

Minutes of the Meeting of the AUDIT AND SCRUTINY COMMITTEE held at the Council Chamber, Epsom Town Hall on 16 November 2023

PRESENT -

Councillor Steve Bridger (Chair); Councillor Robert Leach (Vice-Chair); Councillors Chris Ames, Rachel King, James Lawrence, Phil Neale and Chris Watson

In Attendance: Councillor Steven McCormick

Absent: Councillor Jan Mason

Officers present: Andrew Bircher (Interim Director of Corporate Services), Piero Ionta (Head of Legal Services and Monitoring Officer), Sue Emmons (Chief Accountant) and Phoebe Batchelor (Democratic Services Officer)

67 QUESTION AND STATEMENTS FROM THE PUBLIC

A Member of the Public gave notice of a statement but did not attend the Committee Meeting.

68 DECLARATIONS OF INTEREST

No declarations of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting were made by Members.

69 MINUTES OF THE PREVIOUS MEETING

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on 28 September 2023 and authorised the Chair to sign them.

70 EXTERNAL AUDIT UPDATE

The Committee received a report presenting the management's responses to Grant Thornton's enquiries. In accordance with best practice, these items were presented to the Committee.

The following matters were considered:

- a) **Management Response.** A Member of the Committee raised that some matters have come to light within the Council that might not have been known to Officers when they compiled the responses in Appendix 1 and wished to draw Officers attention to questions 2-4 on page 34 to ensure

that the answers provided are accurate. The Chair responded to assure the Committee that he will be discussing it with Officers to ensure that everything is in order. The Monitoring Officer informed the Committee that the report looks backwards and relates to the 2022/23 financial year, so any assurances regarding litigation and legal matters would have been provided by the previous monitoring officer, who was in place until May 2023, and what they were aware of as of that date.

- b) **Scheme of Delegation.** A Member of the Committee asked when the Committee will get sight of the Scheme of Delegation Report. The Monitoring Officer responded to inform the Committee that the proposal at present is that a report will be coming to Full council on the 12th of December.
- c) **Statutory Services.** A Member of the Committee raised a query regarding page 39 question 2, where it talks about management not being aware of any factors affecting statutory services. The Member asked if there are changes coming to waste management which could have an impact on services and why there is no reference to that in the response provided. The Chief Accountant responded to inform the Committee that the Government Waste Strategy, which has been on the horizon for a number of years, might have an impact on the way the services are delivered, but it will not affect the overall statutory service being provided and that will continue unchanged. The Chief Accountant continued to explain that there might be operational changes, but the statutory duty will still be complied with, and the question raised is in reference to ceasing statutory duties rather than any changes in how they're being delivered. The Chair informed the Committee that they have spoken to the Waste Services Manager and who has set out that there are a lot of conflicting reports regarding the Government Waste Strategy, and they are still waiting on the final results before any further comment can be made. The Chair highlighted that any operational changes won't come into effect until next year.

Following consideration, the Committee resolved to;

(5 for, 1 abstaining and the Chair not voting)

- (1) Consider and approve the management responses to Grant Thornton's enquiries, as set out in Appendix 1.**

71 CODE OF CORPORATE GOVERNANCE - ANNUAL REVIEW

The Council's Code of Corporate Governance - 'the Code' - was updated and approved by the Committee in November 2022. The Code sets out the principles of good governance and the arrangements the Council has in place to ensure it conducts its business in accordance with them. As part of best practice, the Code is reviewed annually by officers. The Committee received the update Code

as Appendix 1 to the report. No major changes were made, purely minor administrative updates.

The following matters were considered:

- a) **Spelling Mistake.** A Member of the Committee highlighted a spelling mistake on page 58 where the sentence included 'offices' instead of 'officers'. The Interim Director of Corporate Services confirmed to the Committee that the amended line would read, 'A code of conduct for **officers** is in place'.
- b) **Transparency Page.** A Member of the Committee asked if the line that has been removed from the Transparency Page Website bullet point on page 68, is confirmation that the project has been completed. The Interim Director of Corporate Services informed the Committee that the project has not be completed yet, but the team responsible are working on it and hope for it to be delivered soon.
- c) **Urgent Decision.** A Member of the Committee asked about principles B and G of good corporate governance as set out on page 55, which detail openness, stakeholder engagement, transparency, reporting and effective accountability. The Member referenced these two principles when discussing a point raised at Strategy and Resources Committee, held on the 14th of November 2023, regarding 3 urgent decisions, of which only one had been reported in MemberNews. The Member wished to check that the right processes are in place for Members to see what decisions are being made in due time. The Interim Director of Corporate Services responded to inform the Committee that the Chair of Strategy and Resources confirmed at the 14th of November 2023 Meeting, that a response would be provided on this matter. The Interim Director of Corporate Services continued to explain that of the 3 urgent decisions in question, only one was not published on MemberNews, and this was purely down to human error and an officer mistake. The Interim Director of Corporate Services informed the Committee that there is a process to ensure transparency and that all decisions are taken in consultation with the Chair of the relevant Committee, it is then the process to publish the decision that has been taken to MemberNews and to bring any decisions as urgent items to the subsequent Committees at the next available opportunity.
- d) **Live Meeting Webcasts.** A Member of the Committee asked why YouTube livestreams of Committee Meetings do not remain on YouTube indefinitely, as it is free to leave them up, and queried whether there are other considerations as to why they cannot remain online for the public to see an accurate record of the meeting. The Interim Director of Corporate Services responded to state that Recording Retention is an area that can be reviewed and there have been discussions with the Standards and Constitutions Committee as to whether this is something that should be reviewed. The Interim Director of Corporate Services went on to explain that the recording is kept up until such time as the Minutes of the meeting

are approved, after which the Minutes become the official and accurate record of the meeting. The Interim Director of Corporate Services explained that there is also the principle under data protection legislation that recordings should only be kept whilst there is a need for them, therefore, once the Minutes have been agreed and approved, there is no need for the recordings any longer and they should be destroyed.

- e) **Roof Repairs.** A Member of the Committee asked about an item raised at Strategy and Resources Committee on the 21st of September 2023, regarding a roof repair which increased from 105k when initially approved at Committee to 255k being the final cost. The Member asked if there was any subsequent information that could be provided regarding a potential report or review being brought to Audit and Scrutiny Committee answering why that tendering process ended up so vastly different to what originally came to the S&R Committee, and whether the item would be added to the Council's internal auditors workplan. The Interim Director of Corporate Services confirmed that the item would be added to the work programme for the internal auditors for next year. The Interim Director of Corporate Services explained to the Committee that the workplan is set annually and therefore, it is something that will be discussed in January. The Interim Director of Corporate Services confirmed that they had received a request to expedite this specific issue, which has been communicated to SIAP, the Council's internal auditors. The Member responded to state that expediting this one-off piece of work would be excellent.

Following consideration, the Committee unanimously resolved to:

- (1) Approve the updates to the Code of Corporate Governance attached at Appendix 1.**

72 COUNTER-FRAUD AND WHISTLEBLOWING ANNUAL REPORT

The Committee received a report providing an overview of the systems and processes the Council has in place to prevent, detect, and address fraud.

Following consideration, the Committee unanimously resolved to:

- (1) Note and comment on the contents of the report, the measures in place and the work being undertaken to prevent and detect fraud.**

73 COMMITTEE WORK PROGRAMME

The Committee received a report presenting its annual Work Programme.

The following matters were considered:

- a) **Scrutiny Items.** A Member of the Committee queried if Scrutiny items would be dealt with on an ad-hoc basis and therefore, would not be added to the workplan. The Interim Director of Corporate Services confirmed to

the Committee that this assessment is correct, however, it is important to be mindful of resource for any form of scrutiny activity and that this kind of scrutiny activity isn't something which would take place at a Committee Meeting, but would be done outside of the Committee, with a report potentially coming back to the Committee detailing on any findings. A Member of the Committee raised that the process as to how ad-hoc scrutiny items are brought to the Committee, could be discussed at the February 2024 Meeting, to ensure that the issues that the Committee would like to see and scrutinise are actually brought before it. The Chair responded to inform the Committee that if a Member would like an item to be brought to the Committee, they should email them within a sensible time frame so it can be considered and reports produced.

- b) **Changes to the Workplan.** A Member of the Committee raised that a few items had been moved on the workplan to later meetings, with one item, the Compliance with Surveillance Cameras Code of Practice, having been removed from the workplan entirely, and queried why these changes had been made. The Interim Director of Corporate Services informed the Committee that the Code of Practice for Surveillance Cameras is an item that has come to Audit and Scrutiny Committee in the past but now sits under the Crime & Disorder Committee. The Interim Director of Corporate Services explained to the Committee that the Annual Complaints report was moved from the November 2023 Meeting to the March 2024 Meeting due to resourcing issues around producing the report. The Interim Director of Corporate Services continued to explain that the Council is currently going through a review with the Local Government Ombudsman for a Code of Practice relating to complaints, therefore, with the permission of the Chair, a report will be brought to the Committee to discuss the response to the Code of Practice, which the LGO is seeking to introduce, and then use that as the basis for the Annual Complaints Report. The Member asked if in future, if items are removed or delayed on the Workplan, a sentence is included to explain why the changes have been made. The Interim Director of Services confirmed that could be done going forward.
- c) **Scheme of Delegation.** A Member of the Committee asked whether a report regarding the extent of the Scheme of Delegation issue and how the situation arose would be presented to the Committee in due course, or whether the report will just be an update on the current state of the Scheme of Delegation and how the issue was rectified. The Monitoring Officer responded to inform the Committee that a meeting with the Chair and Vice Chair of Audit and Scrutiny and the Chair and Vice Chair of Standards and Constitutions had taken place to agree the scope of the report that will provisionally come to the February 2024 Meeting of the Audit and Scrutiny Committee. The Monitoring Officer raised that there is still the potential for the report needing to be moved to come to the March 2024 Meeting of the Audit and Scrutiny Committee, but the reports presented will be on the basis of the scope that has been discussed with the Chair and Vice Chair.

- d) **Agenda items.** A Member of the Committee asked the Monitoring Officer to confirm the process and timeframe for Councillors to request for something to be added or included on the Agenda. The Monitoring Officer advised Members to refer to Appendix 5 of the Constitution, where it states that any Councillor who wishes to request a particular item of business to be included, must give notice to the Monitoring Officer by noon on the 10th working day before the Meeting. The Monitoring Officer highlighted that Annexe 4.6 of the Council's Operating Framework, which is relevant to the Audit and Scrutiny Committee, states that all matters should be raised in writing with the Scrutiny Officer before they will be considered.
- e) **Scrutiny Call-in.** A Member of the Committee asked what the process is for scrutiny items raised by Committee Members. The Interim Director of Corporate Services outlined to the Committee that all scrutiny items where Officers need to carry out some form of scrutiny would not take place in a committee environment but would need to be conducted outside in order to collect information, ask people to make representations to consider and to be able to talk in a slightly more informal and candid way than when on camera. The Interim Director of Corporate Services informed the Committee that when a Member wishes to bring an item to Committee, it must follow the normal report writing and publishing process and format, in these cases, the work is undertaken a number of weeks prior to the Committee Meeting. The Member asked for clarification as to where the scrutiny process takes place if it is outside of the working cycle of the Committee. The Chair responded to explain that it is usually undertaken by a group of people that get together to scrutinise an issue or decision, after which a report is produced to bring back to Committee.

Following consideration, the Committee resolved to;

(5 for, 1 abstaining and the Chair not voting)

- (1) Note and agree the ongoing Work Programme as presented in Section 2.**

The meeting began at 7.30 pm and ended at 8.06 pm

COUNCILLOR STEVE BRIDGER (CHAIR)