

GOVERNANCE & AUDIT COMMITTEE
20 SEPTEMBER 2017
7.30 - 8.05 PM



Bracknell Forest Borough Council:

Councillors Allen (Chairman), Thompson (Vice-Chairman), Heydon, Leake, McLean, Ms Miller and Mrs Temperton

Independent Members:

David St John Jones

Apologies for absence were received from:

Councillor Worrall

15. Declarations of Interest

There were no declarations of interest.

16. Minutes - 26 July 2017

It was noted that there were two typos in the previous set of minutes and that:

- Minute 13 should read "their thanks" not "there"
- Minute 14 should read "significant movement" not "moment".

RESOLVED that, subject to the amendments above, the minutes of the meeting of the committee held on the 26 July 2017 be approved as a correct record and signed by the Chairman.

17. Urgent Items of Business

There were no urgent items of business.

18. Annual Audit Letter for 2016/17

Malcolm Haines, Manager, Ernst and Young Helen attended the meeting to present the report and answer questions. The Annual Audit Letter covered findings from the 2016/17 financial year.

The External Auditor explained that the Annual Audit Letter replicated some of the Audit Results Report which had been considered by the Committee at its previous meeting but was required under the National Audit Office's 2015 Code of Audit Practice. He highlighted from the letter that the unqualified opinion on the financial statements had been issued on 27 July 2017 and their audit report and audit certificate were issued on the same date.

The Committee received the Annual Audit Letter for the year ended 31 March 2017 from the Council's external auditor Ernst & Young.

19. **Affected interests and related matters**

The Committee considered the proposals from the Code of Conduct Working Group on 27 June 2017 to amend provisions relating to Affected Interests in the Council's Code of Conduct for Members.

It was noted that there existed a level of uncertainty amongst some Members as to the scope and effectiveness of provisions relating to Affected Interests in the Council's Code of Conduct.

The Code of Conduct Member Working Group had reviewed the provisions of the Code and in summary proposed that:

- The existing reference to "Affected Person" in Paragraph 8.1 (a) (i) of the Code be extended to read "Affected Person/Entity" in order to reinforce its application to corporate bodies such as Companies and Partnerships.
- The requirement for Members disclosing Affected Interests to refrain from participating and voting at the meeting be removed.
- It be made clear in the text that the provisions of paragraph 10 requiring non Council nominees on outside bodies does not apply to Council nominees
- A paragraph introducing the role of bias and predetermination be included in the Code
- No changes be made to the existing provisions relating to the registration of gifts and hospitality (Paragraph 11)

The Committee discussed that the extension to the "Affected Person" reference to read "Affected Person/Entity" should be repeated throughout paragraph 8 re. Affected Interests as appropriate.

It was discussed that whilst allowing a Member who declared an affected interest to take part in a meeting would be seen as a 'lighter touch' those members could choose not to take part in the vote and the retention of the category of interest was a demonstration that Bracknell Forest Council take probity seriously.

Members discussed the subjective nature of item m) "a person with whom you have a close association" in the list of "Affected Persons" and considered different examples and circumstances. It was clarified that this was about whether a reasonable member of the public who knows the relevant facts might reasonably think that the close association was so significant that it was likely to prejudice the Councillors' judgement of the Public Interest.

The Monitoring Officer reported that he was reassured by the queries he received on this topic as it demonstrated that elected members were considering their position and taking their responsibility to disclose interests seriously.

The Members discussed the implications of the lack of sanctions and it was reported that Brighton and Hove Council were approaching the Department for Communities and Local Government to request the introduction of a Member recall framework in law, similar to that applying to Members of Parliament. .

A discussion was held on the implications of the new paragraph 12 on predetermination and bias. The Monitoring Officer explained that there had been case law to establish that whilst it is natural for individuals to express a view before a decision was taken this was, however, about demonstrating that you had not 'closed your mind' to the options.

In response to a query about Member training the Monitoring Officer confirmed that sessions had been delivered in 2015 as part of the induction programme and that this would be repeated in 2019 following the next borough elections.

RECOMMENDED TO COUNCIL that subject to the additional references to “Affected Person” being updated to read “Affected Person/Entity” where appropriate the recommendations of the Code of Conduct Working Group as set out in Paragraph 5.16 and the Appendix of the agenda report be adopted.

CHAIRMAN