

# Minutes

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## **Audit and Scrutiny Committee Tuesday, 14th November, 2023**

### **Attendance**

Cllr Sankey (Chair)	Cllr Munden
Cllr Naylor (Vice-Chair)	Cllr Rigby
Cllr Hirst	Cllr White
Cllr Mayo	

### **Apologies**

Cllr Marsh	Cllr Wagland
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### **Substitute Present**

### **Also Present**

Cllr Barber  
Cllr Mrs Pound  
Cllr Reed

### **Officers Present**

Emily Yule	- Strategic Director
Steve Summers	- Strategic Director
Greg Campbell	- Director - Policy and Delivery
Tim Willis	- Interim Director - Resources
Marcus Hotten	- Director - Environment
Alistair Greer	- Principal Accountant (Financial Reporting)
Janine Combrinck	- Internal Audit, BDO
Zoe Borman	- Governance and Member Support Officer

### **LIVE BROADCAST**

[Live broadcast will start at 7pm and available for repeat viewing.](#)

### **223. Apologies for Absence**

Apologies had been received from Cllrs Wagland and Marsh. There were no substitutes.

### **224. Minutes of the previous meeting**

The Minutes of the previous meeting held on 26<sup>th</sup> September 2023 were agreed as a true record.

### **225. Minutes of previous meeting held on 11 July 2023**

The Minutes of the meeting held on 11<sup>th</sup> July 2023 were agreed as a true record.

### **226. Internal Audit Progress Report**

This report intended to inform the Audit and Scrutiny Committee of progress made against the 2023/24 internal audit plan.

The report had been finalised since the last Committee meeting:

- Waste Management 2023/24 (Limited/Limited)

Ms Combrinck was present at the meeting and summarised the report.

Members raised concerns regarding the health and safety of employees, not only those working in waste management, but across all services of the Council.

Officers assured Members that the issues were being addressed and dealt with appropriately. Also, employees had a range of mechanisms at their disposal to escalate any concerns they may have confidentially, including the whistle-blowing policy.

Following a full discussion Cllr Sankey **MOVED** and Cllr Naylor **SECONDED** the recommendations in the report.

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

**1. Note the progress made against the 2023/24 internal audit plan and the findings from the audit completed since the last Committee meeting.**

**2. Approve an escalation process for the non-completion of audit recommendations. Escalation process to require responsible officers for recommendations that have surpassed two implementation dates (the**

**original and one revised date) to attend the Audit and Scrutiny Committee to provide an update on progress and an explanation for not implementing the recommendation by the agreed dates.**

### **Reasons for Recommendation**

Internal audit is required to report the findings of their work to the Council, through the Audit and Scrutiny Committee.

#### **227. Draft Audit Results Reports for 2021-22 Accounts**

This report introduced the Draft Audit Results Reports for the 2021-22 Accounts prepared by the Council's external auditors EY.

The annual audit expressed an opinion on the Council's financial statements and addressed current statutory and regulatory requirements. The Draft Audit Result Report contains the external auditor's findings related to the areas of audit emphasis, their views on the Council's accounting policies and judgements and their finding on material internal controls.

Ms Jackson was present at the meeting and summarised the report.

Following a full discussion, Members noted the report.

#### **228. Treasury Management Review**

This report set out the findings of the Council's treasury management advisors, Link, in respect of a review of the Treasury Management Strategy.

The Council has, over recent years, embarked upon an ambitious capital investment programme that has necessitated significant treasury management activity, including sizeable borrowing. A report was commissioned from the local government experts in this field (Link) to report back on this activity – both in terms of the Council's performance and its current compliance with best practice.

Mr Willis presented the report.

Members welcomed this report, in particular its transparency, clarity and usefulness and would like to see this level of transparency reflected in all future reports.

Members also requested that debt management was added to the risk register. Officers confirmed debt management would be included in the next Strategic Risk Register before Members.

Officers clarified the recruitment of the Independent person to the Committee had been delegated to the Interim Director of Resources in consultation with the Chair of Audit & Scrutiny.

Members noted the report.

## **229. Treasury Management April - October Update**

This report gave an update on the Council's treasury management activity and performance for the period April to October 2023. In line with the scrutiny of the Council's Treasury Management activity and performance in 2023/24 in compliance with CIPFA's Treasury Management in the Public Services: Code of Practice (the CIPFA Code 2021 Edition) and generally accepted good practice.

Mr Willis presented the report, together with the Addendum submitted.

Members noted the report.

## **230. Risk Management Update**

This report updated members of the Audit & Scrutiny Committee with a revised Insurance & Risk Management Strategy attached in Appendix A.

This report also updates the Audit & Scrutiny Committee on the status of the Council's 2023/24 Strategic Risk Register.

The number of very high risks has increased to two since the last report to the committee. The risk that has increased relates to the Contract/Partnership failure.

Mr Willis presented the report.

Members raised concerns regarding Risk 12, (Contract/partnership failure) and its unusually high increase. Mr Willis confirmed that increasing the risk score and the consequential actions associated would provide an added level of protection to the Council around partnerships and help ensure they were robust and effective now and in the future.

Members also raised concerns around Risk 13 (Cyber Threat) and requested that the risk was maintained and the Council remain vigilant.

Queries were raised regarding issues with waste management and, in Cllr Hirst's Ward specifically, it was noted that paper waste pick up was frequently being omitted. Mr Hotten advised that this was being reviewed and was a problem due to the irregularity of the round week by week. Cllr Hirst also commented on the graffiti on Woodway bridge and requested if this could be removed. Mr Hotten advised he would look into the matter.

Following a full discussion Cllr Sankey **MOVED** and Cllr Naylor **SECONDED** the recommendations in the report.

Members reminded officers that they would like to see debt management, discussed during a previous item, included in the Strategic Risk Register.

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

- 1 To agree the revised Insurance & Risk Management Strategy.**
- 2 That the Committee notes the report.**

### **Reasons for Recommendation**

Effective risk management arrangements help enable the Council to achieve its corporate priorities. Risk management is the process by which officers assess the likelihood and impact of differing risks and take proportionate action/make decisions to reduce the likelihood of the risk occurring, as well as to reduce the adverse impact if it occurs. Members are asked to review and note the strategic risks and accompanying risk register.

[Cllr White declared a pecuniary interest as an employee of Network Rail, who is responsible for the bridge, and left the room whilst the issue was being discussed.]

## **231. S106 Financial Obligations**

This report provided a summary and detail of the current financial contributions the Council has secured through section 106 agreements from new developments for affordable housing and public open space works. In addition, the report sets out the proposed future plans for s106 Agreement processes and procedures.

Mr Summers gave assurance that no monies had been lost through S106 to the Council and this information would be included in future reports. Mr Summers also advised that more detailed information would be available following the review of all S106 processes and procedures taking place as part of the Planning Improvement Plan.

Following a full discussion Cllr Sankey **MOVED** and Cllr Naylor **SECONDED** the recommendations in the report.

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

- 1. Note the current s106 financial contributions as attached at**

**Appendices A and B and proposed future plans for processes and procedures as set out in the report.**

**Reasons for Recommendation**

At the Audit & Scrutiny Committee on 24<sup>th</sup> January 2023 the Chair agreed that a report on the current Financial Contributions from s106 Agreements will be made to the 7<sup>th</sup> March 2023 committee. (Min 324 refers.) Members agreed a regular report would be made to future Audit & Scrutiny Committees.

**232. Formal Complaints & Performance Indicator Working Group**

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

Mr Campbell summarised the report.

Members raised concerns regarding Council Motions not being actioned, and in particular the Environmental Implications not appearing on report templates. Mrs Yule assured Members that the will of the Council needs to be actioned and will ensure correct templates are used in future reports. With regards a report on follow up on Council Motions, a report is scheduled to come before Audit & Scrutiny Committee in March.

Following a full discussion the report was noted.

**233. Local Development Plan Member Working Group Update**

The Local Development Plan (LDP) Member Working Group is an established engagement between Officers and Councillors focussed on delivery of the Council's Local Plan and related work. Its purpose was approved by Policy, Projects and Resources Committee in September 2017.

The work of the working group is monitored by the Audit and Scrutiny Committee as part of the committee's work programme. This report provides an update on the most recent meetings of the working group.

Officers will review the frequency of these meetings following feedback from Members, together with the mention of political groupings within the report.

Officers will also confirm whether approved sites can be removed from the LDP as part of the review.

Members noted the report.

### **234. Scrutiny Work Programme 2023/24**

The Constitution requires that the Audit & Scrutiny Committee agrees its Scrutiny work programme at each meeting of the Committee. This report provided an update of the current scrutiny work programme and is set out in Appendix A

Mrs Yule assured Members that the report on Implications of appointment system for recycling centres is scheduled in to come to this committee and the Work Programme updated accordingly.

Following a full discussion Cllr Sankey **MOVED** and Cllr Naylor **SECONDED** the recommendations in the report.

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

**1. That the Committee considers and agrees the 2023/24 Scrutiny work programme as set out in Appendix A.**

#### **Reason for Recommendation**

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

### **235. Urgent Business**

In order to accommodate the possibility of moving into private and confidential session for Item no. 13 it was agreed to vary the order of the agenda and deal with the item of Urgent Business next.

There were no items of urgent business.

### **236. Local Government and Social Care Ombudsman report**

At 9.00pm, a vote was taken on Standing Orders and it was **UNANIMOUSLY AGREED** to extend the meeting for a further 30 minutes.

The public were excluded from the meeting for this item of business on the grounds that the disclosure of exempt information as defined in Schedule 12A of the Local Government Act 1972 was involved. The Committee entered into private discussions to enable a full and detailed debate of the issues raised in the report.

This report sets the outcomes and recommendations of a report by the Local Government and Social Care Ombudsman (LGSCO) into a Formal Complaint made by a resident about the Council.

One of the recommendations from the report requires the appropriate committee, in this case the Council's Audit & Scrutiny Committee, to consider the report and confirm within three months the action it has taken or proposes to take, and the lessons learnt.

The LGSCO report advised that Ms X complained the Council did not properly investigate or act to resolve matters when she reported various nuisances from a restaurant next to her home. She says this caused her distress and adversely affected her health and enjoyment of her home. Attached as Appendix A was the report by the LGSCO which set out in detail the nature of their investigation into the complaint against the council and the finding of fault causing injustice to the complainant.

The report also makes a number of recommendations to remedy the injustice caused which were also set out in detail in Appendix A.

The conclusions as set out in Appendix A are as follows:

They found the Council was at fault because it failed to properly:

- consider the powers available to it to enforce the boundary screening it set as a planning condition in 2017, in good time;
- consider in good time the retrospective planning applications made in 2021;
- consider the various nuisances Ms X reported via its environmental health enforcement and statutory nuisance procedures;
- communicate with Ms X or respond properly to her complaint; and
- have due regard to Ms X's human rights under The First Protocol, Article 1, which entitles her to peaceful enjoyment of her home and land.

Appendix B attached to the report set out the recommendations from the LGSCO report and provided an update on progress against each one.

Recommendation No.3 required the Council to create an action plan to investigate all outstanding planning, environmental health, and licensing issues without delay, and decide if the Council should take any enforcement action. It should share a copy of the plan with the LGSCO. The action plan has been developed and Appendix B provides an overview of the actions taken to date for this recommendation.

In addition to the recommendations set out in Appendix B the following had been introduced.



- Closer working together between services with one service taking the lead and identifying a single point of contact where there is a multi service issue at both informal and formal complaint stages.
- Strategic Directors review and triage when complaints are made formal to monitor progress and have a corporate overview.

Senior Officers have considered very carefully the outcomes from this particular matter and dealt with the recommendations as set out in the LGSCO report and in addition identified the lessons learnt which are set out below:

- Need to deal with multi service complaints both at informal and formal stage in a co-ordinated way.
- Provision of a Single Point of Contact on multi service complaints.
- Need to ensure corporate oversight on multi service complaints.
- Need to ensure effective and regular communication with complainants.
- Need to review and ensure policies are complied with by services.
- Need for effective record keeping by services.

Following a full discussion Cllr Sankey **MOVED** and Cllr Naylor **SECONDED** the recommendations in the report.

A vote was taken by a show of hands, on each recommendation independently, and it was **RESOLVED**:

**1. To note the report by the Local Government and Social Care Ombudsman as set out in Appendix A attached to this report.**

**2. To note the update on the recommendations as set out in Appendix B attached to this report.**

**3. To agree the action, it has taken or proposes to take as set out in Appendix B attached and as set out in this report and advise the Local Government and Social Care Ombudsman accordingly.**

**4. To note and agree the lessons learnt as set out in this report.**

#### **Reasons for Recommendation**

The Council's Formal Complaints Policy was reviewed and adopted in April 2021. It sets out the process for how we deal with complaints when customers feel let down by the service they have received.

The meeting concluded at 21.05