

Notice of Audit and Governance Committee



Date: Thursday, 7 March 2024 at 6.00 pm

Venue: Committee Room, First Floor, BCP Civic Centre Annex, St Stephen's Rd, Bournemouth BH2 6LL

Membership:

Chair:

Cllr M Andrews

Vice Chair:

Cllr E Connolly

Cllr J Beesley
Cllr B Castle
Cllr A Chapmanlaw

Cllr R Herrett
Cllr M Phipps
Cllr C Weight

Cllr S Armstrong
Lindy Jansen-VanVuuren
Samantha Acton

All Members of the Audit and Governance Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MIId=5597>

If you would like any further information on the items to be considered at the meeting please contact: Jill Holyoake 01202 127564 or email democratic.services@bcpCouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 118686 or email press.office@bcpCouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

28 February 2024

**DEBATE
NOT HATE**



Available online and
on the Mod.gov app



Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer
(janie.berry@bcpcouncil.gov.uk)

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

AGENDA

Items to be considered while the meeting is open to the public

1. Apologies

To receive any apologies for absence from Councillors.

2. Substitute Members

To receive information on any changes in the membership of the Committee.

Note – When a member of a Committee is unable to attend a meeting of a Committee or Sub-Committee, the relevant Political Group Leader (or their nominated representative) may, by notice to the Monitoring Officer (or their nominated representative) prior to the meeting, appoint a substitute member from within the same Political Group. The contact details on the front of this agenda should be used for notifications.

3. Declarations of Interests

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

4. Confirmation of Minutes

To confirm and sign as a correct record the minutes of the meeting held on 11 January 2024.

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5. Public Issues

To receive any public questions, statements or petitions submitted in accordance with the Constitution. Further information on the requirements for submitting these is available to view at the following link:-

<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&info=1&bcr=1>

The deadline for the submission of public questions is midday 3 clear working days before the meeting.

The deadline for the submission of a statement is midday the working day before the meeting.

The deadline for the submission of a petition is 10 working days before the meeting.

6. Addressing the Local Audit Backlog & proposal for the 2022/23 Audit

To provide the Audit and Governance Committee with a summary of the proposals for addressing the Local Audit Backlog in England which has recently been published for consultation. Included as part of the report is the Council's response to this consultation.

The report also includes a letter from Grant Thornton with their proposal for the delivery of the 2022/23 audit.

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7. **Annual Evolution (for the 2024/25 financial year) of the 'Anti-Fraud & Corruption Policy', the 'Whistleblowing Policy', the 'Declaration of Interests, Gifts & Hospitality Policy' (for Officers) and the 'Regulation of Investigatory Powers Act (RIPA) & Investigatory Powers Act (IPA) Policy'**

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An annual review of the Council's:

- Anti-Fraud & Corruption Policy,
- Whistleblowing Policy,
- Declaration of Interests, Gifts & Hospitality Policy (for Officers)
- Regulation of Investigatory Powers Act (RIPA) & Investigatory Powers Act (IPA) Policy

has taken place to ensure they are updated in line with best practice and legislation.

Some changes have been made to the Council's **Anti-Fraud & Corruption Policy** including adding links to 'Other Relevant Legislation' and adding guidance on examining identity documents. Appendix C of the policy 'Anti-Money Laundering Requirements' has been updated with a statement that the Council will cooperate fully with law enforcement authorities, regulatory bodies, and other relevant agencies in combating money laundering and terrorist financing.

The **Whistleblowing Policy** has been updated with some changes including adding the seriousness/impact of a person knowingly making a false accusation and adding a note to explain that a whistleblowing referral will not affect, stop or delay any investigation into a theft/fraud/disciplinary/employment dispute involving the whistleblower. Other changes include adding a 'Protect' reference and website link (was previously Public Concern at Work) and allocating a unique reference number for each referral. The 'Preliminary Enquires' process in the Whistleblowing Procedure has been expanded to include additional potential outcomes and the introduction of a formal decision record.

Some minor changes have been made to the Council's **Declaration of Interests, Gifts & Hospitality Policy (for Officers)** including the addition of a 'In Year Amendments and Editing Log', and also the need to keep declarations confidential clarified under Service Director and Monitoring Officer responsibilities.

The **Regulation of Investigatory Powers Act (RIPA) and Investigatory Powers Act (IPA) Policy** has been updated with some minor changes including the addition of a Contents front page and 'In Year Amendments and Editing Log', the update of Authorising Officer job titles, and inclusion of the consequence that subjects of surveillance may bring their own proceedings on Human Rights grounds if correct procedures are not followed.

8. **Financial Regulations - Annual evolution for the financial year 2024/25**

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Evolutionary changes to the Council's Financial Regulations are summarised in this report and shown in red text throughout the document at Appendix A and include:

Key changes exist in Part G and include:

Change 1 - Threshold adjustment

Base change throughout from the £25,000 excluding VAT threshold to £30,000 inclusive of VAT to reflect the changes required by the Public Contracts Regulations which also includes the requirement to calculate the estimated value of the contract to be inclusive of VAT.

Change 2 - Procurement & Contracts Board

A new entry in regulation 3 – Standards, has been added to reflect the formation of a new Procurement & Contracts Board that will have oversight over all planned spend decisions across the entire Council and will have the authority to require any Officer to attend a meeting and provide information and/or explanation as required by The Board.

Change 3 - Removal of waivers (of Financial Regulations) Reference to waivers throughout have been removed and replaced with the requirement for those decisions to be signed off as part of the existing Procurement Decision Records (PDRs) approval process in regulation 5 and soon to be required by legislation changes. This change has clarified any ambiguity and will remove duplication of processes. The existing reporting requirements to the Audit & Governance Committee will remain – the annual report that was Waivers and Breaches of Financial Regulations will now be PDR's and Breaches of Financial Regulations.

Change 4 - Competition Requirements

Reformatted and update to regulation 22 - Competition Requirements, which combines several previous regulations into one consistent regulation and clarifies the requirement at each threshold:

- Under £5,000
- £5,000 to £30,000
- Over £30,000

Change 5 – Other minor editing and re-ordering

Other minor changes throughout have been added for clarification and to address any previous ambiguities. Some reordering and aggregation of previous regulations have also taken place which makes direct comparison to previous versions more challenging. Such reordering and aggregation are not shown in red text because the regulation(s) has not been changed.

Legislative changes resulting from the Procurement Act 2023 are explained and the likely resulting impact on Financial Regulations will be that there may be some in-year changes required to ensure alignment.

No other items of business can be considered unless the Chair decides the matter is urgent for reasons that must be specified and recorded in the Minutes.