

MINUTES of the meeting of the **AUDIT & GOVERNANCE COMMITTEE** held at 10.00 am on 9 April 2015 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its next meeting.

Elected Members:

Mr Nick Harrison (Chairman)
Mr W D Barker OBE (Vice-Chairman)
Mr Denis Fuller
Mr Tim Evans
Mr Stephen Cooksey
Mr Richard Wilson

Apologies:

Mr Will Forster, Substituted by Mr Stephen Cooksey
Mr Tim Hall, Substituted by Mr Richard Wilson

In Attendance

Cath Edwards, Risk & Governance Manager
Cheryl Hardman, Regulatory Committee Manager
Kevin Kilburn, Deputy Chief Finance Officer (Section 151 Officer representative)
Sue Lewry-Jones, Chief Internal Auditor

15/15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Tim Hall and Will Forster. Richard Wilson was substituting for Tim Hall and Stephen Cooksey was substituting for Will Forster but had been delayed in arriving.

Sheila Little, the Section 151 Officer had also sent her apologies but Kevin Kilburn was present as her representative.

The Chairman confirmed that Item 16 'Whistleblowing Update' had been deferred to a future meeting as the officer had been called away to an urgent meeting.

16/15 MINUTES OF THE PREVIOUS MEETING: 16 FEBRUARY 2015 [Item 2]

The Minutes were approved as an accurate record of the meeting.

17/15 DECLARATIONS OF INTEREST [Item 3]

There were no declarations of interest.

18/15 QUESTIONS AND PETITIONS [Item 4]

There were none.

19/15 RECOMMENDATIONS TRACKER [Item 5]

Declarations of interest:

None.

Witnesses:

Mel Few, Cabinet Member for Adult Social Care
Kevin Kilburn, Deputy Chief Finance Officer

Key points raised during the discussion:

1. In relation to R3/14 (Annual Governance Statement), the Chairman requested that when the committee considers the Annual Governance Statement at its next meeting, it will review progress made against the previous year's recommendations.
2. In relation to A49/14 (Teachers' Pension Return), the Deputy Chief Finance Officer confirmed that there had been no progress although he had continued to try to obtain a response from the Teachers' Pensions Agency.

Stephen Cooksey joined the meeting at 10.07am.

3. In relation to A1/15 (Adult Social Care budget monitoring), the Deputy Chief Finance Officer informed the committee that Adult Social Care Select Committee would be reviewing the current monitoring position on 10 April 2015. The report could then be circulated to the committee along with a copy of the relevant Minute.

4. In relation to A2/15 (Adult Social Care budget), the Cabinet Member for Adult Social Care provided an update on the budget and savings required from Adult Social Care. While there were challenges, he was fairly confident that savings would be achieved. He expressed regret at the tone of a memorandum circulated by Mr Tim Hall regarding the financial challenge to Adult Social Care and asked that this be noted. In response to questions, the Deputy Chief Finance Officer confirmed that there was a budget for the Care Act in the Medium Term Financial Plan. The Cabinet Member for Adult Social Care also confirmed that recruitment and retention was one of the directorate's biggest issues.
5. In relation to A6/15 (Financial Assessments and Benefits audit), the Cabinet Member expressed concern about the Provider Portal audit. The Chief Internal Auditor explained that the audit had resulted in a position statement as implementation had slipped. The statement was factually accurate and recognised the need to integrate new requirements resulting from the Care Act.

At this point, it was agreed to bring forward Item 14 "Social Care Debt Audit – Management Action Plan: Progress Update" as the Cabinet Member for Adult Social Care would need to leave shortly.

20/15 SOCIAL CARE DEBT AUDIT - MANAGEMENT ACTION PLAN: PROGRESS UPDATE [Item 14]

Declarations of interest:

None.

Witnesses:

Mel Few, Cabinet Member for Adult Social Care
Neill Moore, Senior Principal Accountant

Key points raised during the discussion:

1. The Senior Principal Accountant introduced the report which addressed a number of issues raised by the committee.
2. Members felt that an impressive amount of work had been undertaken to address any problems and understood that some people were in difficult situations which made payment for social care a challenge.
3. The Senior Principal Accountant assured Members that Adult Social Care Select Committee considers regular reports on social care debt.
4. The Chairman suggested that compulsory use of direct debit should not be ruled out in situations where payments were late and overdue and also called for better analysis to understand who can and cannot pay their debt. Members also suggested that the use of direct debit may support mental health as it removes an uncertainty for service users.
5. The Cabinet Member for Adult Social Care highlighted the separation between social worker assessment of need and the financial assessment. There was still a need to close this gap as it contributed to delays but it was a difficult issue to address.

Actions/Further information to be provided:

None.

RESOLVED:

That the Committee NOTED progress against the audit Management Action Plan.

Committee next steps:

None.

The committee then resumed consideration of Item 5 "Recommendations Tracker".

Actions/Further information to be provided:

None.

RESOLVED:

That the Committee NOTES the report.

Committee next steps:

None.

21/15 DISPENSATION [Item 6]

Declarations of interest:

None.

Witnesses:

Sarah Baker, Deputy Monitoring Officer

Key points raised during the discussion:

1. The Chairman introduced the item and highlighted the legal and locally agreed criteria which the committee is required to take account of in consideration of this application for a dispensation. He also recited some advice he had received from the Monitoring Officer:

"... a query has been raised with me about whether granting a dispensation confers any sort of 'blessing on the enterprise for which the Member is seeking the dispensation. I am sure that you are aware that it does not, it simply enables the Member to participate in business from which they would otherwise be prohibited, because of the pecuniary interest they have. The outcome of that business is not decided by the dispensation".

2. The Deputy Monitoring Officer highlighted that in this case the Member would not be making a decision but simply making a proposal and the decision would be taken by the Community Partnership and Committee Officer.
3. The committee agreed that the application met the criteria listed by the Member in his application letter.

Actions/Further information to be provided:

None.

RESOLVED:

- i. That the committee APPROVES the dispensation to allow Mr Graham Ellwood to make proposals for the use of cluster funding or funding from his Member's Allocation for the benefit of George Abbott School.
- ii. This dispensation would apply until the end of the current term of the councillor (May 2017).

Committee next steps:

None.

22/15 EXTERNAL AUDIT: AUDIT PLAN FOR SURREY COUNTY COUNCIL (YEAR ENDED 31 MARCH 2015) [Item 7]

Declarations of interest:

None.

Witnesses:

Thomas Ball, Manager, Grant Thornton
Andy Mack, Director, Grant Thornton

Key points raised during the discussion:

1. The Grant Thornton Director introduced the report and apologised for the inclusion of housing benefit within the audit plan as this was not a county function.
2. The Chairman expressed satisfaction that the external auditors would be reviewing the benefits and savings achieved through the establishment of SE Business Services Ltd and Surrey Choices Ltd. The Grant Thornton Director explained that this would focus on whether objectives have been achieved.
3. The Grant Thornton Director explained that the valuation of assets was a significant figure in the accounts and so external audit was required to look at it.
4. Officers discussed the current position with regard to accounting for schools and the progress being made with regard to valuations.
5. The Grant Thornton Director informed the committee that SE Business Services Ltd and Surrey Choices Ltd would require separate audits and that fees were yet to be finalised. The timescale for completion of these audits was December and the letters of engagement and fees would be shared with the committee before work is started.
6. The Grant Thornton Director informed the committee that materiality was being reduced from 2% to 1.8%.

Actions/Further information to be provided:

Grant Thornton to provide a briefing note on Changes to the CIPFA Code of Practice with regards financial reporting (**Recommendations tracker ref: A11/15**).

RESOLVED:

That the Committee APPROVES the Audit Plan for Surrey County Council (Year Ended 31 March 2015).

Committee next steps:

None.

23/15 EXTERNAL AUDIT: AUDIT PLAN FOR SURREY PENSION FUND (YEAR ENDED 31 MARCH 2015) [Item 8]

Declarations of interest:

None.

Witnesses:

Thomas Ball, Manager, Grant Thornton

Andy Mack, Director, Grant Thornton

Key points raised during the discussion:

1. The Grant Thornton Director introduced the report and explained that pensions was a specialist technical area. The specialist team would attend the meeting in July 2015 to present the audit findings.
2. In response to a query about 'level 3 investments', the Manager, Grant Thornton explained that 'level 1' investments were publicly quoted, 'level 3' investments were unquoted and not publicly traded assets, while 'level 2' investments were everything else. Level 3 investments were more difficult to accurately value and so were a more significant risk for misstatement in the accounts.

Actions/Further information to be provided:

None.

RESOLVED:

That the Committee APPROVES the Audit Plan for Surrey Pension Fund (Year Ended 31 March 2015).

Committee next steps:

None.

24/15 S.E. BUSINESS SERVICES LTD 2013/14 ACCOUNTS [Item 9]

Declarations of interest:

None.

Witnesses:

Kevin Kilburn, Deputy Chief Finance Officer

Key points raised during the discussion:

1. The Deputy Chief Finance Officer introduced the report, informing the committee that the accounts for SE Business Service Ltd was the outcome of the first year (nine months) of trading. He explained that a Shareholder Board, led by the Leader and Deputy Leader of the Council was ultimately accountable for the company.
2. The Chairman expressed surprise that the Chief Fire Officer was not a director although the company had expanded into the provision of some fire services during the year. He also felt that it would be a useful control for a finance officer to be a director of the company and he would make this recommendation to the Leader and Chief Finance Officer (**Recommendations Tracker ref A12/15**). The Deputy Chief Finance Officer confirmed that the provision of fire services was only introduced to the company at the end of the period and that the Chief of Staff was now a director. The Chairman pointed out that the

directors listed should be those in position at time of signing the accounts rather than being a list of those in position over the previous year.

3. The Deputy Chief Finance Officer confirmed that if a dividend is paid, this will be into the budget of the County Council.
4. The Deputy Chief Finance Officer clarified that SE Business Services insures itself through an extension of the Council's policy. The cost of the extension is paid by the business.
5. The Chairman raised a concern about the amount of income yet to be collected. The Deputy Chief Finance Officer explained that the majority of the debt was raised against Gatwick Airport at the end of the financial year and the funds were paid into the business in May 2014.

Actions/Further information to be provided:

The Chairman to recommend to the Leader and Chief Finance Officer that a finance officer be included as a director of the company.

RESOLVED:

That the Committee NOTES the accounts of SE Business Services Ltd for the 2013/14 financial year and the profit after taxation of £147,756.

Committee next steps:

None.

25/15 EXTERNAL AUDIT: 2013/14 AUDIT FINDINGS REPORT FOR S.E. BUSINESS SERVICES LTD [Item 10]

Declarations of interest:

None.

Witnesses:

Thomas Ball, Manager, Grant Thornton
Andy Mack, Director, Grant Thornton

Key points raised during the discussion:

1. The Manager, Grant Thornton introduced the report.
2. The Chairman expressed surprise at the amount of adjustments identified for a relatively small set of accounts. He queried if lessons had been learnt. The Manager, Grant Thornton explained that because of the size of the accounts, 100% testing had been undertaken. This may be the reason for the number of adjustments identified. However, from 100% testing it was clear that these adjustments were isolated. Discussions had been held with officers and the reasons for the adjustments were understood.

Actions/Further information to be provided:

None.

RESOLVED:

That the Committee NOTES the contents of the 2013/14 Audit Findings Report for SE Business Services Ltd.

Committee next steps:

None.

26/15 UPDATE: CAPITAL PROGRAMME REVIEW [Item 11]

Declarations of interest:

None.

Witnesses:

Keith Brown, Schools and Programme Manager, Property
Kevin Kilburn, Deputy Chief Finance Officer

Key points raised during the discussion:

1. The Chairman informed the committee that, due to a misprint, the figures in paragraph 7 were not clear. They are, respectively, £0.9m and £32.8m.
2. The Deputy Chief Finance Officer introduced the report. He confirmed that a small contingency was set aside for the 'unknown unknowns'.
3. The committee welcomed the report and were satisfied that the criticisms by the external auditors had been addressed.

Actions/Further information to be provided:

None.

RESOLVED:

That the Committee NOTES the progress made to improve the capital profiling and monitoring procedures, in particular by Property Services.

Committee next steps:

None.

27/15 2014/15 REVIEW OF THE EFFECTIVENESS OF THE SYSTEM OF INTERNAL AUDIT [Item 12]

Declarations of interest:

None.

Witnesses:

Sue Lewry-Jones, Chief Internal Auditor

Key points raised during the discussion:

1. The Chief Internal Auditor introduced the report and confirmed that the review had been light touch this year.
2. In response to a query, officers explained that the new locked print facility was intended to be implemented within the next year as it was a saving within the Medium Term Financial Plan. Internal Audit would be a priority team in the roll-out. In the interim, it had been reinforced to the team to take care when printing confidential material.

3. A substitute Member queried whether the profile of Internal Audit had improved since he had been a member of the committee a few years previously. The Chief Internal Auditor confirmed that she now sat on the Statutory Responsibilities Network which met fortnightly. The membership consists of the Chief Executive and other very senior officers. This was an opportunity to air concerns from Internal Audit's point of view. It also allowed for the development of closer working relationships.
4. Services in general were now more prompt in responding to audits and management action plans. There were still some audit recommendations that Internal Audit does not feel are addressed promptly enough. However, some of these are by nature difficult to implement quickly.
5. There was concern expressed about the Chief Internal Auditor reviewing her own service. It was also suggested that members of Audit & Governance Committee need to spend time in the field seeing audits taking place.
6. The Chief Internal Auditor reminded the committee that last year an officer from outside the team had undertaken the annual review and the previous year an external organisation was commissioned to undertake the review. The regulations require an external assessment only once every four years and a self-assessment is sufficient during all other years. A Member suggested that next year the commissioning of an external organisation be considered again so as to protect the service from criticism.
7. In response to a question about the service's independence, the Chief Internal Auditor reminded the committee that this was Internal and not External Audit. The service was as independent as an internal audit team could be. Internal Audit sits in the Chief Executive Office directorate and is therefore separate from Finance and the key financial systems. She has regular one to ones with the Chief Executive. It was also important to have personal integrity to say what needs to be said. The Chairman reminded Members that the committee had pushed to have a direct reporting line from the Chief Internal Auditor to the Chief Executive. He was satisfied that the reporting line was now appropriate. He also stressed the direct line between the Chief Internal Auditor and the Chairman of Audit & Governance Committee. The Chairman informed the committee of a Grant Thornton report he had read on the impact of internal audit departments in the public sector and offered to share it with the other Members (**Recommendations tracker ref: A13/15**).
8. The Chief Internal Auditor clarified that there are no set timescales for follow-up audits. It is dependent on management action plans and timeframes attached.
9. The Chief Internal Auditor suggested that arrangements with Select Committees were positive. She was not aware of any other local authorities where internal audit reports are automatically referred to Select Committees for review.

Actions/Further information to be provided:

The Chairman to share with the committee the Grant Thornton report on the impact of internal audit departments in the public sector.

RESOLVED:

That the committee NOTES the report.

Committee next steps:

None.

Tim Evans left the meeting at 11.50am.

28/15 COMPLETED INTERNAL AUDIT REPORTS [Item 13]

Declarations of interest:

None.

Witnesses:

Sue Lewry-Jones, Chief Internal Auditor

Key points raised during the discussion:

1. The Chief Internal Auditor introduced the report and highlighted that, of 15 reports issued since the previous meeting, six had an audit opinion of 'effective'. The Chairman expressed pleasure that key financial systems had received effective audit opinions.
2. **Review of Emergency Services:** The Chief Internal Auditor informed the committee that only one high priority recommendation had been made during this period and was concerned with an outdated Business Continuity Policy still being included in the Constitution of the Council. However, Communities Select Committee had now dropped this as an item at its May meeting as the Constitution had been updated with the current Corporate Resilience Policy. The Chief Internal Auditor felt that it was still worth following this up to ensure that the correct approval process for policies is used in future.
3. **Schools Financial Value Standard (SFVS) – self assessment:** A Member informed the committee that his discussions with other governors suggested that they were not aware of the Council's whistle blowing policy. Other Members discussed examples of school governing bodies which had agreed whistle blowing policies based on the Babcock 4S model policy. It was suggested that this was discussed with Babcock during the informal meeting with them later in the year (**Recommendations Tracker ref: A14/15**). In response to a question about the sample of schools reviewed, the Chief Internal Auditor explained that schools with a greater risk of less robust SFVS assessments were identified by combining team knowledge, discussions with Babcock 4S and with the council's own finance team. If assurance could be obtained from those with greater risk, it would demonstrate assurance for those considered less risky.
4. **Absence management:** The Chairman requested that, although the absence management report did not identify significant improvements needed or high priority recommendations, a report on progress be brought to committee in due course because of public concern about sickness absence in the public sector. Members asked that this include information on absence rates in different departments (**Recommendations Tracker ref: A15/15**).

5. **General Ledger:** The Chairman expressed concern that Babcock 4S had not reconciled all 8 GL codes within appropriate timeframes. He requested that the committee receive information on whether this recommendation had been addressed (**Recommendations Tracker ref: A16/15**).

Actions/Further information to be provided:

- i. Committee to discuss governing bodies' adoption and awareness of whistleblowing policies with Babcock 4S.
- ii. A report on progress against the management action plan for the absence management audit be brought to committee. The report to include information on absence rates in different departments.
- iii. Officers to provide a progress update on whether Babcock 4S has provided adequate assurance on the reconciliation of specific Schools balances within the appropriate timeframes.

RESOLVED:

That the committee NOTES the report.

Committee next steps:

None.

29/15 INTERNAL AUDIT PLAN 2015/16 [Item 15]

Declarations of interest:

None.

Witnesses:

Sue Lewry-Jones, Chief Internal Auditor

Key points raised during the discussion:

1. The Chief Internal Auditor introduced the report and assured the committee that the Audit Plan reflects the resources available.
2. In response to a question about the high staff turnover in the past year, the Chief Internal Auditor explained that there had been two retirements which had been planned for as well as some unplanned turnover. However, it is healthy to have some turnover of staff. It is also useful to have access to agency resource so long as the service is not overly reliant on it.
3. The Chairman stated that it was for the committee to ensure that the right audits are being carried out and to get assurance that the Chief Internal Auditor will be able to give an audit opinion at the end of the year.
4. The Chairman queried if Heads of Service do always inform Internal Audit if timescales on the management action plan are likely to be missed. The Chief Internal Auditor could not confirm if this was the case. However, there are service liaison arrangements and Heads of Service are asked to sign up to reporting on deadlines when they sign the management action plan.

5. The Chairman requested that the Agreed Process for Select Committee Review of Internal Audit Reports be modified to include reference to the Committee Manager producing a log of Select Committee reviews. This is then reported to the Chairman on a regular basis to enable him to take a view of whether any actions are required (**Recommendations tracker ref: A17/15**).
6. The Chairman was pleased to note that the Draft Internal Audit Plan had included the major projects and partnerships that the committee had identified as significant in informal meetings. He stated that the Head of Information Management and Technology would be attending the next meeting to discuss IMT projects and suggested that the Internal Audit Plan be reviewed with him (**Recommendations tracker ref: A18/15**).

Actions/Further information to be provided:

- i. The Agreed Process for Select Committee Review of Internal Audit Reports to be modified to include reference to the Committee Manager producing a log of Select Committee reviews. This is then reported to the Chairman on a regular basis to enable him to take a view of whether any actions are required.
- ii. The committee to review the Internal Audit Plan with the Head of Information Management and Technology.

RESOLVED:

That the committee APPROVED the following:

- (i) Internal Audit Charter
- (ii) Internal Audit Strategy
- (iii) Internal Audit Reporting and Escalation Policy
- (iv) Internal Audit Quality Assurance and Improvement Programme
- (v) 2015/16 Internal Audit Plan

Committee next steps:

Completed audit reports will be presented to the committee throughout the year and an update on performance against the 2015/16 Plan will be reported to the committee in December 2015.

30/15 SPECIAL EDUCATIONAL NEEDS AND DISABILITY STRATEGY - PROGRESS [Item 17]

As the Assistant Director for Schools and Learning and the Surrey SEND Pathfinder Manager had arrived early, it was decided to postpone Item 16, the Leadership Risk Register, to the end of the meeting.

Declarations of interest:

None.

Witnesses:

PJ Wilkinson, Assistant Director for Schools and Learning

Key points raised during the discussion:

1. The Assistant Director for Schools and Learning introduced the report and agreed to share a summary work programme with the committee (**Recommendations tracker ref: A19/15**).

Richard Wilson left the meeting at 12.30pm.

2. In response to a question about out of county placements, the Assistant Director for Schools and Learning informed the committee that this was an issue that the service had been trying to solve for 20 years. The focus now was on explaining the budget implications to schools and aiming to achieve self-discipline.
3. The Assistant Director for Schools and Learning informed the committee that schools had learnt to manage autistic children effectively.
4. The increasing number of Free Schools and Academies would not impact on the SEND Strategy.

Richard Wilson rejoined the meeting at 12.35pm.

5. The Assistant Director for Schools and Learning stated that some schools do more to support children with special education needs and disabilities than others. He had recently shared information on the proportion of statemented children in each school with head teachers and agreed to share this with the committee (**Recommendations tracker ref: A19/15**).

Actions/Further information to be provided:

- i. Assistant Director for Schools and Learning to share a summary work programme for developing the SEND Strategy with the committee.
- ii. Assistant Director for Schools and Learning to share information on the proportion of statemented children in each school with the committee.

RESOLVED:

That the committee NOTES the work in progress.

Committee next steps:

None.

31/15 EXCLUSION OF THE PUBLIC [Item 18]

RESOLVED: That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information under paragraph 1 of Part 1 of Schedule 12A of the Act.

THE FOLLOWING ITEMS OF BUSINESS WERE CONSIDERED IN PRIVATE BY THE COMMITTEE. HOWEVER, THE INFORMATION SET OUT BELOW IS NOT CONFIDENTIAL.

32/15 UPDATE ON REVIEW OF PLACEMENT CRITERIA FOR RESIDENTIAL PROVISION IN SURREY'S MAINTAINED SPECIAL SCHOOLS [Item 19]

Declarations of interest:

None.

Witnesses:

Susie Campbell, Surrey SEND Pathfinder Manager
Linda Kemeny, Cabinet Member for Schools and Learning

Key points raised during the discussion:

1. The Surrey SEND Pathfinder Manager introduced the report.
Members of the committee asked a number of questions which were answered by the officers present.

Actions/Further information to be provided:

None.

RESOLVED:

That the committee NOTES progress with the Review of Placement Criteria for Residential Provision in Surrey's Maintained Special School. .

Committee next steps:

None.

33/15 PUBLICITY FOR PART TWO ITEMS [Item 20]

RESOLVED: That the items considered under Part Two of the agenda should remain confidential and not be made available to the press and public.

34/15 LEADERSHIP RISK REGISTER [Item 16]

Declarations of interest:

None.

Witnesses:

Cath Edwards, Risk & Governance Manager

Key points raised during the discussion:

1. The Risk & Governance Manager introduced the report, highlighting two minor changes. She also informed the committee that the Council Leadership Team was also in attendance at the risk workshop with the Cabinet. The workshop did not identify any new strategic risks which gives assurance that all risks have been identified.

Actions/Further information to be provided:

RESOLVED:

That the committee NOTES the report.

Committee next steps:

None.

35/15 DATE OF NEXT MEETING [Item 21]

The date of the next meeting was noted.

The Chairman then informed the meeting that he would be standing down from the committee at the Council Annual General Meeting. He thanked Members and officers for their support over the years. The Vice-Chairman congratulated him on his successful chairing of the committee.

Meeting ended at: 1.05 pm

Chairman

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Audit and Governance Committee

Notice of Decision

The Audit and Governance Committee has considered an application from Mr Graham Ellwood for a dispensation under section 33 of the Localism Act 2011 in respect of a disclosable pecuniary interest, which is registered in the Register of Members' Interests, to allow him to exercise certain Council functions in relation to George Abbot School, which he would otherwise be excluded from as a result of that interest.

The Committee agreed that:

- The granting of the application was in the interests of people living in the Council's area
- The nature of the Mr Ellwood's interest was such that allowing him to participate would not damage public confidence in the conduct of the authority's business.

and the Committee RESOLVED as follows:

1. That the committee APPROVES a dispensation to allow Mr Graham Ellwood to make proposals for the use of cluster funding, or funding from his Member's Allocation, for the benefit of George Abbot School.
2. This dispensation would apply until the end of the current term of the councillor (May 2017).

Dated 9 April 2015

David McNulty

Chief Executive

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