

MINUTE of MEETING of the GOVERNANCE AND RISK COMMITTEE held within WEBEX VIRTUAL MEETING ROOM, on 14 JUNE 2021.

Present – Councillors Damian Doran-Timson (Chair), Lawrence Fitzpatrick, Harry Cartmill, Chris Horne and Maria MacAulay

In Attendance – Graham Hope, Chief Executive; Graeme Struthers, Depute Chief Executive; James Millar, Governance Manager; Donald Forrest, Head of Finance and Property Services; AnnMarie Carr, Head of Housing, Building and Customer Services; Catrina Hatch, Head of Education; Craig McCorriston, Head of Planning, Economic Development and Regeneration; Greg Welsh, Head of Education; Julie Whitelaw, Head of Corporate Services; Kenneth Ribbons, Audit, Risk & Counter Fraud Manager; Donna Adam, Education Service; Geraldine Armstrong, Education Services; Caroline Burton, Chief Executive's Office; Nicola Gill, Operational Services; Kim Hardie, Health and Safety; Sharon Leitch, Finance and Property Services; Marjory Mackie, Housing, Customer and Building Services; Pamela Main, Social Policy; David Maule, Corporate, Operational & Housing Services; Katy McBride, Housing, Customer and Building Services; Carol McDonald, Education Services; Jennyfer McNiven, Education Services

1 DECLARATIONS OF INTEREST

Agenda Item 10 - High Risks

Councillor Chris Horne declared an interest in that he was a council-appointed Director on the Board of West Lothian Leisure, for which a special dispensation from the Standards Commission applied. He would participate in the item of business.

2 ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 8 that agenda item 6 (*Internal Audit Annual Report*) would be considered before agenda item 5 (*Corporate Governance 2020/21 – Annual Governance Statement*).

The Chair confirmed that he wished all items of business presented and debated, including those items which were for information only.

3 MINUTES

The committee approved the minutes of its meeting held on 8 March 2021 as a correct record.

4 INTERNAL AUDIT ANNUAL REPORT

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager informing members of his

conclusion on the council's framework of governance, risk management and control.

It was recommended that the committee note the Audit, Risk and Counter Fraud Manager's conclusion that the council's framework of governance, risk management and control was sound.

It was clarified during discussion that if anything found to be unsound was investigated further and referred to Audit Committee for following up.

Decision

To note the terms of the report.

5 CORPORATE GOVERNANCE 2020/21 – ANNUAL GOVERNANCE STATEMENT

The committee considered a report (copies of which had been circulated) by the Governance Manager presenting the draft annual governance statement for approval.

It was recommended that the committee:

1. Consider and note the information and evidence in relation to corporate governance in Appendices 2, 3 and 4;
2. Note the conclusion and assurance that the council's corporate governance standards have been substantially met in 2020/21;
3. Approve the annual governance statement in Appendix 1 which will form part of the council's accounts to be submitted to the external auditors and published for inspection and objection before the end of June;
4. Authorise officers to update the statement where appropriate prior to its approval for signature to reflect changes in circumstances, in particular in relation to the COVID-19 pandemic; and
5. Note that the table in Appendix 4 will be updated to reflect committee's comments today and to incorporate the issues identified in the annual governance statement, with progress reported to committee in six months' time at an appropriate meeting.

During discussion, officers indicated, under reference to paragraph 17.14 of the annual governance statement, that Covid had had only a minor impact on governance standards. They provided further information on the six law breaches referenced in the annual governance statement and compliance statements and described the measures in place to prevent recurrence.

Challenges regarding meetings, including public access, were being addressed. Work on IT infrastructure for hybrid meetings was taking place

and the issue would be revisited at a future meeting of Governance and Risk Committee, unless superseded by Council Executive decision.

Finally, it was agreed that the issue of common good land would be kept under consideration for the avoidance of any unauthorised selling.

Decision

1. To approve the terms of the report.
2. To note that the common good property register would be reported back to committee in December as part of the running log of governance issues.
3. To revisit the governance issues around the resumption of physical/hybrid committee meetings at a future meeting of Governance and Risk Committee, if not superseded by Council Executive decision at its September meeting.

6 CONCURRENT RISKS RESILIENCE AND PREPAREDNESS PLANNING

The committee considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on the concurrent risks identified by the council in relation to the Covid-19 pandemic, the UK's withdrawal from the EU and other associated risks.

It was recommended that the committee:

1. Note the latest position in relation to Covid-19 planning and guidance;
2. Note the update on the latest EU Exit position; and
3. Note the high risks that had been assessed by officers in relation to Covid-19 and EU Exit as set out in Appendices to the report.

It was agreed that this item would be kept on the agenda as a standing item to allow committee to review it regularly.

Regarding risk FP 30 Revenues *Business rates – failure to achieve collection rates*, officers clarified there was no immediate detrimental effect to council finances; however, as Covid restrictions were lifted and economic activity resumed, they undertook to keep this risk under close scrutiny.

Decision

1. To note the terms of the report.
2. To keep this item on the agenda as a standing item and review at a future meeting depending on how the issue develops.

3. To note that officers would keep risk FP30 under specific review.

7 MANAGING RISKS TO EDUCATIONAL ATTAINMENT

The committee considered a report (copies of which had been circulated) by the Heads of Education informing members of the approach to managing risk ED014–Failure to Achieve Target Progress and Attainment Levels.

It was recommended that the committee note the approach taken to manage risk ED014 within Education Services.

During discussion, it was suggested that information emerging from tracking and monitoring young people’s mental health and wellbeing be brought to a future meeting of Governance and Risk Committee.

Officers also reassured members that robust monitoring processes were in place to ensure flexibility of education processes in the current pandemic situation and in case of future reoccurrence. They also assured members that supporting young people’s mental health and wellbeing was a priority and that exam sitting techniques were taught to all students.

Decision

To note the terms of the report.

8 NON-SERVICE RISKS

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update of risks in the council’s corporate risk register not attached to a head of service.

It was recommended that the committee consider the council’s non-service risks.

Decision

To note the terms of the report.

9 HIGH RISKS

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services informing members of the council’s high risks.

It was recommended that the committee:

1. Note the council’s high risks, and the action being taken to mitigate them; and

2. Provide feedback to officers on the risks, controls and mitigating actions.

Decision

To note the terms of the report.

10 RISK MANAGEMENT ANNUAL REPORT

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services informing members of the risk management annual report for 2020/21,

It was recommended that the committee note the progress made on risk management and business continuity planning during 2020/21.

It was noted that a benchmarking group was being set up within the Scottish risk management community with the involvement of the Audit, Risk and Counter Fraud Manager, and an update on the group would be provided to the committee in due course.

Decision

1. To note the terms of the report.
2. Audit, Risk and Counter Fraud Manager to provide to the Governance and Risk Committee an update on the benchmarking group being set up within the Scottish risk management community.

11 HEALTH AND SAFETY GOVERNANCE

The committee considered a report (copies of which had been circulated) by the Head of Corporate Services providing an overview on health and safety governance in place to monitor the management of health and safety.

It was recommended that the committee note the governance arrangements in place to monitor the management of health and safety.

Decision

To note the terms of the report.

12 MANAGEMENT OF HEALTH AND SAFETY

The committee considered a standing report (copies of which had been circulated) by the Head of Corporate Services providing information on Health and Safety incidents reported across all service areas. The report also contained annual incident statistics and a breakdown of violence and

aggression incidents within Education.

It was recommended that the committee note the contents of the report.

Decision

To note the terms of the report.

13 WORKPLAN

A workplan had been circulated for information.

Decision

To note the workplan.