

Minutes

Audit and Scrutiny Committee Wednesday, 20th March, 2024

Attendance

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

Apologies

Substitute Present

Also Present

Cllr Mrs Pound

Officers Present

Zoe Borman	- Governance and Member Support Officer
Steve Summers	- Strategic Director
Tim Willis	- Interim Director - Resources
Claire Mayhew	- Acting Joint Director of People & Governance & Monitoring Officer
Phoebe Barnes	- Director - Assets & Investments
Greg Campbell	- Director - Policy and Delivery
Marcus Hotten	- Director - Environment
Andrew Billingham	- Internal Auditor
Janine Combrinck	- Internal Audit, BDO
Elizabeth Jackson	- Partner, Ernst & Young LLP
Jonathan Quilter	- Corporate Manager (Strategic Planning)
Isabelle Hatton	- Anti-Social Behaviour Officer

LIVE BROADCAST

[The live stream will commence at 7.00pm and available for repeated viewing.](#)

451. Apologies for Absence

No apologies had been received.

452. Minutes of the previous meeting

The Minutes of the previous meeting held on 23rd January 2024 were agreed as a true record.

453. Minutes of previous meeting held on 14 Nov 2023

The Minutes of the meeting held on 14th November 2023 were agreed as a true record.

454. Brentwood Community Safety Partnership Annual Report

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

Each year the partnership has a statutory duty to carry out a Strategic intelligence assessment which reviews existing priorities and identifies any new or emerging priorities that the partnership should focus on.

All partners agree the Strategic Priorities and sets out in their Partnership Plan. The partnership will work together over the next twelve months to tackle crime and disorder and achieve its priorities.

Ms Hatton was present at the meeting and in response to Member's enquiries, advised that the work of the Safety Road Partnership can be added to the report. The domestic violence figures are in the report and available on the PFCC website. With regard to CCTV, cameras are in existence in all three of the Borough's High Streets. However, footage is only released via the Police.

Members raised concerns with the use of X as social media. These queries would be picked up outside of the meeting.

Members were advised that vehicle crime was prevalent and is serious organised crime, not covered under the Crime Safety Partnership. However, the Partnership were actively engaging with residents on ways of prevention.

Following a full discussion, Members thanked Ms Hatton for her attendance in the absence of both the CSP Chair, Jonathan Maine and Vice Chair Jonathan Woodhams. It is hoped that they would be able to attend a future meeting.

Cllr Sankey **MOVED** and Cllr Naylor **SECONDED** the recommendations in the report. A vote was taken by a show of hands and Members **RESOLVED UNANIMOUSLY** that:

Under the scrutiny arrangements in place the Committee are asked to consider the work of the CSP as outlined in the annual report attached at Appendix B and refer any comments or concerns to the partnership.

Reasons for Recommendation

Section 19 of the Police and Justice Act 2006 requires 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.

The Committee are asked to perform the scrutiny function for the CSP. The Committee is asked to consider the work of the CSP as summarised in the annual report and to refer any comments or concerns to the partnership. This provides a scrutiny and monitoring function of the Council's partnership role in improving community safety.
[Cllr Hirst declared an interest in his role as Police, Fire and Crime Commissioner for Essex.]

455. External Audit Report Update

The Audit Update Report summarises the work undertaken by Ernst Young to date for the 2021/22 Council. The audit report also considers the likely impact of Government proposals to clear the backlog in local audit and put the local audit system on a sustainable footing. The joint statement on the update to proposals to clear the backlog and embed timely audit recognises that timely, high-quality financial reporting and audit of local bodies is a vital part of our democratic system. Not only does it support good decision making by local bodies, by enabling them to plan effectively, make informed decisions and manage their services, it ensures transparency and accountability to local taxpayers. All stakeholders have a critical role to play in addressing the audit backlog.

Ms Elizabeth Jackson presented the report.

Members were advised that EY are aiming to sign the 21/22 audit report as an unqualified audit report. There will be no disclaimed audit account for 21/22. The Council will receive a disclaimed audit account for 22/23, as EY will not be undertaking that audit, subject to audit legislation statutory instrument, then resetting the audit for a 23/24 delivery.

The back stop date for signing the 21/22 accounts is September 2024.

Members noted the report.

456. Internal Audit Plan

This report covers the Internal Audit Plan for 2024/25, included in appendix A.

Ms Combrinck introduced the report.

Ms Combrinck agreed to re-evaluate the Leisure Services Review due to its progression.

Cllr Sankey **MOVED** and Cllr Naylor **SECONDED** the recommendations in the report. A vote was taken by a show of hands and Members **RESOLVED UNANIMOUSLY** to:

Approve the Internal Audit Plan 2024/25 attached in Appendix A
Delegated authority is given to the Interim Section 151 Officer to amend the plan in year as necessary to deliver the contract.

Reasons for Recommendation

To approve the work programme for the Internal Audit Plan 2023/24.

457. Internal Audit Progress Report

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

The reports finalised since the last Committee meeting:

- Workforce Strategy (Moderate/Moderate)
- Corporate Estates Management (Limited/Limited)
- Data Protection (Limited/Limited)

Mr Billingham and Ms Combrinck summarised the report.

Members raised concerns regarding the amount of recommendations being extended and sought assurance on how officers proposed to implement the resource required to close the recommendations. Officers will bring a report to the next committee on how this process can be improved.

Officers advised that the information regarding the Leisure Services was now to hand and this recommendation will subsequently be closed. With regard to the trees, this should be closed in April now the correct data has been received. Mr Hotten assured Members that recommendations were being given priority to avoid further slippage.

Members also raised concerns regarding data protection and cyber security and urged officers to implement the recommendations.

With regard to queries raised in relation to Building Control management, Mr Hotten will review and respond outside of the meeting.

Members noted the report.

458. Risk Management Update

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

The number of very high risks has reduced to one since the last report to the committee, the one remaining relates to Cyber Threat. The risk that has reduced slightly relates to the Contract/Partnership failure.

There is one new risk this quarter relating to the Council's high level of debt.

Mr Willis summarised the report.

Members expressed concerns in the way the information had been presented as they were unable to review the data sufficiently. It was agreed that the A3 version of the risk register, given to Members at the meeting, will be appended to the Minutes. The updated Risk item will be brought to the next meeting.

Cllr Hirst requested whether the council could sign up to the Eastern Region Cyber Resilience Centre, who provide a number of useful mitigation tools to deal with cyber threats. Mr Willis will raise this with colleagues.

In relation to the question about whether the Council insure against cyber-attacks, Mr Willis will respond outside of the meeting once he has established the parameters of the insurance.

Members noted the report.

459. Treasury Management Strategy 2024/25

This report provides members of the Audit & Scrutiny Committee an opportunity to consider the Treasury Management Strategy 2024/25 which was approved by Council on 28 February 2024.

Mr Willis summarised the report.

Mr Willis advised Members that the contract procedure rules that define procurement thresholds, as part of the Constitution, are currently being reviewed and assured Members that the values are reconsidered when deciding elements of risk and value for money when going out to tender.

Mr Willis advised that Link were commissioned to examine the Council's Treasury Management Strategy, the outcome of which came many recommendations. One recommendation was for Scrutiny to review the Treasury Management Strategy before going to other Committees, which had not happened in the past.

Mr Willis advised that the Independent Person, Paul McLoughlin, had been appointed for the audit function of this Committee.

Following a full discussion the report was noted. As this report has been approved at Ordinary Council the points raised during the discussion such as delegations and credit ratings will be discussed when the item returns to a future meeting.

460. Anti-Fraud Policy

The Borough's Anti-Fraud Policy was approved on 11 March 2021. This report provides an updated policy for approval.

Mr Willis summarised the report.

Members welcomed this report.

Cllr Sankey **MOVED** and Cllr Naylor **SECONDED** the recommendations in the report. A vote was taken by a show of hands and Members **RESOLVED UNANIMOUSLY:**

That the Committee approves the Anti-Fraud Policy attached as Appendix A.

Reasons for Recommendation

To approve the Council's fraud policy.

461. S106 Financial Obligations

This report provides 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. Members are advised that currently no S106 monies have needed to be paid back. In addition, the report sets out the progress of the review of all S106 processes and procedures.

Members raised concerns regarding S106 contributions on specific sites and how these are implemented.

Mr Summers advised that the S106 and CIL contributions process would be encapsulated within the review currently being carried out, and a report will be brought back to this Committee in the new municipal year.

The report was noted.

462. 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.

Mr Quilter summarised the report.

The report was noted.

463. 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.

Officers advised a cross party working group for street scene could be set up in the usual way.

The report was noted.

464. Essex County Council Recycling Centres

At Ordinary Council - 21st June 2023, the Motion was debated regarding Essex County Council introducing a policy of residents having to book to use the Recycling Centres in the Borough of Brentwood and across Essex from March 2023.

Ordinary Council resolved to ask the Audit & Scrutiny Committee to open an investigation into this policy, its impact on the number of fly-tips, the County Council's justification for this policy and the costs incurred to Brentwood taxpayers.

Essex state that the booking process is a cost-effective way to make optimum use of available capacity across the recycling network to support the needs of the current and growing population of Essex.

The Essex Officer recommendation to adopt the booking system was approved by Cabinet at Essex County Council Cabinet Meeting – 27th February 2024.

In conclusion, there does not appear to be a direct link between the numbers of fly tips that the Borough is experiencing, and the introduction of the booking system at the ECC Recycling Centres.

Members were grateful for this report. Residents had been encouraged to respond and comments were fed back to County Council, the majority being positive. This was reflected in the outcome of no direct link to the booking system and fly tipping.

Members commended the joint working between Essex County Council and Brentwood Council environmental teams on the clear up exercise undertaken of hazardous waste due to the recent fly-tip at Weald Country Park.

The report was noted.

The Chair **MOVED** to vary the order of the Agenda to hear item 15, Ordinary Council Motions June-December as the last item. Cllr Naylor **SECONDED** the motion. This was agreed by Members.

465. Authority's Statutory Obligations

At Ordinary Council on 21st September 2023, Cllr White presented a written question to the Chair of Audit and Scrutiny Committee which stated:

“Will the Chair of Audit and Scrutiny publish a list of the Authority’s Statutory Obligations (primary and secondary legislation) confirming for each one which Committee under the Administration’s new structure is responsible for the appropriate oversight, performance or compliance monitoring and what second-line assurance mechanisms are in place to oversee this; can these be reported on at the next, or the subsequent, Audit and Scrutiny Committee meeting”?

Cllr Sankey confirmed It is good practice for the Council to ensure that the Authority’s Statutory Obligations are compliant. A report and an assurance matrix will be presented at a future Audit & Scrutiny Committee and then reported on a yearly basis.

Members thanked officers for the report which was a very useful resource, especially to new Councillors, and requested it be included in the induction pack.

Mr Summers advised that this was, however, an ever changing document and very difficult to capture all the information which is why it is not normally undertaken by Local Authorities.

The report was for noting.

466. 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 provides an update of the current scrutiny work programme and is set out in Appendix A.

Cllr White extended his thanks to the committee and advised he would not be standing in May. He made three suggestions for the Work Programme going forward:

1. Better dashboard for KPIs;
2. More time given to directors for Internal Audit recommendations; and
3. Encouraging questioning of Members and engagement with officers.

Cllr Rigby echoed Cllr White's suggestions and thanked him for his valuable input and for being assertive, enquiring and supporting.

Cllr Sankey **MOVED** and Cllr Naylor **SECONDED** the recommendations in the report. A vote was taken by a show of hands and Members **RESOLVED UNANIMOUSLY:**

That the Committee considers and agrees the 2023/24 Scrutiny work programme as set out in Appendix A with the addition of a Street Scene Officer/Member Working Group be set up to discuss Performance.

Reasons for Recommendation

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

467. Ordinary Council Motions June -December 2023

At a previous meeting of Audit & Scrutiny held on 6th July 2021, Cllr Dr Barrett requested a report to be presented on the progress of Ordinary Council Motions (Min 77 refers) under the Scrutiny Work Programme.

This report will form part of the Scrutiny Working Programme and an annual report will be presented at last Audit and Scrutiny of the Municipal year to ensure transparent governance and open to scrutiny.

Appendix A shows a total of seven motions approved by Ordinary Council from June 2023 until December 2023. Any further motions approved in the municipal year 2023/2024 will be reported accordingly.

Members noted the report.

[Cllr White declared a pecuniary interest as his employer was the owner of the railway bridge which formed one of the motions. Cllr White left the meeting.]

468. Urgent Business

Cllr Rigby, on behalf of the Leader, Cllr Aspinell, thanked the work of the committee and requested that when preparing lengthy agendas, such as the one this evening, that a summary with recommendations and relevant page numbers could be added at the beginning of the report. Officers noted the request and will put before the next Constitution Working Group.

There were no items of urgent business.

The Chair thanked all for their attendance and support this year.

The meeting conclude at 22:00