

# CANTERBURY CITY COUNCIL

## AUDIT COMMITTEE

Minutes of a meeting held 24 Jan 2024,  
At 7.30 pm at The Guildhall, St. Peter's Place, Westgate, Canterbury

**Present:** Councillor Alister Brady (Chair)  
Councillor Dane Buckman  
Councillor Elizabeth Carr-Ellis  
Councillor Roben Franklin  
Councillor Andrew Harvey  
Councillor Robert Jones  
Councillor Peter Old (sub)

**In Attendance:** Councillor Michael Dixey\*

**Officers:** Tricia Marshall - Director of Corporate Services and Head of Paid Service  
Nicci Mills - Service Director, Finance and Procurement  
Jan Guyler - Head of Legal Services and Monitoring Officer  
Rob May - Head of Finance  
Christine Parker - Head of East Kent Audit Partnership  
Christopher Parker - Deputy Head of Audit  
Lauren Wheeler - Democratic Services Officer

(\*present for part of the meeting)

### **475. Apologies for absence**

Apologies for absence were received from Councillor Dan Smith.

### **476. Substitute members**

Councillor Peter Old was present for Councillor Dan Smith.

### **477. Declarations of interest by Members or Officers**

There were no declarations of interest by Members or Officers.

### **478. Minutes of the meeting held on 4 October 2023**

The minutes were confirmed as a record by general assent. Councillor Old was not present at the last meeting.

### **479. Public participation**

There were no speakers present at the meeting.

#### **480. Councillor Interest Governance Review**

The Corporate Services Director and Head of Paid Service introduced the covering report, audit report and related action plan. They drew attention to the additional paragraphs in the covering report that addressed some of the areas of concern that had been raised that were not part of the Governance Review.

The Head of Audit Partnership presented an overview of the Governance Review they had undertaken. A summary of the report and the audit work included:

- The purpose of the review
- The five requirements of the terms of reference, signed off by political group leaders
- A timeline with key documents of interest to support the findings, including an email to the Planning Officers regarding the Call For Sites application alerting them to the site being owned by the councillors
- The conclusions against each of five tasks leading to three recommendations
- Action Plan

The recommendations agreed were to enhance the current governance arrangements considered during the review to be of a high standard, for example; the Constitution clearly sets out at Appendix E - its Planning Code of Practice. Paragraph 6 of which covers “development proposals submitted by councillors, officers and Council development”.

The Head of Legal Services and Monitoring Officer provided an update on the processes reviewed and the action taken so far to implement the recommendations:

Re: Recommendation 1

- A declaration section has been added by Planning to the site submission form to enable officers to identify if a landowner is a member, an officer or related to either of those.
- The process note has been reviewed and updated by Planning, the form and process note will be considered by Management Team shortly for approval, no amendments are required to the Constitution to the proposals.

Re: Recommendation 2

- Proposal to make amendments to the Members Code of Conduct to include under other registrable interests ‘any unpaid directorships’.
- Proposal for the Delegation of Authority to be granted to the Monitoring Officer to enable the necessary changes to the Members Code of Conduct and any other related sections of the Constitution (incl. DPI and OSI process).

Re: Recommendation 3

- Proposal to introduce a S.32 control sheet (sensitive interest request - Appendix 3 of the review), for retaining by the Monitoring Officer once completed. The format will be considered by Management Team shortly for approval and for a subsequent review of any amendments required to the Constitution.

A further report on the recommendations will be taken to the Standards Committee, Governance Committee, and Full Council in February to consider the proposals above.

During the debate, the points discussed and additional details provided by officers included:

- The considerable public interest in the review
- The strong disappointment felt by (some) members to the lack of (in their opinion) a thorough and formal investigation
- A summary of the responses provided by officers to Freedom of Information requests and types of information provided and/or not available
- Reassurance required for residents that the matters have been satisfactorily and robustly handled
- Consideration of commissioning an independent investigation
- The point at which declarations and the purchase of property were made in relation to the draft Local Plan
- The members Code of Conduct, and the (very prescribed) process of making a complaint about a councillor's conduct including the screening tests and subsequent steps that may be taken
- Escalation/crossover of internal reviews with Police investigations
- Complaints about former councillors, inability to compel former councillors to co-operate with an investigation, lack of enforceable sanctions etc.
- The importance of transparency and openness and readily available information to the public in such cases
- Adherence to the Nolan Principles
- The current process of referring members of the public to report concerns to the Police if they have suspicion or evidence of criminality, and how this could be improved
- The planning process regarding land owned by councillors (their families, and/or associates), and the review of any declarations required should circumstances change or develop
- The disrepute to the council and lack of confidence this may have conveyed to residents that the right review has been undertaken
- The Kent wide Member Code of Conduct and arrangements currently adopted jointly across the county demonstrate that sound arrangements are in place, and all will jointly consider the enhancement to add "any unpaid directorships" to the Code.
- The Localism Act 2011 and the relevant section of the Constitution relating to these matters

It was clarified that:

- One complaint had been received by the Monitoring Officer in this instance
- The complaint was received in September 2023 and thus had failed the first “screening test”, as the subject Councillors were no longer Councillors.
- All FOI’s had been fully responded to in compliance with the legislation
- All councillors had the opportunity and responsibility to declare their interests at meetings and seek advice
- It was not possible to enforce sanctions on former councillors, nor compel them to take any part in attending interviews or answering questions
- Officers were unable to comment on (or if there is) any ongoing criminal matters arising from a councillor complaint

It was proposed, seconded and when put to a vote RESOLVED that;

**The committee RECOMMEND the constitution be amended to “If the complaint identifies potential criminal conduct or potential breach of other regulations by the Subject Councillor or any other person, then council officers should report the complaint to the police.”**

A record of the vote was taken as follows:

For: (7) Councillor Brady, Councillor Buckman, Councillor Carr-Ellis, Councillor Franklin, Councillor Harvey, Councillor Jones, Councillor Old

Against: None

Abstained from voting: None

**The committee RECOMMEND to Cabinet that an external investigation is carried out.**

A record of the vote was taken as follows:

For: (6) Councillor Brady, Councillor Buckman, Councillor Carr-Ellis, Councillor Franklin, Councillor Jones, Councillor Old

Against: None

Abstained from voting: (1) Councillor A Harvey

#### **481. 2023-24 Half Year Treasury Management Report**

The Service Director - Finance and Procurement presented the report and provided a summary.

The points discussed and raised by members included:

- Frequency of reporting
- Short term borrowing and interest rates
- Treasury activity
- Debt repayment levels in comparison to other authorities
- Format of tables contained in the report

The committee NOTED the report by general assent.

#### **482. East Kent Audit Partnership Internal Quarterly Audit Report**

The Deputy Head of the East Kent Audit Partnership presented the report asking members to accept the results of internal audit work, and make comments, if required, to full Council.

An update was provided on progress since the report to the last committee meeting and the main points were summarised. The following points were discussed:

- Licensing Key Performance Indicators (KPI's), circulated to management and to this committee
- Freedom of Information KPI's - up to date figures to be circulated to members and a follow-up provided to this committee at a later date
- Car parking Income - the Head of Service to circulate an update to members, the Head of Finance and Procurement confirmed that costs are covered with a slight positive variance
- The improvements to the Complaints process were welcomed. An update on the four recommendations agreed by management to be provided to this committee
- There are no recommendations outstanding from the Action plan
- Satisfaction survey rates, the current process and comparison to other authorities

It was proposed, seconded and when put to a vote unanimously RESOLVED that;

The Committee accepts the results of internal audit work.

#### **483. Update Report on Strategic Risk Register**

The Service Director – Finance and Procurement confirmed there was no update to the register since the last meeting.

The committee NOTED the update by general assent.

#### **484. Regulation of Investigatory Powers Act (RIPA) 2000**

The Head of Legal Services & Monitoring Officer provided an overview of RIPA framework and requirements. An annual report will be produced for the next meeting.

The Service Director – Finance and Procurement confirmed there were no incidents to

report since the last meeting.

The committee NOTED the update by general assent.

**485. Date of next meeting**

The date of the next meeting is 7pm on Wednesday 13 March 2024

**486. Any other urgent business to be dealt with in public**

There was no other urgent business to be dealt with public.

**487. Exclusion of the press and public**

It was proposed, seconded and when put to a vote unanimously RESOLVED that

under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business on the grounds that there would be disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act or the Freedom of Information Act or both.

**488. Any other urgent business to be dealt with in private**

There was no urgent business.

There being no other business the meeting closed at 8:56pm