

# Agenda

### **Audit and Scrutiny Committee**

Tuesday, 18 June 2019 at 7.00 pm
Brentwood Ursuline Convent High School, Queens Road, Brentwood,
Essex CM14 4EX

#### Membership (Quorum - 3)

Cllrs Nolan (Chair), Tanner (Vice-Chair), Dr Barrett, Chilvers, Haigh, Hirst, Mrs McKinlay, Naylor and Parker

#### **Substitute Members**

Bridge, S Cloke, Mrs Fulcher, McLaren, Morrissey and Poppy

Agenda Item	Item	Wards(s) Affected	Page No
1.	Apologies for Absence		
2.	Minutes of the previous Audit and Scrutiny held on 23.3.2019		5 - 10
3.	Minutes from the previous Regulatory and Governance Committee held on 6.3.2019		11 - 18
4.	Terms of Reference	All Wards	19 - 26
5.	Draft Statement of Accounts 2018-2019 and Annual Governance Statement To follow.	All Wards	

6.	Internal Audit Progress Report 2018-2019	All Wards 27 - 60
7.	Member's Enquiry System	All Wards 61 - 64
8.	Scrutiny Work Programme 2019-2020	All Wards 65 - 70

#### 9. Urgent Business

An item of business may only be considered where the Chair is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, the item should be considered as a matter of urgency.

**Chief Executive** 

Town Hall Brentwood, Essex 10.06.2019

#### Information for Members

#### **Substitutes**

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi-judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

#### **Rights to Attend and Speak**

Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

#### Point of Order/ Personal explanation/ Point of Information

#### **Point of Order**

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

#### **Personal Explanation**

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

#### Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate, If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

#### Information for Members of the Public

#### (i) Access to Information and Meetings

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Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.



#### Private Session

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.



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There is wheelchair access to the meeting venue from the Main Entrance. If you do wish to attend this meeting, please contact the clerk should you have specific accessibility needs. There is an induction loop in the meeting room.

### Evacuation Procedures

Evacuate the building using the nearest available exit and congregate at the assembly point in the Car Park.



#### **Minutes**

### Audit and Scrutiny Committee Wednesday, 13th March, 2019

#### **Attendance**

Cllr Russell (Chair)
Cllr Mrs Hones (Vice-Chair)
Cllr Chilvers
Cllr Haigh

Cllr Keeble Cllr Nolan Cllr Mrs Slade

#### **Absent**

Cllr Barrell
Cllr Mrs Middlehurst

#### Also Present

Cllr Hossack Cllr Naylor

Dean Bardrick (E&Y)
Aaminah Aziz (E&Y)
Angela Mason-Bell (BDO)
Janine Combrinck (BDO)

#### **Officers Present**

Phoebe Barnes - Interim Financial Controller
Daniel Cannon - Community Safety Manager

Zoey Foakes - Governance & Member Support Officer
Alistair Greer - Principal Accountant (Financial Reporting)

Tracey Lilley - Enforcement Manager
Steve Summers - Chief Operating Officer
Jacqueline Van - Chief Financial Officer

Mellaerts

#### 369. Apologies for Absence

No apologies for absence were received.

#### 370. Minutes of the previous meeting

Cllr Chilvers requested that her attendance record for the previous Audit and Scrutiny Committee note that her absence was due to attending Council business.

The minutes of the Audit and Scrutiny Committee meeting held on 30 January 2019 were approved as a true record.

#### 371. Certification of Claims and Returns Annual Report 2017/18

The report presented the External Auditor's annual report in respect of the Certification of Claims and Returns; specifically, the Housing Benefit Subsidy Claim for the financial year 2017/18.

A motion was **MOVED** by Cllr Russell and **SECONDED** by Cllr Hones to move the recommendations in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** that:

Members note the contents of the Certification of Claims and Returns Annual Report 2017/18 at Appendix A of the report.

#### **Reasons for Recommendation**

For Members to review the findings of the external audit's certification work.

#### 372. Internal Audit Progress report

The report informed the Audit and Scrutiny Committee of progress made against the approved internal audit plan for 2018/19, which were approved by the Audit Committee in March 2018.

The following reports had been finalised since the last Committee and a summary of Internal Audits findings was included in the progress report:

- Corporate Projects (Moderate/Moderate assurance)
- Local Development Plan (Moderate/Moderate assurance)
- PCI /DSS Compliance (Moderate/Limited assurance)

The full reports were available on request.

A Summary of outstanding recommendations from previous audits were included in Appendix B – Follow up report. There was a total of 67 high and medium recommendations raised in 2017/18 of which 66% had been completed.

A motion was **MOVED** by Cllr Russell and **SECONDED** by Cllr Hones to move the recommendations in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** that:

- 1. The Committee receives and notes the contents of the Internal Audit Progress Reports attached in Appendix A.
- 2. That the Committee receives and notes the contents of the Internal Audit Follow Up Report attached in Appendix B

#### **Reasons for Recommendation**

To monitor the progress of work against the internal audit plan.

#### 373. Internal Audit Plan 2019-20

The report outlined the Internal Audit Plan for 2019/20.

A motion was **MOVED** by Cllr Russell and **SECONDED** by Cllr Hones to move the recommendations in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** that:

The Committee approves the Internal Audit Operational Plan and Internal Charter for 2019/20 included in Appendix A.

#### **Reasons for Recommendation**

To approve the work programme for Internal Audit Plan 2019/20.

#### 374. Community Safety Partnership Annual Report 18 19

The Community Safety Partnership (CSP) is made up of Responsible Authorities as outlined in the Crime & Disorder Act 1988 which included the Council as a key partner.

Each year the partnership had a statutory duty to carry out a Strategic intelligence Assessment which reviewed existing priorities and identified any new or emerging priorities that the partnership should focus on.

All partners agreed the Strategic Priorities and set out in their Partnership Plan (see Appendix A of the report) how the partnership would work together over the next twelve months to tackle crime and disorder and achieve its priorities.

The CSPs Strategic Priorities for 2018/19 were:

- Protecting People
- Protecting Property
- Protecting the Community
- Protecting the Future

A set of action plans were developed which underpinned delivery of the above priorities and set out how the partnership would work together to stimulate activity across the Borough, focusing on those activities that added value because of being delivered in partnership.

Section 19 of the Police and Justice Act 2006 required every Local Authority to have a Crime and Disorder Committee with the power to review, scrutinise, and make reports and recommendations regarding the functioning of the CSP. Under the scrutiny arrangements in place the Committee were asked to consider the work of the CSP as outlined in the annual report attached at Appendix A and refer any comments or concerns to the partnership.

A motion was **MOVED** by Cllr Russell and **SECONDED** by Cllr Hones to move the recommendations in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** that:

Members to consider the work of the CSP through the Partnership Plan and raise any comments for the partnership consideration.

#### **Reasons for Recommendation**

The Committee was asked to consider the work of the CSP as summarised in the attached annual report and to refer any comments or concerns to the partnership. This provided a scrutiny and monitoring function of the Council's partnership role in improving community safety.

#### 375. Members Enquiry System

The report set out the continuing review work with regards to the new Members Enquiry system.

At the previous committee, Members were advised that 6 members cross party were invited to give feedback on the new Member Enquiry System for officers to note the comments and explore any modifications that could be made.

Officers had reviewed the comments made by Members and attached at Appendix A was a table detailing the progress made to date on matters which could be progressed and responses to where action could not be taken.

In addition to the comments/updates attached in Appendix A of the report, officers had suggested that a reminder email was sent to Members to remind them to confirm that a case could be closed. This could be sent every 5 days.

Officers would report back to the next Audit and Scrutiny Committee meeting any further feedback and updates from the comments received, including actions to be taken.

A motion was **MOVED** by Cllr Russell and **SECONDED** by Cllr Hones to move the recommendations in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** that:

- 1. The Committee note and agree the progress made to date as set out in Appendix A.
- 2. That the Committee agree the suggestion as set out in 1.4 of the report.
- 3. That Officers report back any actions at the next Committee meeting.

#### **Reasons for Recommendation**

To ensure the Member Enquiry System was efficient and effective.

#### 376. Formal Complaints and Performance Indicators Working Group Report

The report submitted the report and recommendations of the Formal Complaints and Performance Indicators Working Group for consideration by the Audit & Scrutiny Committee.

Cllr Chilvers remained in the room but did not take part in the discussion or vote as she had been involved in a previous formal complaint.

A motion was **MOVED** by Cllr Russell and **SECONDED** by Cllr Hones to move the recommendations in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** that:

To note the Formal Complaints and Performance Indicators Working Group report, as attached at Appendix A, and agree the recommendations contained within it.

#### **Reasons for Recommendation**

To ensure the Council provided modern and effective customer services.

#### 377. Scrutiny Work Programme 2018/19 Update

The report provided the 2018/19 draft scrutiny work programme for members consideration and was attached at Appendix A of the report.

Members should note that the workplan was a timeline of the latest and proposed working position of the working groups and **not** the actual timeline of the subject matter or project being reviewed. These timelines were subject to change depending on the work and outcomes of the working groups.

The Committee was requested to consider the draft work programme at Appendix A and agree any amendments.

A motion was **MOVED** by Cllr Russell and **SECONDED** by Cllr Hones to move the recommendations in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** that:

That the Committee considers the Scrutiny work programme 2018/19 attached at Appendix A and agree any amendments for approval.

#### **Reasons for Recommendation**

The Constitution required that the Audit & Scrutiny Committee agreed its Scrutiny work programme at each meeting of the Committee.

#### 378. Urgent Business

There were no items of urgent business to discuss.

The Chair thanked the Vice Chair, officers and committee members for their work and involvement as this was the last Audit and Scrutiny Committee of the municipal year.

The meeting concluded at 7:55pm



#### **Minutes**

## Regulatory and Governance Committee Wednesday, 6<sup>th</sup> March 2019

#### **Attendance**

Cllr Ms Rowlands (Chair)
Cllr Mrs Tierney (Vice Chair)
Cllr Barrett

Cllr Cloke

Cllr Mrs Hones Cllr McCheyne Cllr Mynott

#### **Apologies**

Cllr Kendall

#### **Substitute Present**

Cllr Naylor

#### Also Present

Cllr Ms Fulcher Cllr Hirst Cllr Nolan

#### **Officers Present**

Steve Summers -Chief Operating Officer

Claire Mayhew - Corporate and Democratic Services Manager

Jacqueline Van Mellaerts
Sue White
Paula Harvey
Lee Henley
-Chief Financial Officer
-Risk and Insurance Officer
-Deputy Monitoring Officer
-Data Protection Officer

#### 357. Apologies for absence

Apologies were received from Cllr Kendall with Cllr Naylor substituting.

#### 358. Minutes of the previous meeting

The Minutes of the meeting held on 28<sup>th</sup> November 2018 were agreed as a true record, subject to the inclusion of Cllr Kendall in the attendance list.

#### 359. Chair's Update Report

#### **GDPR Update**

A GDPR update was made to the November Regulatory & Governance meeting setting out in detail the works undertaken to date and the future work planned to embed compliance throughout the council. The Committee agreed to the actions identified in the report.

Mr Lee Henley, the Councils Data protection Officer, attended the meeting and answered members questions.

Advice has been sought regarding indemnity insurance for members following previous requests from the Chair and other members that they would be covered during the course of undertaking council business. The Council's Insurers have advised that they would be covered as the Council are the data controllers but would need to be considered on a 'case by case' basis. The cover is for legal expenses but not for any possible fine in the case of a breach.

#### General Data Bodies – Website Accessibility Regulations 2018

Members received a report which updates them on the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018 which came into effect on the 23 September 2018. The report provided detail on the key dates of the new regulations and the list proposed actions at this stage to assist with ensuring compliance.

#### **Business Continuity Policy/Strategy**

Members were advised that as the Council was a Category 1 Responder under the Civil Contingencies Act 2004 it had responsibility to put business continuity management arrangements into place.

Work had been undertaken to review and develop a new Business Continuity Policy and Strategy which was intended to ensure that the Council's services can continue to operate and deliver essential services to the community as required.

The Business Continuity Strategy outlines a 3-year programme of key actions for the continual development of business continuity plans, through the ongoing review and exercising of all plans.

#### Strategic and Operational Risk

The governance arrangements set out in the 'Insurance & Risk Management Strategy' and terms of reference of committees from the Council's constitution require the Regulatory & Governance Committee to review the strategic risks every quarter and confirm they are confident that the risks associated within the register are those which are strategic and relevant to the organisation at this point in time and the considered future.

As previously agreed by the committee as part of the revised Insurance & Risk Management Strategy 2018 a new risk ranking table had been developed. Due to this change only the Strategic Risks would be presented to this committee, as further work was required on the Operational risks.

The report updated the committee on the status of the Council's 2018/19 Strategic Risk Register. As previously requested by the committee risks were added to the Strategic register for Brexit and Treasury Management.

#### Monitoring of Council – Freedom of Information and Members requests

#### Members requests

Members will be aware that a new members request system was introduced in October last year. Following the introduction a review has begun with a report made to the Audit & Scrutiny Committee in January identifying initial comments from members regarding the new system.

An update report will be made to the Audit & Scrutiny Committee in March 2019. It is considered that it would be appropriate that following any further changes that are made to the system that a report is made to the Regulatory Committee regarding the process for Members requests.

#### Freedom of Information requests

The Council is due to change to a new software system for Freedom of Information requests which will provide a more efficient and effective process for both users and the council. As above it is considered that it would be more appropriate that a report is made to the Regulatory & Governance Committee regarding the process under the proposed new system.

The Chair informed the committee that she has queried the fines relating to GDPR and Mr Summers will review this.

Cllr Mynott, made reference to the Member's Request System and the degree of overlap between Audit & Scrutiny Committee and Regulatory & Governance Committee.

### 360. Review issues referred to the committee by a statutory officer of the Council or any Council Body.

The Terms of Reference for the Regulatory & Governance Committee requires it to review issues referred to the committee by a statutory officer of the Council or any Council Body.

This will now be a standing item for the Committee with Officers providing any matters for the committee to consider including a nil response.

There are no current matters to be referred to the committee.

Cllr Mynott, ask if this item could go via another channel. Maybe a group of Members bringing issues to this committee. Cllr Mynott would like some clarity on the issues that can be raised.

After a full discussion, an amendment to the recommendation to state, was **MOVED** by Cllr Cloke and **SECONDED** by Cllr Mrs Hones.

### 2.1. That the Committee agrees that no issues have be referred by the Councils Statutory Officers at this stage.

This was accepted by the Chair. The amended motion was then **MOVED** by Cllr Rowlands and **SECONDED** by Cllr Cloke.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY**.

1. That the Committee agrees that no issues have be referred by the Councils Statutory Officers at this stage.

#### REASON FOR RECOMMEDATION

The Constitution requires that the Regulatory & Governance Committee to review issues referred to the committee by a statutory officer of the Council or any Council Body.

#### 361. Data Protection Act 2018 Progress Report

The Council are making good progress in improving and embedding its processes in relation to the Data Protection Act 2018. This report sets out work undertaken and details further work to embed compliance going forward.

Cllr Mynott raised a point relating to Members been covered by GDPR Law. Mr Henley explained that guidance has be supplied to Members and training has been undertaken. More clarification on this is required.

Cllr Mynott also brought to the officer's attention the recent problems with members emails. The chair asked if personal emails addressed can be used.

Guidance to be circulate to members on the use of their personal emails addresses.

Cllr Ms Rowlands **MOVED** and Cllr Mrs Tierney **SECONDED** to approve the recommendations in the report.

A vote was taken by a show of hands and it was **RESOLVED**.

1. That the Committee note the actions being taken by the Council in relation to the Data Protection Act 2018.

#### **REASON FOR RECOMMENDATION**

To ensure compliance with the Data Protection Act.

#### 361. Review of the Council's Whistleblowing Policy

This report provides a review of the effectiveness of the Council's current whistleblowing arrangements and sets out proposals arising from a review for ensuring that the Council's whistle blowing arrangements remains effective.

Cllr Mynott, asked for clarification on the minor charges that are mentioned on 2.1 (iii).

Ms Harvey, confirmed that the Monitoring Office can make minor charges required by law.

He also made reference to when the whistleblowing in-box will be established and who is entitled to be a whistle-blower.

Officer to reply to Cllr Mynott off-line to these questions.

After a full discussion, Cllr Mrs Hones **MOVED** an amendment to 2.1. (iii) and this was **SECONDED** by Cllr Ms Middlehurst.

2.1

(iii) Authority for the Monitoring Officer to make any minor changes required by law in consultation with the Chair of the Regulatory and Governance Committee.

This was accepted by the Chair.

Cllr Ms Rowlands **MOVED** and Cllr Mrs Tierney **SECONDED** to approve the recommendations subject to the amendment of 2.1 (iii).

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY**.

2.1 That the Committee consider the draft revised whistleblowing policy attached to this report (Appendix A) and to recommend to Policy, Projects and Resources Committee to approve:

- (i) the revised Whistleblowing Policy
- (ii) the details and on-going plans for raising awareness of the Council's whistleblowing arrangements
- (iii) authority for the Monitoring Officer to make any minor changes required by law in consultation with the Chair of the Regulatory and Governance Committee.

#### REASON FOR RECOMMENDATION

Under the Council Constitution one the functions of the Regulatory Committee is to monitor the Council's policies and strategies on Whistleblowing.

The whistleblowing policy is intended to assist Council employees, and others who work for the Council to raise concerns about the wrongdoing or malpractice within the council without fear of reprisal.

#### 362. Strategic and Operational Risk

The report updates members of the Regulatory & Governance Committee on the status of the Council's 2019 Strategic Risk Register and the progress being made across Services in delivering Operational Risk Registers.

The Insurance and Risk Management Strategy 2018 was approved at Committee on 10th October 2018. Both Strategic and Operational Risk Registers have been revised to reflect changes of the Strategy.

Cllr Mynott, brought to the committee his concerns about the level of the Operational Risk relating to the Housing Department, especially those relating to Housing Maintenance. What like to see a breakdown of the 8 housing risks and a justification of the risks we are giving them brought to the next committee.

Cllr Barrett, made reference to Risk 13, Brexit and Risk 6, Commercial Activates. Would like more explanation and narrative on why the risk score has been evaluated for the next committee.

After a full discussion, Cllr Ms Rowlands **MOVED** and Cllr Mrs Tierney **SECONDED** to approve the recommendations in the report.

A vote was taken by a show of hands and it was **RESOLVED**.

- 2.1 To agree the amendments to the Strategic Risk Register, as shown in Appendix B, and that the risk scores recorded for each risk accurately represents the current status of each risk.
- 2.2 To agree the risk scores recorded for the high level Operational Risks, as shown in Appendix B.

#### **REASON FOR RECOMMENDATION**

Risk Management continues to be embedded quarterly within the Senior Management Team reports, where Service Heads discuss the top-level risks for their service areas to ensure that the risks are updated to reflect the ongoing changes.

In addition, the Risk & Insurance Officer will continue to work with risk managers to maintain the good progress to date and further develop a consistent application of risk management considerations across all operations of the Council.

#### 363. Urgent Business

There were no items of urgent business and the meeting concluded at 19:41.



#### 18th June 2019

#### **Audit and Scrutiny Committee**

#### **Audit and Scrutiny Committee Terms of Reference**

**Report of:** Claire Mayhew, Corporate and Democratic Services Manager

Wards Affected: All Wards

This report is: Public

#### 1. Executive Summary

1.1 At Annual Council on 15<sup>th</sup> May 2019, the terms of reference for each committee for the municipal year 2019/2020 were approved.

#### 2. Recommendation(s)

- 2.1 That the Committee notes the Terms of Reference (Appendix A) of the Audit and Scrutiny Committee.
- 2.2 That any amendments addressed by the Committee are reported to Chief Operating Officer/Corporate and Democratic Services Manager and a report to be taken to appropriate Ordinary Council Meeting for approval.

#### 3 Introduction and Background

- 3.2 The Council currently operates a committee system form of local authority governance under Part 1A of the Local Government Act 2000.
- 3.3 The Council has discretion as to its Committees except where the law otherwise provides. There are a number of statutory provisions relating to committees which include those set out below.
- 3.4 Under section 102 of the Local Government Act 1972 the Council has discretion to appoint one or more committees of the Council and may establish a joint committee with one or more other local authorities.
- 3.5 Under section 9JA of the Local Government Act 2000 the Council may by resolution appoint one or more committees as the authority's overview and scrutiny committee or, as the case may be, committees. Where the Council does

- so resolve, the Local Authorities (Committee System) (England) Regulations 2012 set out what powers are required to be given.
- 3.6 Under section 19 of the Police and Justice Act 2006 the Council is required to establish a crime and disorder committee (unless it has established an overview and scrutiny committee in which case that committee acts as the crime and disorder committee).
- 3.7 Under section 6 of the Licensing Act 2003 the Council must establish a Licensing Committee of at least ten Members and no more than fifteen Members to discharge the prescribed licensing functions under that Act and the prescribed gambling functions under the Gambling Act 2005.
- 3.8 Under the Local Authorities (Standing Orders) (England) Regulations 2001 as amended, the Council is required to appoint a Panel (being an advisory committee under section 102(4) of the Local Government Act 1972) in respect of disciplinary action concerning its three statutory officers.
- 3.9 Although the Licensing Sub-Committee is set up by the Planning and Licensing Committee, the Licensing Sub-Committee appears in this report in order to provide a more complete picture of the Council's arrangements.

#### 4 Issue, Options and Analysis of Options

- 4.2 Part 3.1 of the Constitution lists the powers and duties of the Committees appointed by Annual Council for 2019/2020, this is subject to an amendment made by the individual committees throughout the year with Council's approval.
- 4.3 The proposed Terms of Reference for Audit and Scrutiny Committee are appended to this report.

#### 5 Reasons for Recommendation

5.2 The Council operates a committee system form of governance and is required by law to establish certain committees and has discretion to appoint other committees to facilitate the effective conduct of business under that committee system.

#### 6 Consultation

6.2 None.

#### 7 References to Corporate Plan

7.2 Establishing those Committees required by law and those it considers necessary to fulfil its functions should enable the Council to discharge those functions in a timely, open and transparent way to deliver the Corporate Plan.

#### 8 Implications

**Financial Implications** 

Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer Tel & Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk

8.2 The cost of servicing the governance arrangements at the Council will be met from existing resources within the Council's Medium Term Financial Plan 2019/2020.

**Legal Implications** 

Name & Title: Paula Harvey, Deputy Monitoring Officer Tel & Email: 01277 312705/paula.harvey@brentwood.gov.uk

8.3 The recommendations set out within this report are lawful and within the Council's powers and duties. The Council operates a committee system form of governance within an existing legal framework. The Council's Constitution provides that the Annual Meeting will establish a committee for the purposes of the Licensing Act 2003 and such other committees as may be necessary for the proper discharge of the Council's functions, including their size and terms of reference.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.4 None.
- **9 Background Papers** (include their location and identify whether any are exempt or protected by copyright)
- 9.2 None.

#### 10 Appendices to this report

Appendix A: Terms of Reference – Audit and Scrutiny Committee

### **Report Author Contact Details:**

Name: Claire Mayhew, Corporate and Democratic Services Manager

**Telephone:** 01277 312741

**E-mail:** claire.mayhew@brentwood.gov.uk

### Audit and Scrutiny Committee Term of Reference

The Audit and Scrutiny Committee provides advice to the Council and the committees on the effectiveness of the arrangements for the proper administration of the Council's financial affairs, including all relevant strategies and plans.

It also acts as the Council's Overview and Scrutiny Committee with all the powers under Part 3 of the Local Authorities (Committee System) (England) Regulations 2012, and discharges the functions under section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters).

Without prejudice to the generality of the above, the terms of reference include those matters set out below.

#### **Audit Activity**

- (a) To approve the Annual Internal Audit risk based plan of work.
- (b) To consider the Head of Internal Audit's annual report and opinion, and a summary of Internal Audit activity and the level of assurance it can give over the Council's corporate governance, risk management and internal control arrangements.
- (c) To consider regular progress reports from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
- (d) To consider the External Auditor's annual letter, relevant reports, and the report to those charged with governance.
- (e) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (f) To consider the arrangements for the appointment of the Council's Internal and External Auditors.

#### Regulatory Framework

- 1) To review any issue referred to it by a Statutory Officer of the Council or any Council body.
- 2) To monitor the effective development and operation of risk management and corporate governance in the Council.

3) To monitor Council policies and strategies on an Annual basis

Whistleblowing
Money Laundering
Anti-Fraud and Corruption
Insurance and Risk Management
Emergency Planning
Business Continuity

- 4) To monitor the corporate complaints process.
- 5) To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- 6) To consider the Council's compliance with its own and other published standards and controls.
- 7) To monitor the Council processes in relation to
  - Freedom of Information
  - Member Enquires
- 8) To monitor the Council's Data Quality arrangements.
- 9) To monitor the Council's Member's Training arrangements.

#### Accounts

- To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- 2) To review the Council's Annual Governance Statement.
- 3) To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

#### **Scrutiny Activity**

1) Responsible to scrutinise any matters as identified and agreed by the Policy, Resources and Economic Development Committee as set out in the Audit and Scrutiny Procedure rules.

- 2) To identify and recommend any matters that need to be scrutinised to the Policy, Resources and Economic Development Committee for approval as set out in the Audit and Scrutiny rules.
- 3) To report to the Policy, Resources and Economic Development Committee or the appropriate committee on the progress of any matters that have been requested and to make relevant recommendations as required.
- 4) To establish working groups as appropriate(in line with agreed protocols) to undertake the scrutiny of any matters requested by the Policy, Resources and Economic Development Committee, including setting their terms of reference, the reporting arrangements, and to co-ordinate and review the work of the working groups.
- 5) Responsibility for the monitoring of Council service performance, including Performance Indicators and, Formal Complaints, making reports if required to any committee, or subcommittee, any officer of the Local Authority, or any joint committee on which the Local Authority is represented, or any sub-committee of such a committee.
- 6) To review and/or scrutinise decisions made, or other action taken, in connection with the discharge of any functions of the Local Authority.
- 7) To deal with those issues raised through the 'Councillor Call for Action' scheme in line with agreed protocols and procedures.
- 8) To review and/or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.
- 9) To make reports or recommendations to the Local Authority with respect to the discharge by the responsible authorities of their crime and disorder functions.



#### 18 June 2019

#### **Audit and Scrutiny Committee**

#### **Internal Audit Progress Report**

Report of: Greg Rubins, Head of Internal Audit (BDO)

Wards Affected: All

This report is: Public

#### 1. Executive Summary

- 1.1 This report is intended to inform the Audit and Scrutiny Committee of progress made against the approved internal audit plan for 2018/19, which was approved by the Audit Committee in March 2018.
- 1.2 The following reports have been finalised since the last Committee and a summary of our findings is included in the progress report:
  - Business Continuity and Disaster Recovery
  - General Data Protection Regulations
  - Homelessness
- 1.3 The executive summaries of the above audits is included in Appendix A Progress report.
- 1.4 The full reports are available on request.
- 1.5 A summary of outstanding recommendations from previous audits is included in Appendix B Follow up report.
- 2. Recommendation
- 2.1 That the Committee receives and notes the contents of the Internal Audit Progress Report attached in Appendix A.
- 2.2 That the Committee receives and notes the contents of the Internal Audit Follow Up Report attached in Appendix B

#### 3. Introduction and Background

- 3.1 This report is intended to inform the Audit and Scrutiny Committee of progress made against the 2018/19 internal audit plan. It summarises the work we have done, together with our assessment of the systems reviewed and the recommendations we have raised.
- 3.2 Our work complies with Public Sector Internal Audit Standards. As part of our audit approach, we have agreed terms of reference for each piece of work with the risk owner, identifying the headline and sub-risks, which have been covered as part of the assignment. This approach is designed to enable us to give assurance on the risk management and internal control processes in place to mitigate the risks identified.
- 3.3 The Audit Committee approved the 2018/19 annual audit plan in March 2018. The progress against plan is reported at every Audit and Scrutiny Committee during 2018/19.

#### 4. Issue, Options and Analysis of Options

- 4.1 The following reports have been finalised since the last Committee and a summary of our findings is included in the progress report:
  - Business Continuity and Disaster Recovery (Moderate/Moderate)
  - General Data Protection Regulations (Moderate/Substantial)
  - Homelessness (Moderate/Moderate)
- 4.2 <u>Business Continuity and Disaster Recovery Conclusion</u>
  Overall, we conclude that the control framework in place for the management of disaster recovery and business continuity is generally adequately designed and operationally effective, but management need to address the areas of risk identified from this review.

We note that management do not intend to implement our recommendations until March 2020, when the Council moves back to the Town Hall. This is understandable but in the meantime the Council should note it is accepting the risks involved and this should be included in the risk register.

4.3 <u>General Data Protection Regulations Conclusion</u>
We found that work has been undertaken to establish GDPR compliance which is in accordance with good practice principles. We have made recommendations relating to the completion of the information asset register that will require continued commitment from stakeholders from

across the Council and Senior Management. Consequently, we concluded moderate assurance over the design of the controls and substantial assurance over the operational effectiveness of the controls in place.

#### 4.4 <u>Homeless</u>ness Conclusion

There is a documented control framework across the majority of areas, including a homelessness strategy which incorporates the approach to rough sleeping, and timeframes for assessing those that present themselves as homeless to the Council. The framework could be improved through fully utilising the Locata system by recording progress made on a case and incorporating the complete list of KPIs being monitored, to enable clear and transparent reporting of performance. The housing service should provide additional training to their staff on document verification practices and ensure all documentation is held in a central location and available for future review. This will reduce the risk that the service will wrongfully accept a homeless duty towards an individual and protect the Council against any challenges of their decisions.

- 4.5 A Summary of outstanding Recommendations from previous audits are included in Appendix B Follow up report.
- 4.6 This is regularly monitored by Senior Officers and will be followed up again ahead of the next Audit and Scrutiny Committee, along with other recommendations due by 30 June 2019.

#### 5. Reasons for Recommendation

5.1 To monitor the progress of work against the internal audit plan.

#### 6. Consultation

6.1 Not applicable.

#### 7. References to Corporate Plan

7.1 Good financial management underpins all priorities within the Corporate Plan.

#### 8. Implications

#### **Financial Implications**

Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer Tel & Email: 01277 312829 / Jacqueline.vanmellaerts@brentwood.gov.uk

8.1 There are no direct financial implications arising from this report.

#### **Legal Implications**

Name & Title: Daniel Toohey, Head of Legal Services
Tel & Email 01277 312860 / daniel.toohey@brentwood.gov.uk

- 8.2 There are no legal implications arising directly from this report.
- 9. Background Papers
- 9.1 None

#### 10. Appendices to this report

Appendix A – Internal Audit Progress Report Appendix B – Internal Audit Follow Up Report

#### **Report Author Contact Details:**

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### SUMMARY OF 2018/19 WORK

#### **Purpose of Report**

This report is intended to inform the Audit and Scrutiny Committee of progress made against the 2018/19 internal audit plan. It summarises the work we have done, together with our assessment of the systems reviewed and the recommendations we have raised. Our work complies with Public Sector Internal Audit Standards. As part of our audit approach, we have agreed terms of reference for each piece of work with the risk owner, identifying the headline and sub-risks, which have been covered as part of the assignment. This approach is designed to enable us to give assurance on the risk management and internal control processes in place to mitigate the risks identified.

#### Internal Audit Methodology

Our methodology is based on four assurance levels in respect of our overall conclusion as to the design and operational effectiveness of controls within the system reviewed. The assurance levels are set out in Appendix 1 of this report, and are based on us giving either "substantial", "moderate", "limited" or "no". The four assurance levels are designed to ensure that the opinion given does not gravitate to a "satisfactory" or middle band grading. Under any system we are required to make a judgement when making our overall assessment.

For audits with a substantial or moderate assurance opinion, the executive summaries from the final report will be included in the Internal Audit Progress Report. For audits with a limited or no assurance opinion, the full report will be included with the papers.

#### 2018/19 Internal Audit Plan

The following reports have been finalised, and the executive summaries are included in this report:

- Disaster Recovery and Business Continuity
- General Data Protection Regulations
- Homelessness

The following audits are in the process of being complete, and will be presented to the next Audit and Scrutiny Committee meeting:

- Main Financial Systems (draft report)
- Housing Department audit (draft report)
- Workforce Strategy and Organisational Structure (fieldwork completed)

#### Changes to the Plan

There have been the following changes to the approved internal audit plan:

- Risk Management and Governance This audit has been deferred to 2019/20 at the request of management and agreed by internal audit as it was reviewed last year.
- Housing Department Audit a review was requested by management.

We agreed changes to the timings of the two audits below:

- Disaster Recovery and Business Continuity moved from Q2 to Q4 (to allow for arrangements with Basildon Council to be confirmed and in operation).
- General Data Protection Regulations moved from Q2 to Q4 (to allow for the new systems and process to become embedded, and provide a sufficient basis for audit testing).

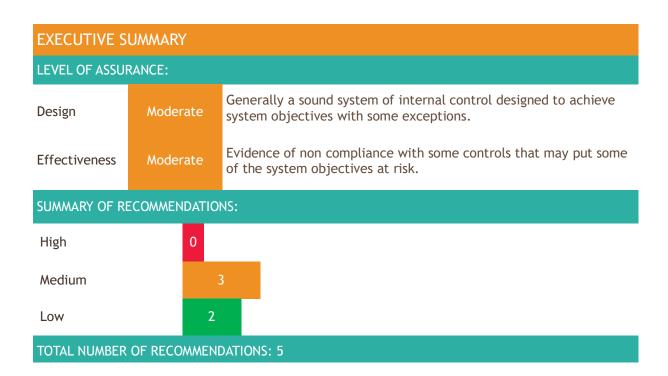
#### Internal Audit Plan 2019/20

Work is underway on the detailed scopes and timing of audits in the internal audit plan for 2019/20 that was approved by the Audit and Scrutiny Committee on 13 March 2019. All timings have been agreed and scoping meetings for first two audits (Human Resources and Leisure Services) have been arranged for mid-June, with fieldwork starting at the beginning of July. We are also in the process of arranging risk management training.

### REVIEW OF 2018/19 WORK

Audit	Executive Lead	Due Date	Planning	Fieldwork	Reporting	Design	Effe	ctiveness
Risk Management and Governance Arrangements	Sue White	Q4 Mar 2019	This audit	has been def	erred to 2019	9/20.		
Main Financial Systems	Phoebe Barnes	Q3/ Q4 Dec 2017	~	<b>~</b>	<b>✓</b> Draft			
Disaster Recovery and Business Continuity	Sue White	Q4 w/c 18 Mar 2019	•	<b>✓</b>	<b>✓</b> Final			
General Data Protection Regulations	Daniel Toohey	Q4 w/c 18 Mar 2019	•	<b>~</b>	<b>✓</b> Final			
Local Development Plan	Phil Drane	Q3 Dec 2018	~	•	<b>✓</b> Final			
Commercial Activities	Chris Leslie	Q1/Q2 Jun to Sep 2018	<b>~</b>	<b>~</b>	<b>✓</b> Final	(		
Corporate Projects	Steve Butcher	Q3 Dec 2018	•	<b>✓</b>	<b>✓</b> Final			
Workforce Strategy and Organisation Structure	Phil Ruck	Q4 Apr 2019	•	Fieldwork completed	<b>✓</b> Reporting			
Housing - Homelessness	Stuart Morris	Q4 Feb 2019	~	<b>~</b>	<b>✓</b> Final			
Building Control	Gary Sampson- Price	Q1 May/Jun 2018	<b>~</b>	<b>~</b>	<b>✓</b> Final	(		
Planning	Andy Millard	Q1 May/Jun 2018	<b>~</b>	•	<b>✓</b> Final			
PCI / DSS Compliance	Christopher Houghton/ Tim Huggins	Q2 Jul 2018	~	<b>✓</b>	<b>✓</b> Final			
Housing Department Audit	Phil Ruck / Steve Summers	Q4 Mar 2019	<b>~</b>	<b>✓</b>	<b>✓</b> Draft			
Follow Up	Jacqueline Van Mellaerts	Ongoing		See sep	parate follow	up report	[	

## EXECUTIVE SUMMARY – DISASTER RECOVERY AND BUSINESS CONTINUITY



#### **BACKGROUND:**

The Council performs a number of essential and statutory functions. Effective Business Continuity and Disaster Recovery arrangements enable the Council to restore service delivery without undue delay in the event that an unplanned event prevents normal systems and processes occurring. Good planning will enable prioritisation of work to restore affected services, and identify the key contacts, resources and processes to return to stability of operations.

The [former] Audit, Scrutiny & Transformation Committee approved the strategic move to agile working through cloud modelling and a thin client structure on 29 September 2015. This transformed the needs of the business and delivered high availability, and significantly reduced the need for all onsite maintenance, for both hardware and applications. The Council use Microsoft Azure (laaS) hence the platform is remotely hosted. The infrastructure as a service (laaS) model means that no recovery actions are required onsite other than ensuring workstations can obtain a network connection to the internet service provider (ISP). Two fibre optic cables have been installed for the Regus site so redundancy has been built in, and Alien Vault Ltd have been appointed to maintain security arrangements for the Azure platform.

Our approach was to conduct interviews to establish the controls in operation for each of our areas of audit work. We then sought documentary evidence that these controls are designed as described. We evaluated these controls to identify whether they adequately address the risks.

#### **GOOD PRACTICE:**

- Arrangements for relocation and assistance from the central IT team are adequately set out in the IT business continuity plan
- Snapshots are taken on a daily basis at 10pm each day and transferred to the vault after 2 days and held there for 10 days. The vault undergoes a weekly backup which is held for four weeks
- The Business Continuity Strategy adequately sets out requirements for management, design and validation. The Strategy was approved by the Regulatory and Governance Committee in November 2018

- Process owners have been assigned responsibility for ensuring respective business continuity plans are in place, regularly reviewed and updated in line with changes to operations
- Business impact analyses (BIAs) were conducted in March 2018 for all systems and processes by each of the 17 service functions
- Recovery time objectives (RTOs) were determined in all BIAs through the assessment of priority and criticality
- No single points of failure were identified from review of service function Business Continuity Plans (BCPs)
- Roles and responsibilities are clearly assigned to plan owners, plan owner deputies and other parties in the BCPs
- RTO annexes in the BIAs and BCPs have been mirrored which ensure that actions are aligned to achieve necessary timescales
- Criteria and responsibility for invoking BCPs has been clearly set and assigned
- Electronic copies are available to all staff on the intranet (website is hosted offsite so will be available if event occurs onsite), and two paper copies of each plan are retained by the Risk & Insurance Officer
- Emergency Planning College training was attended by the Risk & Insurance Officer and the Chief Operating Officer, and the Chief Executive and the s151 Officer attended Essex Fire & Rescue training
- Temporary accommodation and alternative operational sites have been listed in the Council business continuity plan (BCP) and are also referenced in the separate service area BCPs.

#### **KEY FINDINGS:**

- Service area BCPs have not been tested or validated since creation in March 2018 Service area BCPs have not been assessed in line with the IT BCP to ensure dependencies are accounted for
- Annual risk assessments are not scheduled to drive the review of service area BCPs.

#### **CONCLUSION:**

Overall, we conclude that the control framework in place for the management of disaster recovery and business continuity is generally adequately designed and operationally effective, but management need to address the areas of risk identified from this review.

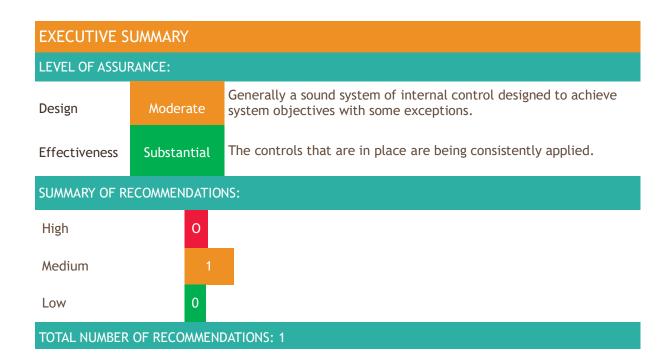
We note that management do not intend to implement our recommendations until March 2020, when the Council moves back to the Town Hall. This is understandable but in the meantime the Council should note it is accepting the risks involved and this should be included in the risk register.

#### MANAGEMENT ACTION PLAN:

Recommendation	Priority	Management Response	Responsible Officer and Implementation Date
1. Each service function's business continuity plan should be tested and validated for feasibility and a regular system of review and testing implemented. Reports should be submitted to executive management to ensure completion.	Medium	While we agree with this recommendation our business continuity plans will be reviewed again, once we've moved back into the town hall. So the implementation of this testing may be better off after the move and plans have been reviewed.	Sue White - Risk and Insurance Officer 31 March 2020

Recommendation	Priority	Management Response	Responsible Officer and Implementation Date
2. The annual risk assessment and business impact analyses should consider the resourcing conflicts (dependencies) on the IT support team to ensure that service needs in the separate business continuity plans can be delivered.	Medium	Accept this in principle, will review again when we move back to town hall.	Sue White - Risk and Insurance Officer 31 March 2020
3. Business continuity plans should be considered alongside the annual operational risk assessments conducted by each service function.	Medium	We agree that BCP's could be reviewed alongside the operational risk register and vice versa.	Sue White - Risk and Insurance Officer 31 March 2020

### EXECUTIVE SUMMARY – GDPR COMPLIANCE



### **BACKGROUND:**

As of May 25 2018, the General Data Protection Regulations (the GDPR) has replaced the Data Protection Act 1998 as the regulation governing the protection of data in the UK. The implementation of the General Data Protection Regulation (the GDPR) represents the most significant change to the regulations governing the processing of personal identifiable information since the Data Protection Act 1998. As well as articulating the rights of the data subject, the GDPR imposes a number of requirements and constraints on organisations that process personal information.

Significantly, the GDPR enhance the action that can be taken by the Regulator, the Information Commissioner, in the event of a breach occurring. As well as increasing the level of the fines that can be levied, the enforcement powers of the Information Commissioner range from performing audits to preventing an organisation from processing personal information.

There is an Agreement established from February 2018 between Brentwood Borough Council (BBC) and Thurrock Borough Council to assist BBC to comply with data protection regulations and provide support in relation to information management. This includes the provision of a Data Protection Officer and training to staff and Members. The Council's Information Governance Group is coordinating the delivery of the works necessary to ensure that the Trust complies with the requirements of the GDPR.

The purpose of the audit was to provide assurance on the Council's compliance with the requirements of the GDPR.

### GOOD PRACTICE:

- The Council has appointed Thurrock Borough Council's Strategic Lead as its Data Protection Officer under a shared service arrangement. The Council has a Memorandum of Understanding in place to govern this arrangement, in which roles and responsibilities are clearly defined.
- An online briefing and workshops have been provided to senior management and members on the requirements and implementations of the GDPR. A GDPR eLearning platform has been deployed for all members of staff to provide mandatory GDPR training and awareness and it is also a part of the new employee induction programme.

- The Council has reviewed and updated the Data Protection policy, with effect from March 2018 to include appropriate measures to demonstrate compliance with GDPR requirements.
- The Council has embedded an Information Asset Register that records the: personal and protected data held by the Council, legal reason for processing that data where appropriate, retention schedule and procedures for each of its information assets it holds. The Information Asset register is a live document and is subject to formal annual review by the Information Governance Group.
- The Council has developed privacy notices for the public as well as members of staff and published these on its website
- The Council has mandated the requirement for data privacy impact assessments to be performed and has introduced a Data Protection assessment form and procedures that are used for projects which require the collection and / or use of personal data (note that at the time of the audit, there were no new projects / procurements underway against which to test the operational effectiveness of the procedures).
- The Council has introduced a Data Breach policy, with effect from March 2018, to ensure that the data breaches are appropriately logged and managed in accordance with the law.
- The Council has introduced a Data consent policy, with effect from March 2018, to set the processing and sharing of personal data that are part of the Information Governance suite of policies.
- All third parties with which personal identifiable information is shared have been identified and have been provided with updated terms on sharing arrangements with regards to GDPR.

### **KEY FINDINGS:**

• The Information Asset register does not record all the relevant information, e.g. the security controls over the personal data.

### ADDED VALUE:

As part of this review we have supported the Council in the resolution of the GDPR non-compliance issues identified.

### **CONCLUSION:**

We found that work has been undertaken to establish GDPR compliance which is in accordance with good practice principles. We have made recommendations relating to the completion of the information asset register that will require continued commitment from stakeholders from across the Council and Senior Management. Consequently, we concluded moderate assurance over the design of the controls and substantial assurance over the operational effectiveness of the controls in place.

### MANAGEMENT ACTION PLAN:

Recommendation	Priority	Management Response	Responsible Officer and Implementation Date
<ul> <li>1. As part of recording processing activities, the Information Asset register should include but not be limited to:</li> <li>The security controls that are expected to be in place to control access to information assets.</li> <li>The asset register should be reviewed and updated to show how it records the explicit consent for every service area.</li> </ul>	Medium	The Data Protection Team will work with Information Asset Owners to ensure the security controls in place are recorded on the Records of Processing Activity (ROPA)/Information Asset Register. The ROPA will be reviewed and updated	Lee Henley, Data Protection Officer will lead on these actions with Information Asset Owners responsible for compliance in their own areas.  Work on the actions has already commenced with a target completion date of 31 July 2019.

	to clearly show Not Applicable where the council are relying on a legal basis other than consent. However, if consent is relied upon as a legal basis, then this will be shown on the ROPA and further checks will be made to ensure	
	consent is in-line with	
	the Data Protection	
	Act.	

### **EXECUTIVE SUMMARY – HOMELESSNESS**

EXECUTIVE SUMMAI	RY
LEVEL OF ASSURANCE:	
High	1
Medium	1
Low	1
TOTAL NUMBER OF REC	OMMENI

### **BACKGROUND:**

The Homelessness Reduction Act 2017 (HRA) brought three new duties to local authorities, as well as retaining their current legislative requirements. These duties were summarised as Prevent, Intervene and Recover:

- Prevent To prevent more people from becoming homeless in the first place by identifying people at risk and intervene at an earlier stage.
- Intervene To intervene rapidly if a homeless cases crisis occurs
- Recover To help more people recover from and exit homelessness.

The Council produced a Housing Strategy for the period 2017 - 2020, which included a section for Homelessness Prevention Strategy.

This highlighted five strategic priorities:

- 1. Delivery
- 2. Access to the Private Rented Sector
- 3. Prevent Focus & Options Provision
- 4. Reduce the Use of emergency B&B Accommodation
- 5. Promote independence with partners

As part of the new processes being introduced there is a need to undertake a holistic assessment leading to a decision to be taken on which is the best route for the individual case and a Personal Housing Plan created to clearly set out the reasonable steps each party needs to take to prevent Homelessness.

At the time of the audit fieldwork in February 2019, the Council had 75 homelessness cases in temporary accommodation. As of the 30 May 2019 this has been reduced to 52 cases in temporary accommodation, with no 'out of Borough' placements.

### **GOOD PRACTICE:**

- The Rough Sleeping prevention policy is included in the Council's Homelessness Reduction Strategy.
- The Council is linked to a number of groups who can now refer directly to the Council using the Housing Portal to assist their clients. This has aided clients being able to contact the Council and gain relevant information or support.
- Based upon sample testing, for the cases where a homelessness duty was accepted by the Council, we confirmed that the Personal Housing Plan had been completed within the 56 days target.
- The Council continues to monitor the quarterly position to identify if there is a need to adjust its position on sourcing accommodation.

- The Housing Options Manager has monthly budget monitoring meetings with their financial accountant and discussions are held on the actual spend and forecast and recorded on Comprehensive Performance Assessment system (CPA). Comments on variances identified are recorded on the CPA budget model so these are reported through to CLB.
- The service budget is monitored on a regular basis and is actively addressing some financial pressures.

### **KEY FINDINGS:**

- A number of exceptions were identified with regards to the adequacy and completeness of identification documents:
  - ID documents are not held on the system for all cases, however are required for final management sign-off when a legal decision is made.
  - o ID verification equipment is not in use.
  - There is no evidence to confirm that the ID documentation scanned and retained on the system has been verified by a member of staff. Staff are required to check original documents at interview, with any permanent allocation of housing requiring verification of ID at the sign-up stage.
  - ID Documents review training is not conducted regularly to detect potential instances of fraud. The Homelessness Team does refer cases to the Corporate Fraud Team where there is any live suspicion of potential fraud.

(High priority)

 Tasks are not marked as completed by the Case Officer on Locata, making it difficult to be confident that they have been undertaken and within required timeframes, and consequently management is unable to use Locata fully to assist in effective monitoring of cases.
 (Medium priority).

### ADDED VALUE:

We benchmarked the Council's net current expenditure, total gross income, total gross expenditure and sales, fees & charges income relating to homelessness to those of seven other Essex district councils, with a view to highlighting potential areas for exploration where prima facie differences are evident. The per capita net current expenditure on homelessness in 2017/18was £3 per person which was well below the combined net average of the sampled councils of £8 per person.

The Council was charging above average rates for temporary accommodation (£40.50 per night for a single room) relative to the comparators, only one other council is charging higher rates than the Council. Since the time of the benchmarking undertaken by internal audit in April 2019, we have been advised by the Housing Options Manager that as of May 2019, placements are made in temporary accommodation (bed & breakfast) at a rate of £29.00 per night. The council expects significant reductions in average rates with reliance on out of Borough provision having reduced significantly.

### **CONCLUSION:**

There is a documented control framework across the majority of areas, including a homelessness strategy which incorporates the approach to rough sleeping, and timeframes for assessing those that present themselves as homeless to the Council.

The framework could be improved through fully utilising the Locata system by recording progress made on a case and incorporating the complete list of KPIs being monitored, to enable clear and transparent reporting of performance. The housing service should provide additional training to their staff on document verification practices and ensure all documentation is held in a central location and available for future review. This will reduce the risk that the service will wrongfully accept a homeless duty towards an individual and protect the Council against any challenges of their decisions.

We have therefore concluded moderate assurance with regards to both the design of the control framework and operational effectiveness of the controls in place.

### MANAGEMENT ACTION PLAN:

Recommendation	Priority	Management Response	Responsible Officer and Implementation Date
a) Cases should only be accepted if the relevant Identity documentation is on file. If it is not the case officer should be informed and the appropriate documents sourced before approval. b) Document verification training should be given to all appropriate staff involved in the homelessness process, outlining key issues they should look for and how to record the verification check completed, whether documents are reviewed in person or through the portal. The Council should also review the need for document verification equipment to assist the staff in verifying the legitimacy of documents presented. This equipment could be used throughout the Council for other services, including preemployment checks or housing applications. c) The full capability of the Locata system should be reviewed to enable target times to be set and completion dates to be recorded. This information should then be used for regular monitoring to ensure the Council are meeting their obligations in a timely manner and action is being taken to address any areas of poor performance.	High	a) Part VII Homeless applications are only accepted when reviewed by a Manager. The issue of internal controls are to be widened to include acceptance of any Prevention/Relief Duty and a programme of review is due to be conducted shortly. b) Document verification training is currently being sourced. The issue of document verification equipment is due to be entered as a Corporate project to enable cross-departmental efficiencies. c) Use of Locata is set to be reviewed, with the intention of integrating the homelessness application into the system directly.	Stuart Morris, Housing Options Manager 31 December 2019
2. As part of transparency, the full list of KPI's for Housing management should be included as an appendix to committee papers, if only a summary position of items which have had significant movement are being reported on.	Medium	KPIs are currently being reviewed with staff having attended Locata Report writing training to enable more effective statistical provision.	Stuart Morris, Housing Options Manager 30 September 2019

## **KEY PERFORMANCE INDICATORS**

Quality Assurance	KPI Results	RAG Rating
as per the Internal Audit Charter		
Annual Audit Plan delivered in line with timetable	Three audits have been deferred at management's request, as detailed on page 3	
Actual days are in accordance with Annual Audit Plan	To date this KPI has been met	
Customer satisfaction reports - overall score at least 70% for surveys issued at the end of each audit	No surveys have been received relating to 2018/19 as yet	
Annual survey to Audit Committee to achieve score of at least 70%	Survey to be issued in June 2019	
At least 60% input from qualified staff	To date this KPI has been met	
Issue of draft report within 3 weeks of fieldwork `closing' meeting	The first two audit reports (Building Control and Planning) were deferred for issue pending agreement and signing of the new contract with BDO as the Council's internal audit provider	
Finalise internal audit report 1 week after management responses to report are received	To date this KPI has been met	
Positive result from any external review	An external audit review was not undertaken during 2018/19.	
	The internal cold review on the Council's records and files relating to the internal audit services was passed.	
Audit sponsor to respond to terms of reference within one week of receipt and to draft reports within two weeks of receipt	Receipt of responses to draft reports has exceeded two weeks in three cases.	
Audit sponsor to implement audit recommendations within the agreed timeframe	To date, 71% of recommendations falling due for implementation have been completed. The Internal Audit Follow Up Report has further details.	
Internal audit to confirm to each meeting of the Audit and Scrutiny Committee whether appropriate cooperation has been provided by management and staff	We can confirm that for the audits undertaken to date, management and staff have supported our work, their cooperation has enabled us to complete our work in line with the terms of reference through access to records, systems and staff as necessary.	

# **APPENDIX 1**

### **OPINION SIGNIFICANCE DEFINITION**

Level of Assurance	Design Opinion	Findings from review	Effectiveness Opinion	Findings from review
Substantial	Appropriate procedures and controls in place to mitigate the key risks.	There is a sound system of internal control designed to achieve system objectives.	No, or only minor, exceptions found in testing of the procedures and controls.	The controls that are in place are being consistently applied.
Moderate	In the main, there are appropriate procedures and controls in place to mitigate the key risks reviewed albeit with some that are not fully effective.	Generally a sound system of internal control designed to achieve system objectives with some exceptions.	A small number of exceptions found in testing of the procedures and controls.	Evidence of non compliance with some controls, that may put some of the system objectives at risk.
Limited	A number of significant gaps identified in the procedures and controls in key areas. Where practical, efforts should be made to address inyear.	System of internal controls is weakened with system objectives at risk of not being achieved.	A number of reoccurring exceptions found in testing of the procedures and controls. Where practical, efforts should be made to address inyear.	Non-compliance with key procedures and controls places the system objectives at risk.
No	For all risk areas there are significant gaps in the procedures and controls. Failure to address in-year affects the quality of the organisation's overall internal control framework.	Poor system of internal control.	Due to absence of effective controls and procedures, no reliance can be placed on their operation. Failure to address inyear affects the quality of the organisation's overall internal control framework.	Non compliance and/or compliance with inadequate controls.

FOR MORE INFORMATION: **Greg Rubins** Partner, BDO LLP greg.rubins@bdo.gov.uk Angela Mason-Bell Manager, BDO LLP angela.mason-bell@bdo.co.uk The matters raised in this report are only those which came to our attention during the course of our audit and are not necessarily a comprehensive statement of all the weaknesses that exist or all improvements that might be made. The report has been prepared solely for the management of the organisation and should not be quoted in whole or in part without our prior written consent. BDO LLP neither owes nor accepts any duty to any third party whether in contract or in tort and shall not be liable, in respect of any loss, damage or expense which is caused by their reliance on this report. BDO LLP, a UK limited liability partnership registered in England and Wales under number OC305127, is a member of BDO International Limited, a UK company limited by guarantee, and forms part of the international BDO network of independent member firms. A list of members' names is open to inspection at our registered office, 55 Baker Street, London W1U 7EU. BDO LLP is authorised and regulated by the Financial Conduct Authority to conduct investment business. BDO Northern Ireland, a partnership formed in and under the laws of Northern Ireland, is licensed to operate within the international BDO network of independent member firms. Page 46





# BRENTWOOD BOROUGH COUNCIL INTERNAL AUDIT FOLLOW UP REPORT

Presented to the Audit and Scrutiny Committee 18 June 2019





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# Summary of Recommendations Status

We have followed up on the status of those High (H) and Medium (M) recommendations due for implementation by 29 May 2019 (date of reporting).

The implementation status of audit recommendations, where not previously reported, is summarised in the table below.

	Total H & M Recs made in the audit	Com	plete	In Pro	ogress	Ove	rdue	Supers	seded	Not	Due	% H & M recs falling due at 29 May 2019 that have been completed
		Н	М	Н	М	Н	М	Н	М	Н	М	•
18/19. Housing - Homelessness	2	-	-	-	-	-	-	-	-	1	1	n/a
18/19. Main Financial Systems	6	-	-	-	-	-	-	-	-	-	6	n/a
18/19. General Data Protection Regulations	1	-	-	-	-	-	-	-	-	-	1	n/a
18/19. Local Development Plan	2	-	-	-	-	-	-	-	-	-	2	n/a
18/19. Disaster Recovery and Business Continuity	3	-	-	-	-	-	-	-	-	-	3	n/a
18/19. PCI/DSS Compliance	4	-	-	-	-	-	-	-	-	1	3	n/a
18/19. Corporate Projects	3	-	-	-	-	-	-	-	-	-	3	n/a
17/18. Partnerships	7	-	1	-	6	-	-	-	-	-	-	14%
17/18. Environment	4	-	3	-	-	-	1	-	-	-	-	<b>75</b> %
17/18. Housing Benefit Shared Service	2	-	1	-	-	-	1	-	-	-	-	50%
17/18. Customer Service	4	-	-	-	4	-	-	-	-	-	-	0%
17/18. Housing	8	-	1	2	4	-	1	-	-	-	-	13%
17/18. Community Halls Viability	5	1	-	1	3	-	-	-	-	-	-	20%
	-	1	6	3	17	-	3	-	-	2	19	-

### **Total BDO Recommendations**

Of the total 91 recommendations, 80 were due to be implemented by 29 May 2019 or earlier. We have confirmed with reference to evidence that 57 (71%) have been completed.

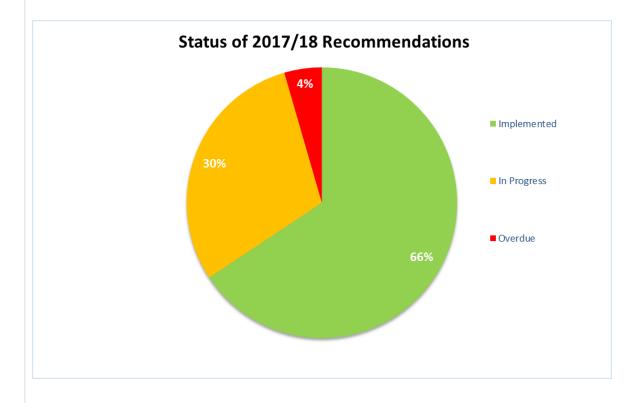
We have been advised by management that a further 19 recommendations have been implemented, however we are awaiting evidence to verify the management assurances and confirm completeness of implementation.

### 2017/18 Recommendations

Of the 67 recommendations raised in 2017/18, we have confirmed with reference to evidence that 44 have been implemented. There are 20 recommendations (three high and 17 medium) that are in progress and three (medium) recommendations that are categorised as overdue.

Those which are overdue have surpassed both the original implementation date and the revised implementation dates more than once as we have not received the latest status on their implementation.

Recommendations not completed will be followed up again ahead of the next Audit and Scrutiny Committee, along with other recommendations due.



Where recommendations are in progress, more information on the current status is provided in the pages that follow. This includes those recommendations where management has advised us that the recommendation has been implemented but evidence has yet to be received to enable internal audit to confirm this.

Recommendation made	Priority Level	Manager Responsible	Due Date	Current Progress
2017/18 - Community Halls Viability				
a) The Council should introduce the requirement that BLT supply monthly financial performance reports, with supporting evidence, which need to be reviewed by the responsible accountant and any variances or potential issues investigated.  Dependent on the option selected the Council should ensure financial performance of the halls contract is monitored on a regular basis.  b) As part of the current arrangements, or for the future monitoring of the halls, the Council should ensure that, as a minimum, an annual condition survey is undertaken	High	Kim Anderson	October 2017 March 2019 Ahead of the next Audit Committee	Previous update: There has been progress in the financial position there is a work in progress to agree a timeline and finding the best use of each Community Hall. The leases and management agreements have been extended. Requested BLT to prioritise their schedule of repairs and provide a revised price as they felt the prices quoted by the Council's valuer were excessive. The Project Accountant undertook a review of the financial data in 2017. Going forward the Council has agreed with the Trust that the Management Fee will no longer be payable.
to ensure the continual upkeep of the properties.  c) The Council need to establish the financial position of BLT and whether they would be able to pay for the internal repairs if the halls stay under BLT management or if they are returned to the Council.				Internal Audit is awaiting evidence to confirm the above.
A project plan covering the community halls should be developed covering all the steps required to enable a comprehensive report to be produced for members to make their decision on the future management of the community halls. The plan should include nominated officers and set time lines for completion.	Medium	Kim Anderson	October 2017 January 2019 March 2019 Ahead of the next Audit	The financial position is better understood now and as mentioned above in confidence it is the intention to market test the halls to see if better use can be made of them. This is officer time dependent. A Preliminary Market Engagement Exercise has been launched (September) to identify if there is any 3rd party interest. Subject to
The plan should include the options to be considered, what information is required to support options, i.e. due diligence exercise on finances and contracts currently in place, and the risks to the Council in delays, not doing anything and any mitigating actions already in place.			Committee	any interest and Member agreement (a report will be going to 20 November PPR Committee) then a formal Invitation to Tender exercise will be launched in January 2019."  Internal Audit is awaiting evidence to confirm the above.
As part of the project plan the Council	Medium	Kim	November	As reported above.
should include implementation plans clearly outlining the steps required		Anderson	<del>2017</del> Jan 2019	
and target dates. This needs to be monitored on a regular basis by the			March 2019	
project lead and reported to the appropriate committees and management.			Ahead of the next Audit Committee	
The Council needs to complete and seek approval through the decision	Medium	Kim	March 2018	Draft Leisure Service Strategy was agreed at PP&R Committee on 12

Recommendation made	Priority Level	Manager Responsible	Due Date	Current Progress
making route for the Leisure Strategy		Anderson	March 2019	March 2018 and is awaiting approval
which should include, once all information has been obtained, a clear			Ahead of	from the next Ordinary Council meeting.
plan for the future use and management of the Community Halls.			the next Audit	Internal Audit is awaiting evidence
management of the community riatts.			Committee	to confirm the above.
2017/18 - Partnerships				
a) Council officers or elected members should use the 'Partnership Checklist'	Medium	Kim Anderson	March 2018	An action plan has been devised for all recommendations and a new
and the 'Partnership Self Assessment		Alluerson	March 2019	documentation compiled for
Tool' as referred to in the new Partnership Policy and Procedures as a			Ahead of the next	assessing existing and new partnerships and managers.
tool to assess the viability of a partnership, prior to joining a			Audit Committee	The Self Assessment tool was
partnership			Committee	circulated to managers to complete (email sent 19 July and followed up 1
b) The Council's Partnership Leads for all existing partnerships should use				August). When all responses have been completed, the results from the
both the 'Partnership Checklist' and				Self Assessment tool feedback will
the 'Partnership Self Assessment Tool' to review the viability of existing				inform any further actions on particular partnerships that will need
partnerships.				to be undertaken by the partnership lead for that partnership.
				Internal Audit is awaiting evidence
				to confirm the above.
The approval status should be verified	Medium	Kim	March 2018	As stated above.
for all existing partnerships recorded in the Partnership Register. Where		Anderson	<del>January</del> <del>2019</del>	
approval was not obtained, the 'Partnership Checklist' and			March 2019	
'Partnership Self Assessment Tool' should be completed and submitted			Ahead of	
for retrospective approval from the			the next Audit	
Head of Service or relevant Committee as appropriate			Committee	
The leads for the Council's existing	Medium	Kim	March 2018	As stated above.
partnerships should conduct a review of their partnerships using the Self		Anderson	January	
Assessment Tool within the Council's			<del>2019</del>	
new proposed framework, to ensure governance arrangements are clearly			March 2019	
defined, and review whether partnership objectives are being met.			Ahead of the next	
Where the Council considers that			Audit Committee	
partnership objectives are not being met, the Council should re-consider				
whether to remain in that partnership.				

Recommendation made	Priority Level	Manager Responsible	Due Date	Current Progress
Lead officers should use the Partnership Self Assessment Tool to review and assist the effectiveness of current partnership arrangements. They should then make a recommendation as to whether to continue to support engagement in the partnership, improve the partnership working arrangements, or whether to disengage from it, as per the Partnership Policy and Procedures 2017.	Medium	Kim Anderson	March 2018  January 2019  March 2019  Ahead of the next Audit Committee	As stated above.
a) When partnerships are set up, Council officers or partnership leads should be clear what their specific role and responsibilities are within the partnership, as well as understanding the roles and responsibilities of the other partners. The Council's Partnership Checklist should be used to support this process b) Roles and responsibilities should be clarified for existing partnerships and included within updated terms of reference.	Medium	Kim Anderson	March 2018  January 2019  March 2019  Ahead of the next Audit Committee	As stated above.
a) The Council should ensure that there is a formal process in place to monitor the Revenues and Benefits Shared Service performance, and that both the process is documented and the outcomes of monitoring, for example taking minutes in meetings and recording action points  b) Where Performance Indicators are not achieved, action plans should be put in place in all cases, with actions allocated to specific Council officers/teams, and a deadline for the action to be completed. Action plans should then be regularly reviewed (monthly) to ensure that actions are being implemented in order to improve performance.	Medium	Kim Anderson	March 2018  January 2019  March 2019  Ahead of the next Audit Committee	As stated above.
2017/18 - Housing				
<ul> <li>a) Introduce robust information and records management in accordance with ICO guidance, including development of a records management policy covering retention, security, destruction, and data protection.</li> <li>b) Identify the Housing records to be maintained, and retention periods, and review arrangements for their</li> </ul>	High	Stuart Morris & Nicola Marsh	August 2018 March 2019 Ahead of the next Audit Committee	a) Data protection policies have been developed at Corporate Level in conjunction with Housing Services. Retention, redaction and GDPR compliancy contained within those policies.  Housing Services is continuing to develop systems alongside the Information Governance Group and as supported by Thurrock Council

Recommendation made	Priority Level	Manager Responsible	Due Date	Current Progress
storage and retrieval - consider use of				Data Protection Team.
the Housing DMS or a Corporate alternative supporting customer relationship management. (Refer to Retention Guidelines for Local Authorities and policies adopted by other Local Authorities)				b) In conjunction with the above, the Orchard IT Housing system has been reviewed and practices developed to ensure a more robust documenting system.
c) Provide training and generally raise staff awareness of the Data Protection Act and the General Data Protection Regulations. In particular ensure staff do not record opinions, and that records contain appropriate				c) Staff have received internal written guidance, including 1-2-1s where necessary. Formal training is due to be rolled out from October 2018 with a new training system being currently piloted.
information.  d) It may also be appropriate to conduct a more detailed review of the Council's compliance with the DPA				d) A corporate review of compliancy is being conducted through the Intellectual Governance Group of which Housing Services is a part.
and preparedness for GDPR				Update June 2019: Data protection policies now include: Clear Desk/Consent/Breach/DPIA/DP Policy Statement/Document Retention Policy/Information Security Policy/PIA/Privacy Notice/Privacy Notices Policy. Documents are held on corporate document library, with additional tailored Housing Privacy Notice.
				Internal Audit is awaiting evidence to confirm the above.
a) Develop an Estate Management Strategy and procedure	High	Stuart Morris & Nicola Marsh	April 2018 January	a) The Strategy has been completed and formally adopted by Committee with supporting procedures now in
b) Determine Estate Management     inspection protocols and carry out     inspections accordingly			Ahead of the next Audit	place. b) and c) Housing currently have a
c) Train Housing staff to conduct estate management inspections				temporary inspection regime which i on an 8 week rota. All Estates Officers are capable of completing
d) Prepare checklists to support Housing staff conducting inspections (including for first day of tenancy (such as ensuring a working fire alarm) and for ongoing checks			Committee	these and score sheets are used to prompt areas to highlight. Digital recording services are being looked at by Management with a view to implement these in the longer run.
e) Consider use of technology to				d) Completed
improve recording of issues identified, sharing data as appropriate, and				e) Ongoing
monitoring of resolution  f) Develop reporting arrangements for other Council staff already working in the Borough to report estates issues				f) Partnership working with Sheltered Housing Team who work directly with the Estates Management Team. Caretakers feed in directly to the Estates Management Team. Wider reporting under development.
				Update June 2019: Standard practice is now to hold all new documents on the Orchard DMS (stored on Orchard) or Locata IT systems.

Recommendation made	Priority Level	Manager Responsible	Due Date	Current Progress
				Internal Audit is awaiting evidence to confirm the above.
a) A working protocol is agreed between the Housing Team and the Asset team to enable an approach reflecting the needs of both teams, and providing clarity on the impact of actions by teams on other areas of Council operations b) Determine the rules of Council land and property assets are to be allocated between the HRA and the General Fund c) Review all Council land and property assets to ensure they are	Medium	Stuart Morris & Nicola Marsh	September 2018 January 2019 March 2019 Ahead of the next Audit Committee	a) b) c) d) The Council currently utilises Keystone to manage all asset data and this is maintained by Basildon staff. Currently all Asbestos information is being uploaded along with any stock condition survey data from the 2016 SCS by Pennington's. A Safety first planned maintenance programme is underway in the 5 tower blocks owned by the Council.  e) Ongoing complete property surveys are due to be introduced in June 2019 as part of the new Repairs and Maintenance Contract.
allocated in accordance with (b)  d) Review options for maintenance of Asset related records, to determine feasibility of implementing a combined system, or links between systems to enable efficient update of records				Update June 2019: Formal online training for GDPR has been completed at lv2 by all office-based workers, some non-office based with limited access to data have been trained on manual lv1 system.  Records held with corporate training.
e) Build resilience by ensuring the Assets system records are capable of being accessed by more than one member of staff. If access issues relate to the system no longer being supported or incompatible with current Council technology, an alternative system should be sought (in line with (d)).				Internal Audit is awaiting evidence to confirm the above.
f) If records continue to be maintained separately, ensure there is a regular check between the Assets team records and the Housing system				
g) Until the Council has assurance over the accuracy of records of Right to Buy properties, additional cross checks are made from the Finance records of Right to Buy income or property purchases to the Housing asset records on the Orchard system				
<ul> <li>a) Define parameters and protocols for cyclical and responsive repairs and replacement, and implement a programmes and inspection regime reflecting these protocols</li> <li>b) Develop system reports to reflect defined protocols</li> <li>c) Ensure remaining Stock Condition Survey information is received and uploaded, and reports produced as</li> </ul>	Medium	Stuart Morris & Nicola Marsh	September 2018  January 2019  March 2019  Ahead of the next Audit Committee	As stated above.  Update June 2019: Housing Services is currently (May/June 2019) being internally 'spot-checked' by the DP Team to ensure working towards ongoing compliancy. The Thurrock DP Team will produce written record of this.  Internal Audit is awaiting evidence to confirm the above.

	Priority	Manager		
Recommendation made	Level	Responsible	Due Date	Current Progress
d) Agree timetable with contractors to resolve issues relating to links between the Council and Contractor systems to ensure the Council has current information on works completed				
e) Develop processes for monitoring against protocols for cyclical and responsive repairs				
a) Housing staff are informed that accounts in credit are a potential indicator of fraud	Medium	Stuart Morris & Nicola Marsh	April 2018  January 2019	Estates Management receive reports highlighting accounts in credit. Due to a reduced number of staff this has
b) Periodic checks are made on credit accounts by Housing staff, giving consideration to fraud risks			March 2019	not been looked at in depth for around 12 months. This will become part of an officers monthly jobs once we are back to full capacity staff in
c) The process for transferring credits is reviewed to identify options for efficiency through automation and streamlining				January 2019. Processes are already in place to refund/transfer/raise fraud referrals. One case has been reported to fraud already and we await information back.
				Update June 2019: No further update to provide. We have been advised that officers are focussing on reducing current rent arrears and the challenges of Universal Credit.
Automate the process of uploading All Pay payments to the cash receipting system.	Medium	Stuart Morris & Nicola Marsh	September 2018 March 2019	Some parts of this process have been automated to reduce the amount of time it takes to load the payments. We have been advised that no action has been taken to fully automate due.
			Ahead of the next	has bene taken to fully automate due to resource.
			Audit Committee	Internal Audit is awaiting evidence to confirm the above.
2017/18 - Customer Services				
Customer Access Strategy to be updated and the Service Improvement	Medium	Chief Operating	September 2018	The Customer Access Strategy to be reviewed and reported to the
Programme developed incorporating the Councils Channel Shift actions.		Officer	November 2018	appropriate Committee in September 2019.
The relevant decision maker should approve these.			March 2019	Internal Audit is awaiting evidence to confirm the above.
Progress against the Service Improvement Programme should be reported to senior management on a			September 2019	.,
regular basis using the Corporate Project register process.			Ahead of the next Audit Committee	
Reviews should be carried out with all departments to identify service requirements and needs and where	Medium	Chief Operating Officer	September 2018 December	This work has started and will be ongoing as part of the Service Improvement Programme.
channel shift will improve stakeholders' interaction with the			2018	Internal Audit is awaiting evidence

Recommendation made	Priority Level	Manager Responsible	Due Date	Current Progress
Council and generate efficiencies. Once completed, priority action plans should be agreed with Heads of Departments and feed in to the overall strategy and Channel Shift Plan.  The Council should introduce a Business Case summary for each project which should be approved by an appropriate board or panel before a project commences to ensure it ties in with the Council's Customer Services Strategy.  The Business Case should include:			September 2019 Ahead of the next Audit Committee	to verify this.
- A brief discussion of the project - Project outcomes (including potential savings in finances and resources) - Planned project start date - Planned project completion date - The stakeholders identified and the role they will play in the project - Financial implications - Resource requirements  This will ensure a formal trial for all projects from the start and evidence				
The Council should be using the statistical information compiled of the customer contacts to help identify where channel shift could be productive for stakeholders and produce efficiencies for the Council. The Digital Team should identify services from the statistics and work with the service to identify areas which could be improved for stakeholders and devise an action plan to identify potential new channels or how to improve current ones and build this in to the Council's channel shift plan.	Medium	Chief Operating Officer	September 2018  December 2018  March 2019  September 2019  Ahead of the next Audit Committee	As stated above.
As part of department reviews the Service improvement Team should identify all external partners and stakeholders to ensure all parties are included in drawing up of the Service Improvement Programme to help either introduce new technology or establish the possible impact on all parties or development of current channels to assist in improving interaction with the Council.	Medium	Chief Operating Officer	September 2018  December 2018  March 2019  September 2019  Ahead of the next Audit Committee	As stated above.

# Recommendations: Overdue

Recommendation made	Priority Level	Manager Responsible	Due Date	Current Progress	
2017/18 - Housing Benefit Shared Service					
Resolve arrangements for completing the reconciliation of Housing Benefit payments to the ledger, and ensure this reconciliation is completed on a monthly basis	Medium	Jacqueline Van Mellaerts & Samantha Stanley	February 2018  December 2018  April 2019  Ahead of the next Audit Committee	Previous update: The council is hoping to implement this from 1 April 2019, but haven't been able to do so as the individual responsible went off on long term sick leave and capacity to cover this is not available at the council. The process and timelines are to be clarified by 1 April 2019.  Internal Audit is awaiting the latest position on this.	
2017/18 - Environment					
The Council should implement an accident and incident monitoring solution. This could be in the form of a spreadsheet which breaks down the incidents by the service line and department. This will allow for more regular scrutiny and increased efficiency and aid in the compilation and monitoring of health and safety incidents Council-wide.	Medium	David Welling	December 2018 April 2019 Ahead of the next Audit Committee	Previous update: We confirmed there are plans in place for this to be reviewed with the Director and Asset and Facilities Management. In order to consider the options to make progress on the recommendation.  Internal Audit is awaiting the latest position on this.	
2017/18 - Housing					
a) Review the corporate ASB strategy to ensure it remains appropriate and up to date, and provides clarity for staff on the protocols for managing ASBs including addressing the source issues such as through Housing Estates Management. b) Link the ASB strategy on the Council's website to the Community Safety and Housing team pages c) Consider use of a system (such as the Uniform system) for the recording of ASBs, and develop linking of ASB and Housing system data to enable reporting on tenancy issues and ASBs to facilitate improved management of the source of issues.	Medium	Stuart Morris & Nicola Marsh	September 2018 January 2019 March 2019 Ahead of the next Audit Committee	Previous update: We have been advised that this is managed by Tracey Lilley's corporate enforcement team on behalf of Housing.  Internal Audit is awaiting the latest position on this.	

# **GREG RUBINS** Partner, Public Sector greg.rubins@bdo.co.uk ANGELA MASON-BELL Manager, Public Sector angela.mason-bell@bdo.co.uk Page 59



### 18 June 2019

### **Audit & Scrutiny Committee**

### **Members Enquiry System Update**

Report of: Steve Summers, Chief Operating Officer

Wards Affected: All wards

This report is: Public

### 1. Executive Summary

- 1.1 This report sets out the continuing review work with regard to the new Members Enquiry system.
- 1.2 At the previous committee Members were advised that 6 members cross party were invited to give feedback on the new Member Enquiry System in order for officers to note the comments and explore any modifications that could be made.
- 1.3 At the Audit & Scrutiny Committee on the 13<sup>th</sup> March 2019, Min 375 refers, members considered a report detailing the progress made to date on matters raised by members. It was resolved that Officers would report back to the next meeting of this committee identifying any further feedback and updates from comments received, including actions to be taken. To date there are no further updates.
- 1.4 The Chair of the Policy, Resources and Economic Development Committee has requested a report on the Members Enquiry System be made to the 10<sup>th</sup> July 2019 committee.

### 2. Recommendations

- 2.1 The Committee notes that at the present time there are no further updates.
- 2.2 The Committee notes that a report on the Members Enquiry system will be made to the Policy, Resources and Economic Development Committee on the 10<sup>th</sup> July 2019 for their consideration.

### 3. Introduction and Background

- 3.1 A new Members Enquiry System went live in August 2018. The new system enables Members to track their requests and provides the facility to view historic requests.
- 3.2 The system can be accessed via a range of devices and the online form has the added benefit of auto-filling therefore removing the need for Members to enter their personal details. A feature of the request form is the facility to upload a photograph and the use of map locations which helps to give further information to officers.
- 3.3 Since the launch, the facility to copy in other Members to the initial request and subsequent dialogue with officers was implemented as requested by some Members.
- 3.4 Training for members with regard to the new system was held on 17<sup>th</sup>, 23<sup>rd</sup> and 24<sup>th</sup> July 2018 as well as two drop in sessions held on 7<sup>th</sup> August and 7<sup>th</sup> September 2018. Further training has been provided to new members in May 2019.
- 3.5 Six members cross party were approached, who had previously raised some matters, to give their feedback and comments on the system in order for officers to consider this and explore if any improvements could be made.
- 3.6 At the Audit & Scrutiny Committee on the 13<sup>th</sup> March 2019, Min 375 refers, members considered a report detailing the progress made to date on matters raised by members. It was resolved that Officers would report back to the next meeting of this committee identifying any further feedback and updates from comments received, including actions to be taken. To date there are no further updates.

### 4 Reasons for Recommendation

4.1 To ensure the Member Enquiry System is efficient and effective.

### 5 Consultation

5.1 Six members cross party were approached for their feedback on the new Members Enquiry System.

### 6 References to Corporate Plan

6.1 A modern Council transforming its services to improve efficiencies and economies through new ways of working.

### 7 Implications

**Financial Implications** 

Name &Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer

Tel & Email: 01277 312 829

jacqueline.vanmellaerts@brentwood.gov.uk

7.1 There are no direct financial implications arising from this report.

**Legal Implications** 

Name & Title: Paula Harvey, Corporate Governance Solicitor &

**Deputy Monitoring Officer** 

Tel & Email: 01277 312 500 paula.harvey@brentwood.gov.uk

7.2 There are no direct legal implications arising directly from this report.

### 8 Appendices to this report

None

### **Report Author Contact Details:**

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### 18 June 2019

### **Audit & Scrutiny Committee**

### **Scrutiny Work Programme 2019/20**

Report of: Steve Summers, Chief Operating Officer

Wards Affected: All

This report is: Public

### 1. Executive Summary

- 1.1 The Constitution requires that the Audit & Scrutiny Committee agrees its Scrutiny work programme at each meeting of the Committee. This report identifies the current status of existing scrutiny working groups and sets out the process for gaining members' views on future scrutiny matters to be considered by the committee.
- 1.2 Set out below are the Working Groups that previously existed as part of the 2018/19 Scrutiny programme and their current status.

No	Working Group	Status
1	Leisure Strategy	Completed – report to be made to the Policy, Resources and Economic Development Committee on the 10 <sup>th</sup> July 2019.
2	Local Development Plan	Ongoing.
3	Town Centre	Completed – Design guide to be incorporated with Regulation 19 of the Local Development Plan.
4	Performance Indicators and Formal Complaints	Ongoing.

- 1.3 In addition, legislation requires that an Annual report is made to the Committee on the work of the Community Safety Partnership. This report is normally made at the March committee each year.
- 1.4 Therefore, it is suggested that the following items continue to be reported to the committee as part of its Scrutiny Work Programme.

- Local Development Plan
- Performance Indicators and Formal Complaints
- Community Safety Partnership
- 1.5 In relation to new scrutiny matters under its Terms of Reference any scrutiny matter identified by members and/or the Audit & Scrutiny Committee must be agreed first by the Policy, Resources and Economic Development Committee. It is suggested that all members will be sent the request form immediately following this meeting so these can be considered by the 10<sup>th</sup> July 2019 Policy, Resources and Economic Development Committee.

### 2. Recommendation(s)

- 2.1 That the Committee considers and agrees to include the matters as set out in 1.4 above to the 2019/20 Scrutiny work programme.
- 2.2 That the Committee agrees that the request form as attached at Appendix A be sent to all members immediately following this meeting with completed responses sent to the Policy, Resources and Economic Development July Committee for consideration.

### 3. Introduction and Background

- 3.1 At the Annual Council it was agreed that the committee structure would include the introduction of an Audit & Scrutiny Committee.
- 3.2 In relation to new scrutiny matters under its Terms of Reference any scrutiny matter identified by members and/or the Audit & Scrutiny Committee must be agreed first by the Policy, Resources and Economic Development Committee.
- 3.3 The Audit & Scrutiny Committee also has responsibility to review decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions. In addition it has responsibility for the monitoring of Council service performance, including Performance Indicators and Formal Complaints.
  - 3.4 The Scrutiny work programme should not include management or staffing issues which are the responsibility of the Head of Paid Service.

### 4 Reasons for Recommendation

4.1 The Constitution requires that the Audit & Scrutiny Committee agrees its Scrutiny work programme at each meeting of the Committee.

### 5 Consultation

5.1 None.

### 6 References to Corporate Plan

6.1 The vision of Transformation includes an action to improve the Council's governance arrangements, leading to faster, more effective decision-making. An effective scrutiny function is an essential element of that priority.

### 7 Implications

**Financial Implications** 

Name &Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer

S151 Officer

Tel & Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk

7.1 There are no direct financial implications arising from this report.

**Legal Implications** 

Name & Title: Paula Harvey, Deputy Monitoring Officer Tel & Email: 01277 312705/paula.harvey@brentwood.gov.uk

- 7.2 There are no direct legal implications arising directly from this report.
- 8 **Background Papers**
- 8.1 None.

### 9 Appendices to this report

Appendix A – Members Scrutiny request form.

### **Report Author Contact Details:**

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Councillor Name requesting review	
Subject matter to be reviewed	
Rationale – (key issues and/or reason for undertaking the review)	
Purpose of Review/Objective (specify exactly what the review should achieve)	
Indicators of Success (what factors would indicate that a review has been successful)	
Methodology/Approach (what types of enquiry will be used to gather evidence and why)	

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### **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

### What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

### Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

### What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

### Other Pecuniary Interests

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

### Non-Pecuniary Interests

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

### **Audit and Scrutiny Committee**

The Audit and Scrutiny Committee provides advice to the Council and the committees on the effectiveness of the arrangements for the proper administration of the Council's financial affairs, including all relevant strategies and plans.

It also acts as the Council's Overview and Scrutiny Committee with all the powers under Part 3 of the Local Authorities (Committee System) (England) Regulations 2012, and discharges the functions under section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters).

Without prejudice to the generality of the above, the terms of reference include those matters set out below.

### **Audit Activity**

- (a) To approve the Annual Internal Audit risk based plan of work.
- (b) To consider the Head of Internal Audit's annual report and opinion, and a summary of Internal Audit activity and the level of assurance it can give over the Council's corporate governance, risk management and internal control arrangements.
- (c) To consider regular progress reports from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
- (d) To consider the External Auditor's annual letter, relevant reports, and the report to those charged with governance.
- (e) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (f) To consider the arrangements for the appointment of the Council's Internal and External Auditors.

### Regulatory Framework

- 1) To review any issue referred to it by a Statutory Officer of the Council or any Council body.
- 2) To monitor the effective development and operation of risk management and corporate governance in the Council.
- 3) To monitor Council policies and strategies on an Annual basis Whistleblowing

Money Laundering
Anti-Fraud and Corruption
Insurance and Risk Management
Emergency Planning
Business Continuity

- 4) To monitor the corporate complaints process.
- 5) To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- 6) To consider the Council's compliance with its own and other published standards and controls.
- 7) To monitor the Council processes in relation to
  - Freedom of Information
  - Member Enquires
- 8) To monitor the Council's Data Quality arrangements.
- 9) To monitor the Council's Member's Training arrangements.

### Accounts

- To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- 2) To review the Council's Annual Governance Statement.
- 3) To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

### **Scrutiny Activity**

- 1) Responsible to scrutinise any matters as identified and agreed by the Policy, Resources and Economic Development Committee as set out in the Audit and Scrutiny Procedure rules.
- 2) To identify and recommend any matters that need to be scrutinised to the Policy, Resources and Economic Development Committee for approval as set out in the Audit and Scrutiny rules.

- 3) To report to the Policy, Resources and Economic Development Committee or the appropriate committee on the progress of any matters that have been requested and to make relevant recommendations as required.
- 4) To establish working groups as appropriate(in line with agreed protocols) to undertake the scrutiny of any matters requested by the Policy, Resources and Economic Development Committee, including setting their terms of reference, the reporting arrangements, and to co-ordinate and review the work of the working groups.
- 5) Responsibility for the monitoring of Council service performance, including Performance Indicators and, Formal Complaints, making reports if required to any committee, or subcommittee, any officer of the Local Authority, or any joint committee on which the Local Authority is represented, or any sub-committee of such a committee.
- 6) To review and/or scrutinise decisions made, or other action taken, in connection with the discharge of any functions of the Local Authority.
- 7) To deal with those issues raised through the 'Councillor Call for Action' scheme in line with agreed protocols and procedures.
- 8) To review and/or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.
- 9) To make reports or recommendations to the Local Authority with respect to the discharge by the responsible authorities of their crime and disorder functions.

