was assured that although the dense workloads of staff the risk actions do not increase. Health and Safety is a priority across the city. With reference to

the school incident all the H&S practices have been reviewed. The Members were assured that the culture of safety was taken very seriously, and the risk was balanced against resource. It was noted that managers were not liable, the authority carried the legal risk. Individuals can be prosecuted if considered negligent. In the case of the school no case law is available at the present, the Council, the governors or both may be prosecuted.

24.16 Councillor Garry Peltzer-Dunn was informed by Mark Meik that fire doors installed in Council properties were compliant at time of fitting. It was noted that a risk review was carried out and the doors are deemed to have a low risk of failing. Liability is a legal minefield at this time, but the doors will be replaced, and the safety is at the core of replacing and installing sprinklers.

24.17 **Resolved:** That the Audit & Standards Committee:

- 1) Note in paragraphs 3.3 the changes to the council's SRR as agreed at ELT on 14 August 2019.
- 2) Note Appendix 1 for details of SR13, SR20, SR33 and SR32.
- 3) Note Appendix 2 'Information on the council's risk management process relative to Strategic Risks (SRs); 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 makes any recommendations it considers appropriate to the relevant Council body.

## 25 INTERNAL AUDIT PROGRESS REPORT – QUARTER 1 (1 APRIL TO 31 JUNE 2019)

25.1 **Resolved:** Members noted the report and considered any further action required in response to the issues raised.

## 26 EXTERNAL AUDIT - UPDATE AUDIT FINDINGS REPORT 2018/19

26.1 **Resolved:** The Audit & Standards Committee noted the findings set out in the updated Audit Findings Report 2018/19, asks questions of the auditor as necessary and raises any other matters relevant to the audit of the financial statements.

## 27 APPROVAL OF THE REVISED AUDITED STATEMENT OF ACCOUNTS 2018/19

27.1 **Resolved:** That the Audit & Standards Committee:

- 1) Note the updated findings of the auditor (Grant Thornton) in their updated Audit Findings Report (AFR).
- 2) Approve the revised, audited Statement of Accounts for 2018/19.
- 3) Approve the revised Letter of Representation.

**28 HOME TO SCHOOL TRANSPORT (PROCUREMENT ISSUE)**

- 28.1 The Committee considered a report that set out the results of the Internal Audit undertaken on decisions surrounding the recent home to school transport procurement following a request by the committee to do so.
- 28.2 Councillor Garry Peltzer-Dunn commended the officer report and the internal audit work is correct. It was considered that officers were right to ask questions and the duty of the A&S Committee to report back on any weaknesses in appendix A, and to ascertain if the way forward is workable.
- 28.3 Mark Dallen explained some parts of the report to the committee and reiterated that a formal business case was not required.
- 28.4 Councillor Siriol Hugh-Jones was informed that the CYPS Committee had dealt with the issues and no more was required from the A&S Committee.
- 28.5 Councillor Robert Nemeth was informed that no additional authority was required, and the report was found acceptable by the legal officers.
- 28.6 Councillor Pete West noted the report and believed it answered questions that had been raised. It was noted that the liability was with BHCC and this was not a new issue.
- 28.7 **Resolved:** Members noted the report and consider any further action required in response to the issues raised.

**29 WHISTLEBLOWING POLICY**

- 29.1 **Resolved:** That the Audit and Standards Committee:
- 1) note the information on the current arrangements for dealing with whistleblowing.
  - 2) That Members agree the changes proposed in paragraph 3.7 to enable Members to use the whistleblowing policy and those proposed in paragraph 3.8 to include allegations of discrimination related to protected characteristics within scope of the whistleblowing policy.
  - 3) That the Monitoring Officer is authorised to reissue the policy with the changes mentioned above.

**30 STANDARDS UPDATE**

- 30.1 **Resolved:** The Audit & Standards Committee note that the information provided in the report on Member complaints and on standards related matters.

**31 ITEMS REFERRED FOR COUNCIL**

- 31.1 No items were referred to Full Council.

**32 ITEMS FOR THE NEXT MEETING**

32.1 There were no items suggested for the next meeting.

The meeting concluded at 6.02pm

Signed

Chair

Dated this

day of